

Agenda
Regular Meeting of
The Board of Mayor & Aldermen
Tuesday, May 7, 2024
6:30 pm.

1. Pledge of Allegiance
2. Moment of Silence
3. a. Roll Call
4. Mayor's Comments:
 - a. Motion to amend and finalize the agenda with the addition of Items 8 (h, i, and j) under Consent Agenda.
 - b. The Annual Juneteenth Event for 2024 will be held June 14 & 15, 2024 at the Herlihy Park, 424 Herlihy Street, Waveland, MS.
5. Aldermen's Comments:
6. Public Comments/Hearings:
 - a. Gulf Grove Apartments, 2057 Waveland Avenue (all buildings and grounds), Parcel 138P-0-33-241.001
 - b. Oak Park Apartments, 2009 Waveland Avenue (all buildings and grounds), Parcel ID #138P-0-33-253.001 & #162C-2-04-012.000
 - c. Connie St. Julien to address Board of Mayor and Aldermen
7. **BOARD BUSINESS:**
 - a. Motion to approve the following vendor(s) to lease commercial space located within the parking lot of 'The Waveland Lighthouse', agreeing to abide by the Rules and Regulations as set forth in the "Beach Vending Bid Documents", and pending their signing and paying their bid and permit fees (prior to taking occupancy) associated with the Beach Vending Permit with the City of Waveland. Advertisement for this was run April 11, 2024 and April 18, 2024. Lease term shall run 5/17/24 to 5/16/25.

1. _____ 2. _____ 3. _____
 - b. Motion to approve the Depository Docket of Claims, paid and unpaid, dated May 7, 2024 in the amount of \$525,372.09.
 - c. Motion to approve the Operating Utilities Docket of Claims, paid and unpaid, dated May 7, 2024 in the amount of \$106,315.02.
 - d. Motion to ratify Mayor's Declaration of Emergency on 4/11/24 at 5:04 pm. re: a potential threat to citizens health, safety and welfare as the result of a broken sewer motor in the lift station on Coleman Avenue at Central Avenue causing large amounts of sewerage to back up into the street.
 - e. Motion to approve and authorize Mayor's signature on the Engagement Letter from Wright, Ward, Hatten & Guel CPA's to provide auditing services for the City of Waveland for the year ended 09/30/23.
 - f. Motion to approve and authorize Mayor's signatures on the Agreement and Memorandum of Understanding between Cruisin' the Coast (CTC) and the City of Waveland for the 2024 'Hotrods and Hospitality' event to be held Wednesday, October 9, 2024 from 10:00 am to 2:00 pm. The City agrees to pay an Event fee of \$5,000 by 8/2/24 and shall provide items as listed in the agreement.
 - g. Motion to approve the Fiscal Year 2024 Amended Budget as Exhibited.

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- h. Motion to adopt and approve the City of Waveland Utility Department Accounts Receivable Collection and Debt Charge Off Policy as developed by Comptroller, Robert Fertitta and reviewed by City Attorney, Ronnie Artigues. This shall authorize and approve the write off the accompanying 2022 Utility Bad Debts, list as exhibited.
- i. Motion to approve abandonment of Fahey Street (undeveloped), between Fourth Street and Old Spanish Trail, to the west of Henderson St.
- j. Removed
- k. Motion to repeal Ordinance 366 regulating bonfires on the sand beach in Waveland. This falls within Hancock County jurisdiction.
- l. Motion to discuss and consider approving the amended Golf Cart and Low-Speed Vehicle Ordinance #374.
- m. Motion to discuss and amend **Section 302.4 Weeds** of Ordinance #375 (An Ordinance for Adoption of the Family of International Building Codes for the City of Waveland). Building Official Chris Carter to discuss.
- n. Motion to discuss draft/proposed Short-Term Rental Ordinance (to be provided by City Attorney). Note: Minutes of 3/14/24 Special Meeting re: this topic are included in Agenda Packet.

