

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 October 5, 2010 at 6:30 p.m., to take action on the following matters of city business.

Present at the meeting Aldermen Stahler, Geoffrey and Schmitt

Also present was City Attorney Gary Yarborough, City Clerk Lisa Planchard and Court Reporter, Norma Jean Soroe.

Absent from the meeting was Alderman Charles Piazza.

MAYOR'S REPORT

Re: Mayor Longo said that he wanted to recognize a ribbon cutting that took place recently. There is a new business which opened at the corner of Nicholson Avenue and Old Spanish Trail (at the old Rock of the Bay Building) that is a consignment shop. He said this shows that entrepreneurs are currently investing in Waveland. The Mayor also reminded everyone of the upcoming Wave Fest set for October 16th and 17th. He said The Main Street Association is handling the arts and crafts portion of the fair and there will be something for everyone. If anyone is interested in joining in, please call the Waveland Community Coalition or Mr. Charlie Cornelius.

(See Exhibit A - Transcript for Details)

ALDERMEN'S COMMENTS

Re: Alderman Stahler commended the Waveland Fire Department for their assistance with an elderly citizen in Ward 1 whose fire alarm was not working correctly. The Firefighters were not only kind enough to seek out the problem, but also kind enough to replace the batteries. Stahler added that this is the kind of spirit Waveland needs. Alderman Stahler asked Recovery Manager/Building Official Brent Anderson how the City's building fees compare with others on the Coast. Mr. Anderson said that Waveland's was the highest on the Coast.

Re: Alderman Geoffrey asked about the recycling bin located at the site of the old Police Station, as it was full and over flowing. Mayor Longo said that is Solid Waste Authority. Geoffrey also asked about agenda item #17 related to the current 'weed ordinance and dilapidated properties'. City Attorney Yarborough said that Ordinance had been amended and will be presented during discussion of that item on this meeting agenda.

Re: Alderman Schmitt asked about paving Waveland Avenue and what is the proposed paving schedule. Recovery Manager/Building Official Anderson said that the contractor is excavating now and soon will be putting rock down. He added if we continue to have the dry weather we are having, it will go much quicker.

MINUTES

Alderman Schmitt moved, seconded by Alderman Stahler to approve the minutes of the special meetings of September 14, 2010, September 18, 2010 (T) and the Regular meeting of September 21, 2010, including the transcript of the Court Reporter thereto, as presented by the City Clerk. T = transcribed.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, and Schmitt

Abstain: None

Voting Nay: None

Absent: Piazza

DOCKET OF CLAIMS

Re: Claims Numbers 66596-66789

Alderman Geoffrey moved, seconded by Alderman Schmitt to approve the Docket of Claims as submitted by the City Clerk being numbered, **66596-66789. (EXHIBIT B)**

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, and Schmitt

Abstain: None

Voting Nay: None

Absent: Piazza

REVENUES AND EXPENSES

Re: Month of August, 2010

Spread on the minutes the Statements of Revenues and Expenditures for the month of August, 2010 at this, the second meeting of October, 2010, as presented by Comptroller Tom Worrel. **(EXHIBIT C)**

FARMER'S MARKET

Re: 'Policy of Use and Lease Regarding 628 Hwy 90 and the Waveland Farmer's Market'

Alderman Schmitt moved, seconded by Alderman Stahler to approve a 'Policy of Use and Lease Regarding 628 Hwy 90 and the Farmer's Market'. Lease fees are to be set at a rate of \$8.00 per day per booth. **(EXHIBIT D)**

During discussion, Attorney Yarborough said that under the policy of use, the vendor will be required to enter into a lease for each day they use the property. As part of this, he said the City would have to declare the property surplus in regards to Wednesdays and Saturdays that the City is intending to lease it for the use of a farmer's market, and it has in the policy a lease price per vendor; i.e. \$8.00 per day per booth. Ms. Shaw said she would donate a sign valued at \$400 made by Dunaway Signs. City Clerk Planchard asked Mr. Anderson where Ms. Shaw could place the sign. Mr. Anderson replied anywhere except the right of way which belongs to MS. Dept. of Transportation. Mr. Anderson said that when the City gets closer to completion of the lift station work on that property he will get with Ms. Fayard, who can then call Ms. Shaw; adding that he would help Ms. Shaw get her sign adjusted.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, and Schmitt

Abstain: None

Voting Nay: None

Absent: Piazza

PLANNING AND ZONING (EXHIBIT E)

Re: 4127 Old Gainsville Road, Jo Ann Ponsaa

Jo Ann Ponsaa appeared before the commission with a request for a variance from the required lot frontage in order to divide her property located at 4127 Old Gainsville Road. Legal description: Part of the W ½ of NW ¼, Section 4-9-14, City of Waveland, Hancock County, Mississippi.

