

MINUTES
WAVELAND PLANNING & ZONING COMMISSION
APRIL 3, 2017

A recessed meeting from March 27, 2017 of the Waveland Planning & Zoning Commission was held at 5:00 p.m. on Monday, April 3, 2017 at the Waveland City Hall, located at 301 Coleman Avenue, Waveland, Mississippi.

Chairman Roger Estopinal called the recessed meeting to order at 5:00 p.m. Present were City Attorney Rachel P. Yarborough, Commissioners Mike Adams, Clarence Harris, Judy Boudoin, Charlotte Watson, Zoning Official Christine Gallagher, and Belinda Thomas, assistant for Building and Zoning Department. Chairman Roger Estopinal established there was a quorum present.

Chairman Roger Estopinal asked City Attorney Rachel Yarborough to address the request. She said that this meeting would be a resumption of the meeting from March 27, 2017 with one agenda item remaining that was tabled and recessed. City Attorney Rachel Yarborough said that the request is by **Le Plaza** which is requesting a variance of 1' from the required freeboard requirement in the City of Waveland's Flood Damage Prevention Ordinance #342 on their property located at 301 Hwy 90. Legal description: PT SE ¼ 34-8-14 City of Waveland, Hancock County Mississippi.

City Attorney Rachel Yarborough said that the application is signed by Stacey Coe, however, he is not the owner of the property. She asked if the owner was present and if she would come forward and state for the record that you are allowing Mr. Coe to represent you and that you are requesting this variance. Mrs. Le's daughter came forward and said that on behalf of her mother, she said that she would like Stacey Coe, who is the contractor, represent her in this request. City Attorney Rachel Yarborough asked if she understood that this could have an effect on insurance premiums as it relates to your property individually, that it could be higher if the variance is granted. Mrs. Le's daughter said yes and that they were here to see how everything plays out and find out the details.

City Attorney Rachel Yarborough asked Mr. Coe to come forward. Stacey Coe, contractor for Le Plaza, said that they asking for variance for Le Plaza, a retail building that is located at 301 Highway 90. Stacey Coe said that is based on approved permit drawings that show the finished floor elevation at 18' which meets FEMA Flood Ordinance but it doesn't meet the City of Waveland's requirement. He said it's not really a mistake, he said that on the plans the contractor set the elevation off of what was on the plans. Stacey Coe said that it did have 19' on the building permit which was located in the box but no one made reference to the box itself for the permit. City Attorney Rachel Yarborough asked if he was referring to the elevation certificate. Stacy Coe said that he was. City Attorney Rachel Yarborough asked Stacey Coe if he realized that he was the one that turned in the elevation certificate. Stacey Coe said that he did. He said that they submitted the drawings and once the elevation certificate was ready he dropped it off to

the city. City Attorney Rachel Yarborough said that these ordinances that we have in place, the Flood Damage Prevention Ordinance, Storm Ordinance, Building Codes, and the Zoning Ordinance, all of these ordinances work in conjunction. She said that are not designed to conflict. She said that our Building Code Ordinance is supposed to perform and be in uniformity with our Flood Damage Prevention Ordinance. City Attorney Rachel Yarborough said that when the city issues one permit it cannot be in conflict with other ordinances. She said that they will start preliminarily with the relief that you requested in your letter dated March 6, 2017. City Attorney Rachel Yarborough explained to the Commissioners that when you refer to the FEMA Flood Ordinance, there is FEMA Flood Guidelines but not necessarily an ordinance. She said that the only ordinance is the Waveland Flood Damage Ordinance which we have increased the BFE (Base Flood Elevation) by one foot in order to receive certain points on the CRS rating system which effects the community wide flood insurance rate. City Attorney Rachel Yarborough said that when this letter refers that he is in compliance with the FEMA Flood Ordinance but not the City of Waveland Ordinance, that is kind of a misstatement but she said that she did not think that it was intentional but there is no such thing as a FEMA Flood Ordinance there is only the Waveland Flood Ordinance. She said that you received plans from the City of Waveland and she just wanted to make clear that the City does not make your plans or provide construction plans. Stacey Coe said that they submitted the plans and the City marked them up and said that he had a copy available and that the city reviews the plans and then marks up like elevations, we had overhead power lines eight feet, and they make notes on them for the project. He said that on this instance, not blaming anyone, but on the elevations, there was not anything marked on what was provided, the 18'. City Attorney Rachel Yarborough asked Stacy Coe to repeat his last statement. She said that what you are saying is, that nothing was marked and that your plans that was submitted to the City of Waveland has the lowest floor at 18'. Stacey Coe said that was correct. City Attorney Rachel Yarborough asked Stacey Coe if that is what he submitted to the city. Stacey Coe said that was correct. City Attorney Rachel Yarborough asked if that is when he came back and got the flood elevation certificate. Stacey Coe said that no he submitted it and turned it in and got the permit plans and the elevation certificate back at the same time. City Attorney Rachel Yarborough said that they conflicted. Stacey Coe said that they did. City Attorney Rachel Yarborough said that it was your general mylar plans that conflicted with your requirements of your elevation certificate. Stacey Coe said that was correct. City Attorney Rachael Yarborough asked if he recalled signing for your flood elevation permit. Stacey Coe said that he remembers paying for it and not really signing for that, he said that he remembers signing for the receipt for paying for the permit and once he got that he turned it over to his superintendent. City Attorney Rachel Yarborough said that not only do you have the initial elevation certificate that states that, you are at 18' and that the lowest floor will be at 19' with the 1' freeboard. She said that this is very important to everyone in the room and we have a tape record of the meeting and if you are not recognized and your name is not on the record then we cannot keep an honest record of what has transpired. She said that if you speak out from the crowd it might not necessarily make it into the record. She said that is why we need order and only one person at a time to address the commission. City Attorney Rachael Yarborough asked Stacey Coe if he had the initial elevation certificate which states that you have to be at 19', then when you sign for your permit you

are issued a paper and you sign that you are at AE18 and that your lowest floor has to be at 19'. Stacey Coe said that when he picked up the plans, he did not look through the elevation certificate or the building permit but that he got that as a package, not one versus the other. He said that he just picked them up and that the only reason that he picked them up was because he was actually paying for the permit. Stacey Coe said that he understood what City Attorney Rachel Yarborough said but he submitted the elevation certificate that was needed in order to pick up the permit. He said that he brought the elevation certificate to the City but he did not notice that it was 19'. He said that he did not read it, he just submitted it. City Attorney Rachel Yarborough said that also in the letter dated March 6, 2017, you stated that the mistake was caused because the 19' finished floor elevation was located on the building permit and not on the approved permit plans. Stacey Coe said that was correct. City Attorney Rachel Yarborough said that she would submit that the mistake was caused because you submitted contradicting documents to the City. Stacey Coe said that he submitted the plans for review, if the Building Official sees anything in there they would usually mark them up as these plans were marked up by the Building Official. Stacey Coe said that the elevation certificate came after that. He said that he had to submit it to get the building permit plans. City Attorney Rachel Yarborough asked if it was fair to say that the elevation certificate is much more germane as to what the lowest floor elevation has to be as opposed to the mylar plans since it is more specific to that one purpose. Stacey Coe said that the building permit plans should have made reference to any flood ordinance or whatever elevation that is important. City Attorney Rachel Yarborough said that the City is not the project manager and that the tax payers in the City of Waveland aren't necessarily responsible for fine tooth combing any plans that are submitted and that you were given three documents that told you that you had to have your lowest floor at 19'. Stacey Coe said that all of the permit documents that they had were inside of the permit box and even after the fact of doing the foundation inspection, they all went out to the site and he said that he would like Peter, the site superintendent, to come forward. Stacey Coe said that all that he did was submit the stuff. He said that when they did the elevation, they all pulled the plans out and had the 18' elevation marked off showing that it met the elevation and the foundation was approved for the pouring of the slab. City Attorney Rachel Yarborough said that when you do construction business in the City of Waveland, it is imposed upon you to be very familiar with our ordinances so that you know what the requirements are. She said that so to the extent that they are conflicting or that your plans aren't in accordance with those your permit would be revoked to the extent that it is not in compliance with our ordinances. Stacey Coe said that he would like Peter, the on site manager, discuss this since he didn't have any dealings with the onsite project as far as what inspection was called and plans they were looking at when doing the inspections. City Attorney Rachel Yarborough said that she had passed by the property on her way to the meeting and she said that she saw that the roof is on and it seems to be pretty far into the process, but know that under our flood ordinance that you are supposed to have your second elevation submitted to the city once you have poured your foundation. She said that we would be at this point much sooner had all of the ordinances been followed. City Attorney Rachel Yarborough asked Stacey Coe as to when the second elevation certificate was given to the city. Stacey Coe said that he was not really sure and that would be a question for Peter, the project manager. City Attorney Rachel Yarborough

