

The Board of Mayor and Alderman of the City of Waveland, Mississippi, met in Regular Session at the Waveland City Hall Boardroom, 301 Coleman Avenue, Waveland, MS. on April 19, 2023 at 6:30 p.m. to take action on the following matters of City business.

#### **ROLL CALL**

Mayor Trapani noted for the record the presence of Aldermen Gamble, Richardson, Lafontaine and Clark, along with City Clerk Lisa Planchard and City Attorney Ronnie Artigues.

#### **MAYOR'S COMMENTS**

Mayor's selection of Ms. Kelsey Lafontaine as Waveland's representative for the Deep-Sea Fishing Rodeo pageant.

#### **ALDERMAN'S COMMENTS**

**Re: Alderman Gamble** – Our City was mentioned in Forbes magazine as one of the best places to travel in 2023 with its small town atmosphere and pristine beaches.

**Re: Alderman Richardson** – Asked Mr. Bo Humphrey to camera the sewer line on Old Spanish Trail at the Bay St. Louis line; noticed a dip in the road and wants to make sure it's not a sewer leak under the road.

#### **Re: Alderman Lafontaine** –

- a. Asked about the status of the City's 2 new tractors purchased last year but not used as yet. Mayor Trapani said notice to other cities has been sent out to see if they are interested in purchasing. If not, we will be listing them to sell.
- b. Brought up an issue with the grass cutting contractor being pulled off jobs in his ward. He asked that grass cutting be kept to a set schedule. Alderman Gamble provided responses to Alderman Lafontaine's statements.

#### **Re: Alderman Clark** –

- a. Asked whether there is a timeline for having the damages to Elwood Bourgeois Park equipment and fence repaired. Mayor Trapani said that the original equipment was donated through a non-profit group years ago (post Katrina) and installed by them. The City did not have information as to the manufacturer so it has been time consuming to trace back (because it went through a non-profit) to get the information and they now have made contact with the manufacturer. He said that the playground equipment manufacturer will be flying down in a few weeks to take a look at the damages; we should be able to move forward from that point.
- b. Asked about the procedure for citizens to call and get resolution for problems with dumping on vacant lots near their homes. City Attorney Artigues said he would be happy to get with Alderman Clark and with Code Enforcement officer Josh Hayes to get specifics because this could be a solid waste issue also. He and Josh will get Alderman Clark some options once they can get specifics on this issue. Mayor Trapani said that the City has 'No Dumping' signs throughout the City, but added that if you see someone dumping call the police immediately. After the fact, the Police can not be of much help. If it's on the city right-of-way, the city can pick it up. If it's on private property we can't enter private property and there are different steps we must take to have it removed. Mayor Trapani said that the City does have cameras that we can put up to try and catch any violators.

#### **PUBLIC COMMENTS**

**Re: Brian Therolf updated the Board on Keep Waveland Beautiful for 2<sup>nd</sup> Quarter of 2023**

6:30 pm.

Mr. Brian Therolf update the Board on multiple Keep Waveland Beautiful topics for the 2<sup>nd</sup> Quarter of 2023. **(Exhibit A)**

**BOARD BUSINESS:**

**DELTA WATER/UTILITY DEPARTMENT/AUDIT**

**Re: Update from Kathy Benesta with Delta Water regarding the Utility Department**

Ms. Kathy Benesta with Delta Water was present to update the Board regarding her findings in the Utility Dept. related to work orders, billing, meter issues and accounts/missing accounts, etc. **(EXHIBIT B)**

During discussion Ms. Jackson informed the Board that the first item under the contract was to look at gas billed vs. gas sold. That was given to Alderman Lafontaine last year in October. The figure she came up with now shows a \$75,000 increase but that does not show any administrative costs. She looked at all of the zero consumption accounts, about 75 that they pulled in October, and work orders were issued for those. People that live out of state were not included because you would expect no consumption since they do not live here, but everyone else that was looked at was issued a work order to go out to the property and look for a reason for no consumption. Ms. Benesta said that she had heard that there were a lot of missing accounts in the system that were not being billed; at this point comparing 2020 information with today's information (she's worked through 4,000 of the 8,000 addresses) she has found no evidence of anything from 2020 that is not being billed today. At this point, everything is being billed. She added that anything that was active in that time period, but is not active today she is going through all of the notes and work orders to see why it's no longer active. She's found some that may be where we're finally disconnecting, but those have not dropped out of the billing in any way. Ms. Benesta confirmed that non-active means that it shows zero consumption (have a meter but are not using water). She added that it means that either no one is at the residence, or the meter itself has gone bad. Those meters have a lifetime warranty on the workmanship, so those that have gone bad for workmanship reasons can be sent back. She said there are a lot of accounts that are waiting for MIU's to be changed out (i.e., the MIU's are broken and the City has not received the replacements to repair these) and therefore show an open work order); those are still being billed on an averaged basis based on prior consumption.

