

The Board of Mayor and Aldermen of the City of Waveland, Mississippi, met in regular session at the Waveland Civic Center, 335 Coleman Avenue, Waveland, MS. on July 5, 2011 at 6:30 p.m. to take action on the following matters of city business.

Present at the meeting Mayor Garcia and Aldermen Stahler, Geoffrey, Kidd and Lafontaine.

Also present was City Attorney Gary Yarborough, and City Clerk Lisa Planchard

MAYOR'S REPORT

Re: Prior to the mayor's report, Mayor Garcia introduced Senator David Baria. (EXHIBIT A)

BUCCANEER PARK

Re: Senator David Baria updated the Board with recent news related to Buccaneer Park. He said through his time in the Senate he has served as vice chairman of the tourism committee in the Senate and through this he had learned of what a gem Buccaneer Park was in the State Parks system; this park had consistently operated in the black and always made a profit for the State every year, none of the other state parks could boast that fact. This park saw over 500,000 visitors per year and the economic impact that went with that; noting that we've been missing that for over 5 years now since Katrina. The Senator said that he has been a loud advocate in getting this park back in operation, but FEMA has presented the biggest hold-up. He said there are 3 Facility Phases and 1 Infrastructure Phase to renewing this park. He said that the Infrastructure phase was first and is basically done except for punch list items that are currently being worked on. With the 3 Facility Phases, Facility Phase 1 was the larger project with 8 buildings and is essentially done except for punch list items. Facility Phase 2 was pavilions and restrooms and is essentially done, except for punch list items. Facility Phase 3 is the water park; that has been the holdup and the major reason was a re-design holdup with FEMA. Senator Baria said there was an original design sent to FEMA which was approved and was actually bid out, and then at the last moment, FEMA asked for design changes thereby leaving the door open for a redesign. Those designs have been sent back to FEMA and that's where they are right now. The Senator said they feel very optimistic the approval on the new design will be given this month (as told by Mr. Neely) to bid out the project. The will then start with construction of the water park and building the concession stand and restrooms associated with that part of the park. Senator Baria said he hopes FEMA will give the thumbs up this month, but since Katrina we've all become a little jaded with what we're told vs. what happens, but he is hopeful. Baria said that because this has drawn out so long, he has inserted into a bond bill with the Legislature \$6,000,000.00 in funding to get the park done. He said if bidding and construction don't start this summer, he assured the Board he will go back to the Senate in January 2012 and fight once more for the bond issue. He said that \$6,000,000.00 is the estimated amount of money it will take to finish out the water park, activities building, concession stand and restrooms for that area. Senator Baria he has attempted to 'fast track' this issue because FEMA is so very slow. Mayor Garcia thanked Mr. Baria for updating the Board with this information because the County needs the tourism dollars desperately. Alderman Kidd asked about a time frame for building the new water park. The contractor said that it may take about 165 days once they've gotten started. Senator Baria said this will be a total re-build; a brand new park. Alderman Lafontaine asked if it was going to bigger than before. The Senator said hopefully it will be bigger, but other than being state of the art does not know the specifics. Again, Mayor Garcia thanked the Senator for his hospitality at the Capitol recently when the City officials travel to D.C. and for what he has done for Waveland.

PUBLIC COMMENTS

There were no public comments.

MAYOR'S REPORT

Re: Mayor Garcia said that this past week was the MML Conference at the coliseum in Biloxi. The Mayor said all Aldermen attended, along with City Clerk, Lisa Planchard and

Deputy City Clerk, Tammy Fayard. Both the Mayor and Alderman Geoffrey began their certification courses this past week; but noted that Aldermen Lafontaine and Kidd began theirs in the winter session. The Mayor congratulated Alderman Stahler for being the first Alderman in the history of Waveland to complete the CMO certification program. Mayor Garcia also noted that the MML surprised City Clerk Lisa Planchard by presenting her with a new plaque and certificate that she lost in the City Hall during Hurricane Katrina in 2005. The Mayor noted that a great deal of effort was put forth to obtain the original MML officers' signatures that signed Mrs. Planchard's original certificate in 1999 when she graduated from the Mississippi Municipal Clerks and Collectors Certification Program through MS. State University.

Re: The Mayor said that he and City Attorney Gary Yarborough will be traveling to Washington D.C. to represent the City in the FEMA 2nd appeal on two separate projects at FEMA headquarters. He said what is at stake is recovering over \$3,000,000.00 that had been disallowed.

Re: The Mayor briefly discussed some agenda items and explained their importance.

AGENDA/BUDGET MODIFICATIONS

Re: Amend agenda to add (c) to Item 26 regarding a Budget Modification

Alderman Stahler moved, seconded by Alderman Kidd to approve amending the agenda to include Budget Modification R-109-37-02-KCR as item (c) on agenda item number 26.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

ALDERMEN'S COMMENTS

Re: Alderman Stahler asked about the upcoming election primary and whether the County will be using the Civic Center; would the Board need to change their regularly scheduled meeting of August 2nd because of the election. Mayor Garcia discussed the possible election posts, and asked to have the City Clerk's office call the Circuit Clerk's office regarding this issue. Citizen Mrs. Brenda McComb said the County has discussed using the Civic Center for this election.

Re: Alderman Geoffrey asked Mr. Brent Anderson about Mr. Lacoste progress with removal of the cars from his lot at the corner of Margie and Old Spanish Trail. Mr. Anderson said Mr. Lacoste has moved all of the junk cars and has gone to Mrs. Sharon Jacobi and gotten a used car privilege license and decided to use the lot for that purpose; he meets all the guidelines to that point. He said that as of last week, all the junk vehicles will be removed and only operating and sellable vehicles will be located there. Mr. Anderson said that Mr. Lacoste has agreed to take the nasty tin fence down and remove the remainder of the cars and clean the whole corner up; this is the plan Mr. Lacoste discussed with Mr. Anderson. Mrs. Sandra Lafontaine asked about the junk behind the fence. Mr. Anderson said he beats our ordinance by having the vehicles behind the fence, but he's agreed to take the fence down and only have used car sales. This area is zoned commercial, so there is nothing the City can do to stop the opening of the car lot. The City does have some control over the junk yard, but the City has no legal repercussion over the used car sales lot. Mr. Lacoste is obeying the ordinance by keeping the junk cars behind the fence. Mrs. Lafontaine said the Ordinance states that there are no junk yards allowed in the City of Waveland. Mr. Anderson said this is a catchy situation, noting the approval of zoning this property commercial before the election of the current Board, which would entitle him to use the lot as a used car sales lot, but Mrs. Lafontaine is correct about no junk yards in the City limits. Mr. Anderson said currently, there are no violations and Mr. Lacoste has agreed to take the fence down and remove the junk cars. Anderson said he will give Mr. Lacoste some time to see if he complies and go from there. Mrs. Lafontaine again said the City of Waveland has no junk yards according to the Ordinance; the gentleman is not taking cars out, but rather bringing in more junk on her side of the fence. Mrs. Lafontaine asked if there could be a time limit placed on the