said that basically what Mrs. Le is requesting is that she be allowed to have the lowest floor remain at 18' instead of the required 19'. Stacey Coe said that was correct. He said that he believes that an assessment of the properties around this property and everything is lower than Mrs. Le's property is at right now at 18'. City Attorney Rachel Yarborough said that as in compliance to the flood ordinance. Stacey Coe said that what he is saying is that every property.. City Attorney Rachel Yarborough said that for the record, is that those properties are not new construction and they are grandfathered in and other non-conforming buildings should not weigh in on this application. She said that the whole community gets federally funded and tax credits and deductions for being in compliance and enforcing these ordinances. City Attorney Rachel Yarborough said that just familiar and living here that a lot of those buildings are from 1980 when there was no flood ordinance. Stacey Coe said that he was from Waveland as well and familiar with the buildings there. City Attorney Rachel Yarborough said that for the record she will read from Ordinance 342 which this commission has to consider regarding this application for a variance which Article 6 speaks specifically to the conditions for a variance and Section D states that:

1. Variances should only be issued when there is:
 - a. A showing of good and sufficient cause;
 - b. A determination that failure to grant the variance would result in exceptional hardship; and
 - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public expense, create nuisance, cause flood on or victimization of the public, or conflict with existing local laws or ordinances.
2. Variances shall only be issued upon a determination that the variance is the minimum necessary, to afford relief.

City Attorney Rachel Yarborough said that at this time would the commission like to ask any questions for Stacey Coe.

Chairman Roger Estopinal asked Commissioner Mike Adams if he had any questions. Commissioner Mike Adams said that he did not at this time. Commissioner Clarence Harris asked that if during the process, does the city send an inspector out prior to any work, as far as to form it. He asked if that during the inspection, does the superintendent of the job and the inspector get together and determines if it is in the right floodplain. Stacey Coe said that he could not speak for this since he was not there. He said that Mr. Carrigee and the job superintendent is present and you might want them to address it. Stacey Coe said that usually the inspector would verify that everything is done according to code and then he will pass or fail the inspection. He said that if it fails then the corrections would be done prior to calling back for re-inspection or if he signs off on the inspection, they would go ahead and pour. City Attorney Rachel Yarborough said that she would like to add that under our Ordinance Article 4 Section B subsection 1 (f). A total of three Elevation Certificates shall be required as follows; First (1) construction drawings, Second (2) building under construction, and Third (3) finished construction. So you would have one with your plans, one when you pour your slab and the third when the building is finished, that is three elevation certificates that are attached to the Stop

Work order. (Exhibits A & B). Commissioner Clarence Harris said that his question was that at the point when it was approved to pour, the elevation should have been caught at this time. He said that he was not blaming the inspector or the superintendent but the two of them were there. Commissioner Clarence Harris asked Bill Carrigee, if he inspected the job or if it was someone from his team. Bill Carrigee said that they are not surveyors. He said that there is a licensed design professional that signed the first elevation certificate and it is his responsibility to shoot the form boards and supply the city with the second elevation certificate before they pour. Bill Carrigee said that according to the elevation certificate it was done months later. He said that the inspector cannot shoot the elevation because they are not qualified since they are not a licensed engineer in the State of Mississippi. Commissioner Clarence Harris asked if it was shot before they poured the foundation. Bill Carrigee said that they did not turn in the second elevation report until months later. Commissioner Clarence Harris asked if this was standard procedure. Bill Carrigee said that it was not. He said that according to our ordinance, before you go vertical you have to turn in the second elevation. City Attorney Rachel Yarborough said that the city's ordinance states:

Section B

2. Construction Stage:

Upon placement of the lowest floor it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the NGVD elevation of the lowest floor or flood-protected elevation, as built, in relation to mean sea level.

