

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 May 2, 2017 at 6:30 p.m. to take action on the following matters of City business. **(EXHIBIT A)**

**PUBLIC COMMENTS:**

- There were no Public Comments

**ROLL CALL:**

Mayor Smith noted for the record the presence of Aldermen Burke (via teleconference), Richardson, Lafontaine and Piazza along with City Clerk Lisa Planchard and City Attorney Rachel Yarborough.

**ADVERTISEMENTS/GARDEN LANE/WAVELAND AVENUE/GLADSTONE EAST OF HENDERSON/REPAVE/BIDS/STREETS**

**Re: Advertise for bids for Street/Roadwork to improve Garden Lane, Waveland Ave. and Section of Gladstone, east of Henderson**

Alderman Lafontaine moved, seconded by Alderman Piazza to approve advertising for bids for certain streets/road work to include Garden Lane, Waveland Ave. to be milled, and a section of Gladstone Street, east of Henderson. (To be paid with \$74,000 received from County Road fund monies).

A vote was called for with the following results:

Voting Yea: Burke (via teleconference), Richardson, Lafontaine & Piazza

Voting Nay: None

Absent:

**COLEMAN AVENUE BOARDWALK DESIGN/BOARDWALK DESIGN/SERVICES AGREEMENT/AGREEMENTS**

**Re: Services with Edward H. Wikoff Architect for Design of Coleman Avenue Boardwalk**

Alderman Piazza moved, seconded by Alderman Richardson to approve services with Edward H. Wikoff, Architect for architectural renderings re: the Coleman Avenue Boardwalk Design. Phase 1 will be \$9,500.00 (not currently budgeted- reserves possibly required). **(EXHIBIT B)**

The Mayor said this would take in the design of Coleman Avenue from Bourgeois Street to the Beach, the Boardwalk, Boat Ramp and Parking Garage. Mrs. Yarborough said for clarification, if it's not budgeted, it's not necessarily going to come out of what would legally be declared reserves. We have enough revenues from this fiscal year to cover an additional payment of say \$9,500; that expenditure would not be over our fiscal revenues. What we have currently is undesignated General Fund surplus cash, not necessarily of reserves. Mrs. Yarborough said the (Amended) budget adopted Friday showed a surplus of \$188,000. Ms. Planchard added, "If all of our revenues come in as projected and the expenses stay as projected". Alderman Piazza said that we have a long way to go to get to October and we don't have a crystal ball in front of us; we don't know what's going to happen. Mrs. Yarborough explained that when you refer to a Reserve Account, it's really a legal term and that is necessarily considered a separate Reserve Account which would require a Resolution by the Board to spend and only for specific instances. Alderman Piazza said, "Does the State require us to have a Reserve Account." Ms. Yarborough said, "It does not, it's an elected account that you can create; what we have is \$4M is cash surplus in our General Fund, not necessarily a Reserve Fund. Alderman Lafontaine said what he understands is that we have one account and as we pay out throughout the year it fluctuates up or down; at the end of the year, that's what your cash reserves are. She noted that basically there has never been designated a formal Reserve separate account.

A vote was called for with the following results:

Voting Yea: Burke (Via Teleconference), Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

**PARKS AND RECREATIONS/SPLASH PAD/PURCHASING**

**Re: Approve Invoice #1041 from Splash Pads USA in the amount of \$9,137.50**

Alderman Lafontaine moved, seconded by Alderman Richardson to approve Invoice #1041 from Splash Pads USA in the amount of \$9,137.50; payment number 2 of 2. **(EXHIBIT C)**

A vote was called for with the following results:

Voting Yea: Burke (Via Teleconference), Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

**MAYOR'S COMMENTS/TOURISM**

Mrs. Cami Cornfoot will be taking the place of Mr. Charles Cornelius as the City of Waveland representative to the Hancock County Tourism Board.

**ATTORNEY'S COMMENTS/FIRE DEPARTMENT/POLICE DEPARTMENT/ANIMAL SHELTER/AMEND AGENDA/MOBILE HOMES/AUCTIONS/SURPLUS PROPERTY**

**Re: Surplus Property Mobile Homes - Bid awarded but no response from Artisan Global**

Mrs. Yarborough mentioned discussion (a few meetings ago) that Artisan Global had submitted three separate bids on the mobile homes and then never responded once we tried to actually collect the money and trade title. Mrs. Yarborough said that she sent them a letter April 7, 2017 and she has not heard back from them; she gave them 7 days to respond from date of receipt. She said she assumes they are not going to respond; it would probably be beneficial to discuss how we plan to remediate any damages which would be to either go out for Bid or to auction them off, whichever the Board prefers. The Board agreed that the mobile homes be auctioned.

