

Minutes
Regular Meeting of December 3, 2019, 2019
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The Board of Mayor and Aldermen of the City of Waveland, Mississippi, met in Regular session at the Waveland City Hall Boardroom, 301 Coleman Avenue, Waveland, MS. on December 3, 2019 at 6:30 p.m. to take action on the following matters of City business.

ROLL CALL

Mayor Smith noted for the record the presence of Aldermen Burke, Richardson, and Lafontaine, also present City Clerk Mickey Lagasse and City Attorney Malcolm Jones

Absent from the Meeting was Alderman Piazza.

MAYOR'S COMMENTS

Re: Discussed the Coleman Avenue rebuilding issues as it relates to flood maps. The Mayor said that workshops would be held to receive public input regarding the aforementioned issues.

***Alderman Burke entered meeting 6:37 p.m.**

PUBLIC APPEARANCE

Re: Senator Phillip Moran (R) was present to update the Board on the current issues/items happening within the State of Mississippi.

MAYOR'S COMMENTS (CONT.)

Re: The Mayor reminded everyone about the upcoming Christmas on Coleman Avenue to be held this weekend with a parade to begin at 5 p.m.

Re: Discussed the boil Water Notice for Business district in the Area of Highway 90 and Highway 603.

Re: Discussed the Council of Governments Meeting (C.O.G.)

***City Attorney entered meeting at 7:01 p.m.**

ALDERMEN'S COMMENTS

Re: Alderman Burke

- **Inquired about the ditch at the Lakeside and Aiken Ditch issue.**

Re: Alderman Richardson

- **Asked about the projected completion of the MLK Community Center.**

Re: Alderman Lafontaine

- **Discussed a planned meeting with the Council of Governments for Hancock County to be held at the beginning of January, 2020.**
- **Expressed concerns about citizens parking on the newly constructed sidewalks on Waveland Avenue.**

PUBLIC COMMENTS

There were no public comments

WAVELAND AVENUE SIDEWALKS PROJECT/INVOICES

Re: Payment of Invoices submitted for Martin Luther King Community Center

Alderman Burke moved, seconded by Alderman Lafontaine to approve Payment of the following Invoices, as submitted by various Contractors being listed (Items a-b)

- a) Invoice 16-01019 from James J. Chiniche, PA, Inc. in the amount of \$8,953.39 – Waveland Avenue Sidewalks Project. **(EXHIBIT A)**
- b) Pay Application #7 for DNA Underground, LLC in the amount of \$102,757.40 – Waveland Avenue Sidewalks Project. **(EXHIBIT B)**

A vote was called for with the following results:

Voting Yea: Burke Richardson, & Lafontaine

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Voting Nay: None

Absent: Piazza

DOCKET OF CLAIMS

Re: Claims

Alderman Burke moved, seconded by Alderman Lafontaine to approve the docket of Claims paid and unpaid in the amount of \$628,128.08 dated December 3, 2019 as submitted. **(EXHIBIT C)**

A vote was called for with the following results:

Voting Yea: Burke Richardson, & Lafontaine

Voting Nay: None

Absent: Piazza

PLANNING AND ZONING - (EXHIBIT C)

Re: Michael F. Smith, 622 S. Beach Blvd.

Michael F. Smith, owner of the property commonly known as 622 S Beach Blvd; Legal Description: Lot 91A, Third Ward, Waveland, MS is requesting #1) a variance from the Minimum Side Yard Setback, fifteen (15) feet as required by the Current Zoning Ordinance, Section 701.4. The variance request is to allow a ten (10) foot side yard resulting in a variance of five (5) feet; and #2) a variance from the Minimum Rear Yard Setback, twenty-five (25), as required by the Zoning Ordinance, Section 701.5. The variance request is to allow a ten (10) foot rear yard resulting in a variance of fifteen (15) feet.

The property owner Michael F. Smith came forward and explained his request for the two variances being requested. Mr. Smith, explained about the effect of the retaining wall along Market Street and the narrowness of Market Street (13' of pavement) on his entrance options. He also provided the Commission with pictures showing the property and the retaining wall. Commissioner Adams requested that the pictures be entered into the record. The Commission asked the applicant questions about the proposed variances and discussion was held. An email received from the property owner at 108 Market Street objecting to the variances was entered into the record at the request of Commissioner Adams.