She said there was also a concern about there not being an increase in revenue as it related to the increase in new homes built. She explained that there are a lot of accounts (work orders) out there that may just be waiting for a new culvert or a tap and those will show as active, but there is no revenue associated with those yet because there is no meter installed yet. Ms. Benesta added that there could be several months between the time that an account becomes active and when it will show any revenue. Those questioned were given to Ms. Julie Bromwell for further research. She has been working in the field especially concentrating on gas meters because there are so many of those being manually read and we're trying to make sure if there's an MIU number on the meter, that it's in the billing system. She realized that there are a lot of gas MIU's that are not reading right now and those are being manually read, but we're trying to decrease that number by checking for MIU numbers. Alderman Lafontaine asked if most of these are commercial MIU's; Ms. Benesta answered no, most of them are residential. She said the reason is that the battery life is going out on the MIU's so it's not being picked up electronically, so they have to be manually read.

Ms. Benesta said they also looked at all the open work orders. Currently there are 300 to 400 open work orders and they dated back to 2019. She met with Lisa Planchard - City Clerk, Kim Boushie - Comptroller, Julie Bromwell-Utility Office Manager, and Bo Humphrey-Utility Dept. Manager; we separated out the work orders according to needs to resolve them and those were given out to Julie and Bo. Going through them, she said that 98% of them could be closed out because the work had been done. It was just never closed out in the billing system, and as of now most of those have been closed out, and what's

6:30 pm.

currently outstanding currently are those needing MIU's and the zero consumptions that are currently being investigated in the field. With regard to garbage accounts, Ms. Benesta did not find any account that was not paying for garbage when they should be paying for garbage. There are 2,384 garbage accounts and there are 2,400 cans being billed, the difference is that some customers have more than one can. She has also gone through the accounts that we're not showing any sewer; those accounts that did not have sewer are in the annexed area. She added that irrigation and new construction, of course, do not have sewer yet on the new construction. While she is reviewing, she is making sure the billing and rate codes are correct for the type of account it is, business or residential, so that everyone is being billed correctly. Alderman Clark asked whether Ms. Benesta was checking to see if new houses built (who've received their certificate of occupancy (COO)) are being billed and whether Ms. Benesta is cross referencing COO's with utility accounts we have maybe in the last 3 years. She said she has not pulled the COO's, but knows that Julie is getting a list from the Building Department monthly, and they're making sure they're in the system. Ms. Benesta is also giving any she comes across to Julie to make sure she has them and are in the system.

### **DOCKET OF CLAIMS**

#### **Re: Claims**

Alderman Richardson moved, seconded by Alderman Lafontaine to approve the Docket of Claims, paid and unpaid, dated April 19, 2023, in the amount of \$737,161.43.

**(EXHIBIT C)**

A vote was called for with the following results:

Voting Yea: Gamble, Lafontaine and Clark

Voting Nay: None

Absent: Richardson

### **ORDINANCES/PLANNING AND ZONING/BUILDING DEPARTMENT/ MORATORIUM ON SHIPPING CONTAINERS/SHIPPING CONTAINERS MORATORIUM**

#### **Re: Approval of Ordinance for a moratorium on intermodal shipping containers**

Alderman Gamble moved, seconded by Alderman Lafontaine to approve an Ordinance regarding a moratorium on intermodal shipping containers as building components in the City of Waveland.

**(EXHIBIT D)**

A vote was called for with the following results:

Voting Yea: Gamble, Richardson, Lafontaine and Clark

Voting Nay: None

Absent: None

### **AGREEMENTS/COMPTON ENGINEERING/NEEL-SCHAFFER, INC./CONTRACTS/ENGINEERING CONTRACTS/CE GROUP, INC.**

#### **Re: Assignments of Agreements with CE Group, Inc. to Neel Schaffer, Inc with the City of Waveland (7 Agreements)**

Alderman Lafontaine moved, seconded by Alderman Clark to approve Mayor's signature on Agreement letter between CE Group, Inc. and the City of Waveland expressly consenting to the assignment of the (7) Agreements by CE Group, Inc. to Neel-Schaffer, Inc. and agree

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that the Agreements shall remain in full force and effect following this transaction.