**Re: Amend the Agenda to Allow City Clerk to have Mobile Homes Auctioned**

Alderman Lafontaine moved, seconded by Alderman Piazza to amend the agenda to allow the City Clerk to have the three surplus mobile homes auctioned.

A vote was called for with the following results:

Voting Yea: Burke (Via Teleconference), Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

**Re: Allow City Clerk to have Mobile Homes Auctioned**

Alderman Lafontaine moved, seconded by Alderman Richardson to allow the City Clerk to have the three surplus mobile homes auctioned.

A vote was called for with the following results:

Voting Yea: Burke (Via Teleconference), Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

**AMEND AGENDA/GARFIELD LADNER MEMORIAL PIER/PIER/MEDIATION/LEGAL DEPARTMENT**

**Re: Amend Agenda to Authorize Yarborough Law Firm to execute agreement with Danny Shaw for Pier Mediation**

Alderman Lafontaine moved, seconded by Alderman Richardson to amend the agenda to authorize Yarborough Law Firm to execute agreement to mediate with Danny Shaw for Pier Mediation and authorize payment to Shaw ADR, LLC in the amount of \$2,500.00 as pre-payment of mediation.

A vote was called for with the following results:

Voting Yea: Burke (Via Teleconference), Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

**Re: Authorize Yarborough Law Firm to execute agreement with Danny Shaw for Pier Mediation**

Alderman Lafontaine moved, seconded by Alderman Richardson to authorize Yarborough Law Firm to execute agreement to mediate with Danny Shaw for Pier Mediation and authorize payment to Shaw ADR LLC in the amount of \$2,500.00 as pre-payment for mediation. **(EXHIBIT D)**

A vote was called for with the following results:

Voting Yea: Burke (Via Teleconference), Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

**PIER/GARFIELD LADNER MEMORIAL PIER/LEGAL DEPARTMENT/CONTRACTS/  
LIME-PI DIGITAL/ATTORNEY'S COMMENTS (Cont.)**

- Mrs. Yarborough noted that with regard to Pier Litigation, City of Waveland vs. CDM Smith, Mediation is set for May 18<sup>th</sup>, 2017 so the Board will need to have a special meeting sometime next week to discuss the position of the City. Board members verbally agreed to set the meeting for Friday, May 12, 2017 at 4:30 pm and advertise for same. Ms. Yarborough said it will be an Executive Session Special Meeting regarding Pending Litigation- City of Waveland vs. CDM Smith.
- Mrs. Yarborough discussed the Lime Pi Digital Contract. She said back in late March 2017 or the first meeting in April the Board discussed with Mr. Whitney entering a service contract for webpage services. Mrs. Yarborough sent him the Board's proposal, he sent back sometime last week what she deemed to really be a 'Counter Proposal' because it included terms that weren't necessarily discussed in front of the Board. She did not feel comfortable accepting those terms without bringing them back before the Board because they seemed outside of the realm of the issues that had been discussed and she took issue with some terms and conditions that she needs clarification from Mr. Chad Whitney. She said there was one term that to her was unacceptable, a "Hold Harmless Claus" and a "Waiver of Warranty", which the City is not allowed to execute. She said she did not want to make a counter proposal or act outside of her authority without the Board's review of those additional terms. Board members agreed to table this issue and ask Mr. Whitney to be in attendance at the next regular Board meeting. Ms. Yarborough said that if the Board does not object she can sit down with him preliminarily beforehand to discuss her concerns; they agreed.

**ALDERMEN' COMMENTS**

**Re: Alderman Burke**

- Inquired about culvert on Chadwick Street. He asked if Public Works had been able to get 'it drained'. Ms. Yarborough said that she and Brent Anderson have a scheduled ride around meeting next week to address a lot of hanging ends of several issues so they will add this to their list.
- Asked if there would have to be an executive session regarding the drainage issue on the Bienville Drive issue. Mr. Anderson said they had spoken with Mr. Rudy (Letellier) about an alternate drainage remediation plan that would allow future building etc. on the property; Compton Engineering will be surveying to assess feasibility of alternate drainage plan.

**Re: Alderman Richardson**

- Said all the equipment is in and should be starting the Splash Pad at Elwood Bourgeois park within the next week; it will be ready for the children by summertime for sure.

