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Special Meeting of The Board of Mayor & Aldermen
Thursday, March 14, 2024
5:30 pm.

The Board of Mayor and Aldermen of the City of Waveland, Mississippi, met in Special Session at the Waveland City Hall Boardroom, 301 Coleman Avenue, Waveland, Mississippi, on March 14, 2024 at 5:30 p.m. to take action on the following matters of City business.

ROLL CALL

Mayor Trapani noted for record the presence of Aldermen Aime-Gamble, Richardson, Lafontaine & Clark along with City Clerk Lisa Planchard. Absent from the meeting was City Attorney, Ronnie Artigues.

PROPERTY INSURANCE/CADENCE INSURANCE RENEWAL

Re: Review and Update Property Insurance Renewal Status with Cadence Insurance

Mr. Justin Ladner came before the Board to continue with an update for the Board of Mayor and Aldermen where they left off at the previous Board of Aldermen Meeting dated March 05, 2024. Mr. Ladner explained that at the last Board meeting they were at \$455,000.00 and tonight they are at 432,889.00 (in premium cost), so there were some improvements since then. Mr. Ladner highlighted a few changes that were important on page 3 in the bound Proposal. This is the Property Section that has a \$10,000,000 loss limit. Total insured in Building value's \$23,582,000. In the middle of the page, it breaks down the contents. Please note the 'out-door property of \$2.5 million, with a total value of \$27,000,000 and some change. "WAYPOINT, what's new this year vs. last year, not to go into too many details, but Cadence will ask WAYPOINT to take the lead. There is a quota share between two carriers. They are both each taking on the \$10,000,000." Mr. Ladner informed the Board of Aldermen that one of the carriers has to take the lead, they cannot both share this policy. One will have to take the lead while the other follows suit, for coverage purposes. Also, currently there is a \$100,000 sub-limit for out-door property, he pointed out that the city had

\$2.5 million worth of out-door property. Mr. Ladner explained that they will change the verbiage...The Cadence team was able to get... on the bottom, you'll see 'NEW – at renewal, the sub-limit will increase to \$300,000 and the new exceptional wording will be added 'well tanks, well pumps, sewer lift stations will not be included in the CAT Covered property endorsement'. Mr. Ladner explained this is a good thing, meaning the City will be restricted to that \$300,000 limit on the lift stations. So, the lift stations will have full coverage, which is what the City wants. Mr. Ladner went on to the bottom of Page 4 explaining what has changed. Expiring was a \$100,000 policy for that out-door property, now it is a \$300,000 policy. Mr. Ladner explained on page 6 that they are still pending on the revision for the Commercial Inland Marine renewal. He explained they felt the pricing was accurate, except he wants to add the valuations on page 7; currently the valuations there are missing for some newer equipment that has been added in the last few days. Mr. Ladner explained that they really want to use replacement cost valuations, letting City Clerk, Lisa Planchard know that he will get with Purchasing Clerk, Katharine Corr, on this matter. Anything older than '05, the city might want to consider removing or hopefully surplus it, and get it off the asset list. Mr. Ladner added that the city is covered for ACV, but really wants to buy this Policy for replacement cost purposes. Mr. Ladner went to page 13 to show the premiums in black and white, since there were a few improvements made. The City was at \$455,324, adding that he knows it is not down to expiring, but they have increased the total insured value by \$300,000. There has also been some added/deleted equipment, so that may be a wash. There was another big change here, Cadence will be moving the equipment breakdown from \$6,409 with Travelers. Cadence will be moving that to Liberty Mutual and you will see the price reflected there in the amount of \$1,459. Aldermen Lafontaine inquired about page 10 asking what the 'stated amount' meant next to the Ford and next to the Super Duty. Mr. Ladner explained this was the 'stated amount of coverage', based on what they wanted it insured at. Aldermen Lafontaine asked if \$185,000 on the '550' was one of the Firetrucks? Aldermen Richardson added that it would have to be the Tanker because the other trucks are not Fords. Aldermen Lafontaine asked Mr. Ladner to check into this. Mr. Ladner added that it is coming up at a different insurer,

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and to keep in mind that if the fire trucks are four or five years old, they can no longer replace them at this valuation. Mr. Ladner then went to the Premium Summary Page, again showing the equipment schedule. They will be moving things to Liberty Mutual; there will be some cost savings, while not sacrificing any coverages. Mr. Ladner explained they were slightly off on the 'Commercial Auto' from the last Board meeting (they had not received the final number last week) showing a renewal of \$74,195. The actual renewal, which is now a hard number, is \$70,074. Mayor Trapani explained that not only does the Board have to make the motion to give Cadence extended time to work on this, but to also make a motion to accept this up to a certain dollar amount and give the Mayor authorization to sign any related documents as well. Mr. Ladner added that it would be to not exceed \$432,899. Mr. Ladner said their work is not over even if given the bind order tonight; they are going to keep pushing up to the deadline.

PROPERTY INSURANCE/CADENCE INSURANCE RENEWAL/INSURANCE RENEWAL- EXTENSION OF TIME GRANTED TO DEADLINE

Re: Authorize Cadence to continue Working on Insurance Rate Reductions up to Deadline

Aldermen Lafontaine moved, seconded by Aldermen Clark to approve Cadence Insurance and Mr. Ladner's to continue to work on the property insurance renewal for the City of Waveland all the way up to 3/18/24 at 12:01 am.

A vote was called for with the following results:

Voting Yea: Aime-Gamble, Richardson, Lafontaine and Clark

Voting Nay: None

Absent: None

PROPERTY INSURANCE/CADENCE INSURANCE RENEWAL/INSURANCE RENEWAL – CADENCE

Re: Accept Cadence Insurance Annual Premium/Proposal

Aldermen Aime-Gamble moved, seconded by Aldermen Clark to accept Cadence Insurance Annual Premium not to exceed \$432,899.00 and authorize the mayor's signature on any necessary documents related thereto, including any premium documents that come in lower than the 'not to exceed' amount.

A vote was called for with the following results:

Voting Yea: Aime-Gamble, Richardson, Lafontaine and Clark

Voting Nay: None

Absent: None

SHORT TERM RENTALS/AGREEMENTS/BUILDING DEPARTMENT/ ORDINