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Regular Meeting of The Board of Mayor & Aldermen Tuesday, May 7, 2024 6:30 pm.

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, Mississippi, on May 07, 2024 at 6:30 p.m. to take action on the following matters of City business.

ROLL CALL

Mayor Trapani noted for the record the presence of Aldermen Aime-Gamble, Richardson, Lafontaine and Clark along with City Clerk Lisa Planchard and City Attorney Ronnie Artigues.

MAYOR'S COMMENTS

NEW MICOPHONE/EQUIPMENT

Re: Re: Purchase of new microphone for Board Room, which can be removed from the holder and passed around.

CONSENT AGENDA/AMEND AGENDA

Re: Amend and finalize the agenda with addition of Items 8 (h, I, & j)

a. Alderman Clark moved, seconded by Alderman Richardson to amend and finalize the agenda with the addition of Items 8 (h, i, and j) under Consent Agenda.

A vote was called for with the following results:

Voting Yea: Aime-Gamble, Richardson, Lafontaine and Clark

Voting Nay: None

Absent: None

EVENTS/JUNETEENTH 2024/424 HERLIHY PARK

Re: Annual Juneteenth Event for 2024 will be held at 424 Herlihy Park, Waveland, MS. On June 14 & 15th, 2024.

b. Mayor Trapani announced The Annual Juneteenth Event for 2024 will be held June 14 & 15, 2024 at The Herlihy Park, 424 Herlihy Street, Waveland, MS. **(EXHIBIT A)**

GOMESA AWARDS/TIDELANDS PROJECTS/TIDELANDS FUNDS/GRANTS/PROJECTS/FUNDS/AWARDS

Re: Tidelands and GOMESA Awarded Funds

As reported in the Sun Herald, the Tidelands and GOMESA funding were awarded for this legislative year. This money will not be available until July 1, 2024. For the first time ever, the City of Waveland has been awarded \$4 million in GOMESA funds and it is dedicated to Central City Sewer Projects. The city was also awarded a \$250,000.00 Tidelands grant for projects down on the beachfront. It also looks like the city will receive \$1 million for the Kiln-Waveland Cutoff Rd. \$1million is not enough for the road improvements but we have a grant application in with Congressman Ezell's office and hopefully will be awarded that to assist with funding.

GULF GROVE APARTMENTS/RENTALS/WAVELAND AVENUE APARTMENTS

Re: Gulf Grove Apartments

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d. The city attorney and mayor have met twice with a perspective buyer and real estate agents; a third meeting is scheduled. The perspective buyer owned the apartments in 2008, renovated them and sold them in 2011 so he is familiar with Waveland and the area. He lives in Mississippi and is very serious about purchasing the apartments and renting them out at market rate. The mayor will keep people informed.

PARKS & RECREATION/PLAYGROUNDS/PLAYGROUND EQUIPMENT/ ELWOOD BOURGEOIS PARK

Re: Playground Equipment

e. The equipment is now in Jackson. Willie Moody is trying to get a firm date of when we can get it delivered and installed.

BUILDING DEPARTMENT/CODE ENFORCEMENT/HWY 90 CLEAN UP Re: Hwy 90 Clean-up

f. Under the previous administration, along with Mississippi Power, the Orion group was hired to do a study of Hwy 90. They submitted a report and the current administration is proceeding with it. There is a code enforcement sheet that will be used to notify business owners of any violations, along with the time frame in which corrections need to be made. Citations will then be issued if unresolved. The city wants to work with people and clean-up Hwy 90; there are wrecked and junked cars, old and broken signage, and dumpsters in front of buildings that need to be cleaned up. When Hwy 90 is cleaned up then the mayor would like to start moving into the neighborhoods to clean them up as 'Operation Cleanup Waveland'.

ALDERMEN'S COMMENTS

Re: Alderman Aime-Gamble

 Alderman Aime-Gamble handed out a MEMA guidebook to the other Aldermen. It includes important information that everyone should know for Disaster Preparedness including hurricanes. She also said MEMA and others offer classes if anyone is interested.

Re: Alderman Richardson

• Alderman Richardson asked the mayor for an update on the Ground Zero air conditioning to make sure we are addressing it before it gets too hot. The mayor just received another architect/engineering report yesterday. He also had someone that would like the opportunity to take a look and give us a proposal. We may not have to replace the AAON unit which is \$103,000.00. He said that we may be able to get by with about \$25,000; three of the units are working and two are not. We can put one temporary A/C unit in Sugar Pop's Bakery and add a second if needed.

Re: Alderman Lafontaine

No comments

Re: Alderman Clark
• No comments

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PUBLIC COMMENTS/HEARINGS

Re: Bryan Therolf

• Spoke in opposition of removing the protected tree at 124 Sarah's Lane.

Re: Maribel Castillo

• Asked for an extension of the eviction notice at Gulf Grove Apartments as the residents there are having a difficult time finding other housing.

Re: Mark James

 Expressed his dissatisfaction for what was done to and for the Gulf Grove residents.

Re: Gulf Grove Apartments, 2057 Waveland Avenue (all buildings and grounds), Parcel 138P-0-33-241.001 (EXHIBIT B)

City Attorney, Ronnie Artigues explained that this Public Hearing was an opportunity for the owner to speak before the Board on the condemnation. The owner has chosen not to appear or offer any comments. Mr. Artigues asked City Building Official, Chris Carter to speak on the Gulf Grove Apartments. Mr. Carter explained that he had a chance to inspect about 75% of the apartments and he found several issues. He said that none of the units inspected had sufficient fire suppression systems or fire wall construction; most were covered in mold and mildew. He added that the roofs, which many were nonexistent and had several leaks and rotten wood. Extensive termite damage was found, including within structural components. Mr. Carter acknowledged that, after personal inspection of the apartments with Josh Hayes (building inspector), he prepared a written report and letter to the owner regarding his findings and verified that City Attorney Ronnie Artigues had it in his possession. This letter includes the code violations and references the unsafe and unhealthy conditions. The owner has made no objections to this letter and its contents. Mr. Artigues recommends the Board accept City Building Official, Chris Carter's report to spread on the minutes and to make it public record. Anyone can have copies.

