

Agenda
Regular Meeting of
October 6, 2020

1. Pledge of Allegiance
2. Moment of silence
3. Roll Call
4. Mayor's Comments:
 - a. Jimmy Varnell's Passing services Thursday
 - b. Yesterday's Election 127-10 (with 1 spoiled)
 - c. Preparation for the Hurricane that coming into the Gulf
 - d. Golf Cart Ordinance
5. Aldermen's Comments
6. Attorney's Comments
7. Public Comments

8. PLANNING AND ZONING

9. Shane Bernard, owner of the property commonly known as 119 Market Street; Legal Description: Lot 100C, Parcel 108, Third Ward, Waveland, Mississippi, is requesting variances from Section 701.3 – Minimum Front Yard – Twenty-five (25) foot, Section, Section 701.4 – Minimum Side Yard - Fifteen (15) feet and Section 701.5 Minimum Rear Yard – Twenty-five (25) feet. The applicant is requesting a five (5) foot variance from the front yard requirement resulting in a twenty (20) foot front yard. The applicant is requesting a five (5) foot variance from the Rear Yard requirement resulting in a twenty (20) foot rear yard. The applicant is requesting a five (5) foot variance from each side yard resulting in ten (10) foot side yards.

The Applicant was not on the conference call yet so the Commission hold the item until Mr. Bernard got on the call. City Attorney, Malcolm Jones, City Attorney requested holding the item until the applicant was on the call. He provided a briefing on the issue of the ambiguity in the first public notice and he had recommended that the applicant re-apply for the requested variances. The applicant got on the call and the case was heard after the Commission heard the case under Item #4 below.

Chairman Meggett asked that the applicant to explain their request for the requested variances. Shane Bernard explained his request to the Commission and said he understood that there was an error in his first application. He also stated although the house plans are not complete that his original request for the yard setback was based on the initial footprint he was considering. The Commissioners and Chair asked questions regarding the request. The applicant responded to the questions.

Chairman Meggett asked if anyone was present who would like to speak for or against the request. No one came forward. Chairman Meggett asked staff if anyone had contacted the zoning office or sent any letters. Staff indicated that there were no letters or calls from adjacent property owners.

Agenda
Regular Meeting of
October 6, 2020

After discussing the requested Conditional Use, Commissioner Adams made a motion, seconded by Commissioner Harris, to recommend approval of the requested variances and that the Commission finds that the criteria for a variance as listed in Section 906.1 of the current Zoning Ordinance had been met. Commissioner's Adams, Harris and Watson voted in favor of the motion. Chairman Meggett declared the motion approved.

10. Brian Alexander, current owner of the property commonly known as 1200 Henderson Street, Legal Description; Lot 2B, and Part of Lot 5, 4th Ward, Waveland, Mississippi is requesting a Conditional Use for an Accessory Structure over Five-Hundred (500) square feet as required by Section 601.1(K) of the current Zoning Ordinance. The applicant is requesting to build an Accessory Structure (Pole Barn) of One-Thousand, Three-Hundred and Fifty (1,350) square feet.

Chairman Meggett asked that the applicant to explain the request for the variances Brian Alexander explained his request for a Conditional Use for a proposed accessory structure of One -thousand three hundred and fifty (1,350) square feet. he stated, as shown in the exhibits with his application, this would be open an open sided pole barn for a cover over his RV and boat. He clarified that his building permit application for the house on the same property had not been submitted yet and said he understood from staff that the permit for the accessory structure could not be submitted until his plans for the has had been approved and the slab was complete. he was anticipating a longer time gram for the Condition Use approval but he wanted to get it into place.

The Commission asked questions of the applicant and held discussion regarding the case. The Chairman asked if anyone was present to speak for or against the request. No one came forward.

Commissioner Watson made a motion, seconded by Commissioner Adams, to recommend approval of the requested Conditional Use for an accessory structure (pole barn) of one-thousand, three hundred and fifty (1,350) square feet and that the criteria for a Conditional Use as stated in Section 906.3. Commissioners Adams, Harris and Watson voted in favor of the motion. The Chairman stated that the recommendation had been approved.

11. Terie Capella & Julie Schuster, current owners of the property commonly known as 311 Waveland Avenue, Legal Description; South ½ of Lot 13 and All of Lot 14, Finks Subdivision Waveland, Mississippi are requesting variances from the current Zoning Ordinance, Section 701.2, Minimum Lot Width for both proposed "Parcel A" and "Parcel B". The Applicants are requesting a variance of twenty-five feet for both proposed lots. The purpose of the request is to allow the owners to split the current parcel in to two lots for the purposes of Single Family residences on both lots.