clean-up of the junk cars. Mr. Yarborough asked about what property the discussion is about. Mr. Anderson said it is on the corner of Old Spanish Trail and Margie, the one the City has been fighting for 8 months now. Anderson said this issue has gone to court; the outcome was that the Judge ordered Lacoste to remove all the wrecks, junk from the residential and right of way of the lot on Margie St., which he complied with for 2 days and then he came in with a plan to take the fence down, remove all the junk and apply for a privilege license for a used car lot. Anderson said, "But at the point where he's at right now, he's approved (long before we got in place) to have the junk inside the fence; so he just can't have it on the right of way. So it's got me in a trick bag legally from the City going in there and forcing him to remove that because he's been approved for it, from what I understand". Mr. Anderson said the City violation was with regard to the right of way, not inside the fence. Mr. Lafontaine asked if Lacoste was ever fined. Anderson said that was up to the Judge; however when Mr. Lacoste did bring photos showing the junked cars had been cleaned up from the right of way, which was dismissed. Ms. Sandra said Lacoste removed the cars for the day of court and the day after moved them all back. Mr. Anderson said the violation was the "junk" outside of the fence and not what is inside of the fence. He said the vehicles on the property are apparently now not junk and are they are for use/sale on the used car lot. Lacoste has now come in and received a privilege license for a used car lot on that property, which is an extension of his business (across the street), which he meets all the requirements, said Mr. Anderson. Mr. Lacoste intends to take the non-operational vehicles and junk to his property in the Kiln and tear the fencing down and just operate a used car lot; he currently has 3 operational vehicles on the lot (and not on the City right of way). This is the information Anderson has as of Thursday the week before. Alderman Lafontaine noted what we're talking about is 'junk inside the fence' vs. 'junk outside the fence' and he was approved to keep junk inside the fence even though our Ordinance says no junk yards. Mr. Anderson said yes and that was long before our time. Alderman Lafontaine asked Mrs. Planchard to research City records of the zoning action that had been taken on this piece of property (something allowing this person to keep junk cars inside the fence). Mrs. Planchard said she would research the minutes/zoning minutes on this issue and find out. Mayor Garcia recognized Planning and Zoning Commissioner Steve Hand said the definition of a junk yard is that you cannot have operational vehicles in a junk yard. He further explained if it does not meet conforming use, it must meet all the requirements of screening, but what he's really doing is looking at the MDOT screening requirements and meeting that; that's within the legal non-conforming use, it must maintain all this proper licensing for a junkyard. A junkyard does not include storing operational vehicles. What Brent's talking about inside the fence, he's talking about screening to meet the standards of MDOT and that they might be licensed by MDOT, said Mr. Hand; so permitting must be there, screening must be there and it must have been pre-approved as a junkyard. Alderman Lafontaine said he didn't think the junk yard was there pre-hurricane Katrina. Mayor Garcia said he didn't recall. Mr. Anderson said Mr. Lacoste submitted his newest plan to the Building Department as of about a week prior. Mr. Anderson said he would call Mr. Lacoste and check with him about his plan and progress, but what he's doing behind the fencing Anderson can't hold him in violation from prior approval from the City.

Re: Alderman Lafontaine discussed his participation at the MML Conference and said he enjoyed his courses.

Re: Alderman Kidd also mentioned MML and said he enjoyed being at the Convention. He said his son also enjoyed representing the City by carrying the City flag in the opening ceremony. This year the League had over 100 municipal flags presented.

Re: Alderman Kidd asked about progress of hiring part-time Police Officers. Mayor Garcia said his office is copying the applications and will turn them over to the Police Chief tomorrow for background checks; they should be ready for the next agenda.

Alderman Lafontaine asked about the number of applications received. Mayor's Secretary Tammy Fayard said she has a large expansion file and it is full, along with those received online; the response has been remarkable, estimating about 50.

MINUTES

Re: Minutes of the Workshop of June 14, 2011

Alderman Geoffrey moved, seconded by Alderman Lafontaine to approve the Minutes of the Workshop held on June 14, 2011, as submitted by the City Clerk (**EXHIBIT B**)

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

RSVP

Re: Claims

Alderman Kidd moved, seconded by Alderman Stahler to approve the RSVP Claims.
(EXHIBIT C)

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

DOCKET OF CLAIMS

Re: Claims Numbers 68649-68761

Alderman Lafontaine moved, seconded by Alderman Geoffrey to approve the Docket of Claims, as submitted by the City Clerk being numbered 68870-68970. **(EXHIBIT D)**

Alderman Lafontaine asked about Docket no. 68895 to Clyde Scott Insurance. Purchasing Clerk said this was to close out a PW for the Police and Fire Department vehicles. Mrs. Planchard said it was to add 7 Police vehicles (not being used) and 2 Fire Department vehicles (are being used); these vehicles must be insured to be able to close out the PW and receive our money from FEMA we are due. The vehicles will only be covered for about 3 months (until renewal) and then remove the vehicles at renewal; the City can then declare the unused vehicles as surplus and sell the vehicles for surplus. Alderman Lafontaine asked about 68920 for repair and maintenance to the Civic Center to repair the AC unit for \$243.00. Alderman Lafontaine asked if this was going to be reimbursed to the City. Mrs. Planchard said she had spoken with Chief Smith about this. The contractors say this is not under the warranty; it was a maintenance issue. Ms. Planchard said she had also spoken with Architect Allison Anderson that will be on the next agenda to address this issue and may become a legal issue. Mayor Garcia said Recovery Manager Brent Anderson and Chief Smith got a call that the ceiling was leaking and sheetrock falling in; they went up on the roof and found the drain pipe connection was dis-engaged and water was leaking and filled up the roof with water; Chief Smith felt the pipe had never been glued/connected properly when it was installed. Mr. Anderson said that did happen, but the other A/C unit above the RSVP office in the attic; the pan was stopped up and needed to be cleaned out: just as homeowners do with their units at home. Alderman Lafontaine then asked about docket number 68918 to Fuelman noting that fuel costs are going up. He passed the question on to Mr. Anderson as it pertained to the trackers and such. Ms. Normand said the increased fuel bill had been because the fuel had not been ordered from Pepco as had been done in the past, and having to purchase off-road diesel, thereby causing an increase in Fuelman costs. Alderman Lafontaine said that he had one more question 68948 for restitution to SH Anthony. Ms. Normand said this is from the Court Department, it is a settlement for a theft from SH Anthony. She said she has received a quote for a maintenance agreement on the air conditioning unit at the Civic Center for the Board to consider. The Mayor asked what the cost was. Mrs. Planchard said the plan is very expensive, about \$700/qtr. Mayor Garcia asked Mr. Anderson if he could get a staff member to get on the roof to add bleach to the line on a quarterly basis so we don't have this problem again. Mr. Anderson said there are 2 pans in the attic and they are difficult to get access to, but he will do this.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

PLANNING AND ZONING (EXHIBIT E - PLANNING & ZONING MINUTES)
Re: Stuart Henderson, 611 Jeff Davis Avenue

Stuart Henderson appeared before the commission with a request for a variance of from the required rear yard setback in order to build an addition to an existing non-compliant structure on his property located at 611 Jeff Davis Avenue. Legal description: Block 2, N. ½ of lot 6, Anna Henry Subdivision, City of Waveland, Hancock County, Mississippi.