Steve Hand moved, seconded by Brenda Mc Comb to recommend that: the Board of Mayor and Aldermen grant a waiver of the street frontage requirement to enable the subdivision of Parcel Number 162D-2-04-010.000 into two parcels and by easement to allow vehicular access through Parcel Number 162D-2-04-010.000 to the rear parcel, provided that, prior to the City of Waveland either permitting or allowing the construction of any access road from Old Gainesville Road to the rear parcel, the City shall be satisfied by proof that the parcel has been deed restricted as follows:

As a condition of the wavier of required street frontage granted by the City of Waveland to allow the subdivision creating Parcel Number 162D-2-04-010.001, Parcel Number 162D-2-04-010.001 shall not be subdivided.

Alderman Schmitt moved, seconded by Alderman Stahler to follow the recommendation of the Planning and Zoning Board and approve the request as submitted.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, and Schmitt

Abstain: None

Voting Nay: None

Absent: Piazza

Re: Amend Zoning Ordinance #349 related to the display of political signs prior to an election

The Board of Mayor and Aldermen, at their regular meeting of September 7, 2010, deferred to the Planning and Zoning Commission the following motion to be considered at their next regular meeting namely September 27, 2010. An amendment to Ordinance No. 349, Section 405.11 (A)(9), regulating political signs, to read "No such signs shall be erected before qualifications of said election or referendum."

Brenda Mc Comb moved, seconded by Steve Hand to recommend that: the Board of Mayor and Aldermen amend the Zoning Ordinance (Ordinance #349) to increase from sixty (60) to ninety (90) days, the period in which political signs can be displayed prior to an election. Specifically, the Commission recommends the Board amend Ordinance #349 as follows: In Subsection 405.6.I. delete the term "sixty (60)", and insert in lieu thereof the term "ninety (90)"; and in Subsection 405.11.A.9. delete the term "sixty (60), and insert in lieu thereof the term "ninety (90)".

Alderman Geoffrey moved, seconded by Alderman Schmitt to follow the recommendation of the Planning and Zoning Board and approve the request as submitted.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, and Schmitt

Abstain: None

Voting Nay: None

Absent: Piazza

GARFIELD LADNER MEMORIAL PIER/PIER/SALES TAX

Re: Apply for Sales Tax ID number for Sales at Pier

Alderman Schmitt moved, seconded by Alderman Stahler to apply for a MS. sales tax I.D. Number to pursue sales (pier sales, concession, bait, etc.) at the Garfield Ladner Memorial Pier; also approve authorized signatures on application.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, and Schmitt

Abstain: None

Voting Nay: None

Absent: Piazza

POLICE DEPARTMENT/WAVE FEST
Re: Police Overtime for Wavefest

Alderman Schmitt moved, seconded by Alderman Geoffrey to approve Police overtime (full-time and/or part-time) as may be needed for security at Wavefest. The number we've come up with for police and public works is \$6500 on a worst case scenario.

During discussion, Alderman Schmitt said that this does not exonerate the Waveland Community Coalition from their responsibility for having security for the event.

A vote was called for with the following results:

Voting Yea: None

Abstain: None

Voting Nay: Stahler, Geoffrey, and Schmitt

Absent: Piazza

GARFIELD LADNER MEMORIAL PIER/PIER/WAVE FEST
Re: Approve Fireworks display on Pier for Wavefest

Alderman Schmitt moved, seconded by Alderman Geoffrey to approve a fireworks display to be presented by a private company (J&M Displays, Inc.) engaged by the Waveland Community Coalition for Wavefest. Certificate of Insurance shall be provided prior to fireworks display presentation.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, and Schmitt

Abstain: None

Voting Nay: None

Absent: Piazza

AUDIT FY 2010-2011
Re: Approve Engagement letter for 2010-2011 Audit

Alderman Stahler moved, seconded by Alderman Geoffrey to approve contract/audit engagement with Wright, Ward, Hatten and Guell for the 9/30/2010 fiscal year audit, contract as reviewed and approved by City Attorney Gary Yarborough and with required administrative signatures. **(EXHIBIT F)**

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, and Schmitt

Abstain: None

Voting Nay: None

Absent: Piazza

MUNICIPAL COMPLIANCE QUESTIONNAIRE
Re: Municipal Compliance Questionnaire, FY 2009-2010

Alderman Geoffrey moved, seconded by Alderman Schmitt to approve and place in the Minutes, the Municipal Compliance Questionnaire to cover fiscal year 10/1/2009 – 9/30/2010, as required by the Office of the State Auditor. **(EXHIBIT G)**