Alderman Clark asked about the condition of the occupied units. Mr. Carter said they were better but still lacked sturdy construction and a fire suppression system. Alderman Clark said that since we know there is an insufficient fire suppression system, he is concerned about what will happen to the residents if a fire breaks out and the city's liability.

Mayor Trapani asked if the apartments were safe to live in and Mr. Carter answered, "No".

Alderman Richardson expressed his concerns regarding the eviction of the remaining tenants. He felt that the residents did not put themselves in this position and finding alternate housing would take much longer than what was given. He feels "Half a roof is better than none".

Alderman Aime-Gamble said that none of us are happy about the situation. The city has been fighting to get these apartments fixed for over a decade. Now we have legal parameters to follow.

Alderman Lafontaine said it is now about the health and safety of the residents. An extension would just increase that danger. He is also very concerned about a fire and the ramifications.

Mayor Trapani added that the Hancock County Resource Center has been reaching out and counseling some of the residents that live in the apartments

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for longer than the week mentioned. It is a free service to try and help with alternate rentals.

City Attorney Artigues clarified that the issue currently before the Board is to confirm and ratify City Building Official Chris Carter's findings regarding the violations and that the properties are inhabitable. Providing an extension of the eviction is a separate issue. The condemnation has been accepted by the Board. However, the Board can make some reasonable accommodations to work with other agencies to help residents secure alternate housing. It cannot continue indefinitely due to the health and safety issues. He added that the Board has liability exposure if they do not enforce the codes.

Alderman Clark moved, seconded by Alderman Lafontaine to accept City Building Official Chris Carter's report of the detailed findings and code violations of the Gulf Grove apartments. **(EXHIBIT B-1)**

A vote was called for with the following results:

Voting Yea: Aime-Gamble, Lafontaine and Clark

Voting Nay: Richardson

Absent: None

After passage of Mr. Carter's report, Alderman Aime-Gamble asked if they could now begin discussion regarding the extension of the issue of eviction. City Attorney Ronnie Artigues said that they could instruct us to, with other agencies, try and help speed up the process. The city can report back to the board at the next meeting what progress is being made. The Board can then make decisions at the next meeting. He did caution again that this cannot go on indefinitely. Alderman Aime-Gamble asked when the deadline was, and Mr. Artigues said it was before the next meeting.

Alderman Aime-Gamble moved to extend working with the agencies for 2 weeks past the 30 days to give them time and then to get a report by our next meeting to know how everybody is doing and if they have somewhere to go.

Mr. Carter said that the current deadline is May 15th.

Alderman Clark wanted to know what the difference was between an extension to work with the other agencies verses an extension on the findings.

City Attorney, Ronnie Artigues said the findings have been accepted and the properties have been condemned. You are not delaying that. What you are doing is delaying the implementation of vacating the occupants because of the condemnation.

Alderman Lafontaine asked again about the liability and Mr. Artigues said that "if we are diligently working to vacate and to assist the people to vacate, to implement this condemnation order in a reasonable time, I do not feel that exposes you to any extra liability that doesn't already exist." City Building Official Chris Carter stated that there are still 36 units occupied.

Alderman Aime-Gamble moved, seconded by Alderman Clark to extend the eviction deadline for two weeks, from May 15th through May 29th to allow the city to continue working with the agencies on finding other places for the residents affected to move. They can work with the Hancock Resource Center and all of our other resources.

A vote was called for with the following results:

Voting Yea: Aime-Gamble, Lafontaine and Clark

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Voting Nay: Richardson

Absent: None

Re: Connie St. Julien addressed the Board of Mayor and Aldermen

(Before her comments, Mayor Trapani instructed Ms. St. Julien that, per City Attorney Ronnie Artigues, her comments should not address specific personnel or her ongoing complaint that was filed with the city.)

• Ms. St. Julien has a beauty school and several other businesses in her building. She thought her license was current as far as she knew. She said there was an issue more than 2 years ago where she said the city filed it too late. She said she received a renewal notice in the mail. City Attorney, Ronnie Artigues said the city would respond to her other concerns that were included in the formal complaint she filed with the city. Several times City Attorney Ronnie Artigues explained that she had submitted a formal complaint in writing and copies have been provided. The complaint will be responded to in writing. The board cannot discuss personnel or pending litigation. This cannot be discussed in a public forum. Ms. St. Julian continued to speak regarding these matters and Mr. Artigues said that "we have given you tremendous latitude." With further comments from Ms. St. Julian, Mr. Artigues said, "You are way beyond the latitude we have given you on what is allowed."

BOARD BUSINESS:

LEASES/COMMERCIAL SPACE/THE WAVELAND LIGHTHOUSE/BIDS/BEACH VENDING/ADVERTISEMENTS

Re: Approve the following vendor(s) to lease Commercial Space located within the parking lot of 'The Waveland Lighthouse'

- a. Alderman Richardson moved, seconded by Alderman Clark to approve the following vendor(s) to lease commercial space located within the parking lot of 'The Waveland Lighthouse', agreeing to abide by the Rules and Regulations as set forth in the "Beach Vending Bid Documents', and pending their signing and paying their bid and permit fees (prior to taking occupancy) associated with the Beach Vending Permit with the City of Waveland. Advertisement for this was run April 11, 2024 and April 18, 2024. Lease term shall run 5/17/24 to 5/16/25. (EXHIBIT C)
 - 1. <u>BAYOU SNOWBALLS</u> \$700.00 annual fee

A vote was called for with the following results:

Voting Yea: Aime-Gamble, Richardson, Lafontaine and Clark

Voting Nay: None

Absent: None

DOCKET OF CLAIMS/DEPOSITORY ACCOUNT/BANK ACCOUNTS/GENERAL FUND EXPENSSES

Re: Approve the Depository Docket of Claims, paid and unpaid, dated May 07, 2024

b. Alderman Clark moved, seconded by Alderman Richardson to approve the Depository Docket of Claims, paid and unpaid, dated May 7, 2024 in the amount of \$525,372.09. **(EXHIBIT D)**

A vote was called for with the following results:

