

The Board of Mayor and Aldermen of the City of Waveland, Mississippi, met in regular session at the Waveland City Hall Board Room 301 Coleman Avenue, Waveland, MS. on August 1, 2017 at 6:30 p.m. to take action on the following matters of City business.

PUBLIC COMMENTS:

- Mr. Donald Peters
- Jessica Stahl – Presented the Board with a 7 page signed petition requesting the Jacobs Well Home not be placed on Herlihy Street and the zoning remain the same for that neighborhood. **(EXHIBIT A)**

ROLL CALL:

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

MAYOR'S REPORT/PERSONNEL/POLICE DEPARTMENT

Re: Hire Officer Ian Larsen as a full time Police Officer

Alderman Burke moved, seconded by Alderman Piazza to hire Officer Ian Larsen as full time Police Officer at \$15.11/hour (to replace B. Farmer). He will give notice to his current employer and start in approximately 2 weeks.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

ATTORNEY'S COMMENTS/AGREEMENTS/MISSISSIPPI DEPARTMENT OF TRANSPORTATION/UTILITIES/MDOT HIGHWAY LIGHTING PROJECT

Re: City Attorney discussed the Motions needed for Highway 90 Widening/Lighting Project

Mrs. Yarborough discussed the following motions, noting that they are all related to the MDOT Hwy 90 lighting project discussed a couple of meetings ago regarding the Safety Grant where they will be widening Highway 90 leaving the City to move conflicting utilities. These are separate agreements for each type of utility; they are for waterworks, roadway lighting and natural gas. Mrs. Yarborough said the fourth motion down deals with the engineering services related to this MDOT project and the form contract. Mayor Smith said that this involves widening of the intersections; it will move the lighting from the middle of the highway to the edge of the highway which would provide better lighting for those intersections. Mr. Anderson said the project would change the traffic lights also. Any project costs to the City will be 100% reimbursable to the City according to Mr. Anderson. Ms. Yarborough said they had a long conversation with MDOT about the reimbursement; the reason there are three separate agreements is because they are reimbursable separately so it is proposed that Compton, as professional services consultant, to separate those dollar amounts and then submit to MDOT for reimbursement. She said there will be a lag of time, not as bad as a FEMA lag, but there will be a lag between the application for payment and the reimbursement. She does not believe we will have to take out some sort of a loan to cover the lag time, she believes it will be within that 45 day period. Ms. Yarborough said the auditing procedures that will be exercised by MDOT will be somewhat relaxed because we are using the Small Purchase Procedures.

Re: Utility Agreement with MDOT regarding Natural Gas Facilities- HWY 90 Lighting

Alderman Richardson, moved, seconded by Alderman Burke to authorize Mayor's signature on Utility Agreement with the Mississippi Transportation Commission regarding certain adjustment, removals and/or alterations of the existing *Natural Gas Facilities* due to project for highway construction, to include Highway 90 from Waveland Ave to Beach Blvd., HSIP-0003-01(192); 107127-201000. **(EXHIBIT B)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

Re: Utility Agreement with MDOT regarding Roadway Lighting Facilities- HWY 90 Lighting

Alderman Lafontaine moved, seconded by Alderman Richardson to authorize Mayor's signature on Utility Agreement with the Mississippi Transportation Commission regarding certain adjustment, removals and/or alterations of the existing *Roadway Lighting Facilities* due to a project for highway construction, to include Highway 90 from Waveland Ave to Beach Blvd., HSIP-0003-01(192); 107127-201000. **(EXHIBIT C)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

Re: Utility Agreement with MDOT regarding Waterworks Facilities- HWY 90 Lighting

Alderman Lafontaine moved, seconded by Alderman Richardson to authorize Mayor's signature on Utility Agreement with the Mississippi Transportation Commission regarding certain adjustment, removals and/or alterations of the existing *Waterworks Facilities* due to a project for highway construction, to include Highway 90 from Waveland Ave to Beach Blvd., HSIP-0003-01(192); 107127-201000. **(EXHIBIT D)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

Re: Agreement with Compton Engineering for Engineering Services related to MDOT Project- HWY 90 Lighting