PLANNING & ZONING:

- 1. Motion to accept the Planning and Zoning Minutes of 4/29/24 & 3/25/24.
- 2. Motion to approve emergency request of Mr. Delvin Blanchard to place and temporarily occupy an RV on his property located at lots 20 & 21 (Parcel #138M-0-33-248.000) Shoreline Subdivision prior to the start of his home construction; he is currently residing at Gulf Grove Apartments.

GASTON PACE, THE OWNER OF THE PROPERTY COMMONLY KNOWN AS 520 HIGHWAY 90, PARCEL #138Q-0-34-004.000 AND #138Q-0-34-006.000, has applied for a special use variance/ conditional use to build an office building on his property located in an r-1, according to 601.2 h conditional use. Mr. Pace is the owner of a contiguous parcel and adjoining parcel that is zone c-3, and the neighboring properties are zoned for commercial use.

Mr. Pace explained that he wants to put a building on the property to operate a rental and sales business for heavy equipment, asking for a special use to change the zoning in the rear property. Building Official, Mr. Chris Carter, came forward to request to state a finding that Mr. Pace's goal/business is consistent with R-1 requirements. Chairman Frater, states that he spoke with the attorney, and the attorney also said to state a finding that the it is okay to put the building on the property because the adjoining property is commercial and it is in keeping of the surrounding properties around Mr. Pace's property. Mr. Pace is asked to use a tree barrier between his property and the adjacent property because of a new project that is coming to affect.

Chairman Frater called for a motion. Commissioner Romero made a motion to approve the conditional use with the condition to state a finding, making sure that this request is in

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compliance with the neighborhood and that it is not going to affect it. Commissioner David Cornfoot seconded the motion.

After a unanimous vote of yes by Commissioners Cornfoot, Romero, and Touart, and 1 no by Commissioner Dr. Barbara Coatney, Chairman Frater declared the motion passed.

CHARLES JOHNSON, THE OWNER OF THE PROPERTY COMMONLY KNOWN AS 319 JEFF DAVIS AVE., PARCEL #161D-0-02-187.000 made application for a conditional use for an RV during new construction. This is an application for a renewal on his RV permit per regulations of ord. #349 sec 309.5.

Mr. Johnson is applying for an additional 180-day extension from his previous extension, and explains the conditions of why he is needing an extension. Mr. Johnson stated that he is building a new house by himself and that he is 50% done. Commissioner Glen Romero said that from a previous RV Permit extension similar to this one, there was a stipulation that a schedule should be set to try to finish the construction in a timely manner to avoid another 180-day extension. Chairman Frater added that if Mr. Johnson is granted another extension from the previous one, that the new construction of the house should be finished. Commissioner David Cornfoot also added that if granted another extension, if the new construction is not finished after that, there should be reasoning on why it is not finished.

Chairman Frater called for a motion. Commissioner Matt Touart made a motion to approve the variance of granting Mr. Johnson another 180-day extension. Commissioner Cornfoot seconded the motion.

After a unanimous vote of yes by all commissioners present, Chairman Frater declared the motion passed.

EARL RHETT PHILLIPS, THE OWNER OF THE PROPERTY COMMONLY KNOWN AS 124 SARAH'S LANE, PARCEL #161F-0-02-112.000 has applied for a protected tree removal permit. After review by the building official, the application has been denied and therefore shall be reviewed by the Planning & Zoning commission for further review per ordinance 379.

Mr. Earl Rhett Phillips came forward to explain his request. Mr. Phillips explains that the it was 3 lots and he bought the one with the tree on it. Mr. Phillips says that after reviewing the plans, he observes there is not enough room because there is a drainage in the back of the lot, so he is trying to push back from the tree and add a lot of fill to the empty drainage. Mr. Phillip states that the design of the house puts the house right up against the tree. He offers to donate a 10 to 1 replacement ratio to the City of Waveland, if the application is approved. Commissioner Glen Romero says that he went out to check the property, and he agrees that the property drops off drastically, and it would not be enough room to build a house.