Steve Hand moved, seconded by Brenda McComb to recommend that due to special circumstances, the Board of Mayor and Aldermen approve a variance of not more than sixteen feet from rear yard to provide not less than a nine foot setback for the proposed addition to the existing house.

Alderman Stahler moved, seconded by Alderman Geoffrey to approve the motion and follow the recommendation of the Planning and Zoning Board. **(EXHIBIT 6/27/11 PLANNING & ZONING MINUTES)**

City Attorney Yarborough asked Mr. Henderson if there was anything he would like to add to the record from the Planning & Zoning Commission. Mr. Henderson came forward said that he felt there were some unanswered questions from the Planning and Zoning meeting last week. He said the Commissioners had asked what plan was submitted on March 14th, 2011 to receive the permits and they asked for pictures of the structure from before (the storm), he presented those at this meeting. Mr. Henderson said the Board also asked if the property had purchased after the storm, noting his ownership of the property for 12 years. Mr. Henderson presented the Board with all of his building permits obtained during his ownership of the home. He then explained the history of requests and stop work orders related to the property. Mr. Yarborough asked Mr. Henderson if he had begun work on this addition. Mr. Henderson said yes he had started work on the addition. Mr. Yarborough asked if he obtained a permit for the work on this addition. Mr. Henderson said on March 14th he submitted drawings and had told the permit department that he had to chop up concrete and thought that's all he needed at the time. Mr. Yarborough said, "At present, you don't have a permit to start work on the structure." Henderson said, "Yes, I do". Mr. Yarborough said, "You had a permit for electrical on your existing structure, is that correct." Mr. Henderson did not answer and then stated at this time he did not have any placards; they wrote the placards after. Mr. Yarborough asked Mr. Henderson and Mr. Anderson if this was true. Mr. Anderson said the permit was issued back in 2007, which is expired. Anderson told Mr. Henderson he needed a full set of drawings before he could do anything. Mr. Steve Hand came forward and presented a photo of the permits. Anderson said originally he was working on the original structure, then Katrina struck and the City allowed him to rebuild. This is before it became more of an addition than rebuilding the original structure; that's when Brent Anderson required Henderson to bring in a full set of drawings and electrical plans so we could proceed with permitting and Planning and Zoning. For the record, City Attorney Gary Yarborough said, "So the portion he's looking to build now was not there pre-Katrina, is that right." Anderson said yes, as far as he knows. Yarborough then said, "And it wasn't there on the day we passed our zoning ordinance, the new one." Anderson said no, to this day there's still nothing there. Yarborough, said, "It's not a continuing, non conforming use on that portion, right Steve (Hand)." Steve Hand said, "Right and the P&Z Board asked all these questions at the meeting, but he did not have the pictures then that he is showing you now, but permits were issued (inaudible). Hand said they asked Mr. Henderson how these permits came to be issued. Henderson told the P&Z Commission he had come into the Building Department and discussed 'renovating' the property with his interpretation that you have this, but whoever reviewed the plans had a

different impression; so there was that confusion. Hand said, "Even if had it, we still would be recommending what we are recommending." Hand said what we are recommending is that Mr. Henderson now has 16 by 25' built, which is 1.5' from Ms. Moran's property. He wanted to add 8 x 25', what continuing that 1.5' distance. We're just recommending that he pull it back the additional 7.5 to 9', which reduces the mass of building that Ms. Moran has to confront on her property. And we're doing that because we looked at the plumbing and everything and we realized that (inaudible). You couldn't make him pull it back all the way 25' because you couldn't connect the 2 pieces. (Inaudible) Hand said, "So even if what he had was correct, we still would have recommended something to reduce the mass, but these are questions we asked on him, but not expecting the questions, he didn't bring the pictures to our meeting." Yarborough said, "And just to be clear, the only permit he was given was for just construction, not for the proposed expansion." Mr. Hand said, "As I see it, it was to renovate the existing structure." Yarborough said, "As far as the recommendations from Planning and Zoning, it is your recommendation that the gentleman be denied for the other part of..." Mr. Hand said, "Yes... (Inaudible)". Hand said because of a huge drainage ditch on one side, allowing this would cause a huge hardship, he couldn't align the building and connect it to it; it's a very unusual lot in addition. Mrs. Stahler asked about the variance. Mr. Hand said the variance is 16' from the 25' from the rear yard, a 9' maximum distance from the property, but the present structure is 1.5' ft. from Ms. Moran's property; this was done long ago; the variance is of the 16' from the 25' (inaudible by Mr. Hand). Stahler says, "So the present structure stays the 1.5', but the addition will be pulled back... and that was the recommendation of Planning & Zoning. Mr. Yarborough asked if there was any opposition to the request of Mr. Henderson. There was no opposition heard for the record. Mr. Henderson then went through the whole process of the permits and stop work orders. He again, began to explain to the Board the history of the issues related to the house and noted that he is trying to make the house ADA Compliant for his Mother. Mr. Yarborough said for the record, the vote is just on Stuart Henderson's request and is on the recommendation as submitted from Planning and Zoning.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

Re: Carmencita Baker, 401 Fell Street

Carmencita Baker appeared before the commission with a request for a variance of seven feet from the required side yard setback in order to construct a new residence on her property located at 401 Fell Street. Legal description: 3rd Ward, Lot 50D, City of Waveland, Hancock County, Mississippi.

Steve Hand moved, seconded by Tish Ortiz to recommend that the Board of Mayor and Aldermen deny the request as submitted.

Alderman Kidd moved, seconded by Alderman Stahler to accept and approve the recommendation of the Planning and Zoning Board to deny the request as submitted.