**(EXHIBIT E)**

A vote was called for with the following results:

Voting Yea: Gamble, Richardson, Lafontaine and Clark

Voting Nay: None

Absent: None

**BIDS/COASTAL DEVELOPMENT & CONSTRUCTION/PUBLIC WORKS  
DEPARTMENT/LIFT STATION REPAIRS/COMBEL & HOGAN STREET, LIFT  
STATION REPAIRS**

**Re: Approve lowest and best quote from Coastal Development & Construction**

Alderman Lafontaine moved, seconded by Alderman Richardson to approve lowest and best quote from Coastal Development & Construction in the amount of \$20,520.00 for Lift Station Repairs at the intersection of Comble and Hogan Streets. **(EXHIBIT F)**

A vote was called for with the following results:

Voting Yea: Gamble, Richardson, Lafontaine and Clark

Voting Nay: None

Absent: None

**BIDS/COASTAL DEVELOPMENT & CONSTRUCTION /PUBLIC WORKS  
DEPARTMENT/DRAINAGE & CONCRETE WORK/NICHOLSON AVENUE  
DRAINAGE AND CONCRETE WORK**

**Re: Approve lowest and best quote from Coastal Development & Construction**

Alderman Clark moved, seconded by Alderman Richardson to approve lowest and best quote from Coastal Development & Construction in the amount of \$ 12,733.00 (\$8,453.00 + \$4,280.00) for Drainage and Concrete sidewalk and headwall work at 219 Nicholson Avenue. **(EXHIBIT G)**

A vote was called for with the following results:

Voting Yea: Gamble, Richardson, Lafontaine and Clark

Voting Nay: None

Absent: None

**PLANNING & ZONING:**

Alderman Lafontaine moved, seconded by Alderman Clark to acknowledge receipt of the notes and minutes of the Planning & Zoning Meeting. Note: There is no action needed or taken on these minutes other than to acknowledge receipt.

**(EXHIBIT H)**

A vote was called for with the following results:

Voting Yea: Gamble, Richardson, Lafontaine and Clark

Voting Nay: None

Absent: None

Commissioner Whitey started the discussion with the mention of the City's Comprehensive Plan. The Commissioners decided to go forward with recommended changes and recommendations are contingent upon the Comprehensive Plan.

After lengthy discussion between the Zoning Commission, Zoning Official, with comments from Jim Meggett, Jeremy Burke, and Mathew Adams from the audience throughout, the recommended changes that the Planning and Zoning Commission are as follows:

1. Section 401.4 Use will include new wording for temporary structures: "Temporary structures, including but not limited to shipping containers, storage containers, and the like, are prohibited as permanent residential dwelling but may be used as temporary storage during new construction of a permanent primary structure with a building permit."
2. Section 401.5 Approved Water Supply and Sewage Disposal for Building change the word "building" to permanent habitable dwelling. The new wording will be "It shall be unlawful to construct any permanent habitable dwelling or occupy any mobile home or manufactured home without water supply and sewer disposal. etc."
2. Section 401.6: reference the definition of a "nuisance" in the description. "The new wording will be "No nuisance as defined in Section 302.7, shall be allowed as a permitted, conditional, or nonconforming use."
3. Section 401.8 Residential Planned Development Projects: Subsection C.2  
"Wherever there is an abrupt change in use (i.e., residential to commercial), it is desirable that a buffer area of open space, protective planting, or solid fence be placed between the land uses which will protect each use from the undesirable effects of each other.
4. Section 404. Regulations for Auto Oriented Commercial Establishments: This type of business will only be allowed in the C-3 Highway Commercial District.
5. Section 701.8 Accessory Buildings (in R-1 Single Family Residential District):  
Increase the allowable sizes for accessory structures contingent upon the size of the lots.

The sizes would be as follows:

500 sq. ft. for all properties up to 8,500 sq. ft. in lot size,

750 sq. ft. for properties 8,501 sq. ft. to 12,500 sq. ft. lot size,

1,000 sq. ft. for properties 12,501 sq. ft. to 15,000 sq. ft.

15,001 sq. ft. properties will be allowed up to 1,500 sq. ft. accessory structure.

Any request for accessory structure over 1,500 sq. ft. will be required to submit a Conditional Use request.

Chairman Frater called for a motion to advertise for the adoption of the recommended changes at a P&Z Public Hearing on Monday, May 15, 2023 in conjunction with the P&Z Regular Meeting.