City Attorney Rachel Yarborough said that this would be the second elevation certificate. She said that after the foundation pour, they should have done a second elevation certificate and they should have turned in the second elevation certificate for review. City Attorney Rachel Yarborough said that did not happen until February. She said that she did not know when the foundation was poured but the second elevation certificate was dated February 3, 2017. Chairman Roger said that the first elevation certificate was dated July 12, 2016 showing 19', the second elevation certificate was dated on February 3, 2017 showing 18'. City Attorney Rachel Yarborough said that it shows that basically that there is a 1' difference between what is required and what the elevation is. She said that had it been turned in accordance with the ordinance we would not be here this late in the game. Someone from the audience spoke out and asked if this was required by the city. City Attorney Rachel Yarborough said yes, by ordinance. Chairman Roger Estopinal asked the audience member to come forward and state their name for the record. Peter Morrison said that he lives at 18342 Blackwell Farm Rd. Saucier, MS. City Attorney Rachel Yarborough asked if anyone else had any question for Stacey Coe. Commissioner Charlotte Watson said that her paperwork shows the first and second elevations with the dates that were mentioned earlier. She said that she does not have a third elevation and it seems that 19' is clear to her. Chairman Roger Estopinal recognized Peter Morrison and told him to address the commission. Peter Morrison said that he has built all over the coast and he knows that this is Waveland, this is not Biloxi, Gulfport or where ever. He said that he has never had to get his elevations off of a building certificate. Peter Morrison said that as far as the elevation, that is done by the surveyor and it was not done and they still had some inspections done. He said that she is saying that once we poured the slab the second elevation should have been done.

Chairman Roger Estopinal asked Peter Morrison as to who he was speaking of. Peter Morrison said that it sounds like a requirement. City Attorney Rachel Yarborough said that by ordinance it is the permit holder's duty to submit. Peter Morrison said that if I don't turn it in, how do I get to continue building. City Attorney Rachel Yarborough said the City is not the project manager. Peter Morrison said that if it is required to do it when we pour the slab, how do we get past that point. City Attorney Rachel Yarborough told Peter Morrison that he was required to do it, not her or Mr. Carrigee. She said that if you do, you're proceeding at your own peril. City Attorney Rachel Yarborough said that the ordinance says that the permit holder immediately and prior to further progressive work being permitted to proceed shall correct deficiencies detected by such review. Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project. Any work undertaken prior to submission of the certification shall be at the permit holder's risk.

Chairman Roger Estopinal asked Bill Carrigee to come forward and explain your qualifications to the commission.

Bill Carrigee said he was with the City of Bay St. Louis fifteen or sixteen years as the Building Official, Floodplain Manager and now has been in Waveland five to six years. He said that he was a Certified Building Official. Brent Anderson is the Building Official by title but in order to get the benefit of all of his certifications to lower the rate of cost for flood insurance, the City uses his CFM as well as Brent. Bill Carrigee told the commissioner's that CFM stood for Certified Flood Plain Manager. He said that there is approximately 8,000 and he was the 53rd person in the nation to obtain certification. Bill Carrigee said that he has been doing this for a while. He said that a project is not stopped just to stop them and that they want to see every building that starts in the City of Waveland be finished. Bill Carrigee said that when it was brought to Mr. Anderson's attention that the elevation certificate showed that the building was too low, he immediately took steps to issue the stop work order. As the Building Official for the City by name, by job title, he had to issue the stop work order. Bill Carrigee said that he has numerous certifications and also trains all the inspectors in the state of Mississippi and about half of Louisiana and Alabama. He said that as far as the building codes go, he knows them forward and backward. Bill Carrigee said that Flood Plain Management, he said that he sat on the board of regions that wrote all of the ordinances and rules for Flood Plain Managers and he actively participated in writing the exam in order to become certified. He said that he is familiar with what we are supposed to do and how to do it. Bill Carrigee said that as a City, we cannot afford to not follow our own ordinance. He said that the City gets a discount for every so many points we get in our program for doing it better than what FEMA's minimum requirements are for an ordinance. He said that for every so many points we get the City gets a 5% reduction in the cost of flood insurance for the whole city, so if we do something contrary to FEMA, they don't write ordinances, they don't make rules but if you mess up they will penalize them. Bill Carrigee said that if you call them with a question, they tell you to refer to your own ordinance. City Attorney Rachel Yarborough asked Bill Carrigee if it was fair to say that the ordinance clearly requires that they build to the BFE plus 1'. Bill Carrigee said that it does. There is a section in the ordinance that clearly states 1' of freeboard which gives us

a lot of points toward achieving our goal to lower the flood insurance rate. City Attorney Rachel Yarborough asked Bill Carrigee if he or Brent Anderson has the authority or power to issue a permit that would be contrary to either the Building Code or the Flood Ordinance. Bill Carrigee said that we are not allowed to issue them if they are contrary to our own ordinance. City Attorney Rachel Yarborough asked if it is issued contrary to the ordinance what would be the effect of the permit. Bill Carrigee said that basically it is void and it states that in the code. City Attorney Rachel Yarborough asked Bill Carrigee how many times is an applicant made aware of what the lowest floor has to be during the flood application process. Bill Carrigee said that he was not sure since he does not handle that part and that Brent Anderson is the Flood Plain Manager. He said that he does know that they have to sign stating they understand what it is and that they agree to follow it.