Voting Yea: Aime-Gamble, Richardson, Lafontaine and Clark

Voting Nay: None

Absent: None

DOCKET OF CLAIMS/OPERATING UTILITIES/UTILITY FUND EXPENSES/BANK ACCOUNTS

Re: Approve the Operating Utilities Docket of Claims, paid and unpaid, dated May 07, 2024

c. Alderman Aime-Gamble moved, seconded by Alderman Richardson to approve the Operating Utilities Docket of Claims, paid and unpaid, dated May 7, 2024 in the amount of \$106,315.02. (EXHIBIT E)

A vote was called for with the following results:

Voting Yea: Aime-Gamble, Richardson, Lafontaine and Clark

Voting Nay: None

Absent: None

DECLARATION OF EMERGENCY/EMERGENCY REPAIRS/PUBLIC WORKS DEPARTMENT/UTILITIES DEPARTMENT/LIFT STATIONS/COLEMAN AVENUE/CENTRAL AVENUE

Re: Ratify Mayor's Declaration of Emergency on 4/11/24

d. Alderman Lafontaine moved, seconded by Alderman Clark to ratify Mayor's Declaration of Emergency on 4/11/24 at 5:04 pm. re: a potential threat to citizens health, safety and welfare as the result of a broken sewer motor in the lift station on Coleman Avenue at Central Avenue causing large amounts of sewerage to back up into the street.
 (EXHIBIT F)

A vote was called for with the following results:

Voting Yea: Aime-Gamble, Richardson, Lafontaine and Clark

Voting Nay: None

Absent: None

AUDITING SERVICES/AGREEMENTS/ENGAGEMENT LETTER/CONTRACTS-AUDITING

Re: Approve and authorize Mayor's signature on the Engagement Letter from Wright, Ward, Hatten & Guel CPAs

e. Alderman Lafontaine moved, seconded by Alderman Richardson to approve and authorize Mayor's signature on the Engagement Letter from Wright, Ward, Hatten & Guel CPAs to provide auditing services for the City of Waveland for the year ended 09/30/23.

(EXHIBIT G)

A vote was called for with the following results:

Voting Yea: Aime-Gamble, Richardson, Lafontaine and Clark

Voting Nay: None

Absent: None

AGREEMENTS/MEMORANDUM OF UNDERSTANDING/CRUISIN' THE COAST/HOTRODS & HOSPITALITY/EVENTS

Re: Approve and authorize mayor's signatures on the Agreement and Memorandum of Understanding between Crusin' the Coast and the City of Waveland

f. Alderman Lafontaine moved, seconded by Alderman Aime-Gamble to approve and authorize Mayor's signatures on the Agreement and Memorandum of Understanding between Cruisin' the Coast (CTC) and the City of Waveland for the 2024 'Hotrods and Hospitality' event to be held Wednesday, October 9, 2024 from 10:00 am to 2:00 pm. The City agreed to pay the event fee of \$5,000 by 8/2/24 and shall provide items as listed in the agreement. (EXHIBIT H)

A vote was called for with the following results:

Voting Yea: Aime-Gamble, Richardson, Lafontaine and Clark

Voting Nay: None

Absent: None

....

FISCAL YEAR 2024/AMENDMENTS-FY24/AMENDED BUDGET/BUDGETS Re: Approve the Fiscal Year 2024 Amended Budget

g. Alderman Lafontaine moved, seconded by Alderman Aime-Gamble to approve the Fiscal Year 2024 Amended Budget as Exhibited.

(EXHIBIT I)

A vote was called for with the following results:

Voting Yea: Aime-Gamble, Richardson, Lafontaine and Clark

Voting Nay: None

Absent: None

UTILITY DEPARTMENT/ACCOUNTS RECEIVABLE COLLECTION AND DEBT CHARGE OFF POLICY/COMPTROLLER/POLICY-UTILITY DEPARTMENT

Re: Adopt and approve the City of Waveland Utility Department Accounts Receivable Collection and Debt Charge off Policy as developed

h. Alderman Aime-Gamble moved, seconded by Alderman Lafontaine to adopt and approve the City of Waveland Utility Department Accounts Receivable Collection and Debt Charge Off Policy as developed by Comptroller, Robert Fertitta and reviewed by City Attorney, Ronnie Artigues. This shall authorize and approve the write off the accompanying 2022 Utility Bad Debts, list as exhibited. (EXHIBIT J)

A vote was called for with the following results:

Voting Yea: Aime-Gamble, Richardson, Lafontaine and Clark

Voting Nay: None

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Absent: None

STREET ABANDONMENTS/FAHEY STREET

Re: Approve abandonment of Fahey Street (undeveloped)

il. Alderman Aime-Gamble moved, seconded by Alderman Richardson to approve abandonment of Fahey Street (undeveloped), between Fourth Street and Old Spanish Trail, to the west of Henderson St. City Attorney Ronnie Artigues added that subject to the requesters both (inaudible) affected property owners and have both consented and agreed and it is subject to them providing the detailed survey that will need to be done to finish the land records. (EXHIBIT K)

A vote was called for with the following results:

Voting Yea: Aime-Gamble, Richardson, Lafontaine and Clark

Voting Nay: None

Absent: None

j. Item removed from agenda

ORDINANCE #366/CITY ORDINANCES/BONFIRES/SAND BEACHES-BONFIRES/BEACHES-HANCOCK COUNTY JURISDICTION

Re: Discuss Ordinance #366 regulating bonfires on the sand beach in Waveland

k. Alderman Lafontaine moved, seconded by Alderman Richardson to discuss Ordinance #366 regulating bonfires on the sand beach in Waveland. This falls within Hancock County jurisdiction.

A vote was called for with the following results:

Voting Yea: Aime-Gamble, Richardson, Lafontaine and Clark

Voting Nay: None

Absent: None

During discussion, Alderman Aime-Gamble said we have no jurisdiction over the beach so for our fire department to continue responding to issues at the beach we have to have a written agreement with the County for Ordinance #366 to stay in effect. City Attorney Ronnie Artigues said that because the county would like us to continue as we have been, the county's attorney, Mr. Yarborough will work on a First- Aid and First Responders' Agreement. No action is needed at this time. Alderman Aime-Gamble said that our ordinance should mirror the county's ordinance, therefore it may need to be amended after the agreement.