Mrs. Baker came forward to address the Board (inaudible). Mrs. Baker then asked if her Architect could speak. Mayor Garica said that would be fine. Edward Simon, Architect presented the Board with some sketches re: the issue at hand. Mr. Simon said they are requesting a very small thing that will make possible a very small savings. Mr. Simon began to review the sketches as it related to damage from Hurricane Katrina and cited a very limited budget involved with this project. He said the cost of the structure will be very high exteriorly, but the cost of the interior will be very low. He noted that the structure is build to and beyond code. He said that it is a hardship and it is a horrible circumstance when something like Hurricane Katrina comes along and presents a problem for rebuilding as it relates to a variance request. They are asking for a variance to allow a 67 degree driveway turn to come in under the home. After a detailed discussion Mr. Yarborough asked if the property Ms. Baker had prior to Katrina was a

complete loss. Mr. Simon said yes. Commissioner Hand said according to 906(c)(1), the 9 criteria are not met and other than holding a public hearing on this he doesn't think this application meets the criteria. He said, "All they want to do is orient the house, it's all about the orientation. If we get the point where somebody has a lot and they just want a variance because they want the house where they want it, I think we're in trouble." He said it is wonderful that people are coming back. Alderman Stahler called to question.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

Re: Patrick Martinez, 152 Waveland Avenue

Patrick Martinez appeared before the commission with a request for a conditional use in order to construct a garage apartment at his residence located at 152 Waveland Avenue. Legal description: Lots 9-11, Forest Park Subdivision, City of Waveland, Hancock County, Mississippi.

- A. Steve Hand moved, seconded by Clarence Harris to recommend that the Board of Mayor and Aldermen approve a Conditional Use to permit the construction of a garage apartment on Parcel Number 162R-0-10-058.000 in addition to the existing, principal residential structure thereon and subject to all applicable code requirements. However, prior to the permitting of the construction of a garage apartment on the parcel, the City shall be satisfied by proof that the parcel has been deed restricted as follows:

"Pursuant to a Conditional Use approved by the City of Waveland, Mississippi, to permit the construction of a garage apartment in addition to the principal residential structure on Parcel Number 162R-0-10-058.000, an Owner or Lessee of the parcel and it appurtenances is hereby restricted from leasing or renting either the garage apartment or the principal residential structure separately from the other dwelling unit. This restriction shall begin upon issuance of the certificate of occupancy for the garage apartment; and shall continue for the lesser of; ninety-nine years; or the life of the garage apartment. Should at any time the zoning regulations pertaining to this parcel be changed as to permit without Conditional Use or other special City of Waveland approval such separate leasing or renting of either the garage apartment or the principal residential structure, this covenant shall expire."

- B. Steve Hand moved, seconded by Tish Ortiz to recommend that the Board of Mayor and Aldermen approve the requested removal of a 36" diameter "dead" live oak tree.

Alderman Lafontaine moved, seconded by Alderman Stahler to approve the recommendations as submitted by the Planning and Zoning Board.

During discussion, Mr. Yarborough asked Mr. Patrick Martinez if there had been an application filed for the removal of the oak tree. Mr. Martinez said no, he didn't know there had to be one, but he showed it on the plans. Mr. Yarborough said, "And from your statement and from Planning & Zoning, the construction cannot be performed without removal of the oak tree, is that correct." Martinez said, yes it would block the driveway. Mr. Yarborough then recommended that Mr. Martinez become compliant with section 408 and 907; submit an application to the Building Department for the removal of the oak tree. Mr. Anderson will inspect that and send it back to Planning and Zoning for consideration of the live oak removal permit; the conditional use request, along with any other variances that may be applicable or be needed under that. Yarborough explained that the City has a procedural issue as far as the oak tree; our Ordinance requires submission of application and then the Building Inspectors actually views the property and reports to Planning & Zoning. It hasn't been done here so that aspect has to be done before the Board can consider it. Mr. Martinez asked if would be possible to approve the

first request for variance without the oak tree request. He said that would allow him to begin building and could not pour the driveway. Mr. Yarborough said Martinez would have to submit an application. Yarborough told Mr. Anderson that the Ordinance requires him to inspect the submission within 4 working days, report to Planning & Zoning, with the statement that the work can't be done without that. Mr. Yarborough also addressed the structure's height issue which would have to be taken up with Planning & Zoning. The height restriction related to a garage apartment, there is a portion of our ordinance that states an accessory building cannot be more than 15' high. Mr. Yarborough said this is from the highest portion, whatever that is. Mr. Yarborough recommended all issues be remanded to Planning and Zoning for action at one time. Alderman Lafontaine said that he didn't realize there was a 15' height restriction, stating it would be tough to build a garage with a 9' clearance for your truck; another 12" for your beam, leaving the owner with possibly having to place a flat roof on their garage. Mr. Anderson said it may be the mean roof height, not the ridge height; the center of the gable is not ridge height. Steve Hand said it was presented to the Planning and Zoning Board and was the first conditional use for this issue (Inaudible) conditional use. Mr. Hand said he did show the live oak on the plan and no one caught it until Mr. Hand went to the property and caught it. Mayor Garcia asked if there was a motion to withdraw the original motion. Alderman Lafontaine said Mr. Martinez would like to get started and he and Alderman Stahler would not be opposed to approving the conditional use permit motion. (Everyone talking at once- Inaudible) Alderman Stahler asked if the Board could split the motion into two. Mr. Martinez said he's already submitted his plans for a permit and then, isn't that the normal process; then he learns that the building is too high and he doesn't have the option of applying for a variance or re-design my structure, is that correct. Martinez said, "So in other words, I still have to go to a regulatory process; right now I've been instructed to apply for this variance, the garage part first." Alderman Lafontaine asked when he comes through and submits all his plans, do you check for all these variances and ordinances. Anderson said Christine Gallagher usually does and then they go to Bill Carrigee and on the Planning and Zoning before it gets to the Building Department. Mr. Anderson said they actually have pictures of the dead trees, etc. to file a tree application with Planning and Zoning. Alderman Lafontaine said Mr. Martinez would submit the proper request regarding the oak tree removal, but he'd like to get started on the building. The Board of Mayor and Aldermen agreed to split the motion into two, A&B.

- A. With regard to Motion A, Alderman Lafontaine moved, seconded by Alderman Stahler to approve a Conditional Use to permit the construction of a garage apartment on Parcel Number 162R-0-10-058.000 in addition to the existing, principal residential structure thereon and subject to all applicable code requirements. However, prior to the permitting of the construction of a garage apartment on the parcel, the City shall be satisfied by proof that the parcel has been deed restricted as follows:

"Pursuant to a Conditional Use approved by the City of Waveland, Mississippi, to permit the construction of a garage apartment in addition to the principal residential structure on Parcel Number 162R-0-10-058.000, an Owner or Lessee of the parcel and it appurtenances is hereby restricted from leasing or renting either the garage apartment or the principal residential structure separately from the other dwelling unit. This restriction shall begin upon issuance of the certificate of occupancy for the garage apartment; and shall continue for the lesser of; ninety-nine years; or the life of the garage apartment. Should at any time the zoning regulations pertaining to this parcel be changed as to permit without Conditional Use or other special City of Waveland approval such separate leasing or renting of either the garage apartment or the principal residential structure, this covenant shall expire."