Chairman Roger Estopinal asked Brent Anderson to come forward and state his name and position with the city. Brent Anderson said that he is the Public Works Director and Building Official. City Attorney Rachel Yarborough asked Brent Anderson if he was also the Flood Plain Administrator. He said that he was. City Attorney Rachel Yarborough asked Brent Anderson if under the City of Waveland's Flood Prevention Ordinance are you allowed to grant variances. Brent Anderson said that he was not. City Attorney Rachel Yarborough asked Brent Anderson to explain the procedure to get a variance under Ordinance #342. Brent Anderson said that the variance request must go before the Planning and Zoning Commission to hear the request. He said that it is not a common practice to grant variances in flood zones. Chairman Roger Estopinal said that there are effects as Bill Carrigee stated that would affect everyone in the city by being penalized. City Attorney Rachel Yarborough asked Brent Anderson if he knew the amount of times that the applicants are made aware by the City of what their lowest floor has to be under Ordinance #342 in their development permit application. Brent Anderson said that in our paperwork alone, two times for sure and possibly three times. He said that then they supply and pay for their own elevation certificate that is stamped by a certified professional. City Attorney Rachel Yarborough said that in this case there is two elevation certificates that both state that they have to be at 19'. Brent Anderson said that the first one states that lowest floor at 19' and the second one shows the miss-pour on the elevation. City Attorney Rachel Yarborough said that it shows 18' but that it is still required to be 19'. Brent Anderson said that is correct. Brent Anderson showed a copy of one of the permits included in the application that was signed by the contractor. He said that the permit is clear as to what the elevation is and what the elevation is supposed to be at and then the applicant signs the application. Chairman Roger Estopinal asked Brent Anderson if what he is saying is that it is clearly written and they have to sign the document that verifies the height. Brent Anderson said that is correct. City Attorney Rachel Yarborough said that the record is clear and we will have the letter from Stacey Coe dated March 6, 2017 as exhibit 1 and exhibit 2 will be the stop work order as described by Brent Anderson and exhibit 3 will be October 2016 Flood Development Permit which indicates the elevations. Brent Anderson said that is the most crucial part of any contractor or home owners building is the elevation certificate. City Attorney Rachel Yarborough asked if the elevation certificate is kept on the job site. Brent Anderson said that it is not. He said that it is on the placard that is to remain on the job

site. Chairman Roger Estopinal asked if any of the commissioners had any questions. Commissioner Charlotte Watson said that they understand what has been said. She said that for the sake of the City, we cannot grant this in her opinion, however, what remedy does Mrs. Le have with the building the way that it is and what can she do to make the project whole again. She said that she realizes that it would be an additional expense but what is involved. Brent Anderson said that he could give an opinion and he can tell them of what he referred to them prior to this. He said that there are ways and materials for flood proofing the building that would meet our standards. Brent Anderson said that we cannot recommend, that basically the contractor needs to present that to the city. He said that there are flood proofing materials that meets the flood regulations that they can use. City Attorney Rachel Yarborough asked Brent Anderson if there is an alternate design as it stands now that could make the building as a whole compliant with the ordinance. Brent Anderson said that this correct. Bill Carrigee said that they could bring in dirt to put on top of the existing slab, extend their plumbing and cap with a layer of concrete to make that 1'. City Attorney Rachel Yarborough said that there is more than one way to achieve this. Chairman Roger Estopinal said that the guidelines that the commission would make are put into place by FEMA to handle something like this. Bill Carrigee said that the engineer of record would have to design the flood proofing. Bill Carrigee said CFR44 goes into great detail. Brent Anderson said that they have been working hard with the contractor trying to remedy this. He said that they have the right to appeal this and this is why we are here. Brent Anderson said that they have told them some of the solutions and remedies that have been dealt with in the past between Mr. Carrigee and himself. He said that he is paid by the city to protect the city's best interest and the flood ordinance is a pretty serious violation city wide. Brent Anderson said that it just doesn't affect one property, it affects all of the city. City Attorney Rachel Yarborough asked Brent Anderson historically since he has been the Flood Plain Manager/Building Official for the City of Waveland has there ever been a variance granted to the flood ordinance. Brent Anderson said that there has not. City Attorney Rachel Yarborough asked Brent Anderson if he has had any conversations with our FEMA/MEMA representative about any variance to the flood ordinance. Brent Anderson said that he has and was well advised for the city to not grant variances to our flood ordinance. City Attorney Rachel Yarborough asked if he was told what the effect would be if a variance would be granted. She said that ordinance states that we must report any variances that we grant to FEMA and MEMA. Chairman Roger Estopinal said that he was also in contact with FEMA. Brent Anderson said that when they come in and start doing our CAV visits and CRS inspections, we could have many effects. City Attorney Rachel Yarborough said that it could be a decrease in points and an increase in insurance premiums. Brent Anderson said that it could affect the city being in the CRS program if you start issuing variances because it defeats the purpose of having a flood ordinance. City Attorney Rachel Yarborough asked Brent Anderson if he knew what the effect would be of not being in the CRS program. Brent Anderson said that we all would have to pay from 20-25% more for our flood insurance for everyone city wide. City Attorney Rachel Yarborough said that she spoke with the MEMA representative, Lauren, and she said that our points would go from a 5 to a 9 with one variance. Bill Carrigee said that those numbers represent 5% deduction. He said that they city is at a 5 and we are getting a 25% reduction across the board for the whole city. City Attorney Rachel Yarborough said that the MEMA

