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**Regular Meeting Agenda
March 7, 2017
6:30 p.m.**

3/7/2017
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1. Pledge of Allegiance
2. Moment of Silence
3. Public Comments
4. Roll Call
5. Mayor's Report
 - a. Motion to void and terminate agreement with DIGIPH PCS, INC. (T-Mobile) regarding the use of the Elevated Water Tank on Davis Street for maintaining and operating a personal communications service system facility due to impossibility/frustration of contract performance and under the well-settled tenant of law that governing authorities of a municipality may not bind successor boards to a contract which takes away the rights and powers conferred by law. Further, the Board authorizes City Attorney to notify DIGIPH PCS, INC of Board action voiding and terminating agreement.
 - b. Motion to void and terminate Lease Agreement under Section 24 of the Agreement with Cellular South Real Estate, Inc. dated May 31, 2002 due to impossibility/frustration of contract performance and under the well-settled tenant of law that governing authorities of a municipality may not bind successor boards to a contract which takes away the rights and powers conferred by law. Further, the Board authorizes City Attorney to notify Cellular South Real Estate of Board action voiding and terminating Agreement.
 - c. Motion to approve repair drainage work to property owned by Rudy Letellier, parcel no. 161A-2-01-043.000 or 114 Bienville Drive, under the authority of Miss. Code Ann. §21-19-13 and §21-37-3, due to the collapse of an underground culvert which is causing flooding conditions to multiple properties and the public roadway on Bienville Drive. Said repair work will promote the health, comfort and convenience of the inhabitants of the City of Waveland, will correct a dangerous road condition and will protect and preserve the public roadway.
 - d. Motion to request from MEMA HMGP a period of performance time extension from March 31, 2017 through October 2, 2017 regarding the Citywide Drainage Improvements Project.
6. Attorney's Comments
7. Aldermen's Comments
8. Motion to approve the Docket of Claims (excluding the Streets Payroll Portion) in the amount of \$407,200.95 dated March 7, 2017 as submitted.
9. Motion to approve the Minutes of the Regular Meeting of February 22, 2017 and the Minutes of the Council of Governments Special meeting of February 16, 2017 as submitted.
10. **PLANNING AND ZONING MEETING OF 2/27/17:**

A. Jon and Cynthia Rice appeared before the Commission with a tabled request for a variance of 3' from the required fence height allowed in the front yard. Previously they had a 6' high hedge in this location that blocked the light from vehicles coming from South Street as well as providing a safety barrier and once the hedge was removed they erected the six foot fence in its place. This property is located at 706 Sears Avenue. Legal description: Lot 21-B, Robert's Subdivision, City of Waveland, Hancock County, Mississippi.

Commissioner Clarence Harris moved, seconded by Commissioner Judy Boudoin to recommend that the Board of Mayor and Aldermen **approve** the applicant's request for the fence to be cut down to 3' for a distance of 19' south of the driveway and allow the remaining 20' to the south corner of his property to maintain the 6' height in the front yard of his property located at 706 Sears Avenue. The Applicant must also obtain a permit and pay the fine for erecting a fence without a permit. Legal description: Lot 21- B, Robert's Subdivision, City of Waveland, Hancock County, Mississippi.

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B. The request from Karen Brown for a variance from the required lot frontage and lot square footage in order to divide her property into two equal sized lots. The existing parcel is 172' x 120', 20,640 square feet. She would like to divide the parcel into two 86' x 120' lots, each having 10,320 square feet. Therefore needing a variance of 1,680 square feet from the required lot size and a variance of 14' from the required lot frontage on each proposed new lot. This property is located at 134 Oak Blvd. Legal description: Block 1, lots 13-15 & E. 22' of 16, Waveland Beach Estates, City of Waveland, Hancock County, Mississippi was remanded back from the Board of Mayor and Aldermen at their meeting February 7, 2017 for more information.

Commissioner Clarence Harris moved, seconded by Commissioner Judy Boudoin to recommend that the Board of Mayor and Aldermen **Table** the applicant's request to divide parcel 162R-0-10-009.000 in two 86' x 120' lots Therefore needing a variance of 1,680 square feet from the required lot size and a variance of 14' from the required lot frontage on each proposed new lot. This property is located at 134 Oak Blvd. Legal description: Block 1, lots 13-15 & E. 22' of 16, Waveland Beach Estates, City of Waveland, Hancock County, Mississippi.

C. David Beaird representing S & H Carwash/dba Pit Stop Carwash, appeared before the commission with a request for permission to remove a Live Oak Tree on their property located at 445 Hwy 90. Legal description: PT. N.W ¼ S.E. ¼ lot 2 L & PT 7 B City of Waveland, Hancock County Mississippi.

Commissioner Judy Boudoin moved, seconded by Commissioner Mike Adams to recommend that the Board of Mayor and Aldermen **approve** the applicant's request for permission to remove a Live Oak Tree on their property located at 445 HWY 90. Legal description: PT. N.W ¼ S.E. ¼ lot 2 L & PT 7 B City of Waveland, Hancock County Mississippi.