Commissioner Watson made a motion, seconded by Commissioner Boudoin, to recommend approval of the requested removal of the subject Live Oak Tree conditioned upon the property owners following the arborists report recommendations regarding the other large trees to be retained on the property (pruning, dead limb removal, protecting the area under the canopy of the trees, etc.) Commissioners Adams, Boudoin and Watson voted in favor of the motion. Commissioner Adams declared the motion approved.

Alderman Burke moved, seconded by Alderman Richardson 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

Voting Nay: None

Absent: Piazza

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Re: Pulin & Natasha Shaw, 823 N. Beach Blvd.

Pulin & Natasha Shaw, as represented by Concrete Building Concepts, owners of the property commonly known as 823 N Beach Blvd, Legal Description; Part of Lot 11A, First Ward, Waveland, MS are requesting to remove a Protected Live Oak Tree. Section 408.1, Preservation of Live Oak and Magnolia trees requires that a property owner requesting to remove a protected tree from their property must make application and provide all required documentation. The purpose of the request is to remove a Live Oak Tree because of the poor health or dangerous condition of the tree.

The representatives of the property owners, Concrete Building Concepts, came forward to make a presentation. Kate Gutierrez and Jeremy Pierpoint discussed the two arborist reports that were submitted and stated that both reports substantiated their request to remove the subject Live Oak Tree by describing its poor health and potential danger to the house that the owners are having built. Both reports also stated that the other large trees on the property should be pruned, fertilized and the area under their canopies be protected. The representatives for the property owners explained that they would be following all of the care and protection suggestions from the two arborists.

Commissioner Adams requested that the 2nd Arborist report be entered into the record. He then asked if anyone was present to in favor of or objecting to the application. No one came forward, however two letters were received from area property owners objecting to the proposed removal of the Live Oak. Commissioner Adams requested that the letters be entered into the record.

Alderman Richardson moved, seconded by Alderman Lafontaine 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

Voting Nay: None

Absent: Piazza

POLICE DEPARTMENT/EMPLOYEE BONDS/BONDS-EMPLOYEES

Re: Application and payment for Bond of Police Administrative Clerk Sandra Newsome

Alderman Lafontaine moved, seconded by Alderman Richardson to approve the application and subsequent payment for a new bond for Police Administrative Clerk Sandra Newsome. This will enable Ms. Newsome to receive payments. **(EXHIBIT D)**

A vote was called for with the following results:

Voting Yea: Burke Richardson, & Lafontaine

Voting Nay: None

Absent: Piazza

POLICE DEPARTMENT/PERSONNEL

Re: Resignation of Officer Joseph Joiffon

Alderman Lafontaine moved, seconded by Alderman Burke to spread on the minutes, the resignation of Officer Joseph Joiffon, effective November 28, 2019.

A vote was called for with the following results:

Voting Yea: Burke Richardson, & Lafontaine

Voting Nay: None

Absent: Piazza

Re: Re-hire of Officer Patrick Crowe

Alderman Lafontaine moved, seconded by Alderman Richardson to approve re-hire of Officer Patrick Crowe as full-time Officer at a rate of \$15.41, per hour, pending passage of drug test and 1-year probationary period.

A vote was called for with the following results:

Voting Yea: Burke Richardson, & Lafontaine

Voting Nay: None

Absent: Piazza

COURT DEPARTMENT

Re: Name Officer Patrick Crowe as Deputy Court Clerk

Alderman Lafontaine moved, seconded by Alderman Richardson to spread on the minutes, the appointment of Officer Patrick Crowe, as Deputy Court Clerk so he can sign affidavits.

