

The Board of Mayor and Aldermen of the City of Waveland, Mississippi, met in Regular session at the Waveland City Hall Boardroom, 301 Coleman Avenue, Waveland, MS. on October 2, 2018 at 6:30 p.m. to take action on the following matters of City business.

PUBLIC HEARING

Re: 467 Highway 90, Legendary Enterprises

Mr. Yarborough: We have a Public Hearing, blighted properties, 467 Highway 90. Mr. Hayes, if you can, I know you've provided an affidavit on this, if we can first have a motion to spread on the minutes the notices, publications and the affidavit as to served as presented by Mr. Hayes. (Motion and second to spread as to those documents on the minutes)

Alderman Piazza moved, seconded by Alderman Richardson to spread on the minutes the notices, publications and the affidavit as to served as presented by Mr. Hayes.
(EXHIBIT A)

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

Mr. Yarborough: So this is a Hearing pursuant to Mississippi Code Section §21-19-11 for the determination of whether the property located at 467 Highway 90 should be declared, in whole or in part, to be a menace to the Public Health and Safety to the City of Waveland. Mr. Hayes, if you can, present any documentation concerning the property, and then you can state your opinion as to what, if anything, on the property should be declared a menace to the Public Health and Safety, and then state your position and your documents supporting that position.

Mr. Hayes: Just as is stated in the affidavit that it's blighted and it's dilapidated and an unsafe structure and it needs to be demolished.

Mr. Yarborough: So the sole issue is the building itself? Are there any weeds or growth on it that need to likewise be cleared or attended to, or is it your position that it's solely the building that is in need of demolishing?

Mr. Hayes: I did notice overgrowth recently.

Mr. Yarborough: Okay, was that part of the notice provided to the property owner with the overgrowth as well as the building?

Mr. Hayes: Let me see here, I don't see it.

Mr. Yarborough: Okay, so the one thing we'll consider is the issue of the building itself.

Mr. Hayes: It is noted in here.

Mr. Yarborough: It is, okay.

Mr. Hayes: I'm sorry.

Mr. Yarborough: So we'll note the weeds and overgrowth as well as the building. What is it about the building that, in your opinion, requires that that be declared a menace to the Public Health and Safety, in consideration by this Board of cleaning.

Mr. Hayes: Specifically, the structure is deteriorated and blighted. The windows are broken, you've got moisture penetration, exterior/interior walls are deteriorated to the point to where material's falling away and it's creating openings and failings. Roofing material has fallen away and causing structural aspects to fail. The structure is covered in filth due to neglect. There are many inoperable and unregistered vehicles on the property as well. The property is overgrown and covered in debris and because of the open structure and moisture, vermin and insect infestation is eminent and the open structure may have become a harbor for vagrants.

Mr. Yarborough: Okay, what if anything is your concern, is a safety hazard? Is it also a fire hazard? Is there not anything that concerns fire.

Mr. Hayes: Well typically, vagrants sometimes do cause fires in abandoned structures.

Mr. Yarborough: Particularly when it gets to be wintertime, I guess. Okay, does the Board have any other question of Mr. Hayes. I know you've provided the packet which we've spread on the minutes; is there any pictures in particular you wanted to point the Board's attention to?

Alderman Lafontaine: Gary, I've got a question.

Mr. Yarborough: Yes Sir.

Alderman Lafontaine: There is more than one structure on that property, does that include all the structures on that property, is that correct?

Mr. Hayes: It does.

Alderman Lafontaine: It includes all?

Mr. Hayes: All the structures.

Alderman Burke: Gary I think; you advised, Mr. Yarborough, is this the property that might have had a judgement or something along maybe 2009, 2011 against it. Or if it was going to be researched.

Mr. Anderson: (Brent Anderson – Public Works Director) Yes.

Alderman Burke: Was it? What was the judgement against it then?

Mr. Anderson: I don't remember, it was too long ago. But that's the first side of it.

Alderman Burke: Okay

Mr. Anderson: Then I think they were supposed to follow up.

Mr. Yarborough: With another judgement.

Mr. Anderson: With another, correct. After that, then I'm not for sure what it was.

Mr. Yarborough: I think there's been a prior judgement and adjudication. There was not a cleaning subsequent to that. Statute only provides the right to enter it within a year after, so were now more than a year after that original determination.

Alderman Burke: Okay.

Alderman Piazza: Josh, could you find any proof of somebody living in it out there?

Mr. Hayes: Uh they, yea, there's proof of vagrancy.

Alderman Piazza: I see a car parked there on weekends all the time.

Mr. Hayes: Well there's multiple cars parked there. Supposedly they have, I don't know; it's hear say, but I heard that there was permission from the owners, the neighbors that they could park vehicles there, I'm not certain. You know you can look inside and you can see that there are old mattresses and food wrappings and stuff like that.

Alderman Piazza: Thank you.

Mr. Yarborough: Any other questions by the Board, of Mr. Hayes. Do we have the property owner here or a representative for the property, yes sir. If you can, can you come to the podium please? And just state your full legal name and address. And are you Mr. Vega?

Mr. Vega: Daron Vega – Property Owner, Yes.

Mr. Yarborough: Okay, thank you. And you're the registered agent for owner, Legendary Enterprises and Acquisitions, LLC.

Mr. Vega: Yes

Mr. Yarborough: Is that Mississippi Corporation?

Mr. Vega: It's an Alabama Corporation.

Mr. Yarborough: Are they registered to do business in Mississippi?

Mr. Vega: Am I registered here?

Mr. Yarborough: Is the entity registered here?

Mr. Vega: No, its not.

Mr. Yarborough: Alright, yes sir. You can state anything you like as concerns your position on the property and then respond to anything Mr. Hayes has stated thus far.

Mr. Vega: I'm a father of four, so I figured, I'd get it, it would be a good legacy for my family. There was a good deal on it. And I was under the pretense that the property, you know with \$7,000 invested basically, and a little bit of paint that it could re-opened. Well, we looked into it and there was a lot more work that needed to be done. But these are the sketches that we had done to turn into a little retro-beach motel, because it's really a bike ride away from the beach. We were going to make it relatively inexpensive, but nice. And there's a house on the property and I was going to look for family with kids to move in for a reasonable rent while managing. And we were going to have scooters and bikes and paddle boards for rent here, so they can take them down and do that. So, I was contacted by Dianne Bennett, and she owns a nonprofit organization, or is part of a nonprofit organization that is called Gulf Coast Women's Job Corps. I don't know if

Page _____
Regular Meeting of October 2, 2018
6:30 p.m.

anybody's familiar with that, but you know it's a Christian organization, which was appealing to me. But what Dianne does, is she goes into the Prison system, and she ministers to women on a weekly basis. And what she wanted, because in the State of Mississippi, if anybody is convicted of a felony, when you get out, you can't get a job and you can't get a place to rent. So Dianne approached me and said what I'd like to do is, get all of our Church members together and rehab it; we have volunteers, we have everything. We've been talking about this for almost two years. So finally, I got an offer in writing from her Attorney. They put it together and we've actually held off on the project. The first estimate that I got, just so you guys know, was \$330,000.00 to rehab 22 rooms, including the parking lot blacked topped, which is about \$15,000.00 per room. Well, as you know, it would be hard to find a place on Highway 90 with the investment that I already had in it, with an additional \$330,000.00 to hold it's value. So my business partner is Attorney Barton (Bart) Greer of The Greer Law Firm, in Mobile, Alabama. In fact Mike, we came and visited you about a year and a half ago.

Mayor Smith: Yes, you did.

Mr. Vega: And we actually talked about the Motel, opening the beach idea, and everything. I know that you put a lot into the Pier and what not. So we had planned on doing that together and he has 53 houses, he has all the Greer's Grocery stores, I don't know if you're familiar with the Greer Grocery Chains, since 1916, they've had all those Greer's Grocery Stores. They have 35 stores, 800 employees. So, he told me that he was willing to come in as my partner on it. And then Dianne came in person, drove all the way to Mobile and pitched us on doing this for those women and helping them get re-established and getting back on their feet, and we really like the idea. But we've actually been waiting on this (holding up paperwork). Bart's crew, he has his own construction crew that handles his properties, came out and said that they could do it for \$110,000.00, good enough to where it was cosmetically good, the sheetrock was back, you know everything was fixed good enough to rent for a \$110,000.00, which works out to be about \$5,000.00 a room. So that is something that we would be able to do and still within the value of the properties along Highway 90 there. So that was our goal, we love the little Waveland retro beach motel, but we couldn't do it on a property that was \$500,000.00 or \$600,000.00 on Hwy 90. It just wouldn't be, it just wouldn't hold it's value. Then Dianne approached us, so I think she has an offer in writing right here that I can show you guys for \$219,000.00. They have all of the people ready to do the rehab, from the church. And then we were going to take some of the money that she puts down on it, because she's putting \$25,000.00 down and we were going to donate back \$10,000.00 of the \$25,000.00 to help in the efforts to rehab it for the Women's Job Corps.

Mr. Yarborough: So you, so you.

Mr. Vega: Now, if you guys aren't, you know, thrilled with that idea, it being there, then I can let her know and we can still do that rehab for the \$110,000.00 and get open as a little retro beach motel.

Mr. Yarborough: So, is that the letter offer?

Mr. Vega: Yes, uhhuh.

Mr. Yarborough: May I please?

Alderman Lafontaine: How long have you owned the property?

Mr. Vega: I got it in late 2016, and then Dianne contacted me early 2017; I was just actually looking at the text messages and when they started coming in from Dianne, that was in early 2017 that they started coming in.

Mayor Smith: Yea, cause y'all came in about that time right?

Mr. Vega: Yes.

Mayor Smith: And I think, was it you that owned the sign company or?

Mr. Vega: Mr. Greer, he has a sign company too.

Alderman Richardson: Josh can I ask you a question? How's the 50% rule come in effect on this?

Mr. Hayes: Yea, that is something that you have to keep in mind, it's in a flood zone, so in that situation to rehab it, you'd have to prove that it's not a substantial improvement. So, you can prove, whether it's through the Tax Assessor or appraised value, that you're not going to do, meet or exceed 50% of that value. So, it sounds like something you might be already aware of.

Mayor Smith: Now see, let me speak to that if you don't mind just for a second. Back when I was Fire Chief and doing blighted properties, that was a property that was an issue back before 2014. Bill Carrigee was the Building Official at the time, and him and I went out there because there was somebody that was wanting to do a project, so in order get away from the 50% rule, he told the people they had to tear down the opposing building, in order to repair that building and fill in the swimming pool. So there was a swimming pool that was not filled in, so, but nothing ever occurred after that. So I just wanted to kinda, throw that out there too, was that was an issue before 2010 and with Bill going out there and saying, well if you tear that building down and fill in the pool, then you can rehab the other part of it.

Mr. Vega: I might call you just cause I'm not registering all of it right now, but I might call you if this works out.

Mr. Yarborough: What is your intent as concerns this offer? I don't see, I'm trying to find a survey, they have a due diligence to December 1 to inspect, which is another 2 months I guess. And then...

Mr. Vega: You know, I actually had another person on the property all last week. He looked at the bones of the most of the structures, and it looks to me like there's a lot of cosmetics that could be done, and may need some structural stuff that needs to be looked at, so I'll have to look at that and see what that entails. But for the most of it, the electrical and the plumbing seem to be in good working order, and that's the one thing that the seller told me that was true when I inspected it, seemed to be in some working order.

Mr. Yarborough: There's been...

Mr. Vega: I'll need to replace a stairwell, which is going to be some money.

Mr. Yarborough: Is it presently a single story?

Mr. Vega: No it's...

Mr. Yarborough: It is two story, okay I only see the one photo in here of it. (Alderman Burke handing Mr. Yarborough photos)

Mr. Vega: One reason we thought this might go over well is because my business partner owns a sign company. We were going to put a big beautiful beachy sign in front of Walmart, because we know everybody goes to that Walmart, so everybody knows that we would be opening or coming soon. The other thing is that Waveland, from what I've read, used to be a real tourist community, and that dropped off and people haven't really, I guess the awareness still isn't out there of how **back** we are here. So, we'd like to have a beach motel and let them know, even though we're off the beaten path; it's so close, it's just right around the corner and you hit the water.

Mr. Yarborough: So this is right by the Sonic? Is that right?

Mr. Vega: It's directly across from the Walmart.

Mr. Yarborough: Yea, just west of the Sonic. What is your position, have you had someone inspect the structural integrities of the buildings?

Mr. Vega: Yea, Ray Lacosta, our construction guy, he's who handles all of Mr. Greer's properties; he went out there and he said most of it is just cosmetic and little fixes here and there, you know.

Mr. Yarborough: What about Mr. Hayes's position concerning the leaking of the roofs. Is there any roof rehab that's going to be required?

Mr. Vega: Patching, I would assume.

Alderman Burke: I think it sounds much more than the 50% rule. I mean electrical, roofing, stairwell and according to the Tax Assessor \$131,000 for the value of all 4 buildings combined. So I don't think, I think it's...

Mr. Vega: See, I don't know how that's even possible. Because those rooms were individually appraised in 2010, if I remember correctly.

Alderman Burke: Nah, I think, I don't know who the appraisal would be by, its' been getting taxed at, the land at \$100,000.00 and the building is at \$131,000 for the whole parcel since whenever it was reappraised; that's the improved value.

Mr. Yarborough: Do we, have you had an appraisal; the last time this was used was Katrina, I presume, right. It was damaged during Katrina, no use since.

Mr. Vega: I thought that there was an appraisal done, I should have brought it.

Mr. Yarborough: As far as that...

Mr. Hayes: I think it was open in 2014, is what I've...

Page _____
Regular Meeting of October 2, 2018
6:30 p.m.

Mr. Vega: Believe it or not, that sucker was running in 2014. The last appraisal I thought was in 2010.

Mr. Yarborough: Do we have a, was there any damage to it since then, since '14.

Mr. Vega: No, it's pretty much the same as what it was.