representative said that this is not necessarily an extenuating circumstance and there is alternate avenues that can be pursued to bring it into compliance with the flood ordinance. She said that it would not necessarily qualify under the variance procedures as laid out in our ordinance. Brent Anderson said that flood proofing does work. He said that during his time there has been one other building in the city that is flood proofed. Commissioner Mike Adams asked that if they flood proofed would the building be in compliance. Chairman Roger Estopinal said that was correct. Brent Anderson said that it would satisfy the flood program and the flood ordinance. City Attorney Rachel Yarborough said that every so often they will come down and do a drive around and write us up and the city will have to take measures to make people come into compliance. Brent Anderson said that when he first took over this position they had 320 violations that had to be cleared up. He said that during the last audit there was only 4 and they were not part of the original 320. He said that we have cleared up all of our issues. Brent Anderson said that we take it seriously because it effects the quality of insurance and effects our pocketbook. He said that it is a great program. Brent Anderson said that from his position that he is in with the city, he would not recommend variances to the flood ordinance.

Commissioner Clarence Harris said that he would like to know how this got so far without being caught. He wanted to know that if going forward, could the city and the contractor could work closely and whether or not it is the inspector's duty or not could it be brought to the contractor's attention. Bill Carrigee said that we could ask the city council to add to the building ordinance a requirement that we not allow any project to move forward until that second elevation is given to the city. He said that the building code says that but when you start doing that to everybody and slowing down building, you will have people complaining that they can't get their job done because we holding them up. City Attorney Rachel Yarborough said that the reason that it was not caught before it started going vertical is because they didn't submit their stamped certified elevation certificate. She said that the inspector can't go out there and shoot the survey. Peter Morrison said that everybody wants to build close to the flood zone and all you would have to do is take a red stamp on the front sheet and mark nothing below 19' elevation. Brent Anderson said that your licensed professional that you hired told us where you needed to build to. Peter Morrison said that the reason that this happened is because they did not get the flood elevation permit and the print together before they were even turned in. Brent Anderson said that the draftsman should have made sure what your elevation was. He said that we are not licensed to. Peter Morrison said that if it was stamped on the print, the person that gets the print would not build below 19'. City Attorney Rachel Yarborough said that we do have that in place. She said that it is our ordinance, it's not our job to micro manage and make sure that you are aware of every intricacy of every ordinance. Peter Morrison said that everybody on the job is not reading all of the ordinances. City Attorney Rachel Yarborough said that you are required to know them. Peter Morrison said that he is the superintendent and he builds the building and builds it exactly to the print. He said that the print says approved as noted. He said that he does not read all of the city's ordinances and he gets the approved set of drawings and builds to that. City Attorney Rachel Yarbrough said that ignore of the law is not a defense. Peter Morrison said that he is not trying to place blame on