Chairman Meggett asked the representative for the owners, as verified by a letter in the application exhibits that stated that they gave their permission for Mr. Dane Doucet to represent their case. Mr. Doucet explained the request for the frontage variance for each of the two proposed lots. Both lots had over Eighteen thousand (18,000) square feet.

Chairman Meggett asked if there was anyone present who would like to comment for or against the requested variances. Shane Bernard, owner of a property near this property received the notice sent to adjacent property-owners, stated that he had no objection to the requested variances. No one else came forward. The Commission asked some questions of the applicant. The applicant and staff responded to the questions.

Agenda
Regular Meeting of
October 6, 2020

Commissioner Watson made a motion, seconded by Commissioner Harris to recommend approval of the requested variances and that the criteria for a variances as stated in Section 906.1 of the current Zoning Ordinance had been met. Commissioners Adams, Harris and Watson voted in favor of the motion. The Chairman declared the recommendation was approved.

12. Marion Langdon, current owner of the property on St Anthony Street (not yet addressed), legal description; Lots 3 &4, Block 2, Audrey Place subdivision is requesting a variance from the Lot Area to bring the parcel into compliance and allow construction of a single-family residence. The parcel requires a variance from the overall lot area requirement for Single Family Residential (R1) of 12,000 square feet per Section 701.1 – Minimum Lot Area. The proposed parcel would have an area of 8,750 square feet. The variance request would be 3,250 square feet for the parcel.

Chairman Meggett asked the applicant to present their case. Marion Langdon, owner of the property spoke to the request and explained the exhibits she had included with her application. The Chairman asked staff if any letters or calls had been received from adjacent property owners. Staff said that there were no calls or letters received but that there were several neighbors who were on the call and would want to comment.

At this point the Zoning Official lost audio and was not available until he re-set his computer. The connection was not fully restored until near the end of the meeting.

Prima Luke, 338 Jeff Davis Avenue spoke first. She discussed various issues related to this item including providing history on the discussed sale and responded to some of the comments that the owner had made in her presentation. She also stated that the City should enforce the regulations regarding lot size in R-1 – Single-family Residential District. Finally she stated that she objected to the request for a variance from the lot frontage requirement.

K.G. Breisacher, 506 St. Anthony Street stated that he objected to the variance and saw no reason to grant it. He indicated that there was a house on the street that was “to large” for the lot and it created parking problems. He did not want to see more of these problems created.

Elizabeth Stahler, owner of the property at 509 St. Anthony Street and lives at 513 Jeff Davis Avenue, asked whether a person who received the variance could either build or sell the property. She also asked if the variance ran with the land. The Chairman and Mickey Lagasse both confirmed that the property could either be built on or sold by the current owner and that the variance ran with the property. She discussed various neighborhood issues and Sections of the Zoning Ordinance. She stated her objection to the variance request.

Tim Sutherland, 502 St. Anthony Street, stated that he objected to the variance request. He lives across the street from this property and sees nothing but parking problems if a house were to be built on such a small lot resulting in increasing parking problems on the street.

Helene Giles, a realtor that was involved in the sale of the two lots conveyed from Marion Langdon to Elizabeth Stahler. She provided the history surrounding the sale. She stated that she had visited the Zoning Office and that the Zoning Official said there would be no problem with the sale. City Attorney, Malcolm Jones indicated that he had reviewed the deeds and stated the dates of the original purchase by the current owner occurred in 2012 and the sale of the lots to Elizabeth Stahler occurred in 2018. He asked Helene Giles if she had anything in writing from the Zoning Official. She indicated that

Agenda
Regular Meeting of
October 6, 2020

she did not. The City Attorney asked the Zoning Official if he recalled the meeting she referred to and whether or not he had stated what she said. The Zoning Official had lost audio connection to the meeting and was working on restoring the connection. Consequently, the Zoning Official could not respond at that point.

Martha Chambers, 511 St. Anthony Street, stated that she lives on the same block and does not understand why this variance is not approved. She said that if owner could just sell her property the lack of harmony and peace in the neighborhood would not go away. She stated that she was in favor of the variance.

Elizabeth Stahler, 509 St. Anthony Street asked to speak. She stated that she thought she was buying just one small 'postage size lot with the house on it', but that when she walked the property with the realtor that she was informed that the other lot went with the lot and was part of the sale.

Marion Langdon, the property owner requested to respond to some of the comments. She gave some history and re-iterated that she did not understand why this was necessary and why she could not get the variance and sell her property.

Commissioner Adams made a motion, seconded by Commissioner Watson, to recommend approval of the requested variance and that the Commission finds that the criteria for a variance as stated in Section 906.1 of the Zoning Ordinance had been met. Commissioners Adams, Harris and Watson voted in favor of the motion. The Chairman stated the recommendation had been approved.