Chairman Frater declares a motion to accept 10 to 1 ration replacement. Commissioner Matt Tuart made a motion to remove the tree and accept the 10 to 1 replacement ratio; Commissioner Romero seconded the motion.

After a unanimous vote of yes by all commissioners present, Chairman Frater declared the motion passed.

KATHRYN & TIM KLEPPNER, THE OWNERS OF THE PROPERTY COMMONLY KNOWN AS 121 LAKESIDE DR., PARCEL #161C-0-0-218.000 has applied for a 5 feet side yard variance to build a 264 square foot carport/shed. It is to be positioned between a pool and a fence. The property is zoned R-1 residential. The lot has 60 feet road frontage and widens to 75 feet rear property line.

Mr. & Mrs. Kleppner were not present for the meeting. Commissioner Glen Romero says he went and looked at the property and there would be room if the Kleppner's built a small building to stay away from the property on the side. Commissioner Romero adds that the

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ordinance was changed for the side setbacks to be at 10 feet, and wants to stick to the ordinance. He says the idea was to change the setbacks from 15 to 10 feet, and to be consistent with requiring minimum of 10 feet setbacks without giving out variances for shorter setbacks than 10 feet. Chairman Frater declares a motion to deny the 5 feet side yard variance. Commissioner Glen Romero made a motion to deny and stick to the 10 feet side setback. Commissioner David Cornfoot seconded the motion.

After a unanimous vote of yes by all Commissioners present, Chairmen Frater declared the motion denied.

SEAN SULLIVAN, THE OWNER OF THE PROPERTY COMMONLY KNOWN AS 311 HUNTER HOLLOW, PARCEL #162Q-02-10-139.000 has applied for a 5 feet rear yard variance to build a 900 square foot pole barn. The property is zoned r-1 residential. The lot has 75 feet road frontage, but is bordered by a 20+/- feet drainage ditch. It is to be positioned between a driveway and a fence.

Mr. Sullivan was not present for the meeting. After a brief discussion between the Commissioners, it was believed that the lot Mr. Sullivan owned was 2 separate lots because it has 2 separate parcels. Chairman Frater states in order to get a 5 feet rear yard variance is that the lots would have to be combined. Commissioners discuss that they want to stick to the 10-foot setbacks required in the ordinance. Chairman Frater declares a motion to deny the 5 feet rear yard variance because of the setbacks and separate parcels. Commissioner Matt Touart made the motion. Commissioner Glen Romero seconded the motion.

After a unanimous vote of yes by all Commissioners present, Chairmen Frater declared the motion denied.

CRAIG BORDELON, OWNER OF THE PROPERTY COMMONLY KNOWN AS 2005 NICHOLSON AVE., PARCEL #138R-0-34-001.000, has made an application for a variance in order to construct two duplexes on a property zoned R-2: single and two-family residential. The applicant is requesting a 2,062 square feet variance from the required 8,500 square feet per unit as stated in ordinance #349. The 8,500 square feet requirement equals a total of 34,000 square feet a lot area in order to construct 2 duplexes (4 units). The property is currently 31,938 square feet.

Chairman Frater calls Mr. Bordelon to come forward to explain the request. Building Official, Mr. Chris Carter, came forward to state that the Board of Aldermen have already discussed to reduce the square feet requirement from 8,500 square feet to 7,500, which if approved by the Board of Aldermen, then Mr. Bordelon would not need a variance.

Public Comments: Ms. Cynthia came forward to comment on variance request. Ms. Cynthia asked that Mr. Bordelon put a privacy fence between the properties. Ms. Cynthia also asks Mr. Bordelon about the parking of the duplexes and will they change. Mr. Bordelon responds and explains that a privacy fence will be built in between the properties and that each duplex will have its own parking.

Chairman Frater declares a *motion to approve the privacy fence and each duplex have its own parking*. Commissioner Matt Touart made the motion. Commissioner David Cornfoot seconded the motion.

After a unanimous vote of yes by all Commissioners present, Chairman Frater declared the motion passed.

