

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 April 19, 2017 at 6:30 p.m. to take action on the following matters of City business.

PUBLIC COMMENTS:

Re: There were no Public Comments

ROLL CALL:

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

AGREEMENTS/INTERLOCAL COOPERATIVE AGREEMENT/HANCOCK COUNTY

Re: Approve Interlocal Cooperative Agreement with Hancock County – GOMESA Funds

Alderman Lafontaine moved, seconded by Alderman Piazza to approve an Interlocal Cooperative Agreement between Hancock County and the City of Waveland for the purposes of obtaining financial assistance from the United States of America, or any department or agency thereof, and to provide for the method of expenditure of funds obtained. This will include GOMESA funds from the County and Tidelands funds for the City of Waveland. **(EXHIBIT A)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

PROCLAMATIONS

Re: National Child Abuse Prevention Month - April, 2016

Alderman Piazza moved, seconded by Alderman Richardson to approve a Proclamation observing April 2017 as National Child Abuse Prevention Month. **(EXHIBIT B)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

MAYOR'S REPORT

Re: Meetings for updating the Floodplain maps are beginning tomorrow (April 20, 2017) at Compton Engineering. Hopefully we can get these floodplains changed which would encourage redevelopment in the City.

Re: Potential grant is available for street scaping. The Mayor said he is looking at the following:

- Intersection of Waveland Avenue and Highway 90
- Intersection of Highway 603 and Highway 90
- Landscaping the medians in between the two intersections above with professional landscaping

**ATTORNEY'S COMMENTS/UTILITY DEPARTMENT/AGREEMENTS/LEASES/
FINANCING**

Re: Discuss Equipment Lease/Financing Agreement, First Bank for Backhoe

Re: Ms. Yarborough discussed the Equipment Finance/Lease Agreement proposed by First Bank at the last meeting for one Case Backhoe. She said she had been in touch with Micah Necaise and submitted a letter with about 9 suggestions as amendments to that agreement. Mrs. Yarborough said she had not heard from Mr. Necaise, but she told him what she planned to do was have her amendments reviewed by the Board this evening for approval. She said the amendments in her letter are the minimum amendments required by law, which would include such things as a waiver of liabilities and hold harmless clauses.

Re: Approve Finance/Lease Agreement with First Bank Conditioned upon the 9 amendments acceptance by First Bank

Alderman Burke moved, seconded by Alderman Richardson to approve the First Bank Equipment Finance/Lease Agreement for one Case Backhoe, conditioned upon acceptance by First Bank of the 9 Amendments as presented by City Attorney Rachel Yarborough.

(EXHIBIT C)

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

PROCLAMATION

Re: Mayor Smith read the Proclamation recognizing National Child Abuse Prevention Month, April 2017

ALDERMEN'S COMMENTS

Re: Alderman Burke

- Noted discussion in the past regarding a "No Truck Route" within the City of Waveland and requested to start active conversation about allowable truck routes in the City. He has several streets in Ward 1 that should not be accepting heavy trucks; it will only increase paving costs where this happens.
- Discussed the response letter from Mr. Bill Cork, Port and Harbor Commission, regarding the Restore Act Money and that Waveland was not mentioned in receiving any of these monies.

Re: Alderman Richardson

- Discussed Corr Subdivision and whether it had ever been turned over to the City. If it is still Mr. Corr's, there are repairs that still need to be done throughout the Subdivision. Ms. Yarborough said she would have to research and see where this subdivision is through the legal process.

Re: Alderman Lafontaine

- Inquired about meeting with all the Entities and the Library Board regarding a plan of action for the Library. He expressed his concern with how this will affect our budget for FY2018. Ms. Yarborough said she would contact the County Attorney to see whether they have a plan of action in place.

Alderman Piazza

- Alderman Piazza took care of all of his questions prior to the Board meeting.

