

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 December 5, 2017 at 6:30 p.m. to take action on the following matters of City business.

PUBLIC COMMENTS:

- There were no comments

ROLL CALL:

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

PUBLIC HEARING/BLIGHTED PROPERTIES/BUILDING DEPARTMENT

Re: 708 Birch Street, Waveland, MS 39576, Owner Jules Mollere

Mrs. Yarborough asked if the property owner Mr. Jules Mollere was present. Mrs. Yarborough asked to let the record reflect that there's no response from the property owner. Mrs. Yarborough asked Building Inspector, Josh Hayes to step forward.

Mrs. Yarborough: It's my understanding that you have presented the Board an Affidavit with certain exhibits and attachments, regarding this property at 708 Birch Street, is that correct?

Mr. Hayes: Yes.

Mrs. Yarborough: What notice in accordance with 21-19-11 has been provided to this property owner?

Mr. Hayes: The official; the first notice, the 14 day letter, 'Notice of Violation' was sent to the property in violation and to the property that was assessed, the property owner.

Mrs. Yarborough: And was that mailed off October 16, 2017; I have it as Exhibit G.

Mr. Hayes: I believe so, "Yes".

Mrs. Yarborough: And Exhibit G is 2 pages, is that correct, the first page being the Certified Mail, including the 'Notice of Violations' and 14 days to rectify, and then the second page is the Certified Mail letter, is that correct?

Mr. Hayes: Correct.

Mrs. Yarborough: Okay, and the Certified Mail letter was returned UTF (Unable to Forward), is that correct?

Mr. Hayes: Yes.

Mrs. Yarborough: Okay. And were there any other attempts to notice this property owner of the violations?

Mr. Hayes: No.

Mrs. Yarborough: Okay, and we are proceeding under a 21-19-11 Hearing which requires, 1) a public hearing and 2) Notice of that public hearing be sent to the subject property by regular mail, was that done?

Mr. Hayes: Yes.

Mrs. Yarborough: Okay, and was that sent to 708 Birch Street on November 9, 2017?

Mr. Hayes: Yes.

Mrs. Yarborough: Okay, and was that sent by certified mail and by regular mail?

Mr. Hayes: Yes.

Mrs. Yarborough: Okay, and was the property address the same as the tax address, as registered with the Tax Assessor's Office, is that correct?

Mr. Hayes: I believe so, "Yes".

Mrs. Yarborough: Now back to the November 9th, 2017 notice, which is listed as Exhibit A and the Affidavit Packet. That Exhibit is three pages, is that correct?

Mr. Hayes: Yes.

Mrs. Yarborough: And it lists 708 Birch Street as the subject property and as the property tax address, is that correct?

Mr. Hayes: Yes.

Mrs. Yarborough: And it was sent certified mail and regular mail, as noted on the letter, is that correct?

Mr. Hayes: Yes.

Mrs. Yarborough: Okay, and they were noticed of this hearing today, scheduled for December 5th at 6:30 pm. in City Hall Board Room, is that correct?

Mr. Hayes: It is.

Mrs. Yarborough: And the list of violations were noted in the letter?

Mr. Hayes: Yes.

Mrs. Yarborough: And then attached to that notice was also the notice that was posted at City Hall on 11/9/17 is that correct?

Mr. Hayes: Correct.

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Mrs. Yarborough: Okay, and you have listed on your Affidavit as Exhibit B, the certified mail notice, is that correct?

Mr. Hayes: Which Exhibit?

Mrs. Yarborough: Is that the certified mail notice as Exhibit B?

Mr. Hayes: B? Yes.

Mrs. Yarborough: Okay, actually Exhibit B is going to be the Notice to the property owner by US Mail to the address, with Ad Valorem tax notice is sent to the property in Exhibit C. Exhibit B was actually labeled as Exhibit C in the Affidavit. We're just switching those around, is everybody straight on that? And listed on your Affidavit as Exhibit D is a letter from the Hancock County Tax Assessors Office confirming the Ad Valorem address; is that correct?

Mr. Hayes: Just a second. Correct.

Mrs. Yarborough: Okay, and its signed Ms. Ethel Polion, she works with the Tax Assessors Office, I assume.

Mr. Hayes: Yes.

Mrs. Yarborough: Okay, and the Notice that is listed as Exhibit E, was that the Notice that was posted at the property address?

Mr. Hayes: Yes.

Mrs. Yarborough: And on what date was that posted on the property?

Mr. Hayes: November 9th

Mrs. Yarborough: 2017?

Mr. Hayes: 2017. It's hand written on the picture, the notice.

Mrs. Yarborough: So Exhibit E is actually visible in the photos that are attached to the Affidavit, is that correct?

Mr. Hayes: Yes.

Mrs. Yarborough: As it's posted on the front door?

Mr. Hayes: Yes.

Mrs. Yarborough: And was Notice of the Public Hearing posted at City Hall, two weeks before this public hearing?

Mr. Hayes: Yes.

Mrs. Yarborough: Okay, and was that posted on November 9th, 2017?

Mr. Hayes: Yes.

Mrs. Yarborough: Okay, and if you would, just to back track a little bit, please state your position with the City.

Mr. Hayes: Building Inspector and Code Enforcement Officer.

Mrs. Yarborough: And in your position as Building Inspector and Code Enforcement Officer, have you had the opportunity to inspect 708 Birch Street for any violations of either State or City Ordinances?

Mr. Hayes: We just, I just noticed that it was overgrown, in violation of what was in the notice here, International Property Maintenance Code.

Mrs. Yarborough: And the pictures that you have attached to your Affidavit; three pages, is that correct?

Mr. Hayes: Yes.

Mrs. Yarborough: One is dated 11/9/17 and that is intended to show posting of Notice of Public Hearing, is that correct?

Mr. Hayes: Yes.

Mrs. Yarborough: And then the other two, dated 12/4/2017, show the current state of the property, is that correct?

Mr. Hayes: Yes.

Mrs. Yarborough: And if you would just inform the Board as to your opinion 1) how this property is not in compliance with the International Maintenance Code and if it is not in compliance, 2) how it is so unclean as to be menace to the health, safety and welfare to the Citizens of Waveland.

Mr. Hayes: Sure, as the Notice states it's in violation of International Property Maintenance Code 101.2, overgrowth and general maintenance issues, must maintain structures and exterior property, and it's against the City Ordinance being over 16 inches over growth.

Mrs. Yarborough: So in your opinion, these premises are not sanitary or in safe condition, is that correct.

Mr. Hayes: Correct.

Mrs. Yarborough: Okay, and how are they not sanitary and or how are they unsafe?

Mr. Hayes: Because they harbor vermin, moisture around the building eventually becomes dilapidated.

Mrs. Yarborough: Does this structure appear to be occupied?

Mr. Hayes: No.

Mrs. Yarborough: Does it have electricity running to it or anything?

Mr. Hayes: I didn't notice.

Mrs. Yarborough: Okay.

Mr. Hayes: I don't believe it has power, although it looks like it's vacant and has been for a while. I believe Dave (Draz) said it was a reoccurring issue since 2013.

Mrs. Yarborough: Does it appear that the structure is any way open to vagrants or trespassers?

Mr. Hayes: No, it's closed up.

Mrs. Yarborough: So really the only concerning condition is the state of the property.

Mr. Hayes: Correct. The exterior of the property.

Mrs. Yarborough: The tall weeds.

Mayor Smith: And that also coincides with Section 5 of Ordinance 363, I believe.

Mr. Hayes: With the height?

Mayor Smith: Of the grass, yes.

Mr. Hayes: 16 inches.

Mayor Smith: Whereas any development on the property has to be maintained.

Mrs. Yarborough: Are there any other facts or circumstances that you would like to add to the record regarding this property?

Mr. Hayes: Not right now.

Mrs. Yarborough: Does the Board have any questions for Mr. Hayes.

Alderman Lafontaine: No, I think we have some of the neighbors, if they wanted to, any of the neighbors or anybody want to come up and mention anything?

Mr. Calvin Carbo: 705 Birch Street, right across the street. Both the houses that are on your docket, neither one have electricity, and have been abandoned for years. Phillip and I have been maintaining the yard as best we can, we finally have had enough of it. The windows are broken, they had a goat living in one. I've called the Police because they had people in it before and you know, it's a blighted property. I've been hoping something would be done for a while, and that's really why I'm here today. I saw it was on the Docket, it's like it really does need to go. Ms. Mary passed away, had the granddaughter living in it, her and her lover ran off somewhere and left the house, same with Jules. Jules had the house, I don't know what happened to Jules; he's in the Kiln somewhere.

Mrs. Yarborough: So as it pertains to 708 Birch Street, about how long has it been vacant?

Mr. Carbo: Right after (Hurricane) Katrina. He had it fixed by the, one of the Churches and then he decided to take the money and run and basically blew the money.

Mrs. Yarborough: Okay.

Mr. Carbo: The house (inaudible)

Mrs. Yarborough: Do you know where Mr. Mollere is located?

Mr. Carbo: No, I've actually run into him once in Walmart since then. The last I heard, he's in the Kiln area, that's all I could tell you; I really don't know. Same, Ms. Mary's passed away and the granddaughter was living there, that's 706 I guess, next door. That's the one where we had vagrants in it; they actually set up camp. I work, I'm a Captain offshore and I'm gone, so when I did come home and saw them across the street I notified the Police, they showed up. They went through the house, so they're gone. They must have seen me with a flashlight outside, they left the area. Again, they've both been there for quite a while now. And inside's got mold, it's dilapidated, back windows are broke and like I say, they had an animal living in there, a goat living in there for a couple of days. Raccoons are in and out of it, you know it's really a health hazard. Ms. Betty, right next door, she's, you know, old. She's elderly, she's about eighty something years old. She's not happy with it, but she couldn't be here today you know, because of her age.

Mrs. Yarborough: Yes Sir.

Mr. Carbo: I'm just basically speaking for our whole neighborhood and block. Both houses really like just need to go.

Mrs. Yarborough: Yes Sir.

Mrs. Planchard: Excuse me, can you spell your last name.

Mr. Carbo: Carbo, C-A-R-B-O.

Mayor Smith: Thank you Mr. Carbo

Mrs. Yarborough: Is there anybody else from the public that wishes to speak on this property?

Mr. Hayes: I had a comment for the gentleman here, speaking about the broken window in the rear. We didn't notice it from the front of the property. We didn't have any right of entry on the property, so that's something we can further investigate and maybe get right of entry.

Mrs. Yarborough: Okay

Alderman Burke: We heard everything we need though.

Mrs. Yarborough: So at this point in the hearing, if the Board so desires, if it finds that the property is in such a state of uncleanness to be a menace to the public health, safety and welfare of the community, it would also be necessarily making the finding that all of the notice requirements under 21-19-11 have been established and that, based on the testimony from Mr. Hayes and the adjacent property owner Mr. Carbo, that the property in its current state and condition would be, and is a menace to the Public health, safety and welfare of the Community, and if it so desired it could elect to rectify those violations that the property owner was noticed of, which would be the high weeds at this point.

Re: Declare 708 Birch Street as a Menace to the Public Health, Safety and Welfare of the Community

Alderman Lafontaine moved, seconded by Alderman Piazza to declare the property in its current state and condition a menace to the public health, safety and welfare of the community, and as so desired, it could elect to rectify those violations, that the property owner was noticed of, which would be the high weeds at this point.

During discussion and prior to vote:

Alderman Lafontaine: Can we also look further into the building as well, as far as the structure with the mold and all of that stuff? I know, you know this is for the, for the property, but also for the building and structure itself. I guess we need to get a Right of entry or something, something along those lines.

Mayor Smith: Yea, were working on that now.

Alderman Burke: Was that not sufficient enough, that from the evidence that we heard tonight. Can we find it with structure, or do we have to notice differently.

Mrs. Yarborough: No, we would have to notice differently because the, the violation notice that we sent was just for the exterior. It didn't necessarily include the interior, but based on the testimony of Mr. Carbo, I think it would probably be sufficient to...

Alderman Lafontaine: Pursue it further?

Mrs. Yarborough: To pursue it further, and get that Right of Entry to make a determination weather it's a safe structure or not.

Alderman Lafontaine: Josh, can you look into both of those for us?

Mr. Hayes: Yes, I am.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

Re: 706 Birch Street Birch Street, Waveland MS. 39576 - Owner Mary E. Courtney

Mrs. Yarborough: Next we have 706 Birch Street; I'm going to go through the Exhibits again. Again we have Mr. Josh Hayes, who is Code Enforcement Officer for the City of Waveland, Mississippi. He produced an affidavit, signed today submitting certain Exhibits for the Board's consideration under 21-19-11. The first Exhibit A, being a copy of the addressed enveloped to the subject property and Exhibit A, and Exhibit B would be the notice that was included in that envelope dated November 9, 2017, which is 3 pages in length and includes a 2 page violation notice and Notice of Public Hearing and the attachment of the Notice that was posted at City Hall on 11/9/17 of the Public Hearing. Again, this Notice was sent by Certified Mail and Regular Mail, postage prepaid, to 706 Birch Street being the subject property, and 706 Birch Street being the property tax address. Exhibit C is again proof under 21-19-11 that Notice was sent to 706 Birch Street, which is the tax parcel property address, which was returned to sender vacant, unable to forward, and included the 2 page Notice of Violation, and the attachment of posted notice at City Hall on 11/9/17. In your Exhibit sheet, Exhibit D is actually going to be part of Exhibit C.

Mayor Smith: It looks to be in about the same condition.

Mrs. Yarborough: Yes, it looks like almost the same house.

Mayor Smith: It does. Looks like it (inaudible)

Mrs. Yarborough: Then Exhibit D, we'll skip Exhibit D; there will be no Exhibit D and we will move to Exhibit E which will be a picture of the copy of the Notice of Public Hearing that was posted at the property on 11/9/2017.

Mr. Hayes: Did you say Exhibit E?

Mrs. Yarborough: Yes, that's what I'm looking at, I'm making sure... Exhibit E will be the picture of the copy of the Notice posted on the door.

Mr. Hayes: That's not included in the copy?

Mrs. Yarborough: Yes, it is. I'm just getting it straight.

Mayor Smith: Josh, is that structure of that one look any different than the other one as far as what you could see.

Mr. Hayes: Same Condition, I think 708 that's closer to the cul-de-sac (inaudible), 708 is further away and I think there is some roof damage, so I think moisture was getting into it, but we didn't get to get inside.

Mrs. Yarborough: So Exhibit F are the pictures from, well these are labeled October, well one is labeled October 11th and one is December 4th 2017. Is that correct?

Mr. Hayes: Correct.

Ms. Yarborough: Has there been really a change since October 11th as to a state of the property?

Mr. Hayes: No change.

Mrs. Yarborough: There's been no maintenance, no manicuring.

Mr. Hayes: Nothing, I think the neighbor might be cutting the property between there.

Mrs. Yarborough: Not at 706 Birch Street?

Mr. Hayes: No, what's that?

Mrs. Yarborough: At 706, on the parcel.

Mr. Hayes: On the strip between them, like on the property line, they just maintain when they're there, a like courtesy neighbors do.

Mrs. Yarborough: And Exhibit G is a prior attempt to try and contact the property owner?

Mr. Hayes: Yes

Mrs. Yarborough: Giving 14 days to comply?

Mr. Hayes: Yes

Mrs. Yarborough: And this property is in violation due to the exterior state of the property by overgrown weeds, is that correct?

Mr. Hayes: Yes.

Mrs. Yarborough: And in your opinion is it being maintained in a clean, safe and secure sanitary condition?

Mr. Hayes: No.

Mrs. Yarborough: Okay and how is it not clean, safe, secure and sanitary?

Mr. Hayes: Because of the overgrowth (inaudible) pointed out in the International Maintenance Code, its harboring vermin, moisture.

Mrs. Yarborough: And does it appear that this house is being occupied?

Mr. Hayes: No.

Mrs. Yarborough: Was there a building permit in the window or any evidence that there was plans to improve the property?

Mr. Hayes: No.

Mrs. Yarborough: And in your opinion is this property in its condition a menace to the public, health, safety and welfare of the community?

Mr. Hayes: Yes

Mrs. Yarborough: And what actions could be taken to correct that menace.

Mr. Hayes: Maintain the property properly and take care of the overgrowth, repair the damages.

Apparently it's just overgrowth (inaudible).

Mrs. Yarborough: Does the Board have any questions for Mr. Hayes?

Alderman Lafontaine: No, I; they're pretty much identical.

Mrs. Yarborough: Yes, but we make a record for each one.

Alderman Lafontaine: Oh, I know.

Mrs. Yarborough: So I would ask Mr. Carbo to come back up. If you would just state your name for the record.

Mr. Carbo: Calvin Carbo

Mrs. Yarborough: And if you would, just inform the Board what you've noticed about the property and any violations that you've observed.

Mr. Carbo: Since they've left it, it's just gone downhill. Roaches, moisture, the back windows are broken in and they've had kids going in and out, they actually had a goat in it. I don't know where the goat came from or where it went back to, but it was there for a couple of days and then it disappeared.

Mayor Smith: I would have come got that.

Mr. Carbo: Yea, (inaudible), like I say, both the houses are in the same condition and they were vacated about the same time. I used to cut the grass in the front and try to maintain appearance, but I've given up on it. It got to be too much.

Mrs. Yarborough: And do you know the status of Ms. Mary Courtney?

Mr. Carbo: She's deceased.

Mrs. Yarborough: Okay. So they, okay. Do you know if she had any relatives that were...

Mr. Carbo: She had, the granddaughter was living, like I said with her lover girlfriend and they left for Ohio or something, I don't know where they took off. They didn't pay the rent, I think she, it was some kind of family deal made out and she was supposed to pay the mother to help pay the note on the house and it didn't work out, so they just left.

Mayor Smith: You wouldn't know when Ms. Mary passed, would you?