GOLF CART & LOW SPEED VEHICLES ORDINANCE/AMENDED ORDINANCE #374/POLICE DEPARTMENT-GOLFCART ORDINANCE Re: Approve Ordinance #374-AMENDED, Golf Cart and Low-Speed Vehicle Ordinance

1. Alderman Aime-Gamble moved, seconded by Alderman Richardson to approve the amended Golf Cart and Low-Speed Vehicle Ordinance #374 and advertise same. (EXHIBIT L)

A vote was called for with the following results:

Voting Yea: Aime-Gamble, Richardson, Lafontaine and Clark

Voting Nay: None

Absent: None

During discussion, Alderman Lafontaine asked about annual vs. onetime inspections. He would like to keep the annual inspections. Alderman Aime-Gamble said that annual inspections were put into the ordinance so that golf carts would be inspected every year and owners would need to show proof of insurance after which they would receive a new sticker. She also said anyone will not be permitted to operate a golf cart on any road that has a speed limit over 25mph. There are a few exceptions to give people in certain areas access to 25mph streets. The amended ordinance would only allow a Hwy 90 crossover at McLaurin Street. Also, once we have a reciprocal agreement with Bay St. Louis we will have access to their Hwy 90 crossings. Alderman Clark brought up that the registrations are only valid Oct 1st through Sept 30th, so the renewals would be due at the same time. Alderman Richardson asked about a one-year registration similar to a car. Alderman Lafontaine suggested that the police department offer a "registration day" on a Saturday since they all will need to be renewed at the same time. Chief Prendergast thought that could be worked out. Alderman Clark asked about a 30-day grace period and Alderman Aime-Gamble clarified that we cannot have a 30-day grace period if we want a reciprocal agreement with Bay St. Louis. Our agreements have to match up. The golf carts will have a \$50 registration fee.

AMENDMENTS/ORDINANCE #375, Section 302.4 – WEEDS/CITY ORDINANCES/BUILDING DEPARTMENT/ INTERNATIONAL BUILDING CODES

Re: Amend Section 302.4 Weeds of Ordinance #374 from 16 inches of growth to 10 inches

m. Alderman Clark moved, seconded by Alderman Aime-Gamble to amend Section 302.4 Weeds of Ordinance #375 changing the growth of weeds from 16 inches to 10 inches (An Ordinance for Adoption of the Family of International Building Codes for the City of Waveland) Building Official Chris Carter to discuss.
 (EXHIBIT M)

A vote was called for with the following results:

Voting Yea: Aime-Gamble, Richardson, Lafontaine and Clark

Voting Nay: None

Absent: None

During discussion, City Building, Official Chris Carter said we currently have the International Property Maintenance Code adopted. It

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says in Section 302.4 'Premises and Exterior Property'	s]
maintained and free from weeds or plant growth in excess of	

says in Section 302.4 'Premises and Exterior Property' shall be maintained and free from weeds or plant growth in excess of ____. The jurisdiction has to insert whatever height they want. We currently have it at 16" so grass is not considered a nuisance until that growth. He recommends it be no more than 12". Alderman Aime-Gamble commented that 12" still seemed too high. She suggested 10".

SHORT-TERM RENTALS/CITY ORDINANCES

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Re: TABLE draft/proposed Short-term Rental Ordinance until the 5/22/2024 Regular Board Meeting

n. Alderman Aime-Gamble moved, seconded by Alderman Richardson to TABLE draft/proposed Short-Term Rental Ordinance (to be provided by City Attorney).

A vote was called for with the following results:

Voting Yea: Aime-Gamble, Richardson, Lafontaine and Clark

Voting Nay: None

Absent: None

PLANNING & ZONING:

Re: Minutes of the Planning & Zoning dated 4/29/24 and 3/25/24

Alderman Aime-Gamble moved, seconded by Alderman Clark to approve, subject to correction of inaccuracies of the Planning and Zoning Minutes of 3/25/24 and re-submitting back to the Board of Mayor and Aldermen on their meeting of 5/22/24. (EXHIBIT N)
 The Minutes of 4/29/24 were not considered or voted on because they had not been voted to be approved by the Planning & Zoning Board as yet.

A vote was called for with the following results:

Voting Yea: Aime-Gamble, Richardson, Lafontaine and Clark

Voting Nay: None

Absent: None

Alderman Aime-Gamble informed the Board that there were a number of cases in the Minutes of 3/25/24 where the motions were written incorrectly. For instance, there was not a clear motion made but a motion was put into the minutes. The video and minutes do not match. Every single one of them had an issue. Alderman Lafontaine asked City Attorney Ronnie Artigues that if we postpone will we hold anything up. Mr. Artigues responded that we could potentially hold up some items. Alderman Aime-Gamble said one of the items on the agenda had already been heard tonight and that was Mr. Charles Johnson. She asked Mr. Artigues to think about it as we have all of the information at our fingertips so we can move forward. She saw the videos, knows the differences and has them documented. City Attorney Artigues recommended that board approval should be subject to ultimately receiving those corrected minutes from the Planning Commission. Alderman Aime-Gamble agrees we should move forward.

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Re: Deny emergency request of Mr. Delvin Blanchard to temporarily place and occupy an RV on his property

2. Alderman Aime-Gamble moved, seconded by Alderman Lafontaine to deny emergency request of Mr. Delvin Blanchard to place and temporarily occupy an RV on his property located at lots 20 &21 (Parcel #138M-0-33-248.000) Shoreline Subdivision prior to the start of his home construction; he is currently residing at Gulf Grove Apartments. (EXHIBIT O)

A vote was called for with the following results:

Voting Yea: Aime-Gamble, Richardson, Lafontaine and Clark

Voting Nay: None

Absent: None

During discussion, Mr. Chris Carter spoke on behalf of Mr. Delvin Blanchard. Mr. Blanchard is a resident of Grove Gulf Apartments and due to the order to vacate, he wants to place his RV on a lot he owns and intends to build. He is happy to pay the permit fee. His plan is to submit building plans for this lot in Sept. or Oct. of this year. Alderman Lafontaine said his issue is that the ordinance states that the foundation has to already be there. He worries this will set precedent for others. Alderman Aime-Gamble suggested the RV park on Kiln Waveland Cutoff. She agrees that this request is too far outside of the ordinance. These permits are only good for six months, so if it takes 4 months just to submit plans it will have to be extended. Due to the extension on the order to vacate the apartments, she suggests he look into an RV park. If he does not find a suitable place for the RV in the next two weeks, he can come back to the board to discuss it.