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

- B. With regard to Motion B, Alderman Lafontaine moved, seconded by Alderman Stahler, to remand the requested application for removal of a 36" diameter "dead" live oak tree back to Planning and Zoning for consideration and approval, in accordance with Ordinance guideline.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

GARFIELD LADNER MEMORIAL PIER/PIER

Re: Parks and Recreations Director Chris Johnson and BWSD Program Sponsor Janelle Pepperman came before the Board to discuss the details pertaining to the afterschool program (Bay Waveland Fishing Club) on the Pier

Parks and Recreations Director Chris Johnson came before the Board with Program Sponsor Janelle Pepperman. Ms. Pepperman explained the request for usage of the Pier; she said it deals with student educational enrichment and Community awareness for students. Ms. Pepperman said it would be about 3 days per week (Tuesday, Wednesday and Thursday) weather permitting. She said there would be 2 to 3 adults supervising the 15 children each day. Alderman Stahler asked if it would be possible for the program (the Bay Waveland Fishing Club) to purchase a pass for the children. Ms. Pepperman said yes. Mayor Garcia said if the City provides this for free, precedence is set forever and the City and citizens should not be asked to fund this for all groups at no cost. He noted that there are many groups that wish to use the Pier. He said perhaps the City can come up with the cost of group pass; it can't be free because the taxpayers of Waveland pay the costs associated with the Pier. During the discussion, citizen Mikelle Williamson asked about a student rate pass. Mayor Garcia stated that he wants to help the kids, but wanted to be careful not to get into issues with Municipal Law and Ethics problems, i.e. giving away City services. (Discussion was tabled until the Meeting of July 20, 2011 at such time Ms. Pepperman and Mr. Johnson could make a specific recommendation to the Board regarding price/pass, #'s of persons included per pass, etc.)

COMPTROLLER/BUDGETARY/STREETS DEPARTMENT/PUBLIC WORKS

Re: Approve reallocation of budgeted amounts between expenditure line items

Alderman Geoffrey moved, seconded by Alderman Stahler to approve moving \$2,000 from Line item: Hospitalization (Streets-General Fund) and \$2,200 from Line item: Operating (Streets – General Fund) to Line Item: Gas & Oil (Streets – General Fund) in the amount of \$4,200.00. (All within same department, same fund) (Tabled from the June 22, 2011 Mtg.)

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, and Kidd

Voting Nay: Lafontaine

Absent: None

PERMIT APPLICATION/AGREEMENTS/BOARD OF SUPERVISORS/UTILITIES

Re: Permit Application for Use and Occupancy Agreement with Hancock County Board of Supervisors

Alderman Stahler moved, seconded by Alderman Lafontaine to table approval of the Permit Application for Use and Occupancy Agreement between the City and Waveland and Hancock County Board of Supervisors for the Construction or Adjustment of a Utility Within Road or Highway Right of Way, specifically installation of a Natural Gas

Distribution Line in the Hancock County right of way along Beach Boulevard, as submitted by CDM and pending approval by City Attorney Gary Yarborough and Compton Engineering, Mickey Lagasse. (Tabled from the June 22, 2011 Meeting)

Mr. Yarborough said there has been no progress on the west portion of the sketch with Ben Benvenuti, Digital Engineering and Compton Engineering. He said within the next few days the City should reach a resolution regarding discussions about GPS coordinates and responsibility.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

BAY-WAVELAND SCHOOL DISTRICT/POLICE DEPARTMENT/SCHOOL RESOURCE OFFICER

Re: Agreement with the Bay-Waveland School District for the provision of a School Resource Officer

Alderman Kidd moved, seconded by Alderman Lafontaine to approve the School Resource Officer Agreement between the City of Waveland and the Bay-Waveland School District for the provision of a Police Officer to assist the District with Law Enforcement, Counseling and Education. The District will reimburse the City the costs of the Officer's base salary, FICA, Unemployment Insurance and Worker's Compensation fees. Each monthly invoice will reflect 1/10th of the total annual terms of reimbursement. The SRO will work 192 days throughout the 2011-2012 school year and the daily rate of reimbursement shall be set at \$173.00. The City will fund the balance of the officer's salary, if any. The City will be responsible for the Officer's retirement and health insurance. **(EXHIBIT F)**

The Aldermen asked if this was Little Mike P. Mayor Garcia said yes. City Attorney Yarborough said this is the same contract verbiage as has been the past few years.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay:

Absent: None

REQUESTS FOR CASH/CIVIC CENTER/LIBRARY/FIRE STATION/COLEMAN AVENUE/COLEMAN AVENUE IMPROVEMENTS PROJECT/CITY HALL AND CITY HALL ANNEX/DOWNTOWN SIDEWALK IMPROVEMENTS PROJECT/POLICE STATION/WATER AND SEWER SYSTEM IMPROVEMENTS PROJECT, ANNEXED AREA/CITYWIDE DRAINAGE IMPROVEMENTS PROJECT

Spread on the minutes the following Requests for Cash Reimbursements, as reviewed and approved by Tom Worrel, Comptroller (listed items a-g): **(EXHIBIT G)**

- a. #R-103-379-01-KCR in the amount of \$61,390.97 – Civic Center, Library, Fire Station, Coleman Avenue.
- b. #R-103-379-01-KCR in the amount of \$0 (Match Only) - Civic Center, Library, Fire Station, Coleman Avenue.
- c. #R-109-379-02-KCR in the amount of \$0 (Match Only) – City Hall and City Hall Annex.
- d. #R-109-379-03-KCR in the amount of \$50,655.43 – Downtown Sidewalk Improvements
- e. #R118-379-02-HCCR in the amount of \$12,446.47 – Police Station

- f. #R-118-379-06-HCCR in the amount of \$95,037.31 – Water and Sewer System Improvements, Annexed Area.
- g. #R-118-379-07-HCCR in the amount of \$125,486.92 – Citywide Drainage Improvements Project.

**AGREEMENTS/POLICE DEPARTMENT/FIRE DEPARTMENT/PURCHASING
Re: Agreement with AT&T for phone service**

Alderman Geoffrey moved, seconded by Alderman Lafontaine to table approval of two monthly agreements (including required signatures) with AT&T (one for each of the Police Department and Fire Department phone invoices). Prior agreements, which have expired, were each for 36 months, which provided a \$118.50 decrease in the phone invoice for the Police Department and \$26.50 decrease in the phone invoice for the Fire Department.