Mr. Carbo: Whoo, which year, to be honest, I don't know. I work, the way I work I don't keep track of time. I tell y'all, I'm in and out, my schedule, it doesn't, time doesn't mean much to me. I'm either off the boat or on the boat.

Mayor Smith: Yea, I got ya.

Mrs. Yarborough: Do you know how long this property's been abandoned?

Mr. Carbo: I want to say 2011.

Ms. Planchard: Since when?

Mayor Smith: 2011.

Mrs. Yarborough: And since 2011 has anyone maintained the property besides you and your neighbors?

Mr. Carbo: Not at all, no. It's not a, really that's why I'm here, I put up with it long enough. The Mayor came by, like I say the Police have been out. I've had to call the Police because somebody was over there and I just don't, I don't want that house across from me. There are a couple of them around Waveland, especially since the way I do work, I don't need somebody in my neighborhood.

Mrs. Yarborough: Yes Sir, thank you. So, true to form, this will. Do you have any response Mr. Hayes, I'm sorry.

Mr. Hayes: Do I have any?

Mrs. Yarborough: Yes, to Mr. Carbo?

Mr. Hayes: No.

Mrs. Yarborough: If the Board so elects to find that this property is in such a state of uncleanness as to be a menace to the Public, Health, safety and welfare of the community, it is necessarily making the finding that the evidence submitted by affidavit, by testimony from Mr. Hayes, and by testimony by Mr. Carbo the adjacent property owner, that the property is in such a condition to be a safety and welfare hazard and direct the City to take action to rectify those violations.

Mayor Smith: Alright, are we ready to vote?

Re: Declare 706 Birch Street as a menace to the Public health, safety and welfare of the Community

Alderman Burke moved, seconded by Alderman Lafontaine to find that this property is in such a state of uncleanness as to be a menace to the public health, safety and welfare of the community and is necessarily making the finding that the evidence submitted by affidavit, by testimony from Mr. Hayes, and by testimony by Mr. Carbo the adjacent property owner, that the property is in such a condition to be a safety and welfare hazard and direct the City to take action to rectify those violations.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

Re: 600 Highway 90, Waveland, MS 39576, Owner Yen Thi Tang

Mrs. Yarborough: The next hearing is for 600 Highway 90, Parcel number 138Q-0-34-033.000, owner Yen Thi Tang. Is she present, yes ma'am, thank you. Again, we have Josh Hayes, Code Enforcement Officer of the City of Waveland submitting an affidavit and attached exhibits. This hearing requires compliance with the requirements under §21-19-11 regarding notice to the subject property owner. It appears that notice was sent regular mail and certified mail to the tax parcel address of 10107 Paradise Lane, Unit B. Notice is Exhibit A, which is five pages in length, and includes the 2 page Notice of Violation and Notice of Public Hearing, the attachment of the Notice posted at City Hall on 11-9-17, and the fourth page will be the Certified Mail receipt showing mailing to Ms. Yen Thi Tang at 10107 Paradise Lane (B), on November 9th 2017 and then the return of that Certified Mail, signed Vivien Tang, 10107 (A) Paradise Lane, so note that the Notice was received by the neighbor, however Ms. Tang is present. Also, it's required that we send mailed notice to the subject property which would be 600 Highway 90; it's my understanding that that was not done, however Ms. Tang is present and she can address that if she would like to. She had actual notice and is present. Exhibit B, 2 pages in length, is a letter from Ms. Ethel Poilion verifying ownership and address for the property at 10107 Paradise Lane (B) for Ms. Tang Yen Thi. Exhibit C is proof of posting of Notice at the subject property. Was this picture taken on November 9, 2017?

Mr. Hayes: Yes.

Mrs. Yarborough: Was the Notice also posted on 11-9-17?

Mr. Hayes: Posted at City Hall?

Mrs. Yarborough: No, no posted at the property.

Mr. Hayes: Yes

Mrs. Yarborough: And that would be Exhibit C

Mr. Hayes: Yes.

Mrs. Yarborough: And what notice was actually posted at the property?

Mr. Hayes: The Notice.

Mrs. Yarborough: Would that also be the one that was posted at City Hall, does it also function as the Notice you post at the property?

Mr. Hayes: Yes.

Mrs. Yarborough: Okay.

Mrs. Yarborough: So Exhibit C is going to be 2 pages, and page 2 of Exhibit C is what is posted on the door. Exhibit D is pictures of the property, and Mr. Hayes did you take these pictures?

Mr. Hayes: Yes.

Mrs. Yarborough: And these pictures accurately reflect the way the property appears as of today.

Mr. Hayes: Yes.

Mrs. Yarborough: And Exhibit E is a Notice sent November 2nd, giving notice of violation and requesting a right of entry. If you would Mr. Hayes, if you would just give the Board a little background in your certifications and your experience as a Building Official and Code Enforcement Officer.

Mr. Hayes: Okay, I've been a Building Inspector and Code Enforcement officer for 13 years. I'm certified in residential buildings, commercial buildings, flood plain management, International Property Maintenance Code (inaudible), residential plumbing and accessibility.

Mrs. Yarborough: And how long have you been employed as either a Code Enforcement Officer or a Building Official.

Mr. Hayes: For over 13 years.

Mrs. Yarborough: And, if you would, based on that experience and those certifications, would you inform the Board of what you observed the state of the property commonly known as Day's Frontier building; what state that property is in and what violations, if any, you can determine exist.

Mr. Hayes: I noticed that the entry way is deteriorating and collapsed, the glass windows are broken and they're open allowing vagrants, moisture and everything else to get in. Due to that penetration of moisture of exterior & interior, walls appear to be deteriorating and falling in, and the roofing by the walls are coming away from the structure. A lot of moisture can get into it. The interior and exterior structure are due to fail due to neglect. The outside and inside, the property's overgrown partly, weeds and vines. Some of the structural aspects are starting to fail, the posts are failing and have fallen out. There is naked wire on the outside of the building, broken glass all over the place. The sign in the parking lot is falling, so that's a hazard, not just the structure itself. When I actually posted a notice for the hearing on the porch, there was a homeless man sitting on the porch. So it's just a top of the line dilapidated building.

Mrs. Yarborough: Does it appear that the building is vacant and abandoned?

Mr. Hayes: Yes, it is.

Mrs. Yarborough: Based on your evaluation, what specific elements of the roof are failing? And if you could, kind of show us through these pictures, Exhibit D is 10 pages; if you could kind of show us in these pictures where the structural elements are failing.

Mr. Hayes: Well in the first page would be you have here.

Mrs. Yarborough: That will Exhibit D-1.

Mr. Hayes: You have an opening in the front gable, tin is off the roof and moisture's getting in and you notice that the pieces of parapet are falling off. If you flip to page 3 and 4 with 2 close ups of that with openings in the roof diaphragm and this allows moisture to get in the rafters and rotting.

Mayor Smith: And that building's been pretty much been in this same condition since Hurricane Katrina.

Mr. Hayes: As far as I know, yes.

Mayor Smith: Yes.

Mr. Hayes: I think it's on page 7 where you see on the wall there where you have siding falling away, just weather and moisture getting into the building there. And that's the main bearing wall of the structure failing and eminent collapse basically.

Mrs. Yarborough: So the obvious deterioration on D-7 in your opinion, shows evidence of an imminent collapse of the structure, a load bearing wall.

Mr. Hayes: I do.

Mrs. Yarborough: What does D-8 propose to?

Mr. Hayes: D-8 is just a further evidence of the porch roof collapsing. Some of the posts are missing, so that's just more of a cause for concern, which is collapsing and I mean there's some body living underneath it. So that's the whole point of the International Maintenance Code basically is inviting vagrants and it makes it a hazardous area for them.

Mrs. Yarborough: Does it appear that anyone has maintained this property, cleaning it, manicuring the grounds?

Mr. Hayes: The only thing I noticed, that I think I have some old pictures that the windows were opened and busted open. Somebody put boards up in the past week when they received the notice maybe.

Mrs. Yarborough: Okay

Mr. Hayes: It's a temporary fix, so that will fall off eventually.

Mrs. Yarborough: Or be in the under tow of a collapse.

Mr. Hayes: There's still multiple openings in the buildings. There's nothing to stop anybody from getting in, animals, anything getting in...moisture, rain.

Mayor Smith: Josh, am I correct in saying that part of a portion in this building is in a flood plain.

Mr. Hayes: It is, AE 17.

Mayor Smith: And being that, with NFIP the entire building's in a flood plain.

Mr. Hayes: Correct.

Mayor Smith: So if it has the 50% damage, more than 50%, then the entire structure would have to be brought in to compliance with NFIP.

Mr. Hayes: Right, not only that but if, if someone were to look to renovate the building, all we can do is go off of what their tax assessed value is and go on the current website, it shows about \$30,000.00 for the structure, not the land, the land's another, and 50% of that is \$15,000.00. That's not enough to do the majority of the work that's needed.

Mayor Smith: Right.

Mayor Smith: Yes and I think back years ago, Ms. Bernie may remember this if she's still in the audience, it was determined that that section that was in the floodplain was going to be tore off and then the building could have been brought up to compliance then, but without having to elevate the entire structure.