Re: Gaston Pace, owner of the property commonly known as 520 Hwy 90

GASTON PACE, THE OWNER OF THE PROPERTY COMMONLY KNOWN AS 520 HIGHWAY 90, PARCEL #138Q-0-34-004.000 AND #138Q-0-34-006.000, has applied for a special use variance/ conditional use to build an office building on his property located in an R-1, according to 601.2H conditional use. Mr. Pace is the owner of a contiguous parcel and adjoining parcel that is zone C-3, and the neighboring properties are zoned for commercial use.

Mr. Pace explained that he wants to put a building on the property to operate a rental and sales business for heavy equipment, asking for a special use to change the zoning in the rear property. Building Official, Mr. Chris Carter, came forward to request to state a finding that Mr. Pace's goal/business is consistent with R-1 requirements. Chairman Frater states that he spoke with the attorney and the attorney also said to state a finding that the it is okay to put the building on the property because the adjoining property is commercial and it is in keeping of the surrounding properties around Mr. Pace's property. Mr. Pace is asked to use a tree barrier between his property and the adjacent property because of a new project that is coming to affect.

Chairman Frater called for a motion. Commissioner Romero made a motion to approve the conditional use with the condition to state a finding, making sure that this request is in compliance with the neighborhood and that it is not going to affect it. Commissioner David Cornfoot seconded the motion.

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After a unanimous vote of yes by Commissioners Cornfoot, Romero, and Touart, and 1 no by Commissioner Dr. Barbara Coatney, Chairman Frater declared the motion passed.

Mr. Pace came forward and said he wanted to go through the process of getting the property rezoned but he thought it would take too long, so he wanted the variance and then he would pursue the zoning change. Alderman Aime-Gamble said that a variance was not a layover to the zoning change. Mr. Pace explained that the building would go on the R-1 lot. Alderman Aime-Gamble said the problem is to go from an R-1 to a C-3 is going from one end of the spectrum to the other. You have to look at the law to see what the conditional uses are allowable for. You have to consider it separate and apart from the C-3 lot. According to ordinance 601.2, of the conditional uses that can be considered, this is not one of them. The ordinance does not allow us to give the conditional use on the R-1 piece. However, she has looked at the five surrounding R-1 lots and suggests that they all be rezoned C-3. Mr. Pace said he originally asked about re-zoning the property and he was told it would take a long time. Looking at provided documents, Alderman Aime-Gamble thought if his lot should be rezoned, then all 5 properties including right next to the apartments, a retaining pond, and the drive for Walmart should be. These properties are owned by the State or companies so it would be beneficial to the area to have all of it rezoned to C-3. Mr. Pace asked how long that would be. Alderman Clark asked City Attorney, Mr. Artigues how long the process would take and he responded that it could be a couple of months. Mr. Pace answered, "If you are going to rezone it anyway, why not let me build." Alderman Aime-Gamble said because it would be completely against our ordinance and sets a precedence. She said he should have filed for zoning change first and he said he did file for zoning change and was told he should get a special variance.

Mayor Trapani asked City Attorney Artigues if we could give a conditional use based on a zoning change. Mr. Artigues said that under the circumstances presented, and if you are implementing the zoning change, I think you can grant the variance. But it should be subject to a temporary time limit to have the properties rezoned. Both Aldermen Clark and Lafontaine asked for clarification. Mr. Artigues stated that the variance and rezoning would be tied together, so if the rezoning does not occur, the granting of the variance would be terminated and he would have to remove the building.

Because of the 3/25/24 Planning & Zoning Minutes, from which this was discussed, having inaccuracies, the Board of Mayor and Aldermen relied only on the facts of the case and, not necessarily the language for each P&Z item to make their decision.

Alderman Aime-Gamble moved, seconded by Alderman Clark to approve a special use for a 6-month period of time subject to implementation of the zoning change that will follow this area. **(EXHIBIT P)**

A vote was called for with the following results:

Voting Yea: Aime-Gamble, Richardson, Lafontaine and Clark

Voting Nay: None

Absent: None

Then Mr. Pace asked, "Who should initiate the rezoning". City Attorney Artigues said that the Board would initiate the zoning change. Alderman Clark clarified the rezoning was part of the motion, so Mr. Artigues said they could initiate it immediately; he needed confirmation of what lots would be included.

Re: Charles Johnson, owner of the property commonly known as 319 Jeff Davis Ave.

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CHARLES JOHNSON, THE OWNER OF THE PROPERTY COMMONLY KNOWN AS 319 JEFF DAVIS AVENUE, PARCEL #161D-0-02-187.000 has applied for an extension of the temporary occupancy of an RV during construction.

Alderman Aime-Gamble said that action has already been taken on this at a previous meeting. Mayor Trapani concurred.

Re: Earl Rhett Phillips, owner of the property commonly known as 124 Sarah's Lane

EARL RHETT PHILLIPS, THE OWNER OF THE PROPERTY COMMONLY KNOWN AS 124 SARAH'S LANE, PARCEL #161F-0-02-112.000 has applied for a protected tree removal permit. After review by the building official, the application has been denied and therefore shall be reviewed by the Planning & Zoning Commission for further review per Ordinance 379.

Mr. Earl Rhett Phillips came forward to explain his request. Mr. Phillips said that there were 3 lots and he bought the one with the tree on it. After reviewing the plans, he observed there is not enough room because there is a drainage in the back of the lot, so he is trying to push back from the tree and add a lot of fill to the empty drainage. Mr. Phillips states that the design of the house puts the house right up against the tree. He offers to donate a 10:1 replacement to the City of Waveland, if the application is approved. Commissioner Glen Romero says that he went out to check the property, and he agrees that the property drops off drastically, and it would not be enough room to build a house.

Chairman Frater declares a motion to accept 10 to 1 ratio replacement. Commissioner Matt Tuart made a motion to remove the tree and accept the 10 to 1 replacement ratio; Commissioner Romero seconded the motion.

After a unanimous vote of yes by all commissioners present, Chairman Frater declared the motion passed.

Alderman Aime-Gamble requested discussion before a motion is made.