**Re: Alderman Lafontaine** – Did not have any comments at this time.

**Re: Alderman Piazza**

- Asked about the possibility of constructing a playground on any available State owned land off of Avenue B and the Kiln-Waveland Cutoff area. Mayor said there is indeed State owned land in that area; noting that the State will deed the property over to the City at that request.
- Would like to meet with the Mayor and the Police Chief Friday morning at 8:30 am very briefly.
- Thanked Mayor Smith and his wife, Melanie for helping his family find their little puppy yesterday evening.

**DOCKET OF CLAIMS**

**Re: Claims**

Alderman Piazza, moved, seconded by Alderman Richardson to approve the Docket of Claims (excluding the Streets Payroll portion) in the amount of \$459,356.21 dated May 2, 2017 as submitted. **(EXHIBIT E)**

A vote was called for with the following results:

Voting Yea: Burke (Via Teleconference), Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

**MINUTES**

**Re: Minutes of the Regular Meeting of April 19, 2017**

Alderman Richardson moved, seconded by Alderman Piazza to approve the Minutes of the Regular Meeting of April 19, 2017 as submitted.

A vote was called for with the following results:

Voting Yea: Burke (Via Teleconference), Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

**PLANNING AND ZONING (EXHIBIT F)**

**Re: Karen Brown, 134 Oak Boulevard**

a. **Tabled** 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'm 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 Boulevard. Legal description: Block 1, lots 13-15 & E.22' of 16, Waveland Beach Estates, City of Waveland, Hancock County, Mississippi. This request was remanded back to Zoning from the Board of Mayor and Aldermen at their meeting of February 7, 2017 for additional information.

Commissioner Charlotte Watson moved, seconded by Commissioner Clarence Harris to recommend that the Board of Mayor and Alderman **Deny** the applicant's request 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'm 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 Boulevard. Legal description: Block 1, lots 13-15 & E.22' of 16, Waveland Beach Estates, City of Waveland, Hancock County, Mississippi.

Alderman Richardson moved, seconded by Alderman Lafontaine to follow the recommendation of the Planning and Zoning Board and deny the request as submitted.

A vote was called for with the following results:

Voting Yea: Burke (Via Teleconference), Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

**Re: Charles Marshall, 833 N. Beach Boulevard**

**Charles Marshall appeared before the commission** with a request for a conditional use in order to construct a 38' x 34', 1292 square foot Guest House on his property located at 833 N. Beach Boulevard. Legal description: Part 3 & 5, 1st Ward, City of Waveland, Hancock County, Mississippi

Commissioner Mike Adams moved, seconded by Commissioner Charlotte Watson to recommend that the Board of Mayor and Alderman **approve** the applicant's request for a conditional use in order to construct a 38' x 34', 1292 square foot Guest House on his property located at 833 N. Beach Boulevard. Legal description: Part 3 & 5, 1st Ward, City of Waveland, Hancock County, Mississippi.

Alderman Lafontaine moved seconded by Alderman Piazza to follow the recommendation of Planning and Zoning Board and approve the request as submitted.

Mrs. Yarborough said for the record if the Board accepts the recommendation of the Planning and Zoning Commission, it is necessarily making the findings under Section 906.3 of the Zoning Ordinance that such use will not 1) *Substantially increase traffic hazards or congestion* 2) *substantially increase fire hazards* 3) *adversely affect the character of the neighborhood* 4) *adversely affect the general welfare of the City* 5) *Overtax Public Utilities or Community Facilities* 6) *be in conflict with the Comprehensive Plan, and the City will benefit from the proposed use and the surrounding area will not be adversely affected.*

A vote was called for with the following results:

Voting Yea: Burke (Via Teleconference), Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

**PROCLAMATIONS**

**Re: Proclamation for Vancleave Live Oak Choctaw**

Alderman Piazza moved, seconded by Alderman Richardson to approve a Proclamation commending and congratulating the Vancleave Live Oak Choctaw for their effort in establishing recognition as a Native American Tribe. **(EXHIBIT G)**

A vote was called for with the following results:

Voting Yea: Burke (Via Teleconference), Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

**DEEP SEA FISHING RODEO/EVENTS**

**Re: Miss Mallory Bourn named as the City's Representative for the Annual Deep Sea Fishing Rodeo**

Alderman Lafontaine moved, seconded by Alderman Richardson to name Miss Mallory Bourn as the City of Waveland's representative for the Annual Deep Sea Fishing Rodeo to be held June 30-July 4, 2017.