Mrs. Yarborough: In your review in the history of this file, has there been any evidence that the owner has attempted to pull a permit of any sort to begin repairs?

Mr. Hayes: No.

Mrs. Yarborough: Is there any evidence that there have been any repairs since Katrina?

Mr. Hayes: No evidence of that.

Mrs. Yarborough: In your opinion is it a reasonable position to say that this structure is in a state that it would be reasonable to repair it?

Mr. Hayes: I don't. One of it is that the roofing trusses are where it's failing and once those start to failing and collapsing... and those are designed by manufacturers, engineers, so you don't just fix it with regular (inaudible).

Mrs. Yarborough: In your opinion and judgment after evaluation of this property, is it so deteriorated and dilapidated and so out of repair that it is dangerous, unsafe and sanitary, and otherwise unfit.

Mr. Hayes: Yes.

Mrs. Yarborough: Is it also your finding that the structure is so damaged, decayed, dilapidated, structurally unsafe and unstable that partial or complete collapse is possible.

Mr. Hayes: I think so, yes.

Mrs. Yarborough: And that unsafe condition; is that in your opinion a menace to the health, safety and welfare of the community.

Mr. Hayes: Yes.

Ms. Tang said that she talked to one of the Building Inspectors, Bill Carrigee, about a year ago, who told her the building was able to be rebuilt, to gut everything inside out and he told her she had to get the 'sell' date and after the 'sell' date he wanted her to draw the plan. She said she already came with a 'drafter' and talked to him with a meeting with him.

Ms. Yarborough: Have you ever filed a building permit or submitted a building plans.

Ms. Tang: Uh, we didn't do that but he (Mr. Carrigee) told me to go and get the permit to gut everything out, inside out before... you know, easy for him to walk into to take a look and he asked about the square foot and all that. He did all that. I told him all that. He give us the temporary pole, electric pole and he came and inspect that and he approved that for us to repair, like we need power to turn on to clean it inside and we got all that.

Ms. Yarborough: Did you pull the permit?

Ms. Tang: Yes, yes.

Ms. Yarborough: And what type of permit was that?

Ms. Tang: The permit for electrical, the temporary pole and the permit to gut it, to clean up.

Ms. Yarborough: Do you have copies of those permits with you?

Ms. Tang: No, I have to look it up.

Ms. Yarborough: Do you currently have electricity at that building?

Ms. Tang: I turn it off because I have to pay like \$40 a month every month because we want to build but we ran out of money and uh, I waited to sell my house and to take that money to fix that and we just sold it like 2 months ago.

Ms. Yarborough: So when did the building stop having power; when did you turn the power off?

Ms. Tang: Not long.

Mr. Hayes: She's talking about the temporary pole, the temporary power pole.

Ms. Tang: Because the whole building is gutted, nothing in there; it's empty, just only the shell. We going to rebuild the whole thing and then he (Mr. Carrigee) said he had to get the plans and then he told the contractor had to redo the rafter and all that. That's why he the one, he said he going to have us to redo it.

Ms. Yarborough: Well, our building office are civil servants and they are here to help, however it's on your volition to take action to get these things done. What is your plan to fix these violations?

Ms. Tang: I don't understand.

Ms. Yarborough: What do you plan to do with the building?

Ms. Tang: Sometimes I don't understand.

Ms. Yarborough: That's ok, I'll rephrase it; what are your plans for the building?

Ms. Tang: We going to redo it.

Ms. Yarborough: When

Ms. Tang: Soon, like soon.

Ms. Yarborough: Have your hired a contractor?

Ms. Tang: We have a contractor talk to Bill Carrigee the end of last year (2016) and then he so busy and then we already talked many, many, many time and we waiting for the (inaudible) to do the planning for us and he had to draw the plan and he told us. I told him I don't have enough money to redo the whole building because like 500,000, 5,000 square foot and he said just draw the plan and then he do outside for us and then do one by one, like he divide by how many units because I have a nail shop in Bay St. Louis. I'm in Waveland and I told him I'm gonna move there first and he said just do one by one, that he going to help us to do that.

Ms. Yarborough: Who is your contractor?

Ms. Tang: Um, Chucky...

Mayor Smith: Vincent, Chuck Vincent.

Ms. Tang: Yea, that's why me and him and Mr. Carrigee meeting; we have a meeting and talking about all that.

Ms. Yarborough: That was over a year ago, is that correct?

Ms. Tang: Yes.

Ms. Yarborough: You understand that this is an immediate problem?

Ms. Tang: Yes, that's why I am going to, because I have the funds right now and I willing to do it.

Ms. Yarborough: Ok, so you plan to submit plans and immediately rectify the building.

Ms. Tang: Yes, yes.

Ms. Yarborough: What I need to do step by step and then he can um, because I don't know a lot about building and all.

Mayor Smith: Well, I know from our perspective, or at least my perspective and I think the Board feels the same way, this building has been a public nuisance for a very long time.

Ms. Tang: Yea, we just sold the house. You know sometime you don't have the money, it's hard to...

Alderman Lafontaine: Here's my thing though Mayor, can the property even be rebuilt in the flood zone?

Ms. Tang: It's not in the flood zone.

Mayor Smith: Well, see there's a portion of the building that is.

Ms. Tang: In the back.

Mayor Smith: And if it's not removed, if the flood zone touches that property...

Ms. Tang: In the back is a big storage, it's not a house, a building not to live in. He told us, when the survey came out, and he told me to take all the metal sheet, take it off. He said take it off when it empty, not to close in, that's what he told us. This Bill Carrigee, he told us to take all the metal out and then that mean you black in, you close in the building. But the building in the front is not in the flood zone because he showed it to us.

Mayor Smith: Right, the building in the front is not, but the way FEMA works is if the flood zone touches that building, then the whole building is in a flood zone. So that would have to be completely removed. But, my concern to you is that how much is it going to cost you, or is it even able to be repaired. And I think that's why we need to get inside, right Josh, to make those determinations.

Ms. Tang: We can do all the outside, to not get all the water and then we take all out and we going to do the outside plus to look decent and not protect the raining and all that, you know just get all (inaudible) outside.

Alderman Richardson: I think if you're fixing the outside up and just camouflaging the interior which is dilapidated, you're spending money... because you're going to have to take that back off to fix the inside. I mean you're wasting money doing that.

Ms. Tang: But one by one, not to do 5,000 sq. ft. in one time. I mean it take time to build them too, it's not like overnight. You know I build a couple houses, it take about like 6 months to build one house, but we going to do one by one, but (inaudible) not to leave halfway because I put my money into it. I need something to you know, to get it out.

Alderman Richardson: Your contractor, did he give you any estimation of what this would cost you because it's going to be...

Ms. Tang: 5,000, just, we, we going to do empty.

Alderman Richardson: 5,000 to do what?

Ms. Tang: 5,000 sq. ft., pretty much, we just make empty, not like a house. Like we just divide by 2 building. That mean we going to get a wall up and then electrical and then plumbing, like the back. We

got this commercial building, it's not like a house and the bathroom and kitchen and all that. You know, just the building, like just a shell we need the shell, and then the sewer and then the electric run.

Mayor Smith: Well, looking at the pictures and looking at the building for as long as I have personally, and I have, and most of us up here have building experience. To add to what Alderman Richardson is saying is you may be throwing good money at bad money or at a bad situation.

Ms. Tang: We going to fix 5,000, but I need 2,000 sq. ft. for my business and I can move it and then one side. I know how much this cost.

Alderman Richardson: Me, personally, I think Mr. Hayes stated the property without the building is worth \$100,000 tax wise; I think that's the route I would go. Sell the property and tear the building down... tear the building down and sell the property and buy you something else.

Alderman Lafontaine: Or tear the building down and build on the property.

Ms. Tang: What you saying?

Alderman Richardson: I don't think the building is fixable.

Ms. Tang: All inside is metal, just two small building on the side is a wood.

Alderman Richardson: Well, I looked in the building when all the windows were there; there's just a few metal poles in there. Most of the structure is ruined.

Mayor Smith: Ms. Tang would you allow a right of entry for our building inspector to go in that building?

Alderman Burke: I don't know if it's even safe enough for a building inspector to go inside.

Mayor Smith: Would you allow our inspector, Mr. Hayes to go in and evaluate it.

Ms. Yarborough: Well and I'll say this that you can pull a permit on any structure, you can put enough money into any structure and make it come into compliance; the question is is it monetarily worth it and are you actually going to do that because your meeting with Mr. Carrigee was more than a year ago, is that right?

Ms. Tang: Yes

Ms. Yarborough: Ok, and you've not taken any action to come into compliance with what he advised would be necessary to pull a permit and to make that property come into compliance with the flood ordinance and with the building code.

Ms. Tang: He told us what to do, but I don't have the money at that time.

Mayor Smith: So that we as a Board can make an informed decision because it's very difficult for us to remove any structure that belongs to anyone. Again, would you allow us a right of entry, Mr. Hayes, to go into the building and do an inspection on his professional opinion? And we could take that and make an informed decision.