13. CONSENT AGENDA (a -q)

- a. Motion to approve Payment Application and Certificate #2 in the amount of \$92,525.86 - Nicholson Avenue Project.
- b. Motion to approve the Docket of Claims paid and unpaid in the amount of \$1,031,696.15 dated October 6, 2020 as submitted.
- c. Motion to approve the minutes of the Regular Meeting of September 16, 2020, as submitted.
- d. Motion to approve the minutes of the Special meeting of September 25, 2020, as submitted.
- e. Motion to approve the Annual Halloween Bash to be held on Saturday October 31, 2020 with Covid-19 Social Distancing and precautions being observed during the event.
- f. Motion to approve Utility Refund checks in the amount of \$800.01, as submitted.
- g. Motion to spread on the minutes the Revenue Expense Report for the Month of August 2020, as submitted.
- h. Motion to approve Supplemental Agreement No. 1 between the City of Waveland and DNA Underground Utilities, LLC and authorize the Mayor's signature for the provision of sidewalk and drainage improvements along Waveland Avenue. Approval of this agreement would include Pay Item 907-608-C001 for the purchase of Detectable Warning Panels in the amount of \$9,449.68. (previously approved
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Agenda
Regular Meeting of
October 6, 2020

- i. Motion to approve Supplemental Agreement No. 1 between the City of Waveland and Greater Gulf Development, LLC Contractor for the construction of a bike lane on both sides of Nicholson Avenue and repair the City owned water line on the same. Cost to the City would be a total of \$35,900.00 and authorize the Mayor's signature thereon. This is an increased amount of \$2,500.00 over the previous change order for two additional shutoff valves.
 - j. Motion to approve the rehire of Mr. Bradley Polk as a part-time Firefighter at a rate of \$9.00 per hour pending passage of drug test. This is a budgeted position.
 - k. Motion to approve new hire Ms. Tammy Garber as a part-time Administrative Assistant at a rate of \$12.00 per hour, pending passage of drug test. This is a budgeted position.
 - l. Motion to approve travel for City Clerk Mickey Lagasse and Deputy City Clerk Tammy Fayard to attend the Fall Municipal Clerk's Class in Ridgeland, Mississippi October 21-23, 2020. Cost to the City will be lodging at a cost of \$139.00 per night, 3 days per diem and reimbursement on mileage or use of a City vehicle. These are required classes for clerk certification and continuing education for Deputy Clerk.
 - m. Motion to spread on the minutes the travel to BBI originally set for September 24 and 25th has been changed to October 12th and 13th.
 - n. Motion to Consider accepting City Election Commission Report and adopting Resolution certifying results of special election held on October 5, 2020, for Miss. Power Co. electric franchise.
 - o. Spread on the minutes the Resignation of Eugene Thomas effective immediately.
 - p. Motion to approve 3 Christmas on Coleman Events:
 - i. Sunday November 28th lighting of Coleman, caroling, and refreshments.
 - ii. Sunday, December 6th Small family-oriented Christmas Festival for children at the park on Herlihy St. at MLK Park.
 - iii. Saturday, December 13th Parade on Coleman Ave.
 - q. Motion to authorize approval to transfer an amount of \$25,000.00 for a Public Works Equipment building approved in the last budget year but not expended. The quotes will be opened at the second meeting in October for approval.
14. Motion to approve the deletion of property being described as the "well at Lambert Lane" and identified as Inventory Number 1566.
15. Motion to authorize Task Order 220-033.006 Garfield Ladner and Shelter Improvements to Compton engineering in the amount of \$10,000. This task order will provide plans and specs to redo the electrical service on the Garfield Ladner Pier as well as provide some updates to the existing pavilion. This will be funded out of our Tidelands Funds.
16. Motion to authorize Task Order 220-033.007 The Waveland Veterans Memorial Concrete Improvements to Compton engineering in the amount of \$2,500. This task order will provide plans and specs to repair storm damage and provide additional handicapped accessibility as well as provide future storm mitigation. This will be funded out of our Tidelands Funds.

Agenda
Regular Meeting of
October 6, 2020

17. Motion to accept a Tidelands Lease Grant FYI 20/21 in the amount of \$240,000 for showers and benches along the walking path.
18. Motion to request a transfer from DMR and our State Legislature of funds from the Tidelands Lease Grant FYI 20/21 in the amount of \$240,000 for showers and benches along the walking path to design of the Waveland Marina Project.
19. Motion to approve a closed-door session as related to:
20. Motion to consider an executive session as related to:
21. Motion to enter an Executive Session as related to:
22. Motion to come out of Executive Session.
23. Adjourn