Mrs. Planchard told the Board of a phone system that the City is researching for cost savings. The Board would like to hear the Callis Communications presentation and consider temporary use of the phone system.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

**BIDS/ADVERTISEMENTS/CENTRAL FIRE STATION
Re: Advertise for Bids for Engineering Services for Phase II on Fire Station**

Spread on the Minutes Board approval to Advertise for Bids for Engineering Services for Phase II of the Central Fire Station, i.e. drafting pit and manhole simulator. The Firm will design and oversee construction of the drafting pit and manhole simulator at the Fire Station. **(EXHIBIT H)**

Mr. Anderson said CDBG fees do not apply and the Engineer and resident inspector will oversee this project because it is a small project. The Mayor reminded the Board that with the previous Administration, the Engineer oversaw all the projects. Alderman Stahler said what concerns her is that CDBG will not reimburse the City for program management fees if it's included by the Engineer. Mayor Garcia agreed and said there will have to be stipulations in the contract that the project manager is a company other than the Engineering firm. Mr. Yarborough will review the advertisement and the Engineering contract when the firm is chosen to ensure there will be no conflicts.

ADVERTISEMENTS/UTILITY DEPARTMENT/BIDS

Spread on the minutes the bid opening of the Trailer Mounted Mobile Generator 140kw, held at 6:00 pm, just prior to the meeting; bids shall be taken under advisement pending review of and approval by the City Attorney, Recovery Manager and Fire Chief. Note: Three bids were received.

**SEWER SYSTEM RECONSTRUCTION PROJECT, NORTH OF RAILROAD
TRACKS/LEGAL DEPARTMENT
Re: Letter from City Attorney Gary Yarborough to Reynold's and Digital
Engineering**

Spread on the minutes Hesse and Butterworth, PLLC, City Attorney Gary Yarborough's letter dated 6/27/2011 to Reynolds, Inc. and Digital Engineering, Inc. regarding the Sewer System Reconstruction Project, North of the Railroad Tracks, FEMA PW 8070. **(EXHIBIT I)**

GARFIELD LADNER MEMORIAL PIER/PIER/CONTRACTS/PERMITS

Re: Execute permit from the Secretary of State's Office for the operation of Pier sales

Alderman Geoffrey moved, seconded by Alderman Lafontaine to execute Permit from the Secretary of State's Office with the City of Waveland for the operation of sales on the Garfield Ladner Memorial Pier. **(EXHIBIT J)**

Mayor Garcia said that is in reference to selling concessions.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

TIDELAND'S GRANT AGREEMENT FY 2011/GARFIELD LADNER MEMORIAL PIER/PIER/MARINA IMPROVEMENTS

Re: Tideland's Grant Agreement FY 2011-P111 for the Waveland Pier/Marina Improvements

Spread on the minutes the Tideland's Grant Agreement FY2011-P111 for fiscal year 2011 with the Mississippi Department of Marine Resources titled 'Waveland Pier/Marina Improvements, authorizing Mr. Yarborough to request authority to use of the County right of way within their easement to build/construct parking bays at the end of the main streets along Beach Boulevard. **(EXHIBIT K)**

Alderman Lafontaine said he saw Mickey Lagasse over the weekend and had received some prices on the cost of parking bays. He thought Mickey said 60' long and 15' wide for \$60,000. He said Mr. Lagasse also gave him a brief idea of the funds available (approximately \$250,000) for the City of Waveland. Mayor Garcia said the most important thing related to this issue would be authoring Mr. Yarborough to speak to the Hancock County Board of Supervisors to get authority and approval to construct the parking bays within the right of way. Mayor Garcia asked if this should be added to this item. Alderman Stahler said that perhaps the City should request allocation or whatever the next step may be. Mr. Yarborough questioned the possible location of the parking bays. Alderman Lafontaine said the Board had talked about placing them by the fishing reefs, there should definitely be one by the end of the main areas. He said there should be one at Sears Avenue, Waveland Avenue, Nicholson Avenue and maybe one by Bienville Drive. They discussed the possibility of placing the parking bays in the main areas and possibly on each side (east and west) of the main streets selected. Mayor asked to allow Gary to come back to the Board with the details of this project.

TIDELAND'S GRANT AGREEMENT FY 2011 /PEDESTRIAN PATHWAY

Re: Tideland's Grant Agreement FY 2011-P112 for the Pedestrian Pathway

Spread on the minutes the Tideland's Grant Agreement FY2011-P112 for fiscal year 2011 with the Mississippi Department of Marine Resources titled 'Beach Boulevard Pedestrian Pathway'. **(EXHIBIT L)**

TRAVEL/CITY HALL/POLICE DEPARTMENT

Re: Mayor Garcia to attend hearings in Washington D.C.

Re: Police Investigator Laura Stepro to FBI Criminal Justice Information Services Division's Uniform Crime Reporting Program in Jackson, MS

Alderman Geoffrey moved, seconded by Alderman Stahler to approve travel for the following: **(EXHIBIT M)**

- a. Mayor David A. Garcia to attend the required Ms. Rural Water Association Board Member Management Training in Hattiesburg, MS. on August 18, 2011. Cost to the City will be a registration fee of \$75.00 and per diem for afternoon meal. A city vehicle will provide transportation.

- b. Investigator Laura Stepro to attend The FBI's Criminal Justice Information Services Division's Uniform Crime Reporting Program in Jackson, Mississippi July 12-13, 2011. Cost to the City will be lodging for 2 nights and 2.5 days per diem. A City vehicle will provide transportation.

Mayor Garcia said his travel is to attend the water class, which all Board members must be certified in. He said that he was not able to attend the last class because he was in Philadelphia, Pennsylvania on other city business at the time; he did however reimburse the City for that per diem and received a receipt from Tom Worrel for that.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

INVOICES/WATER AND SEWER SYSTEM IMPROVEMENTS ANNEXED AREA

Re: Payment of invoices submitted by Jimmy G. Gouras Urban Planning Consultants

Alderman Kidd moved, seconded by Alderman Lafontaine to approve the following invoices as submitted by Jimmy G. Gouras, Urban Planning Consultants, Inc, and recommended for payment by Recovery Manager, Brent Anderson (items listed a-b) **(EXHIBIT N)**

- a. Invoice #9169 in the amount of \$6,583.33 – Water and Sewer System Improvements, Annexed Area, March 30, 2011 invoice.
- b. Invoice #9170 in the amount of \$6,583.33 – Water and Sewer System Improvements, Annexed Area, April 30, 2011 invoice.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

CHANGE ORDERS/BUSINESS INCUBATOR

Re: Approve Change Orders 5, 6 and 7

Alderman Lafontaine moved, seconded by Alderman Kidd to approve the following Change Orders submitted by Benchmark Construction for the Business Incubator (listed items a-c): **(EXHIBIT O)**

- a. Change Order No. 5 in the amount of \$34,017.79 for the addition of 90 days construction time and sidewalks, pavers, storm drainage, and down spout basins and supports. (-\$3,492.00) until clarified by Mr. John Anderson
- b. Change Order No. 6 in the amount of \$78,607.31 for the cost of adding multiple kitchen equipment items.
- c. Change Order No. 7 in the amount of \$64,162.43 for the cost of adding demising walls, door, electrical, and millwork relocation, etc.