Alderman Burke moved, seconded by Alderman Piazza to preliminarily approve the form of the proposed Engineering Services Contract (form ROW-044) and approve correspondence to MDOT requesting MDOT review and concurrence of selection of Engineering Services Contract with Compton Engineering for project services regarding utility relocations and adjustments associated with the Mississippi Transportation Commission for certain highway construction, project no. HSIP-0003-01(192); 107127-201000. The City of Waveland reserves the right to negotiate the terms and conditions of the proposed professional services contract and grants no rights to Compton by seeking this review and concurrence from MDOT regarding Engineering Services selection and contract form review. **(EXHIBIT E: Contract & Letter)**

Ms. Yarborough said that Mr. Anderson has a letter to tender as to the procurement process that was used for the purpose of the Minutes and the recommendation.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

MAYOR'S REPORT

- **Mayor Smith** congratulated Alderman Burke for his graduating as an Advanced (CMO) Certified Municipal Official; Mayor Smith announced that he also had received his Basic Certified Municipal Official (CMO) certification.

HANCOCK COUNTY LIBRARY SYSTEM/LIBRARY

Re: Board discussion regarding upcoming Library System Meeting

Board members discussed their position so as to all be 'on the same page' prior to the upcoming meeting. Ms. Yarborough said that that Special Council of Governments meeting is tomorrow night at 5:30 pm at the Bay St. Louis Library in the meeting room.

DAVIS STREET WATER TOWER/WATER TOWER – DAVIS STREET/CSPIRE CELLULAR SERVICE/SURPLUS PROPERTY

Re: Discussion regarding the Potential Sale of the Davis Street Water Tower

City Attorney Rachel Yarborough discussed the potential sale of the Davis Street Water Tower Property to CSpire. Mrs. Yarborough said the CSpire representative called her Friday and he said he'd like to proposition the City to buy the property. Ms. Yarborough said she'd already spoken with someone at CSpire and sent the information she was asked for. She told them to make a proposal and sent them the law with some of the formalities that the City has to follow to surplus real property and sell it. The representative said he would have to figure out who did that. Ms. Yarborough said that it triggered her memory that actually T-Mobile contacted her two weeks ago about buying the property also, so what we have are two competing interests looking at the same parcel. MS. Code Section 21-17-1 requires the Board to follow certain procedures when surplus and selling our real property. Mr. Anderson said he would advise the Board not to sell, but instead do perhaps a long term Lease Agreement, because there is a water well on the property and has a 10 year supply in reserve on the property. If the City sold the property it would give them total control of the water supply and we're not going to be able to do that. Alderman Burke said he does not believe the City should sell the water tower. Alderman Lafontaine asked if the City would be going out for proposals for a long-term lease of that property. Mrs. Yarborough said, "Yes, you can and that's what I would suggest, especially if you have competing interests... just like we lease space at the incubator. But you publicize it and then accept sealed bids. I would suggest that we set a bottom floor to begin the bidding. The remaining issue also is, because the tower is coming down, that they need Planning and Zoning Conditional use approval so I would suppose that any lease would be conditioned upon approval from our Planning & Zoning for the tower". She said they are proposing a stand-alone collapsible tower, this is why P&Z and Board approval is required. Ms. Yarborough said she would draft the Lease Proposal for this bid. **(EXHIBIT F)**

ALDERMEN'S COMMENTS

Re: Alderman Burke

- Inquired about addressing blight and sending out the related letters, also he asked about the recent placement of a mobile home on business property across from Walmart. Mayor Smith addressed both issues, he said he had discussed the mobile home with the owner of the trailer, Mr. Ronnie of *Fat Boyz Hamburgers*. Mr. Ronnie assured the Mayor the mobile home would be gone by the following Monday. He said Mr. Ronnie came in and he advised him that he could not have the trailer there and it would have to be moved. The Mayor said that with regard to Blight, we have adjusted the way blighted properties are addressed. Mr. David Draz & Ms. Jeanne Conrad will deal with the inter office work, including sending letters, advertisement, etc... and Don Siebenkittel will do the outside work such as taking pictures, etc... Mr. Anderson said that for the larger commercial buildings on Hwy 90, we have now started using the Fire Chief because he has more authority in this area to address these issues. It will then go to Ms. Yarborough for legal action.

Re: Alderman Richardson

- Asked Mr. Duckworth how much money the City had budgeted for blighting property demos this year. Mr. Duckworth said \$20,000. Alderman Richardson said there are a few properties that need to be taken care of, such as the old Day's Frontier building. Mr. Anderson said that there are three big commercial bighted properties we're currently working on for clean up; Days Frontier, the old motel across from Walmart, and the Sleep King near Arnold St. on Hwy 90.