Ms. Tang: Yes, I can go with him.

Mayor Smith: You just need to sign a right of entry allowing him to do that.

Alderman Burke said that he prefers we just make the finding to have it demolished, you see all the pictures and everything else, it's in the floodplain. He added that we've heard everything that we need to, the building needs to come down; there's no if, and's or but's about it.

Mayor Smith: I certainly agree.

Alderman Burke moved, seconded by Alderman Richardson to find that this property is in such a state of disrepair as to be a nuisance and menace to the public health, safety and welfare of the community and is necessarily making the finding that the evidence submitted by affidavit and by testimony from Mr. Hayes that the property is in such a condition to be a safety, welfare hazard and direct the City to take action to declare the building a nuisance and have it removed within 30 days.

Alderman Piazza said he thinks we should give her the time to have Josh Hayes go through it.

Mr. Hayes said he could have the inspection done and a completed report in advance of the 12/20/17 Board meeting. He said the building was built in 1975, about 40+ years old, and his expectations are not very high of salvaging the building.

Alderman Richardson said that he thought Ms. Tang is going to be dumping a lot of money into a money pit.

Alderman Burke said he's ready to make a motion to declare it a nuisance and recommend demolition within 30 days.

Alderman Piazza said he would prefer to give Mr. Hayes the opportunity, along with Fire Chief Mallini, to go through the building and give a report at the next meeting.

Mayor Smith said we're not attacking you or your building, but the Board's issue is that this has been going on a long time; we know the history of that building.

Alderman Lafontaine said he would highly suggest that Ms. Tang have her contractor present for the walkthrough by the Building Inspector and Fire Chief.

Mr. Hayes told Board members he can have the walk through completed in a week, but at that point, what is the fix. Without an engineer and a licensed contractor's report we don't have a clue.

Mayor Smith said he is asking Mr. Hayes to walk through the interior and determine if it's even worth fixing. Mr. Hayes said he can tell the Board the violations, but not a price to repair or whether it's worth putting that much money into it.

Mr. Garrett Garcia, a licensed contractor, came forward to say that this is not Mr. Hayes job. He said Mr. Hayes has already said it's a menace and it's falling down, it's going to collapse, but you're asking him to see if it can be fixed. Mr. Garcia said anything could be fixed.

Ms. Yarborough said the point of the ROE is to have an interior review because all we have right now is the sidewalk evaluation.

Mr. Garcia said that it would definitely be a whole lot cheaper to tear it down and start over, for sure.

Alderman Burke moved, seconded by Alderman Richardson to declare the Building at 600 Highway 90 a nuisance and to demolish and have it removed within 30 days.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

After the motion was made, Ms. Yarborough explained to Ms. Tang what the motion that was passed means. She told Ms. Tang that the Board voted to declare her property a nuisance and that it is a health, safety and welfare danger; they gave you 30 days to remove the building she said. You have 10 days to appeal to a court of competent jurisdiction and if you decide not to appeal you have 30 days to remove the building from your property, or the City will do so and then file a lien on your property. She added that if Ms. Tang decides to appeal she recommends she seek counsel, an attorney, within 10 days.

TRAVEL/CITY HALL/BUILDING DEPARTMENT/PERSONNEL

Re: Josh Hayes, April Chevis and Jeanne Conrad to attend NFIP & Floodplain 101 Class for MEMA Region 6

Alderman Burke moved, seconded by Alderman Piazza to approve Josh Hayes, April Chevis and Jeanne Conrad to attend NFIP & Floodplain 101 Class for MEMA Region 6 on December 13, 2017 from 9 a.m. to 11:30 a.m. in Hattiesburg, MS.

Mayor Smith said that the class is free. A city vehicle will be used for transportation.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

MAYOR'S COMMENTS/FIRE DEPARTMENT/PURCHASES

Re: Discussed the Purchase of Vehicle for the Assistant Fire Chief

Assistant Fire Chief Tommy Carver was present to discuss the necessary repairs needed for his current vehicle. Based on discussion and the information provided, the Board decided to hold a special budget meeting and discuss this along with other departmental purchase requests at that time.

Alderman Lafontaine noted that on this agenda alone there are about \$360,000 of unbudgeted vehicles, adding that his issue is that we just approved the budget 2 months ago and the Board had asked Department heads to budget for these items when they submitted their budgets for approval. Aldermen Lafontaine asked the department heads requesting these vehicles to look at their budgets and come up with a plan (to be able to purchase); be creative.

MEETINGS/BUDGET-FY 2018/FY 2018 BUDGET MEETING/AMEND AGENDA/SPECIAL MEETINGS

Re: Amend Agenda to Set the Date of 1/16/18 to hold Budget Special Meeting, 6:30 PM

Alderman Lafontaine moved, seconded by Alderman Richardson to amend the agenda to set a date to hold a Budget special meeting.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

Re: Set date for Budget Special Meeting with Department Heads on Tuesday the 16th of January 2018.

Alderman Burke moved, seconded by Alderman Piazza to set the date for a budget special meeting with Department Heads on Tuesday, the 16th of January, 2018 at 6:30 pm.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

PLANNING & ZONING: (EXHIBIT A)

Re: John Ferrara, 814 S. Beach Blvd.

John Ferrara, current property owner for the property commonly known as 814 S. Beach Blvd, Legal Description: 2-6 PT 1 BLK 2 Jeff Subdivision, is considering splitting his current property to create two lots. To accomplish that the applicant is requesting the following variances:

a) For Proposed Parcel #1 (frontage on South Beach Blvd). Requesting the following variance from the Area and Yard requirements set forth in the Zoning Ordinance: A Variance Request from Section 701.2 Minimum Lot Width, current requirement is 100 feet. The request is to have a minimum 80' frontage on South Beach Blvd. Commissioner Adams moved, seconded by Commissioner Boudoin, to recommend approval of the request for a variance to allow a minimum 80' frontage on South Beach Blvd.

During discussion, Mrs. Yarborough said this is one of those uncommon circumstances where this is a re-subdivision of an established subdivision that requires the written permission of the affected property owners before the City has the authority to move forward. Mrs. Yarborough recommended the issue be tabled until the written permission is obtained from the aforementioned property owners, as directed by State Law.

Alderman Burke moved, seconded by Alderman Piazza to **TABLE** the request as submitted.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

b) For Proposed Parcel #2 (frontage on Dane Road). A Variance Request from Section 701.2 Minimum Lot Width, current requirement is 100 feet. The Request is to have a minimum 75 feet of frontage

Commissioner Adams moved, seconded by Commissioner Boudoin, to recommend approval of the request for a variance to allow a minimum 75' frontage on Dane Rd.

c) A Variance request from Section 701.1 Minimum Lot Area, current requirement is 12,000 square feet. The Request is to have a lot with a minimum of 9,100 square feet.

Commissioner Boudoin moved, seconded by Commissioner Adams, to recommend approval of the request for a variance to allow a minimum 75' frontage on Dane Rd.

Alderman Burke moved, seconded by Alderman Piazza to **TABLE** the above requests b) and c) as submitted.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

Re: Jim Casadaban, 110 Bienville Drive

Jim Casadaban current property owner of 110 Bienville and an adjacent lot Legal Description: Lot PT. 13 (13B) (PARCEL# 161A-2-01-026.000) is requesting a Conditional Use to allow construction of an accessory building exceeding five hundred (500) square feet. Conditional Use under the current Zoning Ordinance (#349), in a Single Family Residential District (R-1), Section 601.2, Item F. Which states "Accessory Buildings that contain more than five hundred (500) square feet. The requested Conditional Use is for an accessory building that will be 840 square feet.

Commissioner Adams made a motion, seconded by Commissioner Boudoin to recommend approval of the proposed Conditional Use to allow an accessory structure larger than five hundred square feet. The accessory structure will be 840 square feet.

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

During discussion Mrs. Yarborough said if the Board so finds that the conditional use is advisable as recommended by the Planning and Zoning Commission, it is necessarily finding that such use will not substantially increase traffic hazard or congestion, substantially increase fire hazards, adversely affect character of neighborhood, adversely affect general welfare of the City, over tax public Utility or Community Facilities, be in conflict with the Comprehensive Plan, and that the City would benefit from the proposed use and that the surrounding area would not be adversely affected.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

Re: Jim Casadaban, 110 Bienville Drive

Jim Casadaban current property owner of 110 Bienville and an adjacent lot is requesting the following variance: On Lot PT. 13 (13B) (PARCEL# 161A -2-01-026.000) the request is to allow a variance from the current Zoning Ordinance, Article IV, Section 701.5 Minimum Rear Yard (25 feet), to allow a Five (5) Foot Rear Yard. The Zoning Ordinance allows an accessory structure to utilize 10 feet of the required rear yard if the primary residence is more than 12 feet from the residence (Section 701.8 (B)).The variance request would be for a 10 foot variance from the current Zoning Ordinance. The purpose of the request is to allow the construction of a boat shed.

Commissioner Adams made a motion, seconded by Commissioner Boudoin to recommend approval of the variance request for a 10 foot variance from the rear yard setback requirement.