A vote was called for with the following results:

Voting Yea: Burke (Via Teleconference), Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

**DEPOSITORY ACCOUNT/RSVP**

**Re: Transfer of funds in the amount of \$12,026.36 from RSVP Account to Waveland Depository Account**

Alderman Lafontaine moved, seconded by Alderman Piazza to approve transfer of funds in the amount of \$12,026.36 from RSVP Account to the City of Waveland Depository Account to reimburse the City of Waveland for expenses between 10/01/2016 and 12/31/2016 related to the RSVP program that were reimbursed to RSVP by the Federal Government. **(EXHIBIT H)**

A vote was called for with the following results:

Voting Yea: Burke (Via Teleconference), Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

**Re: Transfer of funds in the amount of \$17,004.05 from RSVP Account to Waveland Depository Account**

Alderman Richardson moved, seconded by Alderman Piazza to approve transfer of funds in the amount of \$17,004.05 from RSVP Account to the City of Waveland Depository Account to reimburse the City of Waveland for expenses between 1/1/17 and 03/31/17 related to the RSVP program that were reimbursed to RSVP by the Federal Government. **(EXHIBIT I)**

A vote was called for with the following results:

Voting Yea: Burke (Via Teleconference), Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

**PUBLIC WORKS DEPARTMENT/MISSISSIPPI RURAL WATER ASSOCIATION/  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY/TRAVEL**

**Re: Public Works Director to MS Rural Water Assoc. and MS Dept of Environmental Training in Biloxi, MS**

Alderman Lafontaine moved, seconded by Alderman Piazza to approve travel for Public Works Director Brent Anderson to attend the MS. Rural Water Association and MS Department of Environmental Quality summer Training Session in Biloxi, Mississippi, June 6 thru 8, 2017. Cost to the City will be registration of \$175.00 and use of a city vehicle.

A vote was called for with the following results:

Voting Yea: Burke (Via Teleconference), Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

**PERSONNEL/BUILDING DEPARTMENT/CITY HALL**

**Re: New Hires David Draz as Building Department Office Manager and Ms. Marsha Christmas as part-time Receptionist- Mayor's Office**

Alderman Piazza moved, seconded by Alderman Richardson to approve hiring the following:

- a) New Hire, Mr. David Draz as Building Department Office Manager, Zoning Official at an annual salary of \$33,500.00, pending passage of drug test.
- b) New hire, Ms. Marsha Christmas as part-time Receptionist in the Mayor's Office at \$8.00 per hour, pending passage of drug test.

A vote was called for with the following results:

Voting Yea: Burke (Via Teleconference), Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

**TRAVEL/CITY HALL/PERSONNEL**

**Re: Personnel Director April Chevis and Mayor's Secretary Tammy Fayard to 2017 FMLA Compliance Update**

Alderman Lafontaine moved, seconded by Alderman Piazza to approve travel for Tammy Fayard and April Chevis to attend the 2017 FMLA Compliance Update in Gulfport, May 17, 2018 from, 9:00 am to 4:00 pm. Cost to the City will be a registration fee of 249.00 each and use of a city vehicle, as budgeted.

A vote was called for with the following results:

Voting Yea: Burke (Via Teleconference), Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

**INVOICES/CITYWIDE DRAINAGE IMPROVEMENTS PROJECT/DRAINAGE**

**Re: Invoice #9041231 & Invoice #9041622 from CSX Transportation**

Alderman Lafontaine moved, seconded by Alderman Richardson to **TABLE** Invoice No. 9041231 (due 3/29/17) in the amount of \$315.75 (previously tabled at the 4/19/17 meeting) and Invoice No. 9041622 (due 4/28/17) in the amount of \$539.00, both from CSX Transportation- Citywide Drainage Improvements Project. (Note: neither paid by Kappa Development as yet).

A vote was called for with the following results:

Voting Yea: Burke (Via Teleconference), Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

**CASA/BUDGET FY 2017**

**Re: Approve 2017 CASA allocation**

Alderman Lafontaine moved, seconded by Alderman Richardson to approve the 2017 annual allocation in the amount of \$5,040.00 to CASA of Hancock County, as budgeted.