anybody. Commission Mike Adams said that there is a red stamp on the elevation certificate. City Attorney Rachel Yarborough said that they sign for it. Commission Mike Adams said that he may not be familiar with the whole thing but electrician's turns in plans, correct. Bill Carrigee said that is correct. Commissioner Mike Adams asked that if he goes through and wires the house with regular receptacles because he is not familiar with tamper resistant receptacles, you don't go in change his plans do you. He asked Bill Carrigee if he gives the electrician a punch list of corrections. Bill Carrigee said that is correct. Peter Morrison said that he red lines it and says that it has to be ground fault receptacles or arc fault. Commissioner Mike Adams said then it is up to the electrician to make the changes to bring it into compliance. City Attorney Rachel Yarborough said that the city gave three different notices that the building had to be at 19'. She said that she appreciates his argument however she finds it disingenuous because we have had three notices. Chairman Roger Estopinal asked if there were anyone else present to comment. Mrs. Le's daughter came forward and said that she is new to what is going on and it seems like it is just a big misunderstanding. She said it sounds like miscommunication and that they are the ones suffering. Mrs. Le's daughter said that her Mother does not want to bring problems to the city. She said that it would be a big expense if the flood rates would change. She said that she just wants a solution so that she does not have to sacrifice the front layout of her building. Mrs. Le's daughter said that she wants all glass on the front and nothing to block the way. She said that before this started she wanted a certain look. She said that for them to not do what the city asked and the miscommunication with them, she said that they were not aware until now. She said that she can see where they are coming from but they should have been stopped before they poured the foundation if there were any problems but they should have submitted that piece of paper right then and there. She said that now the damage is done and we can't tear down the building so we want to come to a solution where she can also get what she wants and not sacrifice what she hired them to do. City Attorney Rachel Yarborough said that is what this board is trying to accomplish, is a good middle ground. Mrs. Le's daughter said that they appreciate what the city is trying to do but it seems like it is not going anywhere and they just want everyone to come to a compromise where she does not have to sacrifice the look of the front of the building because it was very important to her. City Attorney Rachel Yarborough said that she is not qualified to comment whether the flood proofing or any other alternate design will affect that or if this commission knows either. Mrs. Le's daughter said that the suggestions that they were given will change the whole look of the building. She said that they would not mind if everyone could come into a compromise where everyone is happy. City Attorney Rachel Attorney said that she thinks one way or the other that is going to happen, whatever the ruling is, you will move forward with your plans. Mrs. Le's daughter said that they have been delayed for over a month and it has not been cheap. Chairman Roger Estopinal said that we are aware of that and that is the reason for this meeting.

Chairman Roger Estopinal said to the commissioners that we have testimonials before us stating that never before has a variance been permitted on the flood plain ordinance. He said that if one is permitted it will have massive effects on the insurance rates throughout the city. He said that if it is denied then they will have to move forth in a way to flood

proof the 1' and still be able to open which will be up to the city and the building department.

Chairman Roger Estopinal called for a motion on the request. Commissioner Mike Adams said that his motion would be to somehow flood proof the building and the decision would be between the city and the contractor. Chairman Roger Estopinal said that what we have to do is to deny or approve the variance request. Commissioner Charlotte Watson moved, seconded by Commissioner Judy Boudoin to **deny** the request from Le Plaza for a variance of 1' from the required freeboard requirement in the City of Waveland's Flood Damage Prevention Ordinance #342 on their property located at 301 Hwy 90. Legal description: PT SE ¼ 34-8-14 City of Waveland, Hancock County Mississippi. After a unanimous vote by all members present, in favor of the motion, Chairman Roger Estopinal declared the motion carried.

City Attorney Rachel Yarborough said that according to the ordinance: This board hears and decides appeals when it is alleged an error in any requirement, decision, or determination is made by the Floodplain Administrator in the enforcement or administration of this ordinance. Any person aggrieved by this decision of the board may appeal such decision to the Hancock County Circuit Court by filing a bill of exceptions, as provided by Mississippi Law.

The date of the next regularly-scheduled meeting will be April 24, 2017.
Chairman Estopinal called for a motion to adjourn the meeting.

Commissioner Charlotte Watson moved, seconded by Commissioner Clarence Harris to adjourn the meeting. After a unanimous vote by all members present, in favor of the motion, Chairman Roger Estopinal declared the motion carried and the meeting recessed at 5:53p.m.

Respectfully submitted,

Christine Gallagher, Zoning Official