Alderman Lafontaine asked about Change Order No. 5 in the amount of \$34,017.79 for the addition of 90 days construction, and expressed concerns about the requested Change Order items not being in the original plans. Mayor Garcia referred the question to Mr. Brent Anderson, who then deferred the question to Mr. John Anderson with Unabridged

Architecture. With regard to change order #5, Mr. Anderson (John) said the plans were additional drawings that were issued and because of the way the street construction was done and for the preservation of the trees, the plans had to be modified. The Original sidewalks were in the contract for the street and not the Business Incubator. He said so what happened was that those sidewalks were deleted from the street project and added to the Incubator project. Mr. Anderson said the \$34,017.79 is for downspouts, pavers and the big part of that is for the drainage on Bourgeois St.; they will be installing subsurface drainage instead of an open culvert. Alderman Lafontaine asked about the back of the 2nd to last page and read a list of additional items included such as downspouts, sheet metal sleeves, etc... Mr. Anderson (John) said that was an issue with the grading and original intention downspouts originally intended to come down to ground level, but they had to change the way the gutters functioned because they weren't going to get the fall they needed for proper drainage into the subsurface drainage and then out to the ditch. Alderman Lafontaine questioned some of the extras and why they weren't considered in the original contract. (Inaudible, more than one person talking) Anderson said another thing decided by 'the City' was to add subsurface drainage on Bourgeois; in addition it was a decision of 'the City' to move the sidewalks from the Streets project into the Business Incubator project. Mayor Garcia asked Mr. John Anderson who he was referring to when discussing "the City". Mr. Anderson said, "Mr. Brent Anderson". He said the money should have changed through the grant project paperwork to pay for this part of the project. Mayor Garcia said he had a big concern with the fire suppression system being exposed and freezing in the winter. Mr. Anderson (John) said it is designed to prevent freezing; it's a dry pipe system. Alderman Kidd asked to remove the \$3,492.00 until we find out more about that; he felt the charges should have been in the original bid process. Mr. J. Anderson said he is going to look into the gutter support issue; if the (inaudible) was intended for the gutter support, then I'm going to bring it up to the contractor because it does seem like that should have been in the original bid.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

DIGITAL ENGINEERING/INVOICES/PROJECT MANAGEMENT
Re: Payment of Invoice No. 99 for Program Management

Alderman Geoffrey moved, seconded by Alderman Stahler to TABLE approval of Invoice No. 99 from Digital Engineering in the amount of \$2,965.00 for the following project management services (non Hurricane Katrina related), as listed (items a-d):

- a. Misc. Projects – Locate gas valves on Sarah's Lane
- b. Misc. Projects – located permits for Sewer and Water Project
- c. Misc. Drainage Project.- Idlewood, Adams Way, Mollere Drive
- d. Misc. Water Project – Documents for Water Certificate.

Alderman Lafontaine asked why the City is using Digital Engineering to locate gas valves on Sarah's Lane, didn't the City have its own equipment to locate gas valves. He is concerned that every time the City has to locate a gas valve they have to call Digital Engineering out to find the lines. Brent Anderson said he did not think this was to locate a gas valve because he has all of the GPS'd. Lafontaine said that's what on the invoice; locate the gas valve on Sarah's Lane. Since Digital was not present, the Board opted to table the issue.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

**BUDGET MODIFICATIONS/BUSINESS INCUBATOR/CIVIC CENTER,
LIBRARY, FIRE STATION, COLEMAN AVENUE STREET IMPROVEMENTS**

Spread on the minutes the following Budget Modifications as submitted by Michele Moore of Jimmy G. Gouras Urban Planning Consultants, as listed (Items a-b):

(EXHIBIT P)

- a. #R-109-379-04-KCR modification #6 for the Business Incubator
- b. #R-103-379-01 KCR modification #7 for the Civic Center, Library, Fire Station, Coleman Avenue Street Improvements
- c. #R-109-379-02-KCR modification #9 – City Hall and City Hall Annex.

AMERICAN MEDICAL RESPONSE

Re: Statistics January – May 2011

Spread on the Minutes American Medical Response's (AMR) Ambulance Statistics for the period January – May, 2011. **(EXHIBIT Q)**

PERSONNEL/STREETS DEPARTMENT/PUBLIC WORKS/UTILITIES

Re: Termination of Mr. Greg Porter and Jermaine Charles

Spread on the Minutes termination of Greg Porter from the Streets Department effective June 14, 2011 and Jermaine Charles from the Utility Department effective June 14, 2011

Re: New Hire, Terrance Harris as temporary part-time Streets Employee

Alderman Geoffrey moved, seconded by Alderman Lafontaine to hire Mr. Terrance Harris as a temporary part-time employee with the Streets Department at a rate of \$10.00 per hour, pending passage of drug test and validation of driver's license, as requested by Department Head, Brent Anderson.

Mayor Garcia asked about the type of Driver's license the employee must possess to hold a job with the City. Mr. Anderson said, "Just a valid current MS. Driver's License is fine, not commercial; we will not be hiring anyone with suspended or no driver's licenses anymore because of City insurance purposes." Alderman Lafontaine asked about a temporary part-time employee. Mr. Anderson said because of the budget issues at hand, employees may be hired on a temporary basis as the new budget may not allow for that employee. This has been explained to these employees in their interview that there may not be funding for this position after October 1st, 2011.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

Re: New Hire, James Oglesby as Temporary part-time Streets Employee

Alderman Kidd moved, seconded by Alderman Geoffrey to approve Mr. James Oglesby as a temporary part-time employee with the Streets Department at a rate of \$10.00 per hour, pending passage of drug test and validation of driver's license, as requested by Department Head, Brent Anderson.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

ELECTION/STATEMENTS OF ECONOMIC INTEREST

Re: Board members: Statements of Economic Interest filed for 2011

Spread on the Minutes that Mayor Garcia, along with Aldermen Stahler, Geoffrey, Lafontaine and Kidd have submitted their annual Statements of Economic Interest to the MS. Office of the Attorney General, Ethics Division.