Building Official Chris Carter said that the recommendation of the previous building official was to deny removing the tree and after reviewing all of the information provided, he would agree with denying the approval. Two arborist reports were provided including one from Tim Ray of the Mississippi State Extension Service, who the city usually collaborates with regarding tree questions. Mr. Ray acknowledged that there are defects with the tree and he is unsure the severity of the internal damage of the tree but, at this time, would not recommend removal. Mr. Phillips' independent arborist, Mr. Eric Frank, indicated that the tree suffers from heart rot and needs to be removed prior to construction of the house. Mr. Carter said the ordinance says that the removal of a protected tree can only be allowed if the tree is in such poor health that it poses a safety hazard or if the proposed construction could not be practically located in a manner to preserve the tree. The site plan provided is vague and does not show the location of the tree. Alderman Clark asked about the location of the tree and Alderman Aime-Gamble and Mr. Carter explained the tree is on the front of the property and the canopy extends into the right-of-way. Also, the property is relatively flat until it gets to the back and it slopes down. It is approximately 85' from the front to crest of the rear slope. Mr. Carter believes the tree could be preserved and the house still built. He added that since the tree was there at the time of purchase and drawing up of plans, accommodations could have been made to preserve the tree. Mr. Carter said if Mr. Phillips wants to continue with his current floor plan, he could consult with an engineer to look at adding fill and extending the level ground.

Mr. Phillips, a resident of Baton Rouge, LA., spoke regarding the lot. He bought the lot because of the tree. When the plans were completed, he was not aware there would

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be an issue until the stakes were laid out. The alternative is to add fill and move the house back but he is worried about flooding his neighbors. Mr. Phillips filed the application because both arborists said the tree was sick, in addition to the hardship of drainage issues in the back. In answer to Alderman Aime-Gamble and Lafontaine, Mr. Phillips could not say for sure how far back on the lot the tree was or how close the tree was going to be to the house. As he loves live oaks, Mr. Phillips said that he would be happy to plant trees at a 10:1 ratio. Alderman Clark asked City Building Official Chris Carter if the back drainage issue could be considered a hardship. Mr. Carter said that it could be and stated that Mr. Phillips should consult with a civil engineer to assess the area. Mr. Carter said it is about 65' from the canopy to the crest of the rear slope. If the engineer feels that the fill cannot be done, then his opinion on the case may be different. Alderman Aime-Gamble stated that it is difficult because the city's arborist thought the tree could be preserved. She was also concerned that Mr. Phillip's arborist only has one sentence in his statement which is "live oak has heart rot in the trunk and needs to be removed before building the home" but provides no specifics or evidence. Nothing is mentioned about the age, size and condition of the rot. Alderman Richardson feels that the live oaks should be preserved. Buyers should do their due diligence when purchasing a lot by utilizing it as it is. Alderman Aime-Gamble is very much against the removal of a protected tree. She acknowledges that both arborists stated the tree had heart rot but not to the extent of it. Alderman Richardson reaffirmed Mr. Carter's statement that you have to prove that it is a hazard to the surrounding area or people in general.

Mr. Brian Therolf came forward to speak. He said the owner's arborist operates a tree removal company; without the site plan, we are just guessing. Jason Chiniche is doing a storm water plan for the city and can perhaps provide information for that area. Lastly, the neighbor two lots away has used fill to preserve the trees.

Mayor Trapani recommended tabling the issue until Mr. Chiniche can be consulted and another arborist can assess the tree. If the board does require Mr. Phillips to move the house back, we need to know how that will affect the drainage in that area. Sarah's Lane is a major draining area that leads to the Mississippi Sound so we need more information.

Alderman Aime-Gamble would like the Mississippi State Extension Service's arborist's report read into the minutes which states: "I cannot recommend removal of the tree on Sarah's Lane at this time. While there are some obvious defects, I'm unsure of the severity of damage within the tree. I expect to see some external damage below the heartwood defect just above eye level but do not see any at this point in time. It does however need some dead-wooding and TLC. Removal is up to you."

Because of the 3/25/24 Planning & Zoning Minutes, from which this was discussed, having inaccuracies, the Board of Mayor and Aldermen relied only on the facts of the case and, not necessarily the discussion for each P&Z item to make their decision.

Alderman Aime-Gamble moved, seconded by Alderman Richardson to **TABLE** until the next Regular Board meeting dated 5/22/24 for further information on this subject. **(EXHIBIT P)**

A vote was called for with the following results:

Voting Yea: Aime-Gamble, Richardson, Lafontaine and Clark

Voting Nay: None

Absent: None

Re: Kathryn & Tim Kleppner, owners of the property commonly known as 121 Lakeside Dr.

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KATHRYN & TIM KLEPPNER, THE OWNERS OF THE PROPERTY COMMONLY KNOWN AS 121 LAKESIDE DR., PARCEL #161C-0-0-218.000 has applied for a 5 feet side yard variance to build a 264 square foot carport/shed. It is to be positioned between a pool and a fence. The property is zoned R-1 residential. The lot has 60 feet road frontage and widens to 75 feet rear property line.

Mr. & Mrs. Kleppner were not present for the meeting. Commissioner Glen Romero says he went and looked at the property and there would be room if the Kleppner's built a small building to stay away from the property on the side. Commissioner Romero added that the ordinance was changed for the side setbacks to be at 10 feet, and wants to stick to the ordinance. He said the idea was to change the setbacks from 15 to 10 feet, and to be consistent with requiring minimum of 10 feet setbacks without giving out variances for shorter setbacks than 10 feet.

Chairman Frater glanced at the board members for a motion. Commissioner Glen Romero made a motion to deny and stick to the 10 feet side setback. Commissioner David Cornfoot seconded the motion.

After a unanimous vote of yes by all Commissioners present, Chairmen Frater declared the motion denied.

Because of the 3/25/24 Planning & Zoning Minutes, from which this was discussed, having inaccuracies, the Board of Mayor and Aldermen relied only on the facts of the case and, not necessarily the discussion for each P&Z item to make their decision.

Alderman Aime-Gamble moved, seconded by Alderman Richardson to deny the applicants request for variance and accept the recommendation of the Planning & Zoning Board.