Mr. Yarborough: Was there a...

Mr. Hayes: Its dilapidated, I think it's just...

Mr. Yarborough: Was there a building permit issued in 2014, or a use permit?

Mr. Hayes: I never did research on that.

Mr. Yarborough: Well that's what I'm saying, were they just using it without a permit, is what I'm asking, in 2014?

Mr. Vega: Yes

Mr. Yarborough: Okay, that's what I'm...

Mr. Hayes: We found out from the Power Company, I think they might have had power in 2014.

Mr. Yarborough: It's a question of use, when's the last time we had a legal permitted use of this building? Was it before Katrina?

Mr. Hayes: I'm not certain.

Mr. Anderson: Yes.

Mr. Yarborough: Okay, and that was as a Motel/Hotel. What is the use contemplated, so the buyer here is Gulf Coast Christian Women's Job Corps would be housing post detention women? Women who would be recently out of prison or something to that affect.

Mr. Vega: She's ministering there at the prison, and then when they get out, they can't find a place, and a lot of them, their kids are placed through the Court system, and in order to get their kids back, they have to have 2 things; a job and a place to live. So not only would it help 30 to 40 women at a time, but a lot of them would be able to get their kids back, so that's why we've actually held off on the project.

Mr. Yarborough: so this has been...

Mr. Vega: Because of the cause behind the act.

Mr. Yarborough: And you're selling this, the proposal is to sell, as is, where is, and they would do a due diligence period. Would it be your intent to agree to this?

Mr. Vega: Well that's why I'm, you know obviously I wanted to come and see what you guys thought about that. I think that, that has a lot of purpose.

Mr. Yarborough: Well, I'll just say, we can't consider this use, here, because this is... This proposal is not for a use that is by right under our Zoning Ordinance, and that's why I'm asking, because the proposal to house as a housing unit would be, under our Zoning Ordinance, a conditional use. So for example, you can use it by right as a Hotel/Motel for them to submit it; we can't really consider that and it's really not proper for us to consider any different use here.

Mr. Vega: I got ya.

Mr. Yarborough: Because that's not before us. And I'll...

Mr. Vega: You met Dianne too, right?

Mr. Hayes: I did meet Ms. Bennett a few weeks ago in my office and she did explain what she wanted to do there. And I said well, to be able to really concrete that, you would have to come up with some kind of, I guess, rendering to this state I guess and submit it, or even like a Building Permit.

Mr. Yarborough: She would have to request a Building Permit for a use, but she would have to go through Planning and Zoning, to allow the use itself.

Mr. Hayes: And I think she was aware of that, yea.

Mr. Vega: She was aware of that. She wanted to be here; I told her I didn't think it was necessary. I probably should have had her come with all of her stuff that she had.

Mr. Yarborough: Have we had, has there been any application for a use on this property since 2005 for which a substantial value determination was made.

Mr. Hayes: Not that I know of.

Mr. Yarborough: Okay. So, and I'll just tell the Board as concerns the substantial value, it is also not properly before us because that's not a determination that's been made, cause that is made on the first part by the Building Official, appealed to Planning and Zoning by anyone claimed to have been agreed and then to us. So that is likewise not a position that we can determine here. The only question before us here is, whether or not the property as is, is a menace to the Public Health and Safety of the property. So, within

Page _____
Regular Meeting of October 2, 2018
6:30 p.m.

that, I would consider structural integrity. I appreciate the grounds itself, and then the building itself, whether or not it's secured and whether or not there are damages that make it a Public Health and Safety question, Mr. Hayes. So that's kind of where we are here, and if there are some things that we need to evaluate further, you know...

Mr. Vega: One thing is Tammy Roberts is the broker in Baldwin County in Alabama and she came out and I thought that she had, and that's why I was asking this gentleman; I thought that I actually saw an appraisal in 2010, that was done and it showed each room with \$18,000 in individual value.

Mr. Yarborough: Well, and I'll say too, if you're talking back to the question of substantial value or not, that determination is made based on the value at the time of the loss, which would have been August 29th, 2005. So that person's going to have to determine whether the stick value of that as damaged by the event, which would be the occurrence of Hurricane Katrina, resulted in more than 50% damage. Cause that is the only loss, it was not a recurrent loss, right? So, a singular loss 2005.

Mr. Hayes: Yes, that's what I believe.

Mr. Yarborough: Yes.

Alderman Burke: So.

Mr. Yarborough: So, I'm just, and I'll just tell the Board what I, where I believe we are is we have a property. Mr. Vega, okay, I'm sorry, your name escaped me for a second. Mr. Vega, would you agree with me that the lawn could use a cutting?

Mr. Vega: We paid somebody a while back to go through the property and we need... Yea absolutely, we need to do it again.

Mr. Yarborough: Okay, okay and you would agree with me that could be done on a recurring basis.

Mr. Vega: Absolutely.

Mr. Yarborough: So if the Board here determined on the singular issue of the grass needing to be cut, that is properly a menace to the Public Health and Safety and it can be declared so, us retaining our rights entering the property within a year if you don't do it yourself, and assess those costs to you.

Mr. Vega: We can do that.

Mr. Yarborough: Would you agree with me that some of the cosmetics on the building and anything that concerns rodents or vermin could need cleaning, or...

Mr. Vega: We'll work on that too. Someone had broken into some of the rooms.

Mr. Yarborough: And that's some of the concern here, is...

Mr. Vega: We're going to change locks, and then do some pest control over there.

Mr. Yarborough: So, what I'm suggesting is; I think we can agree that the grass needs cutting., I think we can agree that there are vagrants there, people breaking in, it's not secured and it potentially could be, we haven't done our own structural evaluation here yet, but it seems like it could be demolished. And we also still have at limbo a 50% rule, which would affect any permit requested for a future use. I think we can all agree to that, is that right?

Mr. Vega: Yes.

Mr. Yarborough: So, would you agree that it be within the purview of this Board to declare it a menace to the Public Health and Safety and retain the right to enter that property within the year if either you or a fair value purchaser doesn't correct those issues yourself.

Mr. Vega: Absolutely, that's more than fair. Because if Dianne, if the licenses don't go through, were' gonna go ahead and make it a little beach motel.

Alderman Burke: The State that, granted Mr. Hayes is the one whose been on it more and I guess, I just pass by it occasionally, it looks like it needs to be demo'd. No, I mean, it doesn't fit in with the corridor of Highway 90 that I want to see.

Mr. Vega: I agree with you. Something needs to be done.

Alderman Burke: And I don't think grass cutting's going to be the answer.

Mr. Vega: It needs a total overhaul, which we're planning and willing to do.

Alderman Piazza: And if you overhaul it, paint it a pretty color.

Mr. Vega: No, I agree with you. (laughter)

Alderman Piazza: And some shrubbery, you know, out front where it would be attractive looking.

Mr. Vega: Right, absolutely, absolutely.

Alderman Burke: So how do we determine the 50%?

Page _____
Regular Meeting of October 2, 2018
6:30 p.m.