A vote was called for with the following results:

Voting Yea: Burke (Via Teleconference), Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

**RESOLUTIONS/INTERLOCAL TRANSFER/POLICE DEPARTMENT**

**Re: Approve Interlocal Transfer for Purchase of Police vest from Diamondhead**

Alderman Lafontaine moved, seconded by Alderman Richardson to approve Interlocal Transfer with and purchase from the City of Diamondhead, in the amount of \$548.00, for one custom fitted Police vest for Officer James Sanchez, recently hired by the Waveland Police Department. **(EXHIBIT J)**

Mrs. Yarborough said this is really considered an Interlocal Transfer. She said what she could tell from the agreement in place, which is a Purchase Order, Diamondhead had apparently just purchased these custom fitted uniforms for this particular officer in March so it's about the same value so it's not like we're paying less than market value, although the Resolution would really be on Diamondhead's end if they were selling their surplus property for less than market value, but it's actually a pretty even trade for what they paid for it. It's really just a formality to document on the minutes how much we're paying Diamondhead for their equipment.

A vote was called for with the following results:

Voting Yea: Burke (Via Teleconference), Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

**SOUTH STREET DRAINAGE IMPROVEMENTS PROJECT/DRAINAGE IMPROVEMENTS PROJECT-SOUTH STREET/CONTRACTS**

**Re: Ratify Contract with Moran Hauling for South Street Drainage Improvements Project**

Alderman Piazza moved, seconded by Alderman Richardson to ratify contract with Moran Hauling for the South Street Drainage Improvements Project. **(EXHIBIT K)**

Mrs. Yarborough this will actually be a motion Nunc pro tunc for the contract to be considered retroactive until 10/20/2016. She said this contract was signed by Moran Hauling and the Mayor in October, and did not make it formally onto the agenda for approval by the Board. It's just a formality for the Board to approve the retroactive application of the contract from October 20, 2016 to present.

A vote was called for with the following results:

Voting Yea: Burke (Via Teleconference), Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

**CITY HALL/PUBLIC NOTICE/BUILDING PERMITS/PRIVILEGE LICENSE DEPARTMENT**

Spread on the minutes the following:

- c) Ron Duckworth's Oath of Office as Deputy City Clerk. **(EXHIBIT L)**
- d) Published notice indicating Alderman Burke's remote attendance for the May 2, 2017 Board Meeting (by telephone). **(EXHIBIT M)**
- e) Building Permits monthly report for April 2017 **(EXHIBIT N)**
- f) Privilege License monthly report for April 2017 **(EXHIBIT O)**

**EXECUTIVE SESSION**

**Re: Personnel Issues, City Hall/City Clerk**

Alderman Lafontaine moved, seconded by Alderman Richardson to consider Executive Session to prompt a closed discussion regarding Personnel issues – City Hall/City Clerk.



A vote was called for with the following results:

Voting Yea: Burke (Via Teleconference), Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

Alderman Lafontaine moved, seconded by Alderman Richardson to approve entering Executive Session regarding Personnel Issues – City Hall/City Clerk.

A vote was called for with the following results:

Voting Yea: Burke (Via Teleconference), Richardson, & Lafontaine

Voting Nay: Piazza

Absent: None

*Note: Alderman Burke disconnected from his teleconference with the Board at this time.*

Alderman Piazza moved, seconded by Alderman Lafontaine to exit Executive Session with no action taken.

A vote was called for with the following results:

Voting Yea: Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: Burke

*Note: Alderman Piazza exited the Board meeting at this time.*

#### **DOCKET OF CLAIMS**

**Re: Docket of Claims, Streets Payroll Portion only**

Alderman Richardson moved, seconded by Alderman Lafontaine to approve the May 2, 2017 Docket of Claims, Streets Payroll Portion only, in the amount of \$29,849.78 as submitted.

A vote was called for with the following results:

Voting Yea: Richardson, Lafontaine and Mayor Smith

Voting Nay: None

Absent: Burke & Piazza

#### **PUBLIC COMMENTS**

Re: Mr. Chris Lagarde

#### **ADJOURN**

**Adjourn Meeting at 8:10 pm**

Alderman Lafontaine moved, seconded by Alderman Richardson to adjourn the meeting at 8:10 pm.

A vote was called for with the following results:

Voting Yea: Richardson, Lafontaine and Mayor Smith

Voting Nay: None

Absent: Burke & Piazza

The foregoing minutes were presented to Mayor Smith on May 19<sup>th</sup>, 2017.

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

The Minutes of May 2, 2017 have been read and approved by me on this day the 19<sup>th</sup> day of May, 2017.

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

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