Re: Alderman Lafontaine

- Asked about status of City owned mobile homes (former municipal office space after Katrina) that had been awarded by bid back in Fall of 2016. Mrs. Yarborough said she would discuss in Executive Session; she sent a last and final notice of intent to sue, gave them a deadline and have received no response.
- When is the first public meeting for the budget? Ms. Planchard said next week if you'd like to. The Board tentatively decided on Wednesday, August 9th or Thursday, August 10th, time to be determined
- **Re: Alderman Piazza** – Had all of his questions answered prior to the meeting.

DOCKET OF CLAIMS

Re: Claims

Alderman Lafontaine moved, seconded by Alderman Piazza to approve the Docket of Claims (except Transaction #172462 in the amount of \$14,461.97 to Hancock County Library System) in the amount of \$350,682.97 dated August 1, 2017 as submitted. **(EXHIBIT G)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

MINUTES

Re: Minutes of July 19, 2017 and Minutes of July 14, 2017

Alderman Burke moved, seconded by Alderman Richardson to approve the Minutes of the Regular Meeting of July 19, 2017 and the minutes of the Special Meeting of July 14, 2017, as submitted.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & **Piazza (July 19th, 2017)**

Abstain: **Piazza (July 14th, 2017)**

Voting Nay: None

Absent: None

MEETINGS/STRATEGIC PLAN/ECONOMIC DEVELOPMENT

Re: Set Date to Develop Strategic Plan

Alderman Piazza moved seconded by Alderman Burke to set a date for a special meeting to develop the Strategic Plan for the City of Waveland one night the week of 8/14/2017. April Chevis will be present to discuss.

After discussion, the meeting was set for August 14, 2017 at 6:00 pm.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

EVENTS/TOUCH A TRUCK EVENT

Re: 'Touch a Truck' event to be held August 19, 2017

Alderman Burke moved, seconded by Alderman Richardson to approve a request from Litter Control employee, Don Siebenkittel and Human Resources Director, April Chevis to hold Waveland Community Awareness Day on Saturday August 19, 2017 from 10 a.m. to 3 p.m. and close a portion of Coleman Avenue during the event. April Chevis was present to discuss.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

PLANNING AND ZONING (EXHIBIT H)

Re: Asa Haynes, representing Jacob's Well Ministries

Asa Haynes, representing Jacob's Well Ministries was present with a request for a Zoning Change from R-1 (Single Family Residential) to R-3 (Single, Two Family & Multi-Family Residential District) and if recommended for approval, a Conditional Use – Transitional Home as listed in Section 603.2 – Conditional Uses R-3 (Single, Two Family & Multi-Family Residential District) in order to allow a Transitional Home as a Conditional Use at the property commonly known as 716 Herlihy Street. Legal Description: Lots 40-44, Block 23 and Lots 44 & 45, Block 23, Waveland Highland Subdivision, City of Waveland, Hancock County, Mississippi.

Commissioner Harris moved, seconded by Commission Adams to recommend approval of the zoning change from R-1 to R3 and recommend approval of the Conditional Use to allow a Transitional Home.

NOTE: AT 1:55 PM ON 8/1/17, MR. HAYNES WITHDREW HIS APPLICATION REQUEST FROM PLANNING & ZONING. No action is required by the Board of Mayor and Aldermen.

MAYOR'S REPORT (Cont.)

Re: The Mayor recognized Mr. Zeke Hall to congratulate him and Firefighter Donald Peters for receiving the David A. Garcia Award.

PLANNING AND ZONING (Cont.)

Re: Josh and Stefanie Ascherl, 226 Hoffman Lane (Motion withdrawn)

John and Stefanie Ascherl are requesting a Conditional use under Section 601.2, Item F which states "Accessory buildings that contain more than five hundred (500) square feet." The Ascherl's are building a single family residence at the property commonly known as 226 Hoffman Lane. The conditional use is for a proposed detached garage that will be 744 square feet. Legal Description: Lots 13 & 14, Block y, E W ULAM Subdivision, City of Waveland, Hancock County, Mississippi. **Commissioner Meggett noted the request was withdrawn by the applicant. No action is required by the Board of Mayor and Aldermen.**

Re: Mr. Bruce Spencer III, 109 Santiago Street

Bruce Spencer III, 109 Santiago Street with a request for a variance from Section 4063.4 which states: "A six (6) foot opaque/privacy fence may stop, or commence to slope down to a height of three (3) feet, either at a point even with the front plan of the main or the forward most building or at a point twenty five (25) feet from the front property line, whichever is the shorter

distance.” Mr. Spencer is requesting to have a (6) foot wooden fence extend to the property lines on the adjacent vacant lots that he owns. Legal Description: Lot 5, Block 168 Shoreline Park and Lot 13, Block 168 Shoreline Park, City of Waveland, Hancock County, Mississippi.