D. Joey Shepard, representing Mark Bensabat, appeared before the commission with a request for a conditional use to construct a 26' x 46', 1196 square foot accessory building on his property located at 213 Nicholson Avenue. Legal description: Lot 3 – 5 Block 1 E W Ulman Subdivision City of Waveland, Hancock County Mississippi.

Commissioner Mike Adams moved, seconded by Commissioner Judy Boudoin to recommend that the Board of Mayor and Aldermen **approve** to conditional use as long as there is no outside plumbing to construct a 26' x 46', 1196 square foot accessory building located at 213 Nicholson Avenue. Legal description: Lot 3 – 5 Block 1 E W Ulman Subdivision City of Waveland, Hancock County Mississippi.

E. Pulin & Natasha Shah was not present for their requests a conditional use to construct a 1272 square foot Garage/Raised pool house and a 1280 square foot guest cottage on their property located at 823 North Beach Blvd. Legal description: PT 11 A First Ward Waveland City of Waveland, Hancock County Mississippi.

Commissioner Mike Adams moved, seconded by Commissioner Judy Boudoin to recommend that the Board of Mayor and Aldermen **table** the applicant's request located at 823 North Beach Blvd. Legal description: PT 11 A First Ward Waveland City of Waveland, Hancock County Mississippi.

F. Jeffery P. Naquin was not present for the request to remove the Live Oak Tree on his property located at 122 South Beach Blvd. Legal description: PT 67 B Second Ward Waveland City of Waveland, Hancock County Mississippi.

Commissioner Clarence Harris moved, seconded by Commissioner Judy Boudoin to recommend that the Board of Mayor and Aldermen **table** the applicant's requests for permission to remove a Live Oak Tree on his property located at 122 South Beach Blvd. Legal description: PT 67 B Second Ward Waveland City of Waveland, Hancock County Mississippi.

11. Motion to discuss and approve Border Equipment as the lowest, best and most responsive bid for a new Case 580N Backhoe in the amount of \$ 71,913.00.
12. a. Motion to approve resolution and bonding in the amount of \$ _____ appointing Ron Duckworth as Deputy City Clerk.
b. Motion to approve resolution and bonding in the amount of \$ _____ appointing Rachel Cullen as Deputy City Clerk.

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- c. Motion to approve resolution and bonding in the amount of \$ _____ appointing April Chevis as Deputy City Clerk.
13. Motion to approve an Agreement with Lime Pi Digital for A) an Agreement with Lime Pi for 1) Website Management, updating and building the WordPress site at a cost of \$400.00 per month, i.e. \$4,800/year (plus \$100.00/hr. for additional work needed); and 2) an additional \$100.00 per month, i.e. \$1,200/year for website hosting for the WordPress Site. Total base cost per year for 1&2 is \$6,000.00 plus additional work at \$100.00 per hour for additional website management & updating if required. Chad Whitney will be present.
14. Motion to approve travel for Purchasing Clerk Rachel Cullen to attend the 47th Annual Conference of the Mississippi Municipal Clerks and Collectors Association for educational training Thursday, March 16, 2017 in Hattiesburg, Mississippi. Cost to the City would be a registration fee in the amount of \$150.00 each, per diem each for 1 day for the 3 Deputy City Clerks, and use of a City vehicle or travel reimbursement. (City Clerk Planchard and Deputy City Clerk Fayard will cover the office that day).
15. Motion to approve the following Close-Out Documents, including Pay Application #3 and Change Order #2, related to the South Street Drainage Improvements Project, and authorize the Mayor's signature thereon as listed: (Items a-i)
- a) Substantial Completion Certificate (approved at the meeting of 2/22/17)
 - b) Final Payment Application and Certificate Signature Page
 - c) Payment Application No. 3 and Final in the amount of \$4,587.44
 - d) Contract Completion Certificate
 - e) Recommendation for Final Acceptance of Contract
 - f) Final Completion Inspection Report
 - g) Final Waiver of Lien
 - h) Consent of Surety To Payment
 - i) Change Order No. 2 (Summary Change Order), decreasing contract \$14,011.49 and adding one day.
16. Spread on the minutes the following as listed (Items a-b):
- a) Building Permits Report for the Month of February, 2017.
 - b) Privilege License Report for the Month of February 2017.
17. Discuss and establish priority order of top 5 City of Waveland *RESTORE* Projects.
18. Motion to consider Executive Session to prompt a closed discussion regarding potential and probable litigation regarding the abandoned boat on Surf Street located in City owned right -of -way.
19. Motion to approve entering Executive Session regarding potential and probable litigation regarding the abandoned boat on Surf Street located in City owned right -of -way.
20. Motion to exit Executive Session with no action taken.
21. Motion to approve the 3/7/2016 Docket of Claims, Streets Payroll portion only, in the amount of \$15,615.00 as submitted.
22. Adjourn