A vote was called for with the following results:

Voting Yea: Burke Richardson, & Lafontaine

Voting Nay: None

Absent: Piazza

POLICE DEPARTEMNT/GRANTS/VAWA STOP GRANT (VIOLENCE AGAINST WOMEN)

Re: Sub-Grant Agreement the Mississippi State Department of Health – VAWA Grant

Alderman Richardson moved, seconded by Alderman Lafontaine to approve a Sub-Grant Agreement, including required signatures, with the Mississippi State Department of Health for the FY 2020 VAWA STOP Program Grant (Stop Violence Against Women) in the amount of \$36,816.00 with a local match share in the amount of \$17,680.00, i.e. fringe benefits portion of salary. (total amount being \$54,496.00 (Federal portion + Local Match) this grant is to develop and strengthen law enforcement, prosecution, and court strategies to combat violent crimes against women. **(EXHIBIT E)**

A vote was called for with the following results:

Voting Yea: Burke Richardson, & Lafontaine

Voting Nay: None

Absent: Piazza

MINUTES

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Re: Minutes of November 20, 2019

Alderman Burke moved, seconded by Alderman Richardson to approve the minutes of the Regular Meeting of November 20, 2019 as submitted.

A vote was called for with the following results:

Voting Yea: Burke Richardson, & Lafontaine

Voting Nay: None

Absent: Piazza

Re: Minutes of Public Hearing of November 20, 2019

Alderman Richardson moved, seconded by Alderman Burke to approve the minutes of the Public Hearing of November 20, 2019, as submitted.

A vote was called for with the following results:

Voting Yea: Burke Richardson, & Lafontaine

Voting Nay: None

Absent: Piazza

ADVERTISEMENTS/MUNICIPAL DEPOSITORY BIDS

Re: Advertise for Municipal Depository Bids for Financial Institutions

Alderman Burke moved, seconded by Alderman Richardson to approve advertising for Municipal Depository bids from Financial Institutions for a two-year term, of 2020-2021, and name the banking institution chosen at the January 7, 2020 Board Meeting.

A vote was called for with the following results:

Voting Yea: Burke Richardson, & Lafontaine

Voting Nay: None

Absent: Piazza

**HERLIHY STREET AREA SANITARY SEWER IMPROVEMENTS PROJECT/
CLOSEOUT PACKAGE/INVOICES/CONTRACTS/CHANGE ORDERS**

Re: Closeout Package for Herlihy Street Area Sanitary Sewer Improvements Package

Alderman Richardson moved, seconded by Alderman Burke to approve the following Closeout Documents related to the Herlihy Street Area Sanitary Sewer Improvements, and authorize the Mayor's signature thereon being listed (Items a-h): (AS TABLED FROM THE NOVEMBER 20TH MEETING)

- a. Substantial Completion Certificate **(EXHIBIT F)**
- b. Final Payment Application and Certificate Signature Page. **(EXHIBIT G)**
- c. Payment Application No. 13 & Final. **(EXHIBIT H)**
- d. Contract Completion Certificate. **(EXHIBIT I)**
- e. Recommendation for Final Acceptance of Contract. **(EXHIBIT J)**
- f. Final Completion Inspection Report. **(EXHIBIT K)**
- g. Final Waiver of Lein. **(EXHIBIT L)**
- h. Consent of Surety to Final Payment. **(EXHIBIT M)**
- i. Change Order No. 98 (Summary Change Order). **(EXHIBIT N)**

A vote was called for with the following results:

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Voting Yea: Burke Richardson, & Lafontaine

Voting Nay: None

Absent: Piazza

APPOINTMENTS/UTILITY AUTHORITY/HANCOCK UTILITY AUTHORITY
Re: Appointment of Mr. Ron Duckworth as Waveland Representative on the Hancock Utility Authority & remove Brent Anderson

Alderman Burke moved, seconded by Alderman Richardson to approve the appointment of Mr. Ron Duckworth as the City of Waveland's Representative on the Hancock County Utility Authority and removing Brent Anderson.

A vote was called for with the following results:

Voting Yea: Burke Richardson, & Lafontaine

Voting Nay: None

Absent: Piazza

APPOINTMENTS/HOUSE BILL 991/DEBT COLLECTION/MISSISSIPPI MUNICIPAL LEAGUE
Re: Appoint City Clerk Mickey Lagasse as Waveland Appointment & Coordinator related to Local Government Debt Collection Setoff Act House Bill No. 991

Alderman Richardson moved, seconded by Alderman Lafontaine to appoint the City Clerk, Mickey Lagasse as the Municipal Appointment and Coordinator for the city of Waveland in all matters as they relate to the Local government Debt collection Setoff Act, House Bill No. 991, 2019 and authorize the Mayors signature thereon. This will allow the City to garnish State Refund Checks for Old debts owed to the City Clerk will explain.