Mr. Yarborough: So, well and that again, that is not on this agenda, and that's not properly before us now and that would be evaluated, if ever, if there's a permit submitted to the Building Official to determine whether or not that is, but I think where we have presently, is Mr. Vega agrees that the property, as in it's present condition is a menace and we should retain the right to go in and demo the property, and clean it if its not done by either Mr. Vega or a subsequent owner; we can do that within a year, per statute.

Mr. Vega: Absolutely, yea, we'll get in there immediately and take care of it.

Mr. Yarborough: Okay, so how long would you, do you think you need to repair this and get it into a proper state. I know you had like December 1 due diligence period. And again that's a due diligence period just so were clear that the proposed, the punitive use there is not one we can just, even if speaking hypothetically, they would submit an application and we would say it's not 50% damaged, that we would allow that by right, because is not a by right use. So whether its done by you or someone else, in the interim it's got to be rehabbed to some extent. How long would you need to do that?

Mr. Vega: Probably, we can start something in 90 days.

Mr. Yarborough: Start cleaning, or just..

Mr. Vega: No, no not the cleaning. That can be done immediately.

Mr. Yarborough: Immediately.

Mr. Vega: But within 90 days, we can start the rehab. I'm going to give her a little bit of time to check on what she needs to get done.

Mr. Yarborough: Would it be feasible to shorten the due diligence period in this? I know you've got a December 1 due diligence period in the proposed agreement.

Mr. Vega: To do what, I'm sorry?

Mr. Yarborough: She has a due diligence period of I think, in here of December 1. Would it be feasible to shorten that period?

Mr. Vega: Yea, absolutely, we can do that.

Mr. Yarborough: What would be, would you be opposed to reporting back at the next meeting of the Board at the firm timeline of steps to rehab it and cure it in that way. If the Board determines that it needs to go in and enter the property itself, it can kind of evaluate those steps. I think the next time we meet will be October 17th? Right Ms. Tammy?

Alderman Piazza: Yes, 17th.

Mr. Vega: October 17th, okay.

Mr. Yarborough: Alright, so I think we're on the same page as far as the property status presently. So does the Board want to consider a motion, with Mr. Vega's stated consent here to declare the property at 467 Highway 90...

Mr. Vega: 467

Alderman Lafontaine: Gary, before we move forward with that, what is our standing with the 50% rule.

Mr. Yarborough: We don't, that would be subject to an application.

Alderman Burke: We need to establish it now, cause I don't want to just sit around.

Mr. Yarborough: We don't have anything before us for this option now. We haven't done an inspection as I appreciate it for a 50% evaluation.

Alderman Burke: Well can just send him out to see what repairs, because right now it looks somewhere between a flophouse and a traphouse. I think we can all agree on that.

Mr. Anderson: It's not our 50% inspection, it's on the Contractor, a Licensed Contractor.

Alderman Richardson: Also...

Mr. Yarborough: We can't do, that is done procedurally when there's an application submitted and its evaluated under the Floodplain Ordinance. And I'll, again, that's not before us here today. It's not properly before us here today, and that's not an evaluation we have.

Alderman Richardson: And I guess before any construction can start, we have to see what direction it's going to go as far as the utilization of this building. Me personally, I would rather see a hotel type thing, not single family dwellings or multiple single family dwellings at this. I mean, I'd rather see a hotel. I mean nothing against the Christian Women's group.

Mr. Vega: No, I get it.

Mr. Yarborough: Anything else Mr. Lafontaine?

Alderman Lafontaine: That was it.

Mr. Yarborough: So we have a motion (stated below)

Re: Declare 467 Highway 90 as a Public Menace to the Health and Safety of the Community – Owner to be at City Meeting on October 17, 2018 with an update

Alderman Piazza moved, seconded by Alderman Lafontaine, given Mr. Vega's consent for a determination of the property for all matters stated by Mr. Hayes as a Menace to the Public Health and Safety MS. Code Section §21-19-11, the City of Waveland reserving it's right to enter the property under the statute at anytime within a year with the ability to incur those costs, but also to assess them by tax lien against property owners present or future. Given the pending sale, or the putative sale, I think we would also authorize appropriate County Personnel to file a Notice of List pendings in Chancery Court of Hancock County to notify them of this, a determination by the Board of Aldermen, Mr. Vega, as Representative and Owner of Legendary Enterprises to report back on or before in writing the October 17, 2018 meeting of Board of Mayor and Aldermen, and to appear at that meeting and to give a status on the timeline of the curing of those manners stated here to be a menace to the Public Health and Safety.

Alderman Burke: So Gary, he can just go and clean it up bare minimum, and that would suffice for us?

Mr. Yarborough: No, that's not what it is; the determination is for all grounds stated by Mr. Hayes, and I think Mr. Vega stated that he believes that it needs to be either repaired or demolished or just some effect to be cured, is that correct, Mr. Vega?

Mr. Vega: That is correct.

Mr. Yarborough: And so, we are finding that we have the right to within a year demolish it, if it's not done, or otherwise fix it if it's not done.

Alderman Burke: Demolish all four structures?

Mr. Yarborough: I think Mr. Hayes's position was that it is all four structures? Is that right?

Mr. Hayes: That's correct.

Mr. Yarborough: Is that right Mr. Vega?

Mr. Vega: Yes.

Mr. Yarborough: Okay, so we're retaining that right for anytime within a year, if it's not otherwise satisfactorily declared to not be a Menace to the Public Health and Safety.

Mayor Smith: Alright, and that valuation on the, that I know we're not talking about tonight, is that going to include that building that was torn down already?

Mr. Yarborough: The law's determination would be made based on the buildings that were in effect and damaged at the time of Hurricane Katrina.

Mayor Smith: Cause there was a sister building across.

Mr. Vega: Right, I heard about that after I bought it.

Mayor Smith: Alright, I just want to make sure that was put in there too.

Mr. Yarborough: Alright, we have a motion and a second absent any further discussion, the roll call:

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

PUBLIC COMMENTS

Re: Brent Anderson – Presented a certificate given to the “Lost Cause” Cooking Group, of which he was a member, for their cooking meals for those affected by Hurricane Florence in North Carolina recently. He said they were set up next to Fort Bragg and the military gave them the appreciation award for their group going there to help their citizens and representing the City of Waveland on their own. They presented the Board with the plaque to put in City Hall; they received this while there and thanked

the Board for allowing them and supporting them to go there and help these people in need.

Re: Alfred Harris

MAYOR'S REPORT

Re: Announced the Ribbon Cutting for the Lighthouse is set for December 1, 2018

**WAVELAND AVENUE SIDEWALK PROJECT/BIDS/PROJECTS/BUDGET/
FUNDING-WAVELAND AVENUE SIDEWALK PROJECT**

Re: Table DNA Underground as Lowest, Best & Most Responsible Bid & Approve Request for Additional Funding in the amount of \$200,000

Alderman Lafontaine moved, seconded by Alderman Piazza to **APPROVE** a request to Gulf Regional Planning Commission for an additional \$200,000 for this project and to **TABLE** acceptance and recommendation from Mr. Jason Chiniche to approve DNA Underground as lowest and best bid from DNA Underground Construction in the amount of \$1,563,515.00 for the Waveland Avenue Sidewalks Project (until we get the additional \$200,000 answer and verify numbers).