BLIGHTED PROPERTIES: (Building Official, Chris Carter to discuss)

1. Lance Ryan, owner of the property commonly known as 207 Hunter Hollow. This was held in abeyance from 4/17/24 Board meeting. Mr. Chris Carter, Building Official to

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present progress report on outstanding items still needing attention from the previous meeting.

CONSENT AGENDA

8. Motion to approve the following Consent Agenda items as numbered Items (a-i):
 - a. Minutes of the Board of Mayor and Aldermen meetings dated April 17, 2024.
 - b. Hire/Promote/Transfer/Resignations/ Pay Change of the following for various positions as listed:
 1. Hire Mr. Kendall Laneaux for Streets laborer position at the rate of \$15.00/hour pending passage of drug test and background check. (this is currently an open position)
 - c. Approve monthly Utility Customer Deposit refund checks totaling \$3,135.00 numbered #7424 to #7437 as submitted by Utility Office Manager Julie Bromwell. Note: \$2,000.74 is due to the City of Waveland and \$1,134.26 is due to customers.
 - d. Approve Utility Office Manager, Julie Bromwell to attend the MsRWA (MS. Rural Water Association) Office Professional Training on Tuesday, May 28, 2024 at the MS. Coast Coliseum in Biloxi. Cost to the City will be a course fee of \$125.00 and mileage reimbursement.
 - e. Approve Bo Humphrey, Utility Manager to the MS. Natural Gas Association 45th Annual Conference in Orange Beach, Alabama from Wednesday, July 10 thru Friday, July 12, 2024. Cost to the City will be a \$450.00 registration fee, use of a city vehicle and lodging for 3 nights at a cost of \$807.00. Per diem is not requested.
 - f. Approve Ms. Janita Cole (HR) and Ms. Kyleigh Seale (Payroll) to attend the PERS Employer Training Seminar Friday, June 21, 2024 from 9:00 am. to 12:00 noon in Gulfport, MS. This is a free seminar; cost to the city will only be mileage reimbursement for one vehicle.
 - g. The following invoices from various Entities/Agencies/Contractors/Engineers, etc.:
 1. Invoice #22-002-0117 from Chiniche Engineering & Surveying dated 05/01/24 in the amount of \$696.91 for engineering services related to Gas System Restore Act.
 2. Invoice #22-002-0147 from Chiniche Engineering & Surveying dated 05/01/24 in the amount of \$2,763.00 for engineering services related to the Art Street Sewer Project.
 3. Invoice #22-002-0153 from Chiniche Engineering & Surveying dated 05/01/24 in the amount of \$3,013.75 for engineering services related to the Hwy 90 Sewer Extension Project.
 4. Invoice #22-002-0173 from Chiniche Engineering & Surveying dated 05/01/24 in the amount of \$9,834.00 for engineering services related to the Waterfront Improvements Project (Buccaneer).
 5. Invoice #22-002-0194 from Chiniche Engineering & Surveying dated 05/01/24 in the amount of \$16,966.64 for engineering services related to the ARPA Sewer Improvements Project.
 6. Invoice #22-002-0201 from Chiniche Engineering & Surveying dated 05/01/24 in the amount of \$1,079.75 for engineering services related to the Lead Water Service Line Inventory.
 7. Invoice #3834 from Lombardo Industries, LLC. dated 05/01/24 in the amount of \$18,067.00 for grass cutting services.
 - h. **Spread on the Minutes the City of Waveland Fund Balances at 03/31/24.**

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- i. Spread on the Minutes the Revenues & Expenditures Report dated 03/31/24.
- j. Spread on the Minutes resignation of Jetson Tillman from Utility Department effective 1/3/24. Resignation delayed due to workman's compensation legal matters.

END CONSENT AGENDA

EXECUTIVE SESSION

- 9. Motion to consider entering a closed session for discussion related to
- 10. Motion to enter an executive session for discussion related to
- 11. Motion to come out of executive session with/without action taken.

ADJOURN

- 12. Motion to Adjourn