DOCKET OF CLAIMS

Re: Claims

Alderman Richardson moved, seconded by Alderman Burke to approve the Docket of Claims in the amount of \$342,863.54 dated April 22, 2017 as submitted. **(EXHIBIT D)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

MINUTES

Re: Minutes of the Regular Meeting of April 4, 2017

Alderman Piazza moved, seconded by Alderman Richardson to approve the Minutes of the Regular Meeting of April 4, 2017 as submitted.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

SECRETARY OF STATE/PROPERTY AUCTION

Re: Mayor Smith reminded everyone that the State of MS. is conducting a property auction in the City and Hancock County; if you are interested you can visit the MS. Secretary of State's website.

AMENDED BUDGET/SPECIAL MEETING

Re: Amended Budget FY 9/30/2017

Alderman Lafontaine moved, seconded by Alderman Richardson to **TABLE** the Amended FY 9/30/2017 Budget as submitted.

Alderman Lafontaine requested the issue be tabled to allow more time for him to review. City Clerk Planchard said if we table, we should not pay any further Attorney fees because it's approaching the 10% over. Alderman Lafontaine asked if we can amend that one department. Mrs. Yarborough said that she would not suggest doing it line item by line item; she felt if you're going to amend the budget it should be done as a whole. She asked if there were any Attorney's invoices in line for payment. Mrs. Planchard said, "No". Alderman Lafontaine requested the Board hold a workshop to discuss further and adopt the amended budget that that time.

Re: SET SPECIAL MEETING/WORKSHOP TO DISCUSS & APPROVE THE AMENDED FY 2017 BUDGET

Alderman Piazza moved, seconded by Alderman Richardson to set a workshop to Discuss and Approve the FY2017 Amended Budget for Friday April 28, 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

Alderman Lafontaine moved, seconded by Alderman Richardson to correct the time of the above Amended Budget Discussion & Approval workshop to 5:30 pm on Friday, April 28, 2017.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

PLANNING AND ZONING (EXHIBIT E)

Re: Karen Brown, 134 Oak Boulevard

Tabled request from **Karen Brown** for a variance from the required lot frontage and lot square footage in order to divide her property into two equal sized lots. The existing parcel is 172' x 120', 20,640 square feet. She would like to divide the parcel into two 86' x 120' lots, each having 10,320 square feet. Therefore needing a variance of 1,680 square feet from the required lot size and a variance of 14' from the required lot frontage on each proposed new lot. This property is located at 134 Oak Blvd. Legal description: Block 1, lots 13-15 & E. 22' of 16, Waveland Beach Estates, City of Waveland, Hancock County, Mississippi was remanded back from the Board of Mayor and Aldermen at their meeting February 7, 2017 for more information.

Commissioner Charlotte Watson moved, seconded by Commissioner Judy Boudoin to recommend that the Board of Mayor and Aldermen **Table** the applicant's request to divide parcel 162R-0-10-009.000 in

two 86' x 120' lots. Therefore needing a variance of 1,680 square feet from the required lot size and a variance of 14' from the required lot frontage on each proposed new lot. This property is located at 134 Oak Blvd. Legal description: Block 1, lots 13-15 & E. 22' of 16, Waveland Beach Estates, City of Waveland, Hancock County, Mississippi.

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

Mrs. Yarborough said that she suspected that Mrs. Brown was waiting for further response from the surrounding property owners.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

Re: Pulin and Natasha Shah, 823 Beach Boulevard

Pulin & Natasha Shah appeared before the Commissioner with their request for a conditional use to construct a 1272 square foot Garage/Raised pool house and a 1280 square foot guest cottage on their property located at 823 North Beach Blvd. Legal description: PT 11 A First Ward Waveland City of Waveland, Hancock County Mississippi.

Commissioner Charlotte Watson moved, seconded by Commissioner Judy Boudoin to recommend that the Board of Mayor and Aldermen **approve** the conditional use to construct a 1272 square foot Garage/Raised pool house and a 1280 square foot guest cottage on their property located at 823 North Beach Blvd. Legal description: PT 11 A First Ward Waveland City of Waveland, Hancock County Mississippi.

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

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

Re: Jeffery P. Naquin, 122 Beach Boulevard

Tabled request from **Jeffery P. Naquin** for the request to remove the Live Oak Tree on his property located at 122 South Beach Blvd. Legal description: PT 67 B Second Ward Waveland City of Waveland, Hancock County Mississippi.