Mr. Yarborough said this is making a determination under the MS Code Section §31-7-13 that this is the lowest and best bid and it's contingent upon execution of all payment and performance bonds required by MS. Code Section 31-5 and provision of appropriate insurance, and execution of the contract. Mayor Smith added that he planned to call their new Director and request an additional \$200,000.00. Currently \$1,052,000 is approved funding. Mr. Yarborough said once this is approved, it is approving an Agreement with DNA Underground, so if you want to hold off until you have the question of the determination of the amount... If you accept them as lowest and best bid, absent any reservation in there for question of funding, you're approving on the minutes, the agreement. Mr. Duckworth submitted an estimate of the proposed costs to the City and monies anticipated to be received by Funding Agencies. The DNA Underground bid is approximately \$108,000 north of Mr. Chiniche's estimate. Alderman Lafontaine asked that the motion be tabled until the next meeting. After discussion, he pointed out that we will have a total project cost of \$1,263,000 with our 20% match, so that will put us a about a \$284,000 shortfall and we're going back to GRPC and asking for an additional \$200,000. So, if we get the \$200,000 we'll have to come out of pocket about \$84,000; if we don't get the \$200,000 we're looking at \$284,000 out of pocket. The City will use engineering fees cost as our match.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

**INSURANCE/EQUIPMENT INSURANCE/VEHICLE INSURANCE/
COMMERCIAL INSURANCE/APPLICATIONS/AGREEMENTS**

Re: Ratify Commercial Insurance Applications – *Equipment*, with Betz Rosetti and Associates

Alderman Piazza moved, seconded by Alderman Burke to ratify commercial insurance application including required signatures with Betz Rosetti and Associates for *Equipment* Insurance from 10/1/18 to 10/1/19.

(EXHIBIT B)

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

Re: Ratify Commercial Insurance Applications – *Vehicles*, with Betz Rosetti and Associates

Alderman Piazza moved, seconded by Alderman Burke to ratify commercial insurance application including required signatures with Betz Rosetti and Associates for *Vehicle* Insurance from 10/1/18 to 10/1/19.

(EXHIBIT C)

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

COURT DEPARTMENT/PERSONNEL

Re: New Hire Rachel Sekinger, as Deputy Court Clerk

Alderman Richardson moved, seconded by Alderman Piazza to hire Mrs. Rachel Sekinger as Deputy Court Clerk at an annual salary of \$23,919.00, 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

PUBLIC COMMENTS

Re: Mr. Alfred “Tiger” Harris

ATTORNEY’S COMMENTS

Re: Mr. Yarborough had no comments at this time.

ALDERMEN’S COMMENTS

Re: Alderman Burke – No Comments or questions at this time

Re: Alderman Richardson – All questions answered prior to the meeting.

Re: Alderman Lafontaine

- Requested at the last meeting the lack for traffic control on Herlihy Street with the Sewer Project; there is no flagman or signs warning of road construction. Mr. Lagasse said he would take care of it tomorrow.

Re: Alderman Piazza – All questions answered prior to the meeting.

WATER/SEWER DEPARTMENT/ENGINEERING/CONTRACTS/CITYWIDE SEWER IMPROVEMENTS PROJECT

Re: Request Scope of Work and Cost Estimate to replace some old Water lines in conjunction with Citywide Sewer Project

Mr. Anderson said that when the City originally put out this Citywide Sewer Project for Herlihy and applied for an SRF loan, which MDEQ gave us a little issue about going back wanting to do some water in that project. Mr. Anderson had asked Compton to look into addressing some water line needs with that project. With the sewer project we are digging right alongside the original 4” steel line; if funding was available, now, from a

public works standpoint, would be the best time to replace this water line and get it up to current codes, i.e. an 8" supply line. He asked the Board if we can look into getting some estimates for this. Alderman Lafontaine said he felt that with the reserves in the utilities fund, this would be the type of projects we look for with the reserves in the utility fund; that part of it he agrees with to replace the water with the sewer. The only question he had is whether this is something we would have to do bids on. Mr. Yarborough said that Mr. Anderson called him about this and he told him the question will be scope and what is the cost, so it is appropriate to discern what the cost is and go from there. If we're looking at something that is exorbitantly more expensive, then on a change order perspective, it may not be appropriate, but we won't know until we know what those costs are. He said we should evaluate like we would any other change order, see what the proposed costs are, the original base contract and evaluate it from there. Mr. Anderson said he had planned, after speaking with the Board, to let Compton work up a line item scope and estimated cost and give it to the contractor who's currently on the job. Mr. Yarborough said that the City would not be bound until it's reviewed the scope and proposed cost from both entities and if it's something that's not proper, then the City would have to rebid it. It would be cumbersome because you would be rebidding it for a project with coordination of contractors, etc... but we wouldn't actually know that until we actually get something back from the contractor. Mr. Anderson asked for Board permission, if the Board agrees, to get Compton to work on getting the City an estimated hard cost from the existing contractor on site at this time with a line item scope of work. Alderman Lafontaine asked how much Compton is going to charge to do this scope of work. Mr. Lagasse said, "Shane, we can do it in what we're doing, I mean, and this is why. We just bid some projects in Pascagoula for some water lines that are roughly the same, so putting the numbers together; it's not going to be a huge effort on our part." Mr. Anderson said, "Well we know it's 4,600 linear feet, it's 8 fire hydrants, I mean we put the scope somewhat together."

Alderman Lafontaine moved, seconded by Alderman Richardson for the City to move forward getting a scope of work and estimated cost from Compton Engineering to replace old water lines, in conjunction with the Citywide Sewer Project, in the area referenced by Mr. Anderson; with the Board reserving all rights and waiving nothing as concerns procedures. It would be a contract concerning required modifications in writing for any modifications with the contractor being DNA Underground, LLC.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

**COURT DEPARTMENT/HANCOCK COUNTY JAIL/MEDICAL
INVOICES-INMATES/ACCOUNTS PAYABLE**

**Re: TABLE Adjudication and Administrative Proposal regarding Inmate Medical
Cost Containment Program**

Alderman Burke moved, seconded by Alderman Richardson to **TABLE** the Adjudication and Administrative Proposal between the Hancock County Board of Supervisors and the Mississippi Association of Supervisors for participation in the Inmate Medical Cost Containment Program to bring inmate medical costs down. The Court department is requesting to use this program through the County to drive down any prisoner medical costs the City may have to pay. Mr. Casey Favre, HCSO Director of Health Services and Ms. Christina Herman, Coordinator of HCSO Health Services will be present to explain and answer questions.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

PLANNING AND ZONING (EXHIBIT D)

Re: Santo P. Baiamonte, 104 Waveland Avenue

a. Santo P. Baiamonte, owner the property commonly known as 104 Waveland Avenue, Legal Description: Lot 4, Beach Vista Subdivision, is requesting a permit to remove a Live Oak Tree on his property per Section 408 and Section 907 of the City of Waveland current Zoning Ordinance (#349). Please see complete application submittal for details on the tree and the property. The tree is located in the front yard near the street.