Commissioner Adams moved, Seconded by Commissioner Harris to recommend approval of a variance that would allow the applicant to build a six foot fence in the front yard of the owner’s vacant lot (Lot 13) on Santiago Street with the requirement that if a residential structure was ever built on that lot, the fence would have to be brought into compliance with current fencing regulations. The motion also recommended denial of the variance request for the lot (Lot 5) on Hudson Street.

Alderman Burke moved, seconded by Alderman Lafontaine to follow the recommendation by Planning and Zoning Commission and approve the motion as submitted.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

TIDELANDS/LIGHTHOUSE PROJECT/BIDS

Re: Authorize Mayor to Pursue other Avenues of Funding to Complete Lighthouse

Alderman Piazza moved, seconded by Alderman Piazza to grant the Mayor authorization to pursue other avenues of funding for completion of the lighthouse project.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

**INVOICES/CITYWIDE DRAINAGE IMPROVEMENTS PROJECT/TIDELANDS/
SURVEYS/STORMWATER PROGRAM/CRS COORDINATOR/CITYWIDE
SANITARY SEWER IMPROVEMENTS PROJECT/SEWER DEPARTMENT/
DRAINAGE/STREETS DEPARTMENT**

Re: Payment of Invoices submitted by various contractors

Alderman Lafontaine moved, seconded by Alderman Piazza 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-f):

- a) Invoice #N20123578 from AMEC Environmental in the amount of \$918.40 – Citywide Drainage Improvements Project. **(EXHIBIT I)**
- b) Invoice No. 217-062-1 from Compton Engineering, Inc. in the amount of \$1,100.00 – Tidelands report Preparation and Submittal. **(EXHIBIT J)**
- c) Invoice No. 217-004.004-2 from Compton Engineering in the amount of \$187.50 – Survey of Lot 14 Cline estates. **(EXHIBIT K)**
- d) Invoice No. 216-021-15 from Compton Engineering, Inc. in the amount of \$6,590.00 – Phase II Stormwater Program. **(EXHIBIT L)**
- e) Invoice No. 216-054-6 from Compton Engineering in the amount of \$500.00 – CRS Coordination (January – December, 2017). **(EXHIBIT M)**
- f) Invoice No. 216-056-11 from Compton Engineering in the amount of \$3,667.50 – Citywide Sanitary Sewer Improvements. **(EXHIBIT N)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

**HOLIDAY SCHEDULE/CITY HALL/FIRE DEPARTMENT/PERSONNEL/POLICE DEPARTMENT/COURT DEPARTMENT/FY 2018/PUBLIC WORKS/BUILDING DEPARTMENT/FIRE DEPARTMENT/RSVP/PARKS & PIER/POLICE DEPARTMENT
Re: Approve Holiday Schedule for FY 2018**

Alderman Lafontaine moved, seconded by Alderman Richardson to approve the FY2018 Holiday Schedule. **(EXHIBIT O)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

**PERSONNEL/POLICE DEPARTMENT
Re: Increase Rate of Pay for Investigator William Cotter**

Alderman Richardson moved, seconded by Alderman Lafontaine to increase rate of pay for Investigator William Cotter to \$16.84/hour for completion of 6 months with DEA Task Force.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

**BAY-WAVELAND SCHOOL DISTRICT/POLICE DEPARTMENT/WAVELAND ELEMENTARY SCHOOL/SRO OFFICER
Re: Placing Officer Ricky Reynolds on the Police Rolls - TABLE**

Alderman Piazza moved, seconded by Alderman Burke to **TABLE** adding Bay-Waveland School Resource Officer Ricky Reynolds (BSL Police Officer) to the staff of Waveland Police Department to allow him to do enforcement actions at Waveland Elementary School. Officer Reynolds will receive no salary for his part-time position on the Waveland Roster.

