

The Board of Mayor and Aldermen of the City of Waveland, Mississippi, met in regular session at the Waveland City Hall Board Room 301 Coleman Avenue, Waveland, MS. on October 3, 2017 at 6:30 p.m. to take action on the following matters of City business.

**PUBLIC COMMENTS:**

- There were no Public Comments

**ROLL CALL:**

Mayor Smith noted for the record the presence of Aldermen Burke, Richardson, Lafontaine and Piazza along with Deputy City Clerk Tammy Fayard and City Attorney Rachel P. Yarborough

Absent from the meeting was City Clerk Lisa Planchard.

**CITYWIDE SIDEWALKS PROJECT/WAVELAND AVENUE SIDEWALKS PROJECT**

**Re: Waveland Avenue Sidewalks Project** – Engineer Jason Chiniche was not present to discuss.

**BUILDING DEPARTMENT/CONTRACTS**

**Re: Approve New Cell Phone for Building Official Josh Hayes**

Alderman Burke moved, seconded by Alderman Richardson to approve a cell phone for Building Official Josh Hayes at a cost of \$47.88 base fee per month. (*Not currently budgeted for*).

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine and Piazza

Voting Nay: None

Absent: None

**AGREEMENTS/CONTRACTS/CITYWIDE DRAINAGE IMPROVEMENTS PROJECT/  
DRAINAGE PROJECT/LEGAL DEPARTMENT**

**Re: Agreement with Kappa Development to Complete the Citywide Drainage Improvements Project**

Spread on the minutes an Agreement between the City of Waveland and Kappa Development, and the Mayor's Signature thereon, for the purpose of completion of the Citywide Drainage Project and the necessary agreements made by both parties. **(EXHIBIT A)**

**RESOLUTIONS/AGREEMENTS/CITYWIDE DRAINAGE PROJECT/DRAINAGE PROJECT/  
CONTRACTS**

**Re: Approve Resolution and Ratify Agreement with Kappa Development for Drainage Improvements Project**

Alderman Burke moved, seconded by Alderman Richardson to approve a Resolution and ratify the Agreement between the City of Waveland and Kappa Development & General Contracting, Inc., previously approved at the Special Meeting of September 27, 2017. **(EXHIBIT B)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson and Lafontaine

Voting Nay: None

Abstain: Piazza

Absent: None

**MAYOR'S COMMENTS**

**Re: Mayor Smith** updated everyone on current Legislation being presented. He said there is a push for larger sales tax being given back to Cities' that is being considered, and legislation for attachment for renters leaving un-paid utility bills to be factored in their State Tax Return, ie, they would deduct the un-paid portion from State Tax Refunds.

**ATTORNEY'S COMMENTS**

**Re:** No comments at this time.

**ALDERMEN'S COMMENTS**

**Re: Alderman Burke**

- Discussed 1050 McKinley Street being built on 2 lots, noting that a portion of the property in question is located on Turner Street. Mrs. Yarborough said Section 302.11 defines how set backs are measured and read from the Ordinance; there is no survey that shows the encroachment currently. Mayor Smith requested a new survey.

**Re: Alderman Richardson** – No comments at this time.

**Re: Alderman Lafontaine** – No comments at this time.

**Re: Alderman Piazza** – No comments at this time.

**DOCKET OF CLAIMS**

**Re: Claims**

Alderman Burke moved, seconded by Alderman Lafontaine to approve the Docket of Claims in the amount of \$276,676.54 (for invoices received through 9/30/17) dated October 3, 2017 as submitted. **(EXHIBIT C)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine and Piazza

Voting Nay: None

Absent: None

**Minutes**

**Re: Minutes of the Regular Meeting of September 20, 2017**

Alderman Burke moved, seconded by Alderman Lafontaine to approve the Minutes of the Regular Meeting of September 20, 2017.

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine and Smith

Abstain: Richardson and Piazza

Voting Nay: None

Absent: None

**Re: Minutes of the Special Meeting of September 27, 2017**

Alderman Burke moved, seconded by Alderman Richardson to approve the Minutes of the Special Meeting of September 27, 2017.