Commissioner Adams made a motion to recommend approval of the application to remove the Live Oak Tree located at 104 Waveland Avenue. Commissioner Boudoin seconded the motion

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

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

Re: Eric Chatelain, 4th Street off Sears Avenue

b. Eric Chatelain, current owner of the property on 4th Street off of Sears Avenue, (Parcel #162Q-1-10-111.000), legal description: Lots 39-46, Block 8, Anchorage Subdivision is proposing to split the lots to create two lots. The two (2) proposed lots require a variance from the overall lot area requirement for Single Family Residential (R1) of 12,000 square feet. Parcel "A" would have an overall lot area of 10,987 Sq. Ft. requiring a variance of 1,013 Sq. Ft. Parcel "B" would have an overall lot area of 11,966 Sq. Ft. requiring a variance of 34 Sq. Ft.

Commissioner Adams made a motion to recommend approval of the variances as requested. Commissioner Boudoin seconded the motion.

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

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

Re: Stephan Hartel, Jr., 240 S. Beach Blvd.

c. Stephen Hartel, Jr., current owner of the property commonly known as 240 S. Beach Blvd., Legal Description: PT 94, PT 98, PT 103. All 100 & 102, 2ND Ward, Waveland, MS, Hancock County, Parcel #161M-0-11-079.000, 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

Page _____
Regular Meeting of October 2, 2018
6:30 p.m.

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 to recommend approval of the 'Procedural Variance under Section 306.2(G)(3) of the current Subdivision Ordinance (#351). Commissioner Harris seconded the motion.

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

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

Note: P&Z Items d & e (Stephen Hartel, Jr.) not discussed on this meeting of the Board of Mayor & Aldermen

Re: Palm Development, 451 Highway 90

f. **Palm Development**, with written permission from the current owner of the property commonly known as 451 Hwy 90, legal description: PT NW ¼ - SE ¼ PT 71 SEC 34-8-14, is requesting 2 permits to remove 2 Live Oak Trees on the subject property per Section 408 and Section 907 of the City of Waveland current Zoning Ordinance (#349). The purpose of the request is to allow Palm Development to complete site plan work and construction of an urgent care clinic on the property.

Commissioner Adams made a motion to recommend denial of the request to remove two (2) Live Oak Trees from the property. Commissioner Harris seconded the motion.

Commissioner Adams made a motion to recommend that the Site Plan not be approved. Commissioner Boudoin seconded the motion.

g. **Palm Development**, current owner of the property commonly known as 451 Hwy 90, legal description: PT NW ¼ - SE ¼ PT 71 SEC 34-8-14, have submitted a site plan for the redevelopment of the property as a medical clinic. As required by the Site Plan review process as outlined in the City of Waveland's Zoning Ordinance, Section 808, the Planning and Zoning Commission will review the proposed site plan and make a recommendation to the Board of Alderman. (This item was tabled by the Commission at the August 27th, 2018 meeting. Will need motion to remove from table prior to taking up the item.)

Commissioner Harris made a motion to remove this item from the table to allow discussion. Commissioner Boudoin seconded the motion.

Commissioner Adams made a motion to recommend that the Site Plan not be approved. Commissioner Boudoin seconded the motion.

Alderman Burke moved, seconded by Alderman Piazza for discussion of Agenda Items f & g regarding Palm Development.

During discussion, Mr. Yarborough recognized the representative for Palm Development, Mr. Winston Parks of 2214 White Avenue, Nashville, TN. 37204. Mr. Yarborough opened the floor to Mr. Parks. Mr. Parks provided the Board with a brief timeline of his action and plans. Mr. Yarborough asked if there was any way that a green space could be built to save the 2 trees. Alderman Piazza asked what will be getting built here. Mr. Parks said it will be an Urgent Care. Alderman Lafontaine asked if the parking lot can be moved closer to the back property line. Mr. Parks said his team has worked on more than

50 of these sets of plans and by no means take it lightly. The 2 trees prevent at least 5 parking spaces currently and there are 28 currently on the site plan, which are required by Ordinance. Palm Development requires a certain number of parking spaces as well as did the City's Ordinance. Mr. Yarborough asked whether the arborist indicated whether the trees could be moved as well as whether the building could be placed differently on the property to try to save the trees. Mr. Parks said the building dimensions are 45x80, about 3,600 sq. ft. and any changes would not work out; they've tried the various placement options on the property. Mr. Yarborough said that absence the tree issue, the site plan is otherwise in compliance with the zoning ordinance.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

Re: Approve Site Plan and Approval to Remove Trees and Provide for the Inclusion of a \$50,000 per Removed Tree Surety Bond-Palm Development

Alderman Burke moved, seconded by Alderman Lafontaine to approve the site plan and approve removal of the two trees under the provision that the proffered position that the construction can't reasonably take place given their location with the stipulation and modification of the inclusion of a Surety Bond in the amount of \$100,000.

During discussion, Mr. Parks told Attorney Yarborough he was agreeable to a surety bond. Mr. Yarborough said we will reflect the amendment of the application, in the instance Alderman Burke's motion is seconded and approved; there is a required stipulation for modification of the application to require a surety bond in the amount sufficient to ensure completion of the project. Alderman Burke said he wanted to make the stipulation that Palm Development shall provide to the City a Surety Bond in the amount of \$100,000 (\$50K per tree removed) that in the instance the lot is cleared but the building is not built, and project not completed.

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine & Smith

Voting Nay: Richardson, Piazza

Absent: None

PROCLAMATIONS

Re: Proclamation naming October as Domestic Violence Awareness Month

Alderman Piazza moved, seconded by Alderman Burke to approve the Proclamation recognizing October 2018 as Domestic Violence Awareness Month. **(EXHIBIT D)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

Re: Proclamations naming October as Racial Reconciliation Month

Page _____
Regular Meeting of October 2, 2018
6:30 p.m.

Alderman Burke moved, seconded by Alderman Richardson to approve the Proclamation recognizing October 2018 as Racial Reconciliation Month **(EXHIBIT E)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

MINUTES

Re: Minutes of Special Meetings of September 5, 2018, September 13 and Regular Meeting of September 19, 2018

Alderman Lafontaine moved, seconded by Alderman Piazza to approve the Minutes of the following:

- a. Special meeting of September 5, 2018 (i.e. Rescheduled Regular meeting of 9/4/18 due to Tropical Storm Gordon) as submitted.
- b. Special Meeting of September 13, 2018 as submitted.
- c. Regular Meeting of September 19, 2018 as submitted.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

DOCKET OF CLAIMS

Re: Claims

Alderman Lafontaine moved, seconded by Alderman Richardson to approve the Docket of Claims in the amount of \$826,747.08 dated October 2, 2018 as submitted.