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

During discussion Mrs. Yarborough said if the Board so finds to approve the variance as recommended by the Planning and Zoning Commission, it is necessarily making the findings listed in Section 1002.6 of the Zoning Ordinance of the City of Waveland including those findings A-H.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

Re: Garrett Garcia, 170 Lakeview Drive

Garrett Garcia current owner of the property commonly known as 170 Lakeview Drive, Legal Description: PT 28 & 30 1st Ward, Waveland , MS, Hancock County, Parcel #161B-2-01-019.040 is requesting a "Procedural Variance" under Section 306.2(G) (3.) of the current Subdivision Ordinance (#351) which states: "3. Procedural Variance. Where a proposed subdivision would contain no new streets and no more than ten (10) lots, the requirement to prepare a Preliminary Plat may be waived by the Board of Mayor and Aldermen upon recommendation by the Planning and Zoning Commission." The "Procedural Variance", if recommended for approval would allow the applicant to submit a Final Plat for review and recommendation by the Planning and Zoning Commission to the Board of Alderman.

Commissioner Adams made a motion, seconded by Commissioner Boudoin to recommend approval of the "Procedural Variance" from the Subdivision Ordinance.

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

Mrs. Yarborough said her only hesitancy is that there was no public hearing held on this. She said the City's Subdivision Ordinance requires a public hearing on the preliminary plat and it requires registered certified notice and publication in the newspaper to all adjacent and affected property owners within 300 feet. Mrs. Yarborough said they are requesting a procedural variance, which in her conservative opinion, waives the requirement of a preliminary plat, but may not necessarily waive the requirement of a public hearing. Mrs. Yarborough said it's how the Board interprets the Ordinance and felt it otherwise qualified for a procedural variance and the Ordinance states that the Planning and Zoning Commission can require a public hearing on a final plat, but is not necessarily required by the terms of the Ordinance. She said if the Board finds and approves the procedural variance tonight, notice that there has not been a public hearing and if the Board so finds that they have met the requirements, the Board will be also be waiving any requirement for a public hearing on the final plat.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

Re: Garrett Garcia, 170 Lakeview Drive

Garrett Garcia current owner of the property commonly known as 170 Lakeview Drive, Legal Description: PT 28 & 30 1st Ward, Waveland, MS, Hancock County, Parcel #161B-2-01-019.040 is requesting a review and recommendation for a Final Plat that would divide the property into five (5) Lots. As shown on the Final Plat application all lots would meet the minimum area and frontage requirements for R1 Single Family Residential Zoning, which is the current zoning for this property.

Commissioner Adams made a motion, seconded by Commissioner Boudoin to recommend approval of the Final Plat as presented.

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

Mrs. Yarborough said she reiterates her same opinion as the previous motion.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

ATTORNEY'S COMMENTS/CHARTER/CITY CHARTER

Re: Amend City Charter Regarding the Setting of Salaries for the Mayor, Board of Aldermen and City Clerk

Alderman Lafontaine moved, seconded by Alderman Burke to discuss an Amendment to the Special Charter to the City of Waveland amending the setting of salaries for the Mayor, Board of Aldermen, and the City Clerk.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

RESOLUTIONS/MUNICIPAL RESERVE ACCOUNT/RESERVE ACCOUNT

Re: Resolution and Order to Establish a Special Fund to be known as Municipal Reserve Fund

Alderman Burke moved seconded by Alderman Richardson to discuss a Resolution and Order to establish a Special Fund in a separate municipal bank account to be known as a Municipal Reserve Fund in accordance with Miss Code Ann. §21-35-22.

Mrs. Yarborough said this is regarding the unbudgeted item requests and what she believes to be restrictions placed on the budgeted items under §21-35-15. She said she did a very general order, leaving the amount blank, establishing a Reserve Fund. She said this may be a more appropriate conversation at the budget meeting to determine what amounts. Mrs. Yarborough said she had a discussion with Municipal Auditor (Tom) Windham where they came to a quick difference of opinion. Mrs. Yarborough said that under MS. Ann. Code §21-35-15 it states *The Governing Authority should at all times keep within the sums named and in their said budget and within the Annual Revenue always seeking to lessen expenditures instead of exceeding revenue and budget estimates.*

Mrs. Yarborough said where they differ in that first sentence; the Auditor considers, as annual revenue, last year's cash balance. Mrs. Yarborough said she did not necessarily interpret annual revenue to be defined by law; annual revenue would just be the cash receipts and annual means yearly; your cash balance is not necessarily revenue. Mrs. Yarborough asked for a letter showing what the auditor relied on and had received it this morning but had not had time to review it; she therefore prepared a Resolution in preparation for the budget special meeting.

Ms. Planchard added that it is basically easy to understand that anything that is not currently budgeted; if you don't cut somewhere else, it's going to come out of cash reserves unless expected revenues came in. There's nowhere else it can come from.

*No vote needed or taken at this time; this issue will be moved to the Budget Special Meeting on 1/16/18 at 6:30 pm.

PIER/MEMA/FEMA/CLOSEOUT DOCUMENTS/LEGAL ISSUES/PW #10433/ GARFIELD LADNER MEMORIAL PIER/KATRINA/HURRICANE KATRINA/FEMA/

Re: Closeout Documents – PW #10433, Garfield Ladner Memorial Pier

Motion to authorize the designated project representative to execute and submit closeout documents to FEMA and FEMA HMGP regarding the Garfield Ladner Memorial Pier, Katrina Project Worksheet (PW #10433).

No motion made. During discussion Ms. Yarborough said when she added this motion to the agenda she was under the impression that the closeout had not been submitted, but apparently Lisa (Planchard) has submitted the closeout, so that's already been submitted and approved by the Board and this has all come to the front burner due to the settlement with CDM that was approved at the last meeting. In that settlement agreement is a carve out stating that if the Deobligation amounts change from FEMA and our Deobligation amounts are less, then we are required to pay back CDM whatever that amount would lessen their obligations. At this point we're on hold until closeout and basically once we submitted those closeout papers, we accept FEMA's number and waive any right to appeal. The settlement check from CDM has been deposited and is in the (099) Restricted Fund; we have created a new account that is for Settlement Funds-CDM. Ms. Yarborough said the recommendation would be to keep that Fund/Account whole until we receive the closeout from FEMA and we can be sure we are in compliance with all the settlement agreement terms.

BLIGHTED PROPERTIES/LEGAL DEPARTMENT/AG OPINIONS/WARRANTS/COURT DEPARTMENT

Re: Request AG Opinion as to Judge's Authority to execute Inspection Warrant

Mrs. Yarborough said under §21-19-11 the City discussed these rights of entries on these blighted properties when we can't get in touch with the property owners so we've tried to correlate with City Court to have the Judge sign an Inspection Warrant. We requested an inspection warrant; I think it met all the requirements, however Judge Mauffray hesitated that he did not have the authority to grant an inspection warrant because it was based on, not necessarily on a criminal statute or ordinance, but based on the civil procedure under 21-19-11. He was going to request an AG's opinion; that was over a month ago. She did not know if the Board wanted her to request our own AG's opinion.

Re: Authorize City Attorney to request Attorney General's Opinion re: Municipal Judges Authority to Grant Inspection Warrants under §21-19-11

Alderman Burke moved, seconded by Alderman Piazza to authorize City Attorney to request and Attorney General's Opinion as to Municipal Judge's Authority to execute an Inspection Warrant under §21-19-11.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

MAYOR'S REPORT (CONT.)

Re: Mayor Smith said he spoke with Attorney Gary Yarborough about traveling to Washington D.C. to discuss Deobligations related to the Bladder Tanks and the Pier. He added that Mayor FoFo Gillich was successful with this in Biloxi (having deobligations forgiven) so we may be successful too.

ALDERMEN'S COMMENTS

Re: Alderman Burke

- Inquired about funds D.M.R. (Department of Marine Resources) Gulf Coast Scenic Byways money received by Hancock County Tourism related to signage; \$25,000. The Mayor said he spoke with Chamber of Commerce Director, Tish Williams and said Waveland would be receiving directional signs to the Waveland Beaches. He told Ms. Williams we want directions to our beaches, which was a priority.
- With amounts of money we pay to Hancock County Solid Waste, he would like to see if a Recycling receptacles could be placed at the Fire Department on Highway 90 or Fire Department next to City Hall.

Re: Alderman Richardson – No Comments at this time

Re: Alderman Lafontaine

- Inquired about the mileage range for leaving the City limits with a city vehicle and how do we know what vehicles go where; is there a process of keeping up with that. Mayor Smith said it adds to the gas and the wear and tear on the vehicles. Alderman Lafontaine added that it's good to take the vehicles home if you live close enough to respond to a call, but if you live 25 miles away you're not going to make it in time for the bank robbery; that's his opinion. He feels the Board needs to revisit this policy.
- Requested research in statute re: the "Call for Question" used by Board. Mrs. Yarborough said the City should have a policy in place that adopts *Robert's Rules of Order* & which version that Board wishes to be governed by in meetings; the Board can amend Robert's Rules of Order and adopt whatever policy they want to be governed by.