Commissioner Charlotte Watson moved, seconded by Commissioner Mike Adams to recommend that the Board of Mayor and Aldermen **remove and withdraw** the applicant's request for permission to remove a Live Oak Tree on his property located at 122 South Beach Blvd. Legal description: PT 67 B Second Ward Waveland City of Waveland, Hancock County Mississippi.

Alderman Lafontaine moved, seconded by Alderman Burke to follow the recommendation of the Planning and Zoning Commission and remove and withdraw the request as submitted.

Alderman Lafontaine asked about the removal of this request. Mrs. Yarborough said the owners had pruned the tree and no longer needed it removed.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

Re: John and Michelle Bezou, 314 Hoffman Lane

John and Michelle Bezou appeared before the commission with a request for a variance of 5' from the required side yard setback on the east side and a variance of 3' from the required setback on the west side. They are also requesting a variance of 22' from the required rear yard setback in order to construct a new residence. This property is located at 315 Hoffman Lane. Legal description: Lot 28 – Block 6 E W Ulman Subdivision City of Waveland, Hancock County Mississippi.

Commissioner Mike Adams moved, seconded by Commissioner Judy Boudoin to recommend that the Board of Mayor and Aldermen **approve** the request for a variance of 5' from the required side yard setback on the east side and a variance of 3' from the required setback on the west side. They are also requesting a variance of 22' from the required rear yard setback in order to construct a new residence. This property is located at 315 Hoffman Lane. Legal description: Lot 28 – Block 6 E W Ulman Subdivision City of Waveland, Hancock County Mississippi.

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

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

Re: LePlaza, 301 Highway 90

Spread on the Minutes: Le Plaza 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.

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 an 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.

Mrs. Yarborough said that under the City's Flood Prevention Ordinance, Article Section 6, Section a & b, the authority to hear and decide appeals is final with Planning and Zoning. Basically, this Board has delegated that authority to Planning & Zoning and their recourse for any relief would have been to appeal within 10 days to the Circuit Court, so that time has lapsed. No further action is required by the City.

MARTIN LUTHER KING PARK-HERLIHY PARK/HERLIHY PARK-MLK PARK/PARKS AND RECREATIONS

Re: Name the Martin Luther King Park Community Center after Mr. Clarence Harris

Alderman Piazza moved, seconded by Alderman Richardson to approve naming the Community Center at the MLK Park in honor of Mr. Clarence Harris, as requested by the Waveland Community Unity Organization.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, & Lafontaine

Voting Nay: None

Absent: Piazza

POLICE DEPARTMENT

Re: Police Chief David Allen discussed his plans for a hurricane exercise to be held May 25, 26 and 27, 2017 at the Waveland Police Department.

ALDERMEN'S COMMENTS (Cont.)

Re: Alderman Lafontaine

- Discussed the possibility of adding solar panels for the Police Department to decrease the building's electric bills. Mrs. Yarborough suggested the City check with FEMA to make sure that it would still be 351 compliant if we're adding something to the roof; she's concerned about wind shear. Alderman Lafontaine said if need be, they could be mounted in the yard area at the Police Building.

TRAVEL/POLICE DEPARTMENT

Re: Travel for Police Investigator Matt Sekinger to Ridgeland, MS

Alderman Piazza moved, seconded by Alderman Richardson to approve travel for Police Investigator Matt Sekinger to Ridgeland, MS. May 16-18, 2017 to attend training for Evidence Processing with Advanced Gun Shot Residue. Cost to the City is lodging, 3 days per diem and tuition of \$350; a city vehicle will be used for transportation.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

POLICE DEPARTMENT/SURPLUS/CITY HALL

Re: Declare (1) 2008 Black Ford Expedition as surplus

Alderman Lafontaine moved, seconded by Alderman Piazza to declare one 2008 Black Ford Expedition, VIN#1FMFK16588LA86693 as surplus and authorize to proceed with auctioning vehicle. Note: Mayor's old vehicle

Mrs. Yarborough noted for the record if the Board so chooses to approve this as surplus, it is necessarily making the finding that this vehicle is no longer used for City purposes and it is in the best interest of the City to surplus and auction.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