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, and Schmitt

Abstain: None

Voting Nay: None

Absent: Piazza

TAX ROLLS 2010
Re: Tax rolls of 2010 to be collected in 2011

Alderman Stahler moved, seconded by Alderman Geoffrey to accept and approve the 2010 Tax Rolls to be collected 2011. **(EXHIBIT H)**

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, and Schmitt

Abstain: None

Voting Nay: None

Absent: Piazza

MEETINGS/ELECTION 2010
Re: Reschedule first regular meeting of November due to Primary Election

Alderman Geoffrey moved, seconded by Alderman Schmitt to reschedule the first regular meeting in November, of the Board of Mayor and Aldermen from Tuesday, November 2nd, (Election Primary) to Wednesday, November 3, 2010.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, and Schmitt

Abstain: None

Voting Nay: None

Absent: Piazza

HOLIDAY SCHEDULE/CITY HALL
Re: 2010-2011 Holiday Schedule

Alderman Geoffrey moved, seconded by Alderman Schmitt to table the Holiday schedule for FY 2010-2011 until the next regularly scheduled Board meeting.

During discussion, the Board said they would like the Holiday Schedule to mirror those holidays that are listed in the employee handbook.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, and Schmitt

Abstain: None

Voting Nay: None

Absent: Piazza

CONTRACTS/PUBLIC WORKS

Re: Contract with Conclamo Services for Collection of Past Due Receivables: Utilities Department

Alderman Geoffrey moved, seconded by Alderman Stahler to table approval of a contract with Conclamo Services, LLC. for collection of delinquent utility payments (over 90 days). Company representative, Ms. Contessa Elmore and Company Attorney James Richardson will be present October 20, 2010 to answer questions of the Board at their regular meeting.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, and Schmitt

Abstain: None

Voting Nay: None

Absent: Piazza

ORDINANCES

Re: Approval of Ordinance No. 353 Amending Ordinance 329 regarding property cleanup

Alderman Stahler moved, seconded by Alderman Geoffrey to consider Ordinance #353, amending Ordinance No. 329 regarding property clean up associated with debris, overgrowth of weeds, etc..., as written by City Attorney. **(EXHIBIT I)**

During discussion, Attorney Yarborough said this Ordinance is amending the Ordinance # 329 which is termed the weed and debris ordinance. The couple biggest additions are: the ordinance previously was a lot dealing with weeds and grass and also dealt with dilapidated buildings and unsanitary conditions. But this Ordinance specifically states that you can't have dilapidated structures or that cause flooding problems, fire hazards, things like that. Those are specifically enumerated in her. It also adds in addition to the other remedies and makes it a misdemeanor for violation. Jurisdiction is still in the city court.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, and Schmitt

Abstain: None

Voting Nay: None

Absent: Piazza

**ADVERTISEMENT/CITY HALL – CITY HALL ANNEX/FIRE DEPARTMENT
Re: Advertisement for appraisal services related to purchase of 106 Bourgeois
Street Property (EXHIBIT J)**

Spread on the minutes, advertisement for appraisal services related to purchase of the 106 Bourgeois Street Property for the City Hall/City Hall Annex/Fire Department Project.

**CENTRAL FIRE STATION/RESOLUTIONS/CDBG/CONTRACTS
Re: Resolution Amending Administrative Services Contract: Gouras Urban
Planning Consultants, Inc., R-118-379-01-HCCR**

Alderman Geoffrey moved, seconded by Alderman Stahler to approve a Resolution authorizing Amendment to the Administrative Services Agreement for Professional Services with Gouras Urban Planning Consultants, Inc. in Connection with Hancock County Long Term Recovery Katrina Supplemental Community Development Block Grant Program and for Related Purposes. CDBG Project #**R-118-379-01-HCCR – Central Fire Station.**
(EXHIBIT K)

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, and Schmitt

Abstain: None

Voting Nay: None

Absent: Piazza

**ANNEXED AREA PROJECT/RESOLUTIONS/CDBG/CONTRACTS
Re: Resolution Amending Administrative Services Contract: Gouras Urban
Planning Consultants, Inc., R-118-379-06-HCCR Resolution**

Alderman Geoffrey moved, seconded by Alderman Schmitt to approve a Resolution authorizing Amendment to the Administrative Services Agreement for Professional Services with Gouras Urban Planning Consultants, Inc. in connection with Hancock County Long Term Recovery Katrina Supplemental Program and for Related Purposes. CDBG Project # **R-118-379-06-HCCR Municipal Annexed Area Project.**
(EXHIBIT L)