(EXHIBIT P)

A vote was called for with the following results:

Voting Yea: Aime-Gamble, Richardson, Lafontaine and Clark

Voting Nay: None

Absent: None

Mr. Kleppner said he wants to build a carport but needs to move it away from the pool. He has a small lot and yard. The neighbors are good with it. Alderman Aime-Gamble said the city has already greatly reduced the side setback from 15' to 10'. She does not feel we should give a variance. Alderman Richardson reiterated that the change was done to avoid people coming forward with variances for which the Board has already taken action.

Re: Sean Sullivan, owner of the property commonly known as 311 Hunter Hollow

SEAN SULLIVAN, THE OWNER OF THE PROPERTY COMMONLY KNOWN AS 311 HUNTER HOLLOW, PARCEL #162Q-02-10-139.000 has applied for a 5 feet rear yard variance to build a 900 square feet pole barn. The property is zoned R-1 residential. The lot has 75 feet road frontage, but is bordered by a 20+/- feet drainage ditch. It is to be positioned between a driveway and a fence.

Mr. Sullivan was not present for the meeting. After a brief discussion between the Commissioners, it was believed that the lot Mr. Sullivan owned was 2 separate lots because it has 2 separate parcels. Chairman Frater states in order to get a 5 feet rear yard variance is that the lots would have to be combined. Commissioners discuss that they want to stick to the 10-foot setbacks required in the ordinance.

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Chairman Frater declared a motion to deny the 5 feet rear yard variance because of the setbacks and separate parcels. Commissioner Matt Touart made the motion. Commissioner Glen Romero seconded the motion.

After a unanimous vote of yes by all Commissioners present, Chairmen Frater declared the motion denied.

Because of the 3/25/24 Planning & Zoning Minutes, from which this was discussed, having inaccuracies, the Board of Mayor and Aldermen relied only on the facts of the case and, not necessarily the discussion for each P&Z item to make their decision.

Alderman Richardson moved, seconded by Alderman Aime-Gamble to deny applicants request for a variance and accept the recommendation from the Planning & Zoning Board.

(EXHIBIT P)

A vote was called for with the following results:

Voting Yea: Aime-Gamble, Richardson, Lafontaine and Clark

Voting Nay: None

Absent: None

Mr. Sullivan asked for clarification regarding the setback and it was explained by Alderman Aime-Gamble that regardless of the number of lots owned, structures have to have a 10' set-back. Alderman Clark said that to build an accessory building the lots would have to be combined, as the primary structure is on the other lot and then, the accessory building would need to meet the 10' set back.

Re: Criag Bordelon, owner of the property commonly known as 2005 Nicholson Avenue

CRAIG BORDELON, OWNER OF THE PROPERTY COMMONLY KNOWN AS 2005 NICHOLSON AVE., PARCEL #138R-0-34-001.000, has made an application for a variance in order to construct two duplexes on a property zoned R-2: single and two-family residential. The applicant is requesting a 2,062 square feet variance from the required 8,500 square feet per unit as stated in ordinance #349. The 8,500 square feet requirement equals a total of 34,000 square feet a lot area in order to construct 2 duplexes (4 units). The property is currently 31,938 square feet.

Chairman Frater called Mr. Bordelon to come forward to explain the request. Building Official, Mr. Chris Carter, came forward to state that the Board of Aldermen have already discussed to reduce the square feet requirement from 8,500 square feet to 7,500, which if approved by the Board of Aldermen, then Mr. Bordelon would not need a variance.

Public Comment: Ms. Cynthia Simpkins came forward to comment on variance request. Ms. Cynthia asked that Mr. Bordelon put a privacy fence between the properties. Ms. Cynthia also asked Mr. Bordelon about the parking of the duplexes and will they change. Mr. Bordelon responded and explained that a privacy fence will be built in between the properties and that each duplex will have its own parking.

Chairman Frater declared a motion to approve the privacy fence and each duplex have its own parking. Commissioner Matt Touart made the motion. Commissioner David Cornfoot seconded the motion.

After a unanimous vote of yes by all Commissioners present, Chairman Frater declared the motion passed.

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Because of the 3/25/24 Planning & Zoning Minutes, from which this was discussed, having inaccuracies, the Board of Mayor and Aldermen relied only on the facts of the case and, not necessarily the discussion for each P&Z item to make their decision.

Alderman Aime-Gamble moved, seconded by Alderman Clark to approve the applicants request and accept the recommendation of the Planning & Zoning Board. (EXHIBIT P)

A vote was called for with the following results:

Voting Yea: Aime-Gamble, Richardson, Lafontaine and Clark

Voting Nay: None

Absent: None

Mr. Bordelon said that they already passed a change from 8,500 sq. ft. to 7,000 sq. ft. so he didn't know why he needed a variance. The Board of Mayor & Aldermen verified that it had been changed in August 2023.

BLIGHTED PROPERTIES: (Building Official, Chris Carter to discuss)

1. Lance Ryan, owner of the property commonly known as 207 Hunter Hollow. This was held in abeyance from 4/17/24 Board meeting. Mr. Chris Carter, Building Official to present progress report on outstanding items still needing attention from the previous meeting.

City Building Official, Chris Carter gave his progress report. Mr. Carter went to the property today and there is a stack of siding in the yard that will be installed on the two dormers by Friday. The installer was on site and he also said he would have it installed by Friday. Alderman Richardson asked if the pool pump was in working order and Mr. Carter verified that it was.

Board members agreed to hold his issue in abeyance until the next board meeting, May 22nd.

CONSENT AGENDA

Alderman Clark moved, seconded by Alderman Aime-Gamble to approve the following Consent Agenda items as numbered Items (a-i):

A vote was called for with the following results:

Voting Yea: Aime-Gamble, Richardson, Lafontaine and Clark

Voting Nay: None

Absent: None

MINUTES

Re: Minutes of the Board of Mayor and Aldermen meetings dated Apr. 17, 2024

a. Minutes of the Board of Mayor and Aldermen meetings dated April 17, 2024.

NEW HIRES/HUMAN RESOURCES/STREETS DEPARTMENT/PUBLIC WORKS DEPARTMENT

Re: Hire Mr. Kendall Laneaux in the Streets Dept.