PUBLIC WORKS/PURCHASING/UNIFORMS/CONTRACTS/AGREEMENTS

Re: Agreement with Cintas Uniforms: Utilities and Streets Departments

Alderman Geoffrey moved, seconded by Alderman Lafontaine to approve a request from Public Works Director, Brent Anderson for the City to enter into an agreement with Cintas Uniforms for public works employees. Only cost to the city would be the initial total setup cost of \$198.00 for participation of 12 employees (thus far), the employee would then incur their total weekly rental cost thereafter depending on whether they rent shirt and pants or just shirt, Ex: @ \$8.09 per week for shirt and cargo pants. – This shall be payroll deducted. Approval of contract is pending review by City Attorney and signed agreement with each employee making that employee fully financially responsible for any damaged or lost uniforms. **(EXHIBIT R)**

Alderman Stahler asked if the employees were in favor of this. Mr. Anderson said yes, the employees asked for this service and volunteered; they are concerned about damaging their personal clothing when entering sewers, grass cutting, grease and sewage on their clothing, etc... Anderson said it's actually a safety issue for our employees. Alderman Lafontaine asked if next budget, the City could help split the costs of the uniforms with the employees.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

DEPARTMENT OF MARINE RESOURCES/FISHING REEFS

Re: Letter of Support to DMR for Fishing Reefs

Alderman Lafontaine moved, seconded by Alderman Kidd to approve Letter of Support by Mayor David A. Garcia to MS. Department of Marine Resources to provide three (3) below water line artificial fishing reefs to be placed along the Waveland beach; specifically at Nicholson Avenue, Lafitte Street, and in front of St. Clare Church adjacent to Vacation Lane. **(EXHIBIT S)**

Mayor said the crane operators after Katrina move a lot of rubble out.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

**RESOLUTIONS/BOARD OF SUPERVISORS/GARFIELD LADNER
MEMORIAL PIER**

Re: Participation in the Mississippi-Alabama Sea Grant Program

Spread on the Minutes the City of Waveland's participation in the Mississippi-Alabama Sea Grant Program. Waveland has been selected as only MS. city (Foley, AL. was also chosen) to provide information to Dr. Matt Fannin, Professor at LSU, who will be identifying the level of finances necessary to minimize burdens following natural hazards/disasters.

PARKS AND RECREATIONS/PURCHASING

Re: Resolution to amend permit to extend the sand fill 250' offshore between the Pier and St. Joseph Street

Alderman Stahler moved, seconded by Alderman Geoffrey to adopt a Resolution asking the Hancock County Board of Supervisors to amend their permit for near shore retrieval to extend the sand fill to 250' offshore between the Garfield Ladner Memorial Pier and St. Joseph Street. **(EXHIBIT T)**

Mr. Yarborough said he had a few typographical corrections, but would get them over to City Clerk Planchard for placement as Exhibit. Mayor Garcia said Mr. Lagasse indicated the sand will come from the Pass Christian Harbor project and just today reporter Dwayne Bremer informed the Mayor that the Hancock County Board of Supervisors approved that action, so that is good news. Alderman Stahler said, "And this will make permitting easier, because it will not go through Corp. of Engineers; it will go through DMR, is that right." The Mayor said yes. Bremer came forward and said, "Pass Christian is doing a Harbor Expansion, a \$28,000,000 CDBG project. They're going to dredge 330,000 cu. yds. of sand. Of that, they're going to sell Hancock County about 280,000 cu.yds. at \$4.50/ cu.yd.; this will save Hancock County a lot of trucking fees across the bridge. The sand will be pumped to 7 locations from Washington St. to Bayou Caddy, 2 of which are in Waveland. It will take them about 5 to 6 months to get the sand set up for pumping. (Inaudible)

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

PARKS AND RECREATIONS DEPARTMENT/PURCHASING

Re: Purchase of 2 removable speed bumps and signage for park

Alderman Lafontaine moved, seconded by Alderman Geoffrey to approve the purchase of 2, 10 foot long, 14' wide speed bumps and signage to notify vehicles of speed bumps ahead. They will be placed in front of the ball park each evening prior to a sporting event and put away after the event.

Alderman Kidd asked who would be responsible for placing them out and putting them back. Parks and Recreations Director, Chris Johnson said the league that is playing ball for that day will be responsible for these duties. Alderman Kidd asked about the costs. Mr. Johnson said less than \$500 for both, and the signs are \$25.00 a piece. Mayor Garcia asked if they were pliable and are they designed to be portable. Mr. Johnson said they are designed to be dragged on and dragged off. Alderman Lafontaine read the costs list, noting the need for such an item.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

**TIDELANDS TRUST FUND PROGRAM/TIDELANDS FY 2006 AMENDED
REQUEST FOR FUNDING/PEDESTRIAN PATHWAY**

Re: Amended Request for funding FY 2006, for the Pedestrian Pathway

Alderman Stahler moved, seconded by Alderman Lafontaine to TABLE MS. Tidelands Trust Fund Program Amended Request for Funding FY 2006 in the amount of \$597,521.38 (Note: as of 11/5/10, \$79,287.50 has been expended) for continuation of the existing pedestrian and bicycle path along the beach adjacent to Beach Blvd. from Coleman Avenue to the western city limits at Buccaneer State Park.

During discussion, Alderman Stahler said that she thought the paperwork submitted by Compton perhaps had an error; 2006 v 2008 (on page 2) and concerns that the paperwork should state that the \$597,521.38 is a combination of funds from, she thought 2002 to 2006, but this was not clear. She asked City Clerk to have Mr. Lagasse of Compton Engineering to check these 2 concerns.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

**DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)/INFINITY SCIENCE
CENTER**

Re: Letter of Support to MDEQ for the Infinity Science Center

Spread on the Minutes Letter of Support to the MS. Department of Environmental Quality (DEQ) to support the use of Deepwater Horizon NRDA Early Restoration funds for the project titled, "Restoration Initiatives at the INFINITY Science Center".
(EXHIBIT U)

PUBLIC COMMENTS

Re: Ms. Mikelle Williamson

EXECUTIVE SESSION

Re: Potential Litigation, Zoning Issues; Personnel issues, Animal Shelter and Police Departments

Alderman Kidd moved, seconded by Alderman Lafontaine to consider going into Executive Session to discuss Potential Litigation, Zoning Issues; Personnel issues, Animal Shelter and Police Departments.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

Alderman Geoffrey moved, seconded by Alderman Stahler to go into Executive Session to discuss Potential Litigation, Zoning Issues; Personnel issues, Animal Shelter and Police Departments.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

With no positive or negative action taken Alderman Kidd moved, seconded by Alderman Lafontaine to come out of Executive Session.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

ADJOURN

Re: Adjourn meeting at 10:40 pm.

Alderman Kidd moved, seconded by Alderman Geoffrey to adjourn the meeting at 10:40 pm.

A vote was called for with the following results:

Voting Yea: Stahler, Lafontaine and Kidd

Voting Nay: None

Absent: None

The foregoing minutes were presented to Mayor Garcia on August 5, 2011.

Lisa Planchard
City Clerk

The Minutes of July 5, 2011 have been read and approved by me on this day the 5th day of August, 2011.

David A. Garcia
Mayor

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