(EXHIBIT F)

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

**BUDGET - FYE 9/30/2018/MUNICIPAL COMPLIANCE QUESTIONNAIRE/
AUDITS/AUDIT REQUIREMENTS**

Re: Municipal Compliance Questionnaire

Alderman Burke moved, seconded by Alderman Richardson to approve the annual Municipal Compliance Questionnaire for the Fiscal Year Ending September 30, 2018.

(EXHIBIT G)

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

**HANCOCK COUNTY TAX ASSESSOR/TAX ASSESSOR/ASSESSOR –
TAX/ASSESSED VALUATION SCHEDULE/BUDGET FOR FY ENDING
SEPTEMBER 30, 2019**

**Re: Accept and Approve Assessed Valuation Schedule from Tax Assessor/Collector,
Jimmie Ladner**

Alderman Lafontaine moved, seconded by Alderman Piazza to accept and approve the Assessed Valuation Schedule from Tax Assessor/Collector, Jimmie Ladner of Real Property, Personal Property, Public Utility, Motor Vehicles, and Mobile Homes taxes for the Year 2018 to be collected in 2019. **(EXHIBIT H)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

ADVERTISEMENTS

Re: Renew Sign with Bay High Hardwood Club at Bay High Gym

Alderman Richardson moved, seconded by Alderman Piazza to approve advertisement renewal requested by the Bay High Hardwood Club with sign to be placed in the Bay High School Gym. Renewal cost of the sign would be \$100.00 for a 24” x 18” sign, with a \$100.00 renewal fee each subsequent year. This advertisement is budgeted for FY 2019. (The sign verbiage will be updated post-election). **(EXHIBIT I)**

A vote was called for with the following results:

Voting Yea: Richardson, Lafontaine & Piazza

Voting Nay: Burke

Absent: None

**AUDIT ENGAGEMENT LETTER/WINDHAM & LACEY, PLLC/BUDGET-FYE
9-30-2018/AGREEMENTS/CONTRACTS**

**Re: Approve Audit Engagement Letter with Windham & Lacey, PLLC for Fiscal
Year Ending September 30, 2018**

Alderman Burke moved, seconded by Alderman Richardson to approve Audit Engagement Letter, including required signatures, with Windham & Lacey, PLLC, CPA’s for FYE 2018 Audit services, as Board approved 11/16/16 for 3 years’ service. **(EXHIBIT J)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, & Piazza

Voting Nay: Lafontaine

Absent: None

PERSONNEL

Re: Resignation of Personnel Director, April Chevis from full-time position and approve status change to temporary part-time

Alderman Lafontaine moved seconded by Alderman Richardson to change Personnel Director, April Chevis's status from full-time (resigning as full-time 10/5/18) to temporary part-time at a rate of \$14.43 per hour for payroll services and training, and spread on the minutes Ms. Chevis' resignation from her full time position effective October 5, 2018.

Alderman Piazza asked if Ms. Chevis had submitted a resignation letter. Ms. Fayard said, "Yes Sir, she has". Mr. Yarborough said that Ms. Chevis would be working under the discretion of the City Clerk, so once the City Clerk thinks her duties can be eliminated, she won't be called back to work (this would be the executive way to manage this employment).

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

TRAVEL/CRS/BUILDING DEPARTMENT/CERTIFIED FLOODPLAIN MANAGER PROGRAM

Re: Travel for CRS, Jeanne Conrad to attend ASFPM Certified Floodplain Manager Program, Pearl, Mississippi

Alderman Lafontaine moved, seconded by Alderman Richardson to approve travel for Permits Clerk/Asst. CRS, Jeanne Conrad to attend the ASFPM Certified Floodplain Manager Program & Exam in Pearl, Mississippi, October 28-November 2, 2018. Cost to the City will be lodging for 5 nights, 5 days per diem, mileage reimbursement and registration/exam fee.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

CITY HALL/FIRE DEPARTMENT/POLICE DEPARTMENT/PARKS AND RECREATION/BUILDING DEPARTMENT/UTILITIES/STREETS

Re: Implement all Employee Approved and Budgeted FY2019 Raises Effective 10/1/2018

Alderman Lafontaine moved, seconded by Alderman Burke to implement all employees approved and budgeted FY 2019 raises effective 10/1/2018.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

AGREEMENTS/FIRE DEPARTMENT/ELEVATORS/CONTRACTS

Re: Amendment to Kone Elevators & Escalators Agreement

Alderman Burke moved, seconded by Alderman Richardson to approve an amendment, including required signatures, on the Kone Elevators & Escalators revision providing for a Maintenance Control Program that would allow for compliance with the State of Mississippi's enforcement of the ANSI 17.1 2018 Code. Cost to the City would be \$900.00; \$450.00 per unit (2 elevators, 1 at each Fire Department). **(EXHIBIT K)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

GULF REGIONAL PLANNING COMMISSION (GRPC)/APPROPRIATIONS

Re: Approve Payment Request from GRPC for Annual Appropriation in the amount of \$2,937.00

Alderman Piazza moved, seconded by Alderman Richardson to approve payment request from Gulf Regional Planning Commission (GRPC) for annual appropriation in the amount of \$2,937.00, as budgeted. **(EXHIBIT L)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

CHANGE ORDERS/HIGHWAY 90 LIGHTING & UTILITY RELOCATION PROJECT

Re: Change Orders 1, 2, and 3 for Highway 90 & Lighting & Utility Relocation Project

Alderman Burke moved, seconded by Alderman Richardson to approve three Change Orders, with accompanying Compton letter dated 9/26/18, i.e.; Change Orders 1, 2 & 3 related to the Highway 90 Lighting and Utility Relocation Project as submitted by Compton Engineering:

- a) Explanatory Letter from Compton Engineering dated 9/26/18 including Table 1 & Attachment A **(EXHIBIT M)**
- b) Change Order #1, Natural Gas for an increase of \$10,841.00 **(EXHIBIT N)**
- c) Change Order #2, Roadway Lighting for an increase of \$75,853.65 **(EXHIBIT O)**
- d) Change Order #3, Waterworks for an increase of \$76,253.18 **(EXHIBIT P)**

Mr. Yarborough said this is approving these as commercially reasonable under Mississippi Code 31-7-13 and making them as necessary changes to the original scope of the work.