During discussion, Mrs. Yarborough said she has reservation about this because 1) she does not know what an enforcement action is and 2) if the City is going to deem him a Waveland employee then there comes with that certain liabilities and benefits. Her concerns are workman's compensation issues. She requests additional time to research this issue.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

TRAVEL/COURT DEPARTMENT/POLICE DEPARTMENT

Re: Court Clerk Rhonda Cummings and Deputy Court Clerk Anitra Freeman to Tunica MS. for MS Judicial College

Re: Officer Patrick Crowe to attend Harrison County Law Enforcement Academy

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

- a) Court Clerk Rhonda Cummings and Deputy Court Clerk Anitra Freeman to Tunica, Mississippi, September 6-8th, 2017 for Mississippi Judicial College. Cost to the City would be lodging for 1 night at a cost of \$68.00 (additional 2 nights will be paid for by Judicial College) and 1 day per diem (all other meals covered by MJC), no City vehicle needed as MJC will pay for mileage.
- b) Officer Patrick Crowe to attend the Harrison County Law Enforcement Academy beginning August 13, 2017. Cost to the City will be \$3,600.00 (which will be refunded by the State upon Officer Crowe's completion of the Academy) and use of a City vehicle.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

PRIVILEGE LICENSES/BUILDING DEPARTMENT/PARKS AND RECREATIONS

Spread on the Minutes the following as listed, (Items a-c):

- a) Privilege License Report for the Month of July 2017 (**EXHIBIT P**)
- b) Building Permits Report for the Month of July 2017(**EXHIBIT Q**)
- c) OLA's Letter of Appreciation to Parks & Recreation Director Willie Moody (**EXHIBIT R**)

EXECUTIVE SESSION

Re: Pending and Probable Litigation

Alderman Burke moved, seconded by Alderman Richardson to consider Executive Session to prompt a closed discussion regarding City of Waveland vs CDM Smith, pending litigation regarding Garfield Ladner Pier; Artisan Global LLC's failure to honor three outstanding bids awards for three mobile homes, probable litigation; and Citywide Sewer Project - HMGP Drainage Improvements, Kappa Construction contractual issues - potential and probable litigation and Digital Engineering regarding Police Building, Pending Litigation.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

Re: Enter Executive Session

Alderman Lafontaine moved, seconded by Alderman Burke to enter Executive Session regarding City of Waveland vs CDM Smith, pending litigation regarding Garfield Ladner Pier; Artisan Global LLC's failure to honor three outstanding bids awards for three mobile homes, probable litigation; and Citywide Sewer Project - HMGP Drainage Improvements, Kappa Construction contractual issues - potential and probable litigation and Digital Engineering regarding Police Building, Pending Litigation.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

LEGAL/PIER/SETTLEMENT AGREEMENT

Re: Authorize Mayor to sign Settlement Agreement- Pier Litigation

Alderman Piazza moved, seconded by Alderman Burke to authorize and grant Mayor Smith to sign the settlement agreement with CDM Smith regarding the Pier.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

LEGAL/BIDS/ADVERTISING/MOBILE HOMES/SURPLUS PROPERTY

Re: Readvertise for Bids related to Sale of Three Mobile Homes

Alderman Richardson moved, seconded by Alderman Lafontaine to readvertise for bids related to the sale of three mobile homes as listed, (a-c):

- a) Trailer, Mobile Home (double wide), 200 6-Bar Code 1238215 (Serial #011-06-816-22699A) & Bar Code 1238216 (Serial #011-06-816-22699B) (formerly Police Station-Coleman Ave)
- b) Trailer, Mobile Home/Modular Office (double wide), 2006-Bar Code 1238566 (Serial #G800570-B) & Bar Code 1238567 (Serial #G800570-A) (formerly Animal Shelter-Gulfside Dr.)
- c) Trailer, Mobile Home (single wide), 2005- Bar Code 1032858 (formerly Fire Stn.-Gulfside Dr.)

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

Re: File Suit against Artisan Global, LLC

Alderman Burke moved, seconded by Alderman Lafontaine to grant Rachel Yarborough authority to file suit against Artisan Global, LLC. for failure to honor three outstanding bid awards for three mobile homes.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

Re: Exit Executive Session

Alderman Lafontaine moved, seconded by Alderman Piazza to exit Executive Session with action taken.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

ADJOURN

Adjourn Meeting at 8:09 pm

Alderman Piazza moved, seconded by Alderman Richardson to adjourn the meeting at 8:09 pm.

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 August 18, 2017.

Lisa Planchard
City Clerk

The Minutes of August 1, 2017 have been read and approved by me on this day the 18th day of August, 2017.

Mike Smith
Mayor

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