CITYWIDE DRAINAGE PROJECT/DRAINAGE PROJECT/INVOICES/CSX INVOICES/ INVOICES

Re: Invoice No. 9041231 from CSX

Alderman Burke moved, seconded by Alderman Richardson to TABLE Invoice No. 9041231 from CSX Transportation in the amount of \$315.75 – Citywide Drainage Improvements Project. (Note: not paid by Kappa Development as yet)

Mrs. Yarborough said that Kappa Development has stated that they object to this invoice and felt it is undue; they discredit the reason for the invoice, which is apparently engineering fees. Mrs. Yarborough said there was a proposed meeting with Kappa set for the upcoming week for discussion; she suggested we table this issue until after this meeting. She noted that the City has no pending invoices to deduct this CSX invoice from and is still holding the retainage, which includes liquidated damages.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

INVOICES/CITYWIDE DRAINAGE/DRAINAGE PROJECT
Re: Invoices Submitted by Various Contractors

Alderman Burke moved, seconded by Alderman Lafontaine 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-g): **(EXHIBIT F)**

- a) Invoice #N20122981 from AMEC Foster Wheeler in the amount of \$1,065.00 – HMGP Citywide Drainage Improvements Project.
- b) Invoice #215-068-21 from Compton Engineering in the amount of \$18,800.00 – Lighthouse Design
- c) Invoice #216-021-13 from Compton Engineering in the amount of \$2,579.00 – Phase II Stormwater Program
- d) Invoice #216-054-4 from Compton Engineering in the amount of \$500.00 – CRS Coordinator fee, February 2017
- e) Invoice #216-054-5 from Compton Engineering in the amount of \$500.00 – CRS Coordinator fee, March 2017
- f) Invoice #216-056-7 from Compton Engineering in the amount of \$52,151.25 – Citywide Sewer Improvements Project
- g) Invoice #216-056-8 from Compton Engineering in the amount of \$900.00 – Surveys re: Citywide Sewer Improvements Project

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

REVENUES AND EXPENDITURES/UTILITY DEPARTMENT/WATER REPORT/COURT DEPARTMENT/POLICE DEPARTMENT/OATHS OF OFFICE/MAYORS OFFICE
Re: Spread on the Minutes

Spread on the minutes the following, as listed (Items a-d):

- a) Revenues and Expenditures Report for the month of March 2017, at this the second meeting of April 2017. **(EXHIBIT G)**
- b) The City of Waveland's Annual Drinking Water Report from the Mississippi State Department of Health; water system inspected 3/29/17. **(EXHIBIT H)**
- c) Court Collections report for the month of March 2017. **(EXHIBIT I)**
- d) The following Deputy City Clerk Oaths of Office:
 1. April Chevis **(EXHIBIT J)**
 2. Rachel Cullen **(EXHIBIT K)**

TIDELANDS

Re: Mr. Mickey Lagasse with Compton Engineering discussed the decreased funding allotted to the City's through Tidelands Funds, Department of Marine Resources (DMR).

Mr. Lagasse mentioned that the City anticipated more, but did receive \$50,000 for the Comfort Stations and \$150,000 for the Lighthouse/Pavilions. He said he had spoken with 2 other counties and about 5 municipalities and everyone is in the same situation with funding received. Mrs. Yarborough asked whether the City needed to re-apply for a lease. Mr. Lagasse said no, the City currently has a permit that would cover all of the submitted requests. Mayor Smith said that with the potential funding that is available for the landscaping project on Hwy. 90, we can also ask for the monetary difference in this restroom Lighthouse facility too. Mr. Lagasse said there are some other funds available that we should pursue. He mentioned that three contractors have requested building plans for the Lighthouse so far. (EXHIBIT L)

ADJOURN
Adjourn Meeting at 7:55 pm

Alderman Piazza moved, seconded by Alderman Burke to adjourn the meeting at 7:55 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 May 5, 2017.

Lisa Planchard
City Clerk

The Minutes of April 19, 2017 have been read and approved by me on this day the 5th day of May, 2017.

Mike Smith
Mayor

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