## **BLIGHTED PROPERTY**

**Re: 750 Herlihy street, Parcel #162G-O-03-111.000 (tabled from 3/7/23 & 4/4/23)**

Ms. Hannah McCraney informed the Board that action has been taken by the property owner to cleanup the property, however it is still in violation. She told Board members that the owners are still in the process of cleaning up the property. Ms. Bernice Montgomery came forward with her mother (property owner), Ms. Mary Hawkins to answer Board questions. She said that the man they hired to tear down part of the

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structure is doing what he said he would do and they are pleased with the job performance. He tore down the half of the house that was open to the elements and the remaining part of the house is under roof so does not need tarps to cover. Alderman Gamble asked the owner if she was going to make the remaining section of the house back into a home. Ms. Montgomery and Ms. Hawkings said not at this time; she wants to use the remaining part to store things in until she can get 'all this done' and then she'll start back on the house. Alderman Gamble explained that the problem is that the Ordinance says that you can't have a shed without a residence. Josh Hayes came forward and said that in one way you look at the remaining section as an existing structure, but if they're working toward making it a home Ms. Hawkins has to show the City a plan. She can sit down with Mr. Hayes and discuss how she plans to make this a dwelling unit in a reasonable amount of time. He said, "If it takes you 6 months to a year to get that done, but to make it compliant to International Property Maintenance Codes you do have to close it in and make it a dwelling unit... you need to show us that." Alderman Richardson added that as long as it's an accessory structure (like it is now) Ms. Hawkins will not be able to get power to it. Ms. Hawkins said she plans on making it a little cottage.

Alderman Gamble moved, seconded by Alderman Lafontaine to continue the discussion on 750 Herlihy street, Parcel #162G-O-03-111.000 (tabled from 3/7/23 & 4/4/23) to the second meeting in May, namely May 17, 2023 at 6:30 pm. **(EXHIBIT I)**

A vote was called for with the following results:

Voting Yea: Gamble, Richardson, Lafontaine and Clark

Voting Nay: None

Absent: None

**Re: ~~O Ontario Street, Parcel #138N-1-33-015.000~~ (REMOVED)**

City Attorney Artigues said there is no blighted property action on the agenda, and second, if the property owner is here to discuss the items he sent in the form of an email today, the Board cannot discuss pending and potential litigation in a public meeting with him. He added that the Board will not be taking up the email issue if that's what he's referring to, but there is no blighted property item on the agenda either.

**a. Re: 1207 Taranto Street, Parcel #162L-1-09-007.000 /Property Owner, Tory Lowe**

Ms. Hannah McCraney informed the Board members that Mr. Lowe and she spoke about a week ago. Mr. Lowe told her he has decided to demo and start from the ground up, so the structure is gone, only the cinder block foundation is remaining. Ms. McCraney asked the Board to set a timeline to give Mr. Lowe an opportunity to remove debris left in the yard. She added that Mr. Lowe does not know when he's going to rebuild, but said he was going to let it go back to nature. Alderman Lafontaine said that as long as there's a foundation, you cannot let this go back to natural growth and he will have to maintain it. Ms. McCraney said she told him this. City Attorney Artigues recommended that the Board fix a deadline for which Mr. Lowe has to remove the debris from the property.

Alderman Gamble moved, seconded by Alderman Clark to give Mr. Lowe until May 17, 2023 to remove all of the debris from his property at 1207 Taranto Street, Waveland, MS. **(EXHIBIT J)**

A vote was called for with the following results:

Voting Yea: Gamble, Richardson, Lafontaine and Clark

Voting Nay: None

Absent: None

**CONSENT AGENDA**

**Re: Consent Agenda Items a-g, minus item e**

Alderman Lafontaine moved, seconded by Alderman Clark to approve the following Consent Agenda as numbered Items (a-g).

At this time and before vote was taken, Alderman Gamble asked Mr. Artigues to explain what item e. is. There was confusion as to what exactly this item was about so Mayor Trapani asked that Item (e) be removed from the consent agenda.

Alderman Lafontaine moved, seconded by Alderman Clark to exclude Item (e) from the Consent Agenda.

A vote was called for with the following results:

Voting Yea: Gamble, Richardson, Lafontaine and Clark

Voting Nay: None

Absent: None

Alderman Lafontaine moved, seconded by Alderman Gamble to approve the following Consent Agenda as numbered Items (a-g) excluding (e).