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, and Schmitt

Abstain: None

Voting Nay: None

Absent: Piazza

**ORDINANCE/UTILITY DEPARTMENT
Re: Amendment to Ordinance #207 (which Amends Ordinances 148, 158 and 196)
regarding Utility rates**

Alderman Stahler moved, seconded by Alderman Geoffrey to table Amendment to Ordinance No. #207 (which Amended Ordinances, 148, 158 and 196) addressing Utility rates; specifically to set increase for Commercial Customers.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, and Schmitt

Abstain: None

Voting Nay: None

Absent: Piazza

CHANGE ORDER/FIRE STATION – BOURGEOIS

Re: Change Order No. 3- DNP, INC, Fire Station on Bourgeois Street

Alderman Geoffrey moved, seconded by Alderman Schmitt to approve Change Order No. 3 from DNP, INC. to increase 3 calendar days in construction time and an additional \$9,796.57 for the installation of filter fabric under the concrete pavement to stabilize the sub-base material under the concrete for the Fire Station on Bourgeois Street.

(EXHIBIT M)

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, and Schmitt

Abstain: None

Voting Nay: None

Absent: Piazza

HANCOCK COUNTY HUMAN RESOURCE AGENCY/PURCHASING

Re: Approve Invoice in the amount of \$1,250.00 for 3rd Quarter Support

Alderman Stahler moved, seconded by Alderman Schmitt to approve an invoice from Hancock County Human Resource Agency in the amount of \$1,250.00 for the 3rd Quarter (July, August, and September), 2010 support, as budgeted in the 9/30/10 budget.

(EXHIBIT N)

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, and Schmitt

Abstain: None

Voting Nay: None

Absent: Piazza

**REQUESTS FOR CASH/POLICE STATION/CDBG/2009 CDBG SEWER SYSTEM PROJECT/HARBOR, LIGHTHOUSE, BOATLAUNCH/BUSINESS INCUBATOR/CITY HALL AND CITY HALL ANNEX/CIVIC CENTER/LIBRARY/FIRE STATION/DOWNTOWN SIDEWALK PROJECT
(EXHIBIT O)**

Spread on the minutes the following Requests for Cash: as listed (Items a – g)

- a. #R-118-379-02-HCCR in the amount of \$86,017.23 – Police Station.
- b. #R-118-379-03-HCCR in the amount of \$372,778.76 – 2009 CDBG Sewer System
- c. #R-118-379-04-HCCR in the amount of \$8,750.00 – Harbor, Lighthouse, and Boat launch
- d. #R-109-379-04-KCR in the amount of \$139,763.55 – Business Incubator
- e. #R-109-379-02-KCR in the amount of \$4,653.66 – City Hall and City Hall Annex
- f. #R-103-379-01-KCR in the amount of \$5,529.17 – Civic Center, Library, Fire Station, Coleman Avenue

- g. #R-109-379-09-KCR in the amount of \$770.83 – Downtown Sidewalk Project

INVOICES/CITY HALL, CITY HALL ANNEX/LIBRARY/BUSINESS INCUBATOR/CITYWIDE DRAINAGE IMPROVEMENTS/CENTRAL FIRE STATION/HARBOR, LIGHTHOUSE, BOATLAUNCH
Re: Approval of Invoices as submitted by various contractors (EXHIBIT P)

Alderman Stahler moved, seconded by Alderman Geoffrey to approve the following invoices/pay-requests presented by various contractors and recommended for payment by Building Official/Recovery Manager Brent Anderson: as listed (Items a – h)

- a. Invoice No. 7 in the amount of from BDA, PLLC \$10,446.01 – City Hall/City Annex Building.
- b. Pay Request No. 14 from Construction Services, Inc. in the amount of \$180,778.68 – Library.
- c. Payment Application No. from Benchmark Construction in the amount of \$140,083.00 - Business Incubator.
- d. Payment Request No. 4 from Amco Construction, LLC, in the amount of \$16,773.91 – Citywide Drainage Improvements.
- e. Pay Request No. 1006-05 from GM&R Construction Company, Inc. in the amount of \$54,882.00 – Central Fire Station.
- f. Invoice No. 6 from BDA, PLLC in the amount of \$1,442.53 – Fire Station on Bourgeois Street.
- g. Invoice No. 6 from BDA, PLLC in the amount of \$2,650.48 – City Hall/City Annex Building.
- h. Invoice No. 209-07-7 from Compton Engineering in the amount of \$72,635.35 – Harbor, Lighthouse and Waterfront Development Project. **(On Current Docket)**