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- b. <u>Hire/Promote/Transfer/Resignations/ Pay Change of the following for Various positions as listed: (EXHIBIT 0)</u>
 - 1. Hire Mr. Kendall Laneaux for Streets laborer position at the rate of \$15.00/hour pending passage of drug test and background check. (this is currently an open position)

UTILITIES DEPARTMENT/UTILITY CUSTOMER DEPOSIT REFUND CHECKS/REFUND CHECKS

Re: Approve monthly Utility Customer Deposit refund checks

c. Approve monthly Utility Customer Deposit refund checks totaling \$3,135.00 numbered #7424 to #7437 as submitted by Utility Office Manager Julie Bromwell. Note: \$2,000.74 is due to the City of Waveland and \$1,134.26 is due to customers. (EXHIBIT R)

UTILITIES DEPARTMENT/TRAVEL/TRAINING/MS. RURAL WATER ASSOCIATION/MS. COAST COLISEUM

Re: Approve Utilities Manager, Julie Bromwell, to attend the MSRWA Office Professional Training at the MS. Coast Coliseum

d. Approve Utility Office Manager, Julie Bromwell to attend the MSRWA (MS. Rural Water Association) Office Professional Training on Tuesday, May 28, 2024 at the MS. Coast Coliseum in Biloxi. Cost to the City will be a course fee of \$125.00 and mileage reimbursement. (EXHIBIT S)

PUBLIC WORKS DEPARTMENT/TRAVEL/TRAINING/MS. NATRUAL GAS ASSOCIATION/ANNUAL CONFERENCES

Re: Approve Public Works Manager, Bo Humphrey, to attend the MS. Natural Gas Association 45th Annual Conference in Orange Beach, Alabama

e. Approve Bo Humphrey, Utility Manager to the MS. Natural Gas Association 45th Annual Conference in Orange Beach, Alabama from Wednesday, July 10 thru Friday, July 12, 2024. Cost to the City will be a \$450.00 registration fee, use of a city vehicle and lodging for 3 nights at a cost of \$807.00. Perdiem is not requested. (EXHIBIT T)

HUMAN RESOURCES/PAYROLL DEPARTMENT/PERS/TRAINING/TRAVEL/PERSON EMPLOYER TRAINING

Re: Approve Ms. Janita Cole (HR) and Ms. Kyleigh Seale (Payroll) to attend the PERS Employer Training Seminar in Gulfport, MS.

f. Approve Ms. Janita Cole (HR) and Ms. Kyleigh Seale (Payroll) to attend the PERS Employer Training Seminar Friday, June 21, 2024 from 9:00 am. to 12:00 noon in Gulfport, MS. This is a free seminar; cost to the city will only be mileage reimbursement for one vehicle.

(EXHIBIT U)

INVOICES/CONTRACTORS/ENGINEERS/ENGINEERING
SERVICES/CHINCHE ENGINEERING & SURYVEYING/GAS SYSTEM
RESTORE ACT/ART STREET SEWER PROJECT/HWY 90 SEWER
EXTENSION PROJECT/WATERFRONT IMPROVEMENTS PROJECT –
BUCCANEER/ARPA SEWER IMPROVEMENTS PROJECT/LEAD WATER
SERVICE LINE INVENTORY/GRASS CUTTING SERVICES/TIDELANDS –
PROJECTS/ARPA – PROJECTS/PROJECTS

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Re: The following invoices from various Entities/Agencies/Contractors/Engineers,

g. The following invoices from various

Entities/Agencies/Contractors/Engineers, etc.: (EXHIBIT V)

- 1. Invoice #22-002-0117 from Chiniche Engineering & Surveying dated 05/01/24 in the amount of \$696.91 for engineering services related to Gas System Restore Act.
- 2. Invoice #22-002-0147 from Chiniche Engineering & Surveying dated 05/01/24 in the amount of \$2,763.00 for engineering services related to the Art Street Sewer Project.
- 3. Invoice #22-002-0153 from Chiniche Engineering & Surveying dated 05/01/24 in the amount of \$3,013.75 for engineering services related to the Hwy 90 Sewer Extension Project.
- 4. Invoice #22-002-0173 from Chiniche Engineering & Surveying dated 05/01/24 in the amount of \$9,834.00 for engineering services related to the Waterfront Improvements Project (Buccaneer).
- 5. Invoice #22-002-0194 from Chiniche Engineering & Surveying dated 05/01/24 in the amount of \$16,966.64 for engineering services related to the ARPA Sewer Improvements Project.
- 6. Invoice #22-002-0201 from Chiniche Engineering & Surveying dated 05/01/24 in the amount of \$1,079.75 for engineering services related to the Lead Water Service Line Inventory.
- 7. Invoice #3834 from Lombardo Industries, LLC. dated 05/01/24 in the amount of \$18,067.00 for grass cutting services.

FUNDS/FUND BALANCES/REPORTS

Re: Spread on the minutes the city of Waveland Fund Balances

h. Spread on the Minutes the City of Waveland Fund Balances at 03/31/24. **(EXHIBIT W)**

REVENUE/EXPENDITURES/REPORTS

Re: Spread on the minutes the Revenues & Expenditures Report dated 3/31/24

i. Spread on the Minutes the Revenues & Expenditures Report dated 03/31/24. (EXHIBIT X)

TERMINATIONS/HUMAN RESOURCES/UTILITY
DEPARTMENTS/WORKMAN'S COMPENSATION/LEGAL MATTERS
Re: Spread on the Minutes the Termination of Jetson Tillman from Utilities
Department. Termination delayed due to Workman's Compensation legal matters.

j. Spread on the Minutes resignation of Jetson Tillman from Utility Department effective 1/3/24. Resignation delayed due to workman's compensation legal matters.

END CONSENT AGENDA

ADJOURN

Alderman Aime-Gamble moved, seconded by Alderman Richardson to Adjourn the meeting at 8:37 p.m.

A vote was called for with the following results:

Voting Yea: Aime-Gamble, Richardson, Lafontaine and Clark

Voting Nay: None

Absent: None

The foregoing minutes were presented to Mayor Trapani on May 23, 2024.

Lisa Planchard City Clerk

The Minutes of May 07, 2024 have been read and approved by me on this day the 23rd day of May, 2024

Jay Trapan

Mayor