A vote was called for with the following results:

Voting Yea: Burke Richardson and Smith

Abstain: Lafontaine and Piazza

Voting Nay: None

Absent: None

**AUDITS – FY ENDING SEPTEMBER 30, 2016**

**Re: Approve and Accept the FY 2016 Audit as prepared by Windham & Lacey, PLLC.**

Alderman Burke moved, seconded by Alderman Piazza to approve and accept the FY2016 Audit as prepared and presented by Windham & Lacey, CPA's, PLLC. Mr. Tom Windham was present to discuss and answer questions. **(EXHIBIT D)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

#### **AUDITS – FY ENDING SEPTEMBER 30, 2017/CONTRACTS/AGREEMENTS**

**Re: Approve FY17 Audit Engagement letter with Windham & Lacey, CPA's, PLLC.**

Alderman Burke moved, seconded by Alderman Richardson to approve the Audit Engagement Letter with Windham & Lacey, PLLC, CPA's for Audit preparation services related to FY 9/30/2017. Same price as last year; not to exceed \$35,500.00. **(EXHIBIT E)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson and Piazza

Voting Nay: Lafontaine

Absent: None

#### **PROCLAMATIONS**

**Re: Recognizing October 2017 as Domestic Violence Awareness Month**

Alderman Lafontaine moved, seconded by Alderman Piazza approve a Proclamation recognizing October 2017 as Domestic Violence Awareness Month. **(EXHIBIT F)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine and Piazza

Voting Nay: None

Absent: None

**Re: Recognizing October 2017 as Down Syndrome Awareness Month**

Alderman Piazza moved, seconded by Alderman Lafontaine to approve a Proclamation recognizing October 2017 as Down Syndrome Awareness Month. **(EXHIBIT G)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine and Piazza

Voting Nay: None

Absent: None

#### **HALLOWEEN BASH/EVENTS**

**Re: Request to Hold the Annual Halloween Bash on Tuesday, October 31, 2017**

Alderman Burke moved, seconded by Alderman Piazza to approve a request to hold the Annual Halloween Bash on Tuesday, October 31, 2017 and block a portion of Coleman Avenue in front of the Business Center (Patrons and Business Owners will use the side drive way and parking in the rear of the building) from 7 a.m. to 10 p.m. and block the remaining portion of Coleman Avenue from C&R's Bar to the Business Center from 4:30 p.m. to 10:00 p.m.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine and Piazza

Voting Nay: None

Absent: None

**BIDS/MOBILE HOME BIDS/POLICE DEPARTMENT/FIRE DEPARTMENT**

**Re: Myla Viator approved as Highest, Best and Most Responsive bidder for the Doublewide Mobile Homes: Bar Code #1238215/1238216 (Old Police Station) and Bar Code #1238566/1238567 (Old Animal Shelter)**

Alderman Piazza moved, seconded by Alderman Burke to accept and approve Myla Viator as the highest and best bid related to the doublewide Mobile Home, Bar Code#1238215/1238216 (Old Police Station) in the amount of \$6,000.00 and the highest and best bid related to the doublewide Mobile Home, Bar Code #1238566/1238567 (Old Animal Shelter) in the amount of \$1,000.00. **(EXHIBIT H)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine and Piazza

Voting Nay: None

Absent: None

**Re: Myla Viator named as Highest, Best and Most Responsive Bidder for the Singlewide Mobile Home: Bar Code #1032858 (Gulfside Fire Station trailer)**

Alderman Piazza moved, seconded by Alderman Burke to approve Myla Viator as the highest and best bid received related to the singlewide Mobile Home, Bar Code #1032858 (Gulfside Fire Station trailer) in the amount of \$1,000.00. **(EXHIBIT H)**

With regard to a tie bid in this instance, Alderman Burke asked about the times of bid acceptance. Mrs. Yarborough said her only hesitancy making the bid winner about who submitted the bid first, is because the City placed a time deadline on all bids to be received by an overall designated date & time. Mrs. Yarborough said the only guidance she found is an Attorney General opinion from 1995 regarding Cities and Counties requirement to go out for contract bids for local newspapers and two local newspapers bid the same amount; and what the AG's office said was, "Pick One". Board members noted that Ms. Viator was present tonight and her bid also just happened to be received first before the deadline. They felt because she showed the initiative to come to this meeting tonight, she should get the bid. Ms. Viator asked for 90 days to get all the Mobile Homes removed, which was agreed upon by the Board.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine and Piazza

Voting Nay: None

Absent: None

**PLANNING AND ZONING (EXHIBIT I)**

**Re: John and Stefanie Ascherl, 226 Hoffman Lane (Accessory Building Square Footage)**

**John and Stefanie Ascherl are requesting a Conditional Use** under Section 601.2, Item F. Which states "Accessory buildings that contain more than five hundred (500) square feet." The Ascherl's are building a single family residence at the property commonly known as 226 Hoffman Lane. The Conditional Use is for a proposed detached garage that will be 868 square feet. Legal Description: Lots 13 & 14, Block 7, E W ULAM SUBDIVISION, City of Waveland, Hancock County, Mississippi.

Commissioner Adams made a motion, seconded by Commissioner Harris to recommend approval of the Conditional Use for a proposed detached garage that will be 868 square feet.