Re: Alderman Piazza – Said that it's 12 minutes after 9:00 pm, can we move on please.

DOCKET OF CLAIMS

Re: Claims

Alderman Piazza moved, seconded by Alderman Burke to approve the Docket of Claims in the amount of \$357,807.07 as submitted. **(EXHIBIT B)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

MINUTES

Re: Minutes of Regular Meetings of November 7, 2017 and Minutes of Special Meeting of November 15, 2017

Alderman Richardson moved, seconded by Alderman Burke to approve the Minutes of the Regular Meetings of November 7, 2017, and the Minutes of the Special Meeting of November 15, 2017 as submitted.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine

Abstain: Piazza

Voting Nay: None

Absent: None

ORDINANCES/POLICE DEPARTMENT/WRECKER SERVICES

Re: Consider Wrecker Service Ordinance

Alderman Richardson moved, seconded by Alderman Burke to **TABLE** consider adopting the proposed Wrecker Service Ordinance.

Mrs. Yarborough said that she discussed the various revisions with Chief David Allen, but underestimated the number of revisions that perhaps should be made so she called Chief Allen to request she and the Chief have a meeting to discuss before it comes to the Board. Chief Allen said the idea is to make the rules for the Wrecker companies equal across the board. He noted that some Wrecker Services will increase their rates after regular business hours; this should not be allowed.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

**MEMA/CITYWIDE DRAINAGE IMPROVEMENTS PROJECT/DRAINAGE PROJECT/
SCOPE OF WORK CHANGE/CHANGE ORDERS**

Re: Ratify Letter to MEMA regarding Change in Scope of Work for Drainage Project

Alderman Burke moved, seconded by Alderman Piazza to ratify letter to MEMA dated 11/30/17 requesting approval of Scope of Work Change re: the HMGP Project 1604-0420, City of Waveland Drainage Improvements Project-Remove Vacation Lane CSX Crossing. **(EXHIBIT C)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

**TRAVEL/CITY HALL/PURCHASING/PERSONNEL/COMPTRROLLER/POLICE
DEPARTMENT/INVESTIGATORS**

Re: Deputy City Clerks to Winter Education workshop in Jackson

Re: Investigator Matt Sekinger to attend the Basic Network Intrusion Training in Hoover, Alabama

Alderman Burke moved, seconded by Alderman Piazza to approve travel for the following as listed, (Items a-b):

- a) Deputy City Clerks Ron Duckworth (Comptroller) Rachel Cullen (Purchasing Agent), and April Chevis (HR Director) to attend the MMCCA 2017 Winter Education Workshop in Jackson, Mississippi on December 13-15, 2017. Cost to the City will be for each a \$165.00 registration fee, lodging for 2 nights for 2 rooms, 2 days per diem (1/2 day Wednesday & Friday + all day Thursday) and use of a City Vehicle.
- b) Investigator Matt Sekinger to attend the Basic Network Intrusion Training at the National Computer Forensics Institute in Hoover, Alabama. Cost to the City would be use of a City vehicle. (All other costs paid by Secret Service).

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

CONTRACTS/CRS PROGRAM/

Re: Terminate CRS Contract with Compton Engineering

Alderman Burke moved, seconded by Alderman Piazza to terminate contract with Compton Engineering as CRS Coordinator.

Ms. Yarborough said termination is with 7 days' notice; she will send that letter out.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

BUILDING DEPARTMENT/CRS PROGRAM/PERSONNEL/PAYROLL/BUDGET

Re: Name Josh Hayes as CRS Coordinator and April Chevis and Jeanne Conrad as Assistant CRS Coordinators

Alderman Piazza moved, seconded by Alderman Piazza to approve naming Building Inspector Josh Hayes as CRS Coordinator, and April Chevis and Jeanne Conrad as Assistant CRS Coordinators, each at an annual salary increase of \$1,526.00 plus benefits, to perform all duties required and associated with this position which shall be in addition to the primary job duties already assigned.

City Clerk Planchard said that \$1,526.00 plus benefits will bring the total of all three individuals to \$6,000, which was the amount of the contract with Compton Engineering. Mayor Smith said nothing against Compton Engineering, but this needs to be an in house operation.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

POLICE DEPARTMENT/SURPLUS PROPERTY

Re: Declare Police Vehicles as Surplus (Moved to Budget Special Meeting, 1/16/18 @ 6:30 pm)

Alderman Piazza moved, seconded by Alderman Burke to **TABLE** declaring surplus and auction the following Police Vehicles as listed, (Items a-d); if the Board so chooses to approve these as surplus, in accordance with MS. Code Section 17-25-25, it is necessarily making the finding that this personal property in the form of a vehicle is no longer being used for City purposes and it is in the best interests of the City to dispose of it. *(Not currently budgeted)*

- a) 2007 CROWN VIC, Vin #2FAFP71W87X156919
- b) 2007 CROWN VIC, Vin #2FAFP71W47X156920
- c) 2009 CROWN VIC, Vin #2FAHP71V99X144054
- d) 2009 CROWN VIC, Vin #2FAHP71V19X144058

After discussion, it was agreed that this issue will be added to the agenda for the Budget Special Meeting scheduled 1/16/18 at 6:30 pm.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

PUBLIC WORKS/UTILITIES DEPARTMENT/PURCHASING

Re: Name Hancock Bank as Lowest and Best Quote for Financing Tractors

Alderman Lafontaine moved, seconded by Alderman Richardson to **TABLE** approval naming Hancock Bank as lowest, best and most responsive quote (at a 3 year interest rate of 2.62%) for financing of (1 or both) tractors as requested by Public Works Director Brent Anderson. Board to discuss and determine financing and/or paying cash on the following item(s) to be purchased to include Items (a-c): (Total cost of \$172,452.78) *(Not currently budgeted)*

- a) New Holland TS6.110,ROPS, (non-cab) 4WD, with a Tiger TM-60-c side mower w/60” Flat deck for a cost of \$74,086.24 (complete mounted to tractor)(State Contract price)
- b) Tiger 2 spool valve \$1,918.54 (Frees up your rear remotes on the tractor)
- c) New Holland TS6.110, ROPS, 4WD, with a Tiger TRB-50C Bengal Boom Mower w/50” HD head for a cost of \$96,448.00 (complete mounted to tractor).

It was agreed that this issue will be added to the agenda for the Budget Special Meeting scheduled 1/16/18 at 6:30 pm.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

POLICE DEPARTMENT/PURCHASING

Re: Purchase of 4 Police New Vehicles

Motion to **TABLE** approval of the purchase of 2 Police Vehicles in the amount of \$33,575.00 each and an estimated interest rate of 2.62% with an estimated monthly payment in the amount of \$3,883.16, beginning January 01, 2018. Loan total of 4 vehicles to be financed would be \$134,300.00. *(Not currently budgeted)* (As TABLED from the November 21, 2017 Meeting)

It was agreed that this issue will be added to the agenda for the Budget Special Meeting scheduled 1/16/18 at 6:30 pm.

AGREEMENTS/CONTRACTS/POLICE DEPARTMENT/POLICE BUILDING-STATION

Re: Maintenance Agreement with Ray C. Weaver Mechanical for HVAC at Police Department

Alderman Burke moved, seconded by Alderman Piazza to approve a Maintenance Agreement, with required signatures, between the City of Waveland Police Department and Ray C. Weaver Mechanical

Contractors for HVAC Equipment Preventative Maintenance and Inspection at the Waveland Police Department in the amount of \$3,520.00 per year. **(EXHIBIT D)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

CONTRACTS/POLICE DEPARTMENT

Re: Approve a Contract with Ms. Lisa Parker for Transcription of Interviews

Alderman Piazza moved, seconded by Alderman Burke to approve a contract between the City of Waveland Police Department and Lisa Parker for transcription of interviews at a cost not to exceed \$1,000.00 to be paid out of NTF. **(EXHIBIT E)**

Mrs. Yarborough said she reviewed the contract and said it was the standard contract used by the City.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

PERSONNEL/POLICE DEPARTMENT

Re: Re-Hire Don Siebenkittel as part-time Patrolman

Alderman Richardson moved, seconded by Alderman Burke to re-hire Mr. Don Siebenkittel as a part-time Patrolman at a rate of \$9.00 per hour, pending passage of drug test.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

STREETS DEPARTMENT/RESURFACING OF VARIOUS STREETS PROJECT

Re: Resurfacing of Various Streets

Alderman Lafontaine moved, seconded by Alderman Richardson to **TABLE** approval of 2 quotes received on the “Resurfacing of Various Streets – Waveland MS” from Land Shapers and Warren & Warren Asphalt Paving. Note: Balance of \$25,053.65 remaining to pave with Road & Bridge funds received 2017. This would involve repairs to Central (at Coleman), Villere, Ducre, Auderer and Sears.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

Re: Removal of Considering Quotes regarding “Resurfacing of Various Streets”