A vote was called for with the following results:

Voting Yea: Burke Richardson, & Lafontaine

Voting Nay: None

Absent: Piazza

EXECUTIVE SESSION
Re: Discuss Prospective Lease of Waveland Business Center (closed session)

Alderman Burke moved, seconded by Alderman Richardson follow the recommendation of the City Attorney's recommendation that the Board go into closed session to discuss prospective lessee (Mitchell Gaudet) of the Waveland Business Center for Studio Waveland LLC.

A vote was called for with the following results:

Voting Yea: Burke Richardson, & Lafontaine

Voting Nay: None

Absent: Piazza

Re: Enter Executive Session

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Alderman Burke moved, seconded by Alderman Richardson to follow the recommendation of the City Attorney and to go into Executive Session to discuss the prospective leasing of the business Center at 228 Coleman Avenue to Studio Waveland LLC.

A vote was called for with the following results:

Voting Yea: Burke Richardson, & Lafontaine

Voting Nay: None

Absent: Piazza

Re: Exit Executive Session with no action taken

Alderman Lafontaine moved, seconded by Alderman Burke to exit Executive Session with no action taken.

A vote was called for with the following results:

Voting Yea: Burke Richardson, & Lafontaine

Voting Nay: None

Absent: Piazza

**WAVELAND BUSINESS CENTER/BUSINESS CENTER/AGREEMENTS/
RESOLUTIONS/LEASE AGREEMENTS/INCUBATOR BUILDING**
Re: Commercial Lease with Studio Waveland for a term of 12 Years

Alderman Lafontaine moved, seconded by Alderman Richardson to approve commercial lease with Studio Waveland, as approved by City Attorney and authorized Agreement shall be for a period of (12) twelve years, beginning January 1, 2020 and ending on December 31, 2032. This extended period is allowed pursuant to House Bill Number 1718, enacted as a Local and Private Law by the Mississippi 11. Legislature, 2019 regular Session. **(EXHIBIT O)**

A vote was called for with the following results:

Voting Yea: Burke Richardson, & Lafontaine

Voting Nay: None

Absent: Piazza

EXECUTIVE SESSION
Re: Potential/Probable Litigation (closed session)

Alderman Burke moved, seconded by Alderman Richardson to follow the recommendation of the City Attorney and go into closed session to discuss potential/prospective litigation regarding the apartment complex being Oak Park and Gulf Grove and the water and sewer bills.

A vote was called for with the following results:

Voting Yea: Burke Richardson, & Lafontaine

Voting Nay: None

Absent: Piazza

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Re: Executive Session – (enter)

Alderman Lafontaine moved, seconded by Alderman Burke to follow the recommendation of the City Attorney and go into Executive Session to discuss Oak Park Apartments and Gulf Grove Apartments to discuss a strategy session.

A vote was called for with the following results:

Voting Yea: Burke Richardson, & Lafontaine

Voting Nay: None

Absent: Piazza

Re: Exit Executive Session with no action taken

Alderman Richardson moved, seconded by Alderman Lafontaine to exit Executive Session with no action taken.

A vote was called for with the following results:

Voting Yea: Burke Richardson, & Lafontaine

Voting Nay: None

Absent: Piazza

ADJOURN

Re: Adjourn Meeting at 8:40 p.m.

Alderman Richardson moved, seconded by Alderman Lafontaine to adjourn the meeting at 8:40 p.m.

A vote was called for with the following results:

Voting Yea: Burke Richardson, & Lafontaine

Voting Nay: None

Absent: Piazza

The foregoing minutes were presented to Mayor Smith on January 9, 2020

James M. Lagasse
City Clerk

The Minutes of the Regular Meeting of December 3, 2019 have been read and approved by me on this, the 9th day of January 2020.

Mike Smith
Mayor