Alderman Burke moved, seconded by Alderman Richardson to follow the recommendation of the Planning and Zoning Commission and approve the request as submitted.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine and Piazza

Voting Nay: None

Absent: None

**Re: John and Stefanie Ascherl, 226 Hoffman Lane (Construction of 2 story accessory building)**

**John and Stefanie Ascherl are requesting a Variance from** Section 701.8 (A) which states: A. The size of an accessory building shall be limited to a one story building not larger than 500 square feet in area. The Variance is a request to construct a two story building with the second story being for storage. They are also requesting a Variance from Section 701.8(B) (1) which states: "Accessory Building Shall not exceed fifteen (15) feet in height in residential zones. The Variance is to allow a garage with a height of 23&1/2 feet in height. The Ascherl's are building a single family residence at the property commonly known as 226 Hoffman Lane Legal Description: Lots 13 & 14, Block 7, E W ULAM SUBDIVISION, City of Waveland, Hancock County, Mississippi.

Commissioner Adams made a motion, seconded by Commissioner Boudoin to recommend approval of the variance request to construct a two-story accessory building (garage) and the variance request to construct an accessory building with a building height exceeding 15 feet in height.

Alderman Burke moved, seconded by Alderman Piazza to follow the recommendation of the Planning and Zoning Commission and approve the request as submitted.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine and Piazza

Voting Nay: None

Absent: None

**Re: Pastor Frank Griffin III, Calvary Chapel Bay St. Louis (Old Kmart Building)**

**A request from Pastor Frank Griffin III, representing Calvary Chapel Bay St. Louis,** for a Conditional Use within a Commercial Highway District (C3) for a Church under Section 610.2 of the Zoning Code. The request is to utilize 25,000 square feet of the old K-Mart building located in the Choctaw Plaza Shopping center located on the NE corner of Hwy 90 and Hwy 603. Legal Description: PT 34-8-14, NE Corner Hwy 90 & 603 AKA Choctaw Plaza Shopping Center.

Commissioner Watson made a motion, seconded by Commissioner Boudoin to recommend approval of the requested Conditional Use subject to the Church agreeing to cooperate with the State Alcohol and Beverage Commission in the event that a Waiver (if required) will be executed by the Church and that if in the future the Church refused to sign a waiver or comply with any related ABC provisions that their Conditional Use would be revoked.

Mrs. Yarborough said for the record the State Tax Commission regulates all liquor and Liquor Licenses through ABC and statutorily is required a distance between any Churches or Funeral Homes 100 feet in a Commercial area. She said that distance restriction can be waived by either an appropriate representative from that Church or Funeral Home to authorize the activity requested by the Permit holder. She noted that there are existing commercial activities in that area that have a liquor license and could quite possibly be future permitting issues. Mrs. Yarborough said a condition was added on to the recommended approval that the Church would agree to waive the distance restrictions and would cooperate with any waiver requirements for the future or for the existing ABC permitting issues for commercial issues. She said if they fail to execute any waiver or if they objected to any future licensing, their conditional use would be revoked automatically. She added to be clear, "So if they refuse to sign a waiver or somehow object in the future to ABC permitting within that area, that they would no longer have the conditional use in that commercial area. And they said they didn't have an issue with that; it was a very lengthy long discussion".

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine and Piazza

Voting Nay: None

Absent: None

**Re: Kristine Lyons, 10381 Highway 603**

**Kristine Lyons is requesting a Conditional Use in a Commercial Highway District (C3),** at the property commonly known as 10381 Hwy 603, under Section 610.2 (J) which states: "J. Manufactured home sales, service, repair and storage facilities, including camping trailers, tents, and touring vans, but not including a manufactured or mobile home park and not allowing storage of damaged manufactured or mobile homes or damaged recreational vehicles or travel trailers." The request is to operate a camping trailer rental and storage business. Legal Description: PT 15-16 All 33-34, 31&32, PT 17&18, BLK 100, Shoreline Park UN7.

Commissioner Adams made a motion, seconded by Commissioner Harris to recommend approval of the requested Conditional Use subject to the applicant meeting requirements for screening from residentially zoned property and meeting the requirements for landscaping as required in the Zoning Ordinance.

Alderman Burke moved, seconded by Alderman Piazza to follow the recommendation of the Planning and Zoning Commission and approve the request as submitted.

Ms. Lyons explained that this is purely a camper rental business and when the campers are not rented, they remain stored at this location until they are. Building Department Manager David Draz added that there were stipulations for landscaping.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine and Piazza

Voting Nay: None

Absent: None

**Re: David Lane Beaird, S&H Carwash/dba Pit Stop Carwash, 445 Highway 90**

**David Lane Beaird representing S&H Carwash/dba Pit Stop Carwash, 445 Hwy 90,** has applied for removal of a Live Oak Tree from their property. Section 408 of the Zoning Ordinance prescribes the procedure for consideration of their application. Legal Description: PT. N.W. ¼ S.E. ¼ lot 2 & L & PT 7B, City of Waveland.