Mr. Mickey Lagasse of Compton Engineering was present to discuss.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

**MISSISSIPPI DEPARTMENT OF TRANSPORTATION/(MDOT)/
SUPPLEMENTAL UTILITY AGREEMENTS/HIGHWAY 90 & LIGHTING
PROJECT**

**Re: Approve Mayor's Signature on Letter to Mr. Anthony McFarlin (MDOT)
regarding Highway 90 Lighting and Utility Relocation Project**

Alderman Lafontaine moved, seconded by Alderman Piazza to approve Mayor's signature on letter (including Table 1 on front page) to Anthony McFarlin with MDOT requesting Supplemental Utility Agreements totaling \$162,947.83 (reference above change orders 1, 2 & 3) for natural gas, roadway lighting, and water works; all as they relate to the Highway 90 Lighting & Utility Relocation Project. **(EXHIBIT Q)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

**CHANGE ORDERS/CITYWIDE SEWER IMPROVEMENTS PROJECT/
MEADOW LANE SANITARY SEWER PROJECT/SEWER IMPROVEMENTS
PROJECT**

Re: Change Order No. 1 from DNA Underground in the amount of \$49,500.00

Alderman Burke moved, seconded by Alderman Piazza to approve Change Order No. 1 from DNA Underground in the amount of \$49,500.00, increasing the total contract cost to \$595,111.00, related to the Meadow Lane Sanitary Sewer project SRF C280788-01; i.e. part of the Citywide Sewer Improvements Project. This motion shall be contingent upon execution of bonds increasing the amount of the contract to reflect the modified amount, which is the contractor's responsibility under the ECJDC. **(EXHIBIT R)**

Mr. Yarborough said by approving this Change Order the Board is making a finding consistent with fact that it is a commercially reasonable amounts and necessary as to the scope of the original contract.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

**TIDELANDS/LIGHTHOUSE-PAVILION PROJECT/REQUESTS FOR
REIMBURSEMENT**

Re: Tidelands Request for Reimbursement No. 1 in the amount of \$42,369.10

Alderman Burke moved, seconded by Alderman Piazza to approve the Tidelands Request for Reimbursement #1 in the amount of \$42,369.10 related to the Lighthouse/Pavilion Project, #FY2017-646-01. **(EXHIBIT S)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

INVOICES/CITYWIDE SEWER IMPROVEMENTS PROJECT/LIGHTHOUSE AND PUBLIC PAVILION PROJECT/MLK COMMUNITY CENTER BUILDING/STREETS DEPARTMENT/VILLERE-CENTRAL-SEARS STREETS REPAIRS/NICHOLSON AVENUE IMPROVEMENTS PROJECT/HWY 90 LIGHTING & UTILITY RELOCATION PROJECT/CITYWIDE SIDEWALK PROJECT/WAVELAND AVE. SIDEWALK PROJECT

Re: Payment of Invoices submitted by various Contractors

Alderman Lafontaine 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 (Items a-j):

- a) Invoice #216-056-28 from Compton Engineering in the amount of \$51,746.65 – Citywide Sewer Improvements Project. **(EXHIBIT T)**
- b) Invoice #217-095-17 from Compton Engineering in the amount of \$4,000.00 – Lighthouse and Public Pavilion Project, construction administration. **(EXHIBIT U)**
- c) Invoice #217-095-18 from Compton Engineering in the amount of \$2,762.50 – Lighthouse and Public Pavilion Project, RPR services. **(EXHIBIT V)**
- d) Invoice #218-047-1 from Compton Engineering in the amount of \$7,575.00 – MLK Community Center building. **(EXHIBIT W)**
- e) Invoice #218-077-2 from Compton Engineering in the amount of \$1,980.00 – Repairs to Villere, Central, Sears, Ducre and Auderer Streets. **(EXHIBIT X)**
- f) Invoice #217-043-11 from Compton Engineering in the amount of \$6,805.88 – Nicholson Avenue Improvements Project. **(EXHIBIT Y)**
- g) Invoice #217-059-8 from Compton engineering in the amount of \$9,634.68 – Highway 90 Lighting & Utility Relocation Project. **(EXHIBIT Z)**
- h) Invoice #216-060-11 from Compton Engineering in the amount of \$4,621.93 – Citywide Sidewalk Study. **(EXHIBIT AA)**
- i) Invoice #16-0108 from James J. Chiniche, P.A., Inc. in the amount of \$5,460.53 – Waveland Avenue Sidewalk Project. **(EXHIBIT BB)**
- j) Pay application #8 from Barnard & Sons Construction, LLC. in the amount of \$163,586.20 – Lighthouse/Public Pavilion Project.

(EXHIBIT CC)

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

PERSONNEL/COURT DEPARTMENT/UTILITY DEPARTMENT/STREETS DEPARTMENT/PERMITS DEPARTMENT/PRIVILEGE LICENSE REPORT/POLICE DEPARTMENT/UNMARKED VEHICLES

Page _____
Regular Meeting of October 2, 2018
6:30 p.m.

Alderman Piazza moved, seconded by Alderman Richardson to spread on the minutes the following, as listed (Items a-g):

- a) Resignation of Utilities employee Michael Barr, effective September 20, 2018.
- b) Resignation of Utilities employee Christopher Hoda, before last Board meeting.
- c) Resignation of Streets employee Johnny Seeman, before last Board meeting.
- d) Court Clerk, Rhonda Cumming's Certificate of Attendance from the Municipal Court Clerk Conference held September 12-14, 2018 by University of Mississippi Law Center. **(EXHIBIT DD)**
- e) Permits Report for the Month of August 2018. **(EXHIBIT EE)**
- f) Privilege License Report for the Month of August 2018. **(EXHIBIT FF)**
- g) The following are unmarked vehicles belonging to the Waveland Police Department:
 1. 2010 Nissan Pathfinder Vin #5N1AR18U39C613177 MS.
 2. 2008 Ford Expedition Vin #1FMFK165X8LA86694 MS.
 3. 2008 Ford Expedition Vin #1FMFK16518LA86695 MS.
 4. 2008 Ford Expedition Vin #1FMFK15518LA15868 MS.
 5. 2008 Ford F150 Vin #1FTPW14V88FA30459 MS.
 6. 2008 Ford F150 Vin #1FTPW14V88FA76566 MS.
 7. 2008 Ford F150 Vin #1FTPW14V88FA76616 MS.
 8. 2008 Ford F150 Vin #1FTPW14V28FA76675 MS.
 9. 2008 Ford F150 Vin #1FTPW14VX8FA76732 MS.
 10. 2009 Dodge Charger Vin #2B3LA43TS9H635426 MS.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

AGREEMENTS/AMEND AGENDA/TOUCH A TRUCK EVENT/EVENTS

Re: Amend Agenda to authorize City Personnel to provide Vacuum Truck and Fire Truck for Touch a Truck Event

Alderman Lafontaine moved, seconded by Alderman Piazza to amend the agenda to authorize City Personnel to provide one Vacuum Truck and one Fire Truck for the Touch a Truck Event, Casa Hancock County, October 20, 2018 from 10 a.m. to 2 p.m.
(EXHIBIT GG)

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

Re: Authorize City Personnel to provide Vacuum Truck and Fire Truck for Touch a Truck Event

Alderman Lafontaine moved, seconded by Alderman Burke to authorize, including Mayor's signature to approve, City Personnel to provide one Vacuum Truck and one Fire Truck for the Touch a Truck Event, Casa Hancock County, October 20, 2018 from 10 a.m. to 2 p.m.

A vote was called for with the following results:

Page _____
Regular Meeting of October 2, 2018
6:30 p.m.

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

ADJOURN

Re: Adjourn the meeting at 8:43 p.m.

Alderman Burke moved, seconded by Alderman Richardson to adjourn the meeting at 8:43 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 October 19th, 2018.

Lisa B. Planchard
City Clerk

The Minutes of the Regular Meeting of October 2, 2018 have been read and approved by me on this, the 19th day of October, 2018.

Mike Smith
Mayor