A vote was called for with the following results:

Voting Yea: Gamble, Richardson, Lafontaine and Clark

Voting Nay: None

Absent: None

**COMMUNITY SERVICE/COURT DEPARTMENT**

**Re: Community Service Report for the month of March 2023**

- a. Community Service Board Report for the month of March, 2023 **(EXHIBIT K)**

**COURT DEPARTMENT**

**Re: Court Statistics Report for the month of March 2023**

- b. Court Department Report for the month of March, 2023 **(EXHIBIT L)**

**INVOICES/HANOCK COUNTY SOLID WASTE/CHINICHE ENGINEERING & SURVEYING/DNA UNDERGROUND LLC/VETERANS MEMORIAL REPAIRS PROJECT**

**Re: The following Invoices:**

- c. The following Invoices from various Entities/Contractors/Engineers, etc.:
1. Invoice #1189 dated 4/16/23 from Hancock County Solid Waste in the amount of \$581.55. **(EXHIBIT M)**
  2. Invoice #1182 dated 4/6/23 from Hancock County Solid Waste in the amount of \$42,916.50. **(EXHIBIT N)**
  3. Invoice #1185 dated 4/6/23 from Hancock County Solid Waste in the amount of \$390.00. **(EXHIBIT O)**
  4. Invoice #22-002-0057 dated 4/6/23 from Chiniche Engineering & Surveying in the amount of \$7,500.00 for main drain analysis/repairs. **(EXHIBIT P)**

5. Invoice #22-002-0027 dated 4/6/23 from Chiniche Engineering & Surveying in the amount of \$5,000.00 for field work, topo survey, and design calculations  
**(EXHIBIT Q)**
6. Pay Application #1 dated 4/11/23 from DNA Underground, LLC. in the amount of \$103,500.20 for the Waveland Veterans Memorial Repairs Project.  
**(EXHIBIT R)**

**CLOSEOUT DOCUMENTS/COMPTON ENGINEERING/POLE BARN REPLACEMENT PROJECT/SUBSTANTIAL COMPLETION CERTIFICATE-POLE BARN/FINAL PAY APPLICATION #2-COASTAL DEVELOPMENT AND CONSTRUCTION/COASTAL DEVELOPMENT & CONSTRUCTION/CHANGE ORDER - COASTAL DEVELOPMENT & CONSTRUCTION**

**Re: Approve and Accept Closeout documents submitted by Compton Engineering – Pole Barn**

- d. Approve and accept Closeout documents submitted by Compton Engineering on the City of Waveland Pole Barn Replacement project, including all required signatures by City officials, and exhibiting the following documents: **(EXHIBIT S)**
  1. Substantial Completion Certificate
  2. Final Pay Application in the amount of \$66,427.50 & Certificate Signature Page
  3. Payment Application #2 (Final)
  4. Contract Completion Certificate
  5. Recommendation for Final Acceptance of Contract
  6. Final Completion Inspection Report
  7. Final Waiver of Lien
  8. Consent of Surety to Final Payment
  9. Change Order No. 1 (Summary Change Order)
- e. ~~Approve allowing Shared Health Dual Plus 4 in 1 benefit cards to Waveland citizens that are members that will be used for utility payments. Eligible members/citizens receive a \$150 quarterly allowance from Shared Health to help members pay their utility costs.~~ **REMOVED from Consent Agenda (EXHIBIT T)**

**TRAVEL/ADMINISTRATIVE DEPARTMENT/CITY CLERK'S OFFICE/HUMAN RESOURCES/BBI TRAINING/SOFTWARE TRAINING-BBI**

**Re: Approve City Clerk Lisa Planchard and Deputy City Clerk Kyleigh Seale to attend BBI software modules training**

- f. Approve City Clerk Lisa Planchard to attend BBI Budgetary software module training (5/15/23) and Deputy City Clerk (Kyleigh Seale) to attend Payroll software module training (5/16/23) at the BBI offices in Flowood, MS. Costs for each will be \$200.00 training fee, mileage reimbursement (or use of a city vehicle), lodging for 1 night (approx. \$107 per night) and 2 meals per diem. **(EXHIBIT U)**

**UTILITY DEPARTMENT/PURCHASING**

**Re: Utility employee Bruce Jones to prepare purchase orders for the Utility Department**

- g. Approve Utility employee Bruce Jones to prepare purchase orders for the Utility Department and follow direction of Purchasing Agent Katharine Corr as his duties may relate to purchasing.

**END CONSENT AGENDA**

**ADJOURN**

**Re: Adjourn the meeting at 7:23 p.m.**

Alderman Gamble moved, seconded by Alderman Lafontaine to adjourn the meeting at 7:23 p.m.



A vote was called for with the following results:

Voting Yea: Gamble, Richardson, Lafontaine and Clark

Voting Nay: None

Absent: None

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Lisa Planchard, City Clerk

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Jay Trapani, Mayor

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