Commissioner Watson made a motion, seconded by Commissioner Boudoin to recommend denial of the request for a permit to remove the Live Oak Tree as proposed by S&H Carwash dba Pit Stop Carwash on the property commonly known as 445 Hwy 90. (Mr. Beaird was not present to discuss the issue)

Alderman Lafontaine moved, seconded by Alderman Piazza follow the recommendation of the Planning and Zoning Commission and **deny** the request as submitted.

During discussion, Jim Meggett (P&Z Chairman) said that the tree is very large and in good health; when the survey was originally done the surveyor put the tree in the wrong location on the survey. Ms. Yarborough said that the project engineer was at the P&Z meeting. She said they discussed moving proposed buildings on the property (oil changing business); the owner said that he would go back and begin drawing because the owner wanted an expedited answer to the issue but she did not know that there was a finality as to whether they would be able to expand or not. They discussed possible variances, if setback allowances were given would the engineer be able to move things around. She said he indicated that they would not be able to expand to include an oil change business if they were not able to remove the tree. Mayor Smith said that Christian Stevenson (MS. Extension Service arborist) who he spoke to last week said that he would be willing to come out and look at the tree for free and try to help the owner to determine how we can save the tree and have the second business. Alderman Burke asked what would be a sufficient mitigation plan for this tree issue. Mr. Meggett said the tree is 35.65"

in diameter and 112” in circumference and (inaudible). Alderman Lafontaine recommended we find a way to mitigate this issue instead of stopping (City) growth. Mr. Brian Frater said the following, “I ask you to ask yourselves this question, if this was Target or Home Depot here saying ‘Move the tree or I don’t build’, what would your answer be”.

Alderman Piazza make a motion to table this issue. Motion died for lack of a second.

Alderman Lafontaine asked Ms. Yarborough what was the owner’s mitigation plan if the tree were to be removed. Ms. Yarborough said that his proposal was 10 live oak trees, 2” diameter or larger, and a \$500 donation to Keep Waveland Beautiful, however she advised against the \$500 donation being contingent on the approval of the permit. She added that the Board of Mayor & Aldermen have the authority to say, “Plant 10 trees”. Mr. Clarence Harris disclosed that the owners of the property were frustrated with the engineers and the surveyor, but that he would love to have that business in Waveland. Alderman Burke said he thought we should have to come up with a mitigation plan. Mayor Smith said he thought the company was going to come up with another plan. City Attorney Yarborough said, “Well, I would just put it in your motion. If you’re inclined to make a motion if you are going to require mitigation, I would make it specific in the approval so if it’s 10 trees and a 2” diameter, or 5 trees at a 4”, or 10 trees at a 5 inch. Just because they offered a mitigation it doesn’t mean you have to follow it. You can make it more.” Alderman Richardson said he would like to find someone who could tell us how close to oak tree can you build or pour concrete; either way the Board is going to get hammered, but he wants to do the right thing. Alderman Piazza said, “We have lost a lot here in this area to natural disasters and what we did not lose to natural disasters, it was either engineers or contractors that came in and finished the job. I think, maybe we all ought to go out there and look at it; then again it’s up to the Board”.

Alderman Lafontaine said he felt Mr. Frater said it best. Ms. Yarborough said if you vote yes, you’re denying their permit. If you vote no, then you’re rejecting the denial, but you’re not necessarily approving the permit.

A vote was called for with the following results:

Voting Yea: Piazza

Voting Nay: Burke, Richardson, and Lafontaine

Absent: None

Ms. Yarborough said, “You all voted to deny the permit to remove”. If you voted yes, you agree with Planning & Zoning to deny. She added that the recommendation to deny the permit is null by this vote, so now it either goes back to Planning & Zoning at your leisure or you can make a vote to grant them the permit to remove the oak tree, or you can just let it die without any action.

**Re: Board Directive for next Meeting of October 10/18/2017 to present a Mitigation Plan or Approve Removal of Tree (at 445 Hwy 90, David Lane Beaird representing S&H Carwash/dba Pit Stop Carwash).**

Alderman Lafontaine moved, seconded by Alderman Burke to consider (at Meeting of 10/18/2017) a mitigation plan or approve removal of the oak tree (at property identified as 445 Hwy 90, David Lane Beaird representing S&H Carwash/dba Pit Stop Carwash).