Alderman Lafontaine moved, seconded by Alderman Richardson to **REMOVE UNTIL FURTHER NOTICE** approval of 2 quotes received on the “Resurfacing of Various Streets – Waveland MS” from Land Shapers and Warren & Warren Asphalt Paving. Note: Balance of \$25,053.65 remaining to pave

with Road & Bridge funds received 2017. This would involve repairs to Central (at Coleman), Villere, Ducre, Auderer and Sears.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

AGREEMENTS/STREETS REPAIR PROJECT/STREETS-PAVING

Re: Agreement with Compton Engineering for Professional Services related to Repair of Central, Villere, Ducre, Auderer and Sears

Alderman Burke moved, seconded by Alderman Richardson to approve agreement with Compton Engineering for professional services related to Repairs of Central (at Coleman), Villere, Ducre, Auderer and Sears, for a total cost of \$2,500.00 (would decrease available Road & Bridge Funds to \$22,553.65).
(EXHIBIT F)

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

BIDS/HIGHWAY 90 LIGHTING RELOCATION/SPECIAL MEETING/MEETINGS

Re: Compton Engineering to Solicit Sealed Quotes for Pot Holing (Identifying Utilities) on Highway 90

Alderman Burke moved, seconded by Alderman Piazza to authorize Compton Engineering to solicit sealed quotes for pot-holing (Identifying) utilities on Highway 90 as part of the Hwy 90 lighting relocation and ask for special meeting on the 13th or 14th of December to award the lowest quote if needed. Compton Engineering shall coordinate with City of Waveland Purchasing Office.

Mr. Lagasse said this will be for up to 8 spots and up to \$10,000 which will be reimbursed 100% to the City from MDOT.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

ADVERTISEMENTS/DEMOLITION/HIGHWAY 90 LIGHTING PROJECT

Re: Advertise for Sealed Quotes for Demolition to Remove Existing Lighting and Wiring – Highway 90 Lighting Project

Alderman Burke moved, seconded by Alderman Piazza to advertise for sealed quotes for Demolition to remove existing lighting and wiring regarding the Hwy 90 Lighting Project while allowing remaining lights to stay energized. Compton Engineering shall coordinate with City of Waveland Purchasing Office.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

SANITARY SEWER PROJECT IMPROVEMENTS/BIDS/ADVERTISEMENTS/CITYWIDE SEWER IMPROVEMENTS PROJECT

Re: Advertise for Construction Bids on Citywide Sewer Improvements Project

Alderman Burke moved, seconded by Alderman Richardson to advertise for construction bids on the Waveland Citywide Sanitary Sewer Improvements Project, contingent upon the City obtaining the remaining Rights of Entry (ROE's) identified on the project and the execution of the site certificates by the City Attorney, Rachel Yarborough and Mayor Smith.

Alderman Lafontaine asked if we have determined how much of this we're going to do and how much we're going to spend out of the budget. Mayor Smith said he would say no. Maximum was determined to be about \$5M or \$6M, however annexed area was cut from consideration because of the added cost.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

STORMWATER/TRAINING

Re: Compton to Conduct Training for Board of Mayor and Aldermen

Alderman Burke moved, seconded by Alderman Richardson to **TABLE** Compton Engineering to conduct the Annual Stormwater Compliance Training for the Board of Mayor and Aldermen during the regularly scheduled Board Meeting. (Approximate time - 10 Minutes)

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

PUBLIC WORKS DEPARTMENT/NICHOLSON AVENUE IMPROVEMENTS PROJECT/CITYWIDE SIDEWALKS STUDY/STREETS/MDOT

Re: Appoint Public Works Director Brent Anderson as City's LPA Manager for the Nicholson Ave. Improvements Project and the Citywide Sidewalks Study

Alderman Burke moved, seconded by Alderman Richardson to appoint Public Works Director Brent Anderson as the City's LPA Project Manager for the Nicholson Avenue Improvements Project #STP-9136-00 (004) LPA/107516-701000 and the Citywide Sidewalks Study Project #STP-0274-00(010) LPA/107488-711000.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

BUSINESS CENTER/INCUBATOR/BIDS

Re: Award Bid of to Lease Entirety of Waveland Business Center (Incubator) to Studio Inferno

Alderman Burke moved, seconded by Alderman Piazza to conditionally select Studio Inferno (Erica Larkin Gaudet and Mitchell Gaudet) as best and most responsive bid regarding the lease of the entire Waveland Business Center (Incubator) in the proffered amount of \$500.00. Said selection is conditioned on and subject to Board approval of all terms of a written lease agreement between the City of Waveland and Studio Inferno. The City reserves the right to reject all bidders until a satisfactory lease contract is approved by the Mayor and Board of Aldermen.

Mrs. Yarborough expressed concerns about removing the current tenants because their combined rent outweighs what the current bid is and if it's the intent of the bid laws that we receive the most money for the building then it wouldn't make sense to evict the current leases to receive the \$500 bid. She said she didn't have any hesitancy to work out a lease contract with Studio Inferno reserving the City's right to the current tenants and the lease agreements in place with them and the rental of the space after those leases lapse and retaining the right to occupy the space once they are available.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

**TIDELANDS TRUST FUND PROGRAM/GRANT AWARD AGREEMENT/AGREEMENTS/
GRANTS/POLICE DEPARTMENT/APPLICATIONS
Re: Tidelands Trust Fund Program Grant Award Agreement for the Waveland Beach Pagodas**

Alderman Piazza moved, seconded by Alderman Burke to approve the Tidelands Trust Fund Program Grant Award Agreement, including required signatures, for the Waveland Beach Pagodas (FY18-P646-4WV) in the amount of \$200,000.00. **(EXHIBIT G)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

Re: Tidelands Trust Fund Program- Revised 2018 Applications

Alderman Burke moved, seconded by Alderman Piazza to approve the Tidelands Trust Fund Program – Revised 2018 Applications as prepared by Compton Engineering, including required signatures, to reflect award of \$200,000 for Waveland Beach Pagodas. **(EXHIBIT H)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, & Piazza

Voting Nay: None

Absent: Lafontaine

**INVOICES/CITYWIDE DRAINAGE IMPROVEMENTS PROJECT/DRAINAGE PROJECT/
UTILITIES DEPARTMENT/COURT DEPARTMENT
Re: 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-d): **(EXHIBIT I)**

- a) Invoice #N20124033 from AMEC Foster Wheeler in the amount of \$3,288.70 – Citywide Drainage Improvements Project.
- b) Invoice #N20124239 from AMEC Foster Wheeler in the amount of \$762.41 – Citywide Drainage Improvements Project.
- c) Moved to 37E (next agenda item)
- d) Invoice from Judge Pro-Tem James A. Lagasse III in the amount of \$175.00 – Court Date, November 15, 2017.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, & Piazza

Voting Nay: None

Absent: None Lafontaine

**UTILITY DEPARTMENT/EMERGENCY POINT REPAIR/PURCHASING/INVOICES
Re: Emergency Point Repair- Utilities, Nicholson Avenue @ Hwy 90**

Alderman Invoice MP7037 from DNA Underground, LLC in the amount of \$6,800.00 – EMERGENCY Sewer Point Repair completed at Nicholson Avenue and Highway 90 on November 23, 2018. (Item is on current Docket and was an EMERGENCY Sewer Repair). **(EXHIBIT J–Letter by Mr. Anderson)**

Mrs. Yarborough said to make the record clear with Public Purchase Laws, Mr. Anderson has submitted a letter submitting the following information, that there was a breach in the sewer line and raw sewerage was spraying on the right of way, causing an unforeseen emergency situation calling for immediate action and that the sewer line serviced the surrounding commercial businesses, and that in accordance with MS Code Section 31-7-13 subsection (K), the emergency repair was required and any delay would not allow for the opportunity for quotes or competitive bids; it would have been detrimental to the interests of the City of Waveland and repair work was immediately necessary to conserve the health, safety and welfare of the public. Mr. Anderson said this is 100% correct. Mayor Smith said he saw it and verifies it as well.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

**BUILDING DEPARTMENT/COURT DEPARTMENT/PERMITS REPORT/WRECKER
ORDINANCE/TOW-TRUCK ROTATION/POLICE DEPARTMENT/REVENUES AND
EXPENDITURES REPORT/PRIVILEGE LICENSE REPORT/PERSONNEL**

Spread on the Minutes the following being listed (Items a-f):

- a) Building Department Permits Report for the month of November, 2017.
- b) Removal of Mr. Gary Gros and Mr. Don Grey from part-time roster at Police Department. Neither gentlemen accepted the position.
- c) Removal of Big Boy Status Towing Company from Police Department Tow Rotation.
- d) Officer Matthew Roberts as Deputy Court Clerk to authorize signing of tickets, affidavits, citations, etc.
- e) The Amended to Actual Revenues and Expenditures Report for the month ending 9/30/17.
- f) Privilege License Report for the month of November, 2017.

Alderman Burke moved, seconded by Alderman Richardson to adjourn the meeting at 10:18 p.m.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

The foregoing minutes were presented to Mayor Smith on January 5, 2018.

Lisa Planchard
City Clerk

The Minutes of December 5, 2017 have been read and approved by me on this day the 5th day of January, 2018.

Mike Smith
Mayor

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