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, and Schmitt

Abstain: None

Voting Nay: None

Absent: Piazza

HAZARD MITIGATION GRANT PROGRAM/AGREEMENTS/MEMA
Re: Consider HMGP (Hazard Mitigation Grant Program) Agreement with MEMA for funds in the amount of \$60,805.00 for sirens and generators

Alderman Geoffrey moved, seconded by Alderman Schmitt to approve Hazard Mitigation Grant Program Agreement with Mississippi Emergency Management, pursuant to the Hazard Mitigation Grant 1604-368; funds in the amount of \$60,805.00 are awarded to the City of Waveland for the purchase of sirens and generators.
(EXHIBIT Q)

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, and Schmitt

Abstain: None

Voting Nay: None

Absent: Piazza

PUBLIC COMMENTS

Re: Ms. Phyllis Crespo discussed Amendment of #329 and the issue of code enforcement by the Building Department.

City Attorney Yarborough did say that given all amendments passed, this is and always will be difficult to enforce completely and offered that if anyone in the audience has a particular property in mind, they should contact Mr. Brent Anderson in the Building Department.

EXECUTIVE SESSION

Re: Litigation related to Magnolia Garden Condominiums and Yates vs. City of Waveland, Litigation and negotiation related to the BP Claim, and Potential Litigation - McLaurin Street; along with Personnel Issues in Police Department and Utility Department.

Alderman Geoffrey moved, seconded by Alderman Schmitt to consider going into Executive Session to discuss Litigation related to Magnolia Garden Condominiums and Yates vs. City of Waveland, Litigation and negotiation related to the BP Claim, and Potential Litigation - McLaurin Street; along with Personnel Issues in Police Department and Utility Department.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, and Schmitt

Abstain: None

Voting Nay: None

Absent: Piazza

Alderman Geoffrey moved, seconded by Alderman Stahler to consider going into Executive Session to discuss Litigation related to Magnolia Garden Condominiums and Yates vs. City of Waveland, Litigation and negotiation related to the BP Claim, and Potential Litigation - McLaurin Street; along with Personnel Issues in Police Department and Utility Department.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, and Schmitt

Abstain: None

Voting Nay: None

Absent: Piazza

With no positive or negative action taken Alderman Geoffrey moved, seconded by Alderman Schmitt to come out of Executive session.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, and Schmitt

Abstain: None

Voting Nay: None

Absent: Piazza

AGENDA

Re: Amend agenda to approve Mr. Patrick Chubb to Develop a Remediation Plan Related to the Magnolia Garden Condominiums Site

Alderman Stahler moved, seconded by Alderman Geoffrey to amend the agenda to approve Mr. Patrick Chubb to develop a remediation plan for the Magnolia Garden

Condominiums Site at the rate of \$85.00 per hour. The contract (yet to be submitted) shall be subject to review and approval by the City Attorney.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, and Schmitt

Abstain: None

Voting Nay: None

Absent: Piazza

MAGNOLIA SITE/CONTRACT

Re: Approve Mr. Patrick Chubb to Develop a Remediation Plan Related to the Magnolia Garden Condominiums Site

Alderman Stahler moved, seconded by Alderman Geoffrey to approve Mr. Patrick Chubb to develop a remediation plan for the Magnolia Garden Condominiums Site at the rate of \$85.00 per hour. The contract (yet to be submitted) shall be subject to review and approval by the City Attorney. **(EXHIBIT R)**

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, and Schmitt

Abstain: None

Voting Nay: None

Absent: Piazza

ANIMAL SHELTER/PERSONNEL

Re: Hire Ms. Natalie Erickson as full time Kennel Tech

Alderman Stahler moved, seconded by Alderman Geoffrey to hire Ms. Natalie Erickson at the Waveland Animal Shelter as a full-time Kennel Tech (to replace full – time former employee Sandy Sinopoli) at a rate of \$20,800 per year, as recommended by Animal Shelter Director Dina Allen, pending passage of drug test. Animal Shelter is operating extremely short-handed and thus requiring excessive amounts of overtime among the remaining employees to keep the animals cared for.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, and Schmitt

Abstain: None

Voting Nay: None

Absent: Piazza

ADJOURN

Re: Adjourn meeting at 8:25 p.m.

Alderman Geoffrey moved, seconded by Alderman Schmitt to adjourn the meeting at 8:25 p.m.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, and Piazza

Abstain: None

Voting Nay: None

Absent: Schmitt

The foregoing minutes were presented to Mayor Longo on October 22, 2010.

Lisa Planchard
City Clerk

The Minutes of October 5, 2010 have been read and approved by me on this day the 22nd day of October, 2010.

John Thomas Longo,
Mayor

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