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine and Piazza

Voting Nay: None

Absent: None

#### **BLIGHTED PROPERTIES/BUILDING DEPARTMENT**

**Re: Initiate Formal Process to Consider 124 Lakeside Drive a Nuisance under 21-19-11**

Alderman Piazza moved, seconded by Alderman Burke to initiate formal process to consider 124 Lakeside Drive a nuisance under 21-19-11, as requested by Alderman Jeremy Burke. (This is the property at the corner of Lakeside & Central Avenue)

During discussion, Mayor Smith said the letter would go out this week. Ms. Yarborough said the building department needs to inspect and to make specific findings as to how it is not in compliance and how it is a nuisance. Ms. Yarborough said you don’t want to officially accept a recommendation from

the building official; and it's probably a cleaner process if the building official presents his evidence at the Public Hearing for the Board to make that decision on record and in front of the property owner so that any evidence that they present you can consider, also because that is the purpose of the Public Hearing to allow the property owner due process. She added that when the letter is sent out it is a determination that should be made by the department head on their own and, something like, "In my expert opinion, this house falls under 21-19-11, it's a nuisance and it needs to be condemned and I'm setting it for a Public Hearing for the Board of Mayor and Aldermen to make that determination. Please bring whatever evidence you have otherwise". A formal process does not have to be pre-cleared by the Board because you're actually supposed to be neutral fact finders, it's cleaner that way. You're not supposed to pre-determine that the house is a nuisance without the property owner present and allowed to put their input in. So it's cleaner if you let the department head make their presentation and the property owner, and then make your decision in public as the fact finder, at that public hearing point.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine and Piazza

Voting Nay: None

Absent: None

#### **RSVP/MEMORANDUM OF UNDERSTANDING/AARP/MOU**

#### **Re: Authorize City Attorney to Respond to the Memorandum of Understanding with AARP**

Alderman Burke moved, seconded by Alderman Richardson to authorize the City Attorney authority to respond to the MOU that AARP has provided back to the City.

Mrs. Yarborough said RSVP is trying to contract and use a form Grant letter that was given from the Feds to third parties to allow volunteers to go in; it's standard grant required language. AARP apparently has an issue with it; a lot of the terms can't be amended because they are required actions by us and by RSVP, by the grant requirements. She asked if the Board could authorize her (the City Attorney) the authority to respond to the MOU that AARP has provided back to the City, basically it's a counter offer; AARP has made amendments to our form agreement that we can't allow. Mrs. Yarborough said that all of these MOU's have to come before the Board for approval from now on.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine and Piazza

Voting Nay: None

Absent: None

#### **ASSESSED PROPERTY VALUES/TAX ASSESSOR-COLLECTOR/REAL PROPERTY/ PERSONAL PROPERTY/PUBLIC UTILITY/MOTOR VEHICLES/MOBILE HOMES/ FY ENDING SEPTEMBER 30, 2017**

#### **Re: Approve Assessed Valuation schedule from Tax Collector Jimmie Ladner for the Year 2017 to be collected in 2018**

Alderman Piazza moved, seconded by Alderman Burke to accept and approve the Assessed Valuation Schedule from Tax Assessor/Collector, Jimmie Ladner of Real Property, Personal Property, Public Utility, Motor Vehicles, and Mobile Homes taxes for the Year 2017 to be collected in 2018.

**(EXHIBIT J)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine and Piazza

Voting Nay: None

Absent: None

#### **LITTER CONTROL**

**Re: Order new cell phone for Litter Control Officer Don Siebenkittel**

Alderman Lafontaine moved, seconded by Alderman Piazza to approve a cell phone for Litter Control Officer Don Siebenkittel at a cost of \$17.50 base fee per month. (*Not currently budgeted for*).

During discussion Alderman Lafontaine asked for clarification as to Mr. Siebenkittel's job duties and who he answers to. The Mayor said that he answers to him (the Mayor) and the job duties that he is familiar with and have directed him on is litter control; that is priority #1, which includes community service personnel. He said he gave blighted properties to Mr. Siebenkittel because he was out in the field anyway; now though, Building Department will do the letters and paperwork side of that. Mayor Smith said he moved him to City Hall now because he felt he needed to move from the Police building; it was interfering with his prescribed duties. He will be prepping the culverts and getting prisoner(s) to jet the culverts. Alderman Lafontaine reminded Board members that when Mr. Siebenkittel presented this position to the Board he said he would be picking up litter 4 days a week, one day doing educational training and providing resources to people. He said he questioned Mr. Siebenkittel as to how days a week he is currently picking up litter and received a very vague answer because it hasn't been done in a while. Alderman Lafontaine added that he was supposed to get trustees 2 to 3 days a week and now it's none of that; from what he understands there's hardly any community service anymore, hasn't picked up a trustee in he could not tell us how long. He thinks the position is completely different from what it originally was presented or intended as to litter pickup; there is no coordination with the grass cutting crews and picking up litter ahead of them. Alderman Lafontaine asked what is his job if he does not get community service people, is he supposed to be out picking up litter. Mayor Smith said that his job is to not be at City Hall; it's to be out picking up litter, getting prisoners on Friday... Alderman Lafontaine asked, "If he can't get prisoners and he can't get community service, he's going to be out himself picking up litter"? Mayor Smith said, "Absolutely; in the beginning it wasn't, "Hey we're going to hire you for litter control only if you have community service people." Alderman Lafontaine added, "Right, not litter control supervisor." Mayor Smith added that his connection with blighted property is small, it's not a big part he plays in that anymore. City Attorney Yarborough said to let him know that since this is a City phone, its public record, his phone records are public record; everyone with a City issued phone needs to know that it's public property.

Alderman Piazza asked that all of the Aldermen be given his new phone number.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine and Piazza

Voting Nay: None

Absent: None

**CONTRACTS/AT&T/CITY HALL/PURCHASING/FIRE DEPARTMENT/PUBLIC WORKS/  
UTILITIES**

**Re: Approve AT&T Renewal of Phone Lines for Various Departments**

Alderman Piazza moved, seconded by Alderman Richardson to approve AT&T Renewal (expires on November 1, 2017) for the following phone lines as listed, (Items a-d):

Note: This will keep our rates discounted to what they currently are, saving the City \$1,740.00 by renewing at the current rate prior to 11/1/17. **(EXHIBIT K)**

- a) 228-467-9845
- b) 228-467-9012
- c) 228-467-2042
- d) 228-467-3177

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine and Piazza

Voting Nay: None

Absent: None

**TRAVEL/POLICE DEPARTMENT/CITY HALL**

**Re: Sgt. Erik Castro, and Officers Ian Larsen and Steven Robin to Gulfport, MS. for Field Training Course**

**Re: The Board of Mayor and Aldermen to the MML Small Town Conference October 25-26, 2017**

Alderman Lafontaine moved, seconded by Alderman Piazza to approve travel for the following:

- e) Sgt. Erik Castro, Officer Ian Larsen and Officer Steven Robin to Gulfport, Mississippi for the Field Training Officer course held at MS Gulf Coast Community College, October 9-11, 2017. Cost to the city will be a training for each in the amount of \$100.00 and use of a City vehicle.
- f) The Board of Mayor and Aldermen to the MML Small Town Conference, October 25-26, 2017 in Oxford, Mississippi. Cost to the City would be Registration fee in the amount of \$95.00, lodging for 2 nights, 2 days per diem and use of a City vehicle or mileage reimbursement.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine and Piazza

Voting Nay: None

Absent: None

**MUNICIPAL COMPLIANCE QUESTIONNAIRE/FY BUDGET YEAR ENDING SEPTEMBER 30, 2017**

**Re: Municipal Compliance Questionnaire for FY ended September 30, 2017**

Alderman Lafontaine moved, seconded by Alderman Piazza to approve the Municipal Compliance Questionnaire for Fiscal Year ended September 30, 2017. **(EXHIBIT L)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine and Piazza

Voting Nay: None

Absent: None

**STREETS/PAVING/ENGINEERING/**

Discuss Compton requesting quotes on the following Streets to repair and overlay asphalt as requested by various Aldermen as listed, (Items a-e):

- a) Ducre Lane
- b) Central Avenue at Coleman Avenue
- c) Villere
- d) Auderer Street
- e) Sears Avenue

Alderman Lafontaine said he would like to know the total cost estimate of this because the original requests whenever we were receiving the funds from the County did not include these streets; there were others mentioned. Alderman Burke requested a street off of Jeff Davis and Alderman Lafontaine's request was Waveland Avenue and Central Avenue. Mayor Smith said there is only about \$20,000 (estimate only) left of those County funds. Ms. Yarborough said if we're going to address all of these issues at once and it's going to be over \$50,000 then we need to do a bid. Alderman Lafontaine said he did not believe it would be.

***No Motion was made.***

**NICHOLSON AVENUE IMPROVEMENTS PROJECT/MDOT/CONTRACTS**

**Re: Approve Mayor's Signature on Preliminary Engineering Contract with Compton Engineering for Nicholson Avenue Improvements Project-MDOT**

Alderman Burke moved, seconded by Alderman Piazza to authorize Mayor's signature on the Preliminary Contract for Engineering Services between the City of Waveland and Compton Engineering regarding the City of Waveland Nicholson Avenue Improvements Project, Project No. STP-9136-00-

(004) LPA/107516-701000 for a maximum amount of \$87,580.87. The MDOT has recommended that the City may proceed with contract execution for this project. **(EXHIBIT M)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine and Piazza

Voting Nay: None

Absent: None

**INVOICES/AUDIT-BUDGET YEAR ENDED SEPTEMBER 30, 2016/CRS COORDINATION/  
STORMWATER PROGRAM IMPLEMENTATION 2017/GARDEN LANE RESURFACE  
PROJECT/CITYWIDE SEWER IMPROVEMENTS PROJECT/SEWER IMPROVEMENTS  
PROJECT**

**Re: Payment of Invoices Submitted by Various Contractors**

Alderman Burke moved, seconded by Alderman Richardson to approve the following invoices submitted by various contractors and recommended to be placed in line for payment consideration, contingent upon receiving funding from grant sources (if required), as listed (Item a-g): **(EXHIBIT N)**

- a) Invoice #683 from Windham & Lacey in the amount of \$35,500.00 for preparation of the FY2016 Audit.
- b) Invoice 216-054-8 from Compton Engineering in amount of \$500.00 –CRS Coordination (August, 2017)
- c) Invoice 216-054-9 from Compton Engineering in amount of \$500.00 –CRS Coordination (April, 2017)
- d) Invoice 216-054-10 from Compton Engineering in amount of \$500.00 –CRS Coordination (May, 2017).
- e) Invoice 216-021-17 from Compton Engineering in the amount of \$5,040.00 – Phase II Stormwater Program Implementation 2017.
- f) Invoice 217-042-2 from Compton Engineering in the amount of \$3,000.00 – Resurface Garden Lane – City of Waveland.
- g) Invoice 216-056-13 from Compton Engineering in the amount of \$13,490.00 – Citywide Sewer Improvements Project.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine and Piazza

Voting Nay: None

Absent: None

**BUILDING DEPARTMENT/PRIVILEGE LICENSES/STREETS DEPARTMENT/PUBLIC  
WORKS/PERSONNEL/PUBLIC HEARING/HAZARD MITIGATION PLAN/POLICE  
DEPARTMENT/COURT DEPARTMENT**

Spread on the minute's the following as listed, (Items a-h):

- a) Monthly Building Permit Report for the Month of September, 2017. **(EXHIBIT O)**
- b) Privilege License Report for the Month of September, 2017 and for FY2017 entire year. **(EXHIBIT P)**
- c) Moved to Item 28.
- d) Resignation of Mr. James Thompson from the Street's Department effective immediately, hired but never actually started work.
- e) Public Hearing to discuss MEMA District 9 Regional Hazard Mitigation Plan was held immediately prior to this meeting at 6:00 pm
- f) Naming the following Police Officers as Deputy Court Clerks to sign affidavits:
  1. Ian Larsen
  2. Adam Penton
  3. Don Gray
- g) The following are unmarked vehicles belonging to the Waveland Police Department: **(EXHIBIT Q)**
  1. 2010 Nissan Pathfinder 5N1AR18U39C613177
  2. 2008 Ford Expedition 1FMFK165X8LA86694

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**Meeting of October 3, 2017**  
**6:30 P.M.**

3.	2008 Ford Expedition	1FMFK16518LA86695
4.	2008 Ford Expedition	1FMFK15518LA15868
5.	2008 Ford F150	1FTPW14V88FA30459
6.	2008 Ford F150	1FTPW14V88FA76566
7.	2008 Ford F150	1FTPW14V88FA76616
8.	2008 Ford F150	1FTPW14V28FA76675
9.	2008 Ford F150	1FTPW14VX8FA76732

**FIRE DEPARTMENT/TRAVEL/MINUTES**

**Re: Correction to 9/20/2017 minutes regarding Firefighter Casey Piazza Per Diem for travel**

Alderman Burke moved, seconded by Alderman Richardson to approve Per Diem costs for Lt. Casey Piazza's travel to the State Fire Academy Fire Inspector Class, October 9-12, 2017 will be \$50.00, not \$40.00 as approved at that meeting.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, and Lafontaine

Abstain: Piazza

Voting Nay: None

Absent: None

**AUDIT/COMMENTS**

Alderman Lafontaine asked that before the Board adjourn and then read, "On item #11, Motion to approve Audit Engagement letter from Windham & Lacey for audit preparation services related to Fiscal 9/30/2017; same price as last year. I just want to say it publicly, I don't think that that was our best audit that we've ever had as a City as far as quality of services. I know I voted against it and I just want to let everybody know that, you know I mean, it's a, I mean we've had Audit firms come sit in here and spend 2-3 months at a time. I mean, and they're in here pulling the files themselves and checking themselves, not calling, 'Hey, send me an email'. You know, just like he said 'Oh, I spoke to you on the phone'. Yea, I did, I spoke to him on the phone. But I mean, you know, there's a big difference in speaking to someone on the phone and doing an audit for you over the phone, as it is to come into your place of business and do the audit in the place of business. Me personally, if you look back at every one of our audits, our audits trend every single year; we've got this that needs to be straightened up, this that needs to be straightened up, and now all of a sudden our audit's completely clean. Either the Mayor did a great job of cleaning up everything or somebody, or it was not a thorough audit and I know that we have departments that are way behind on collections. That was something that was always in our audit. I've mentioned my concerns of that particular department for years now, but that's not even in there and that's plain as day. That's in the budget, that's in everything. So how can we have a perfect audit and no deficiencies what so ever? My opinion is, I just don't think they did a thorough job. I'll leave it at that". Mayor Smith said he agreed with Alderman Lafontaine on the audit; it felt weird. He's used to seeing auditors hang out here and I know they did the two previous years. Mr. Duckworth said that Mr. Tom Windham has been auditing Cities and Counties for about 25 years; he knew him in the 1980's. Mayor Smith said he did not know if Mr. Windham did not do enough or the other people did too much. Mr. Duckworth came forward and said he did not care who we have as auditors, but would say that Wright, Ward Hatten & Guel CPA's were way 'over cooking' what they were doing; way too much. They were checking whether payroll deduction forms were in the file and that's not their job. Their job is to determine if the financial statements are fairly stated according to the Generally Accepted Accounting Principles (GAAP). Alderman Lafontaine asked if they checked bank reconciliations. Mr. Duckworth said, "Yes, yes they did and we gave them 12 months' worth of bank statements to look at as well as the reconciliations that we prepared". He added that one of the issues they came up with the Building Department last year was that there were some errors in computing the fees; well, if that's a material weakness then you're not able to make a mistake, and that's going to happen. People are going to make a mistake and compute things wrong; I think the software we brought in for the permits department is going to be a better tool for them to compute fees and make sure they are accurate. Mr. Duckworth reminded the Board that the City's Audit fee was in excess of \$60,000 last year. Mr. Duckworth said he would confer the Board's concerns to Mr. Windham.

**WAVELAND AVENUE SIDEWALK PROJECT/CSX CROSSING/COMMENTS**

Alderman Burke asked if we need to give an actual decision about CSX Crossing with the Sidewalks. Mayor Smith said that Jason (Chiniche) has requested that. City Attorney Yarborough asked if the Board had received the latest email because there is one today from 5:00 pm.; this is from Jason Chiniche. It says, see below from GRPC; basically all new applications will not be accepted until Spring of 2018. MDOT also could not confirm how long the CSX railroad review would take since a lot of that is out of their control. I think this is the best information we are going to get at this point and the City will need to decide if we should scale back the project to the northern ROW of Dubuc Lane or proceed with the current design with the crossing over the Railroad tracks and connecting to the park and continue coordination with MDOT and CSX Railroad. Alderman Burke said that if we wait on CSX, it could take 2 more years.

Alderman Lafontaine said he felt we need to do whatever we can do to get safety all the way along through there for the kids getting on and off the school bus. "Do I want to eventually see a project to where we can do it over the tracks, yes. But for right now, if that's going to hold us up for 2 more years from getting sidewalks, and who knows they could call up tomorrow and say, 'Here you go, here's your paper'; but the bottom line is we've seen how long it takes to get something done. We've dealt with it with culverts going under the tracks and so on, so forth. So I mean, if we're going to tie up the project for 2 years, I say take the part that's right there between the two streets, take that part out, just where it's 100 feet of their right of way; leave 100 feet of their right of way out and then go all the way up north, both sides from there." Mrs. Yarborough continued, "He says, and if the City so chooses to revise to the northern ROW of Dubuc Lane as originally designed, we can prepare the request for the office review with MDOT this week and begin the process of final design. If the City chooses to continue the coordination with MDOT and CSX Railroad, I'm not sure how long it will take to obtain approval from CSX for the railroad crossing."

**CSX RAILROAD/WAVELAND AVENUE SIDEWALK PROJECT/MDOT/SIDEWALKS/  
STREETS/ADDITIONAL PROJECT-FUTURE FUNDING, WAVELAND AVE. SIDEWALK  
PROJECT**

**Re: Remove ROW portion of CSX from the Project-Waveland Avenue Sidewalk Project**

Alderman Lafontaine moved, seconded by Alderman Burke to remove just the right of way portion of CSX from the project (Waveland Avenue Sidewalk Project).

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine and Piazza

Voting Nay: None

Absent: None

**Re: Additional Project, ROW portion over the Railroad Tracks, with Future Funding-Waveland Avenue Sidewalk Project**

Alderman Lafontaine moved, seconded by Alderman Richardson to look at that as an additional project to do the Right of Way portion that is going over the Railroad tracks with future funding (Waveland Avenue Sidewalk Project).

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine and Piazza

Voting Nay: None

Absent: None

**ADJOURN**

**Adjourn Meeting at 8:51 pm**

Alderman Burke moved, seconded by Alderman Lafontaine to adjourn the meeting at 8:51 pm.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine and Piazza

Voting Nay: None

Absent: None

The foregoing minutes were presented to Mayor Smith on October 20, 2017.

\_\_\_\_\_  
Lisa Planchard  
City Clerk

The Minutes of October 3, 2017 have been read and approved by me on this day the 20<sup>th</sup> day of October, 2017.

\_\_\_\_\_  
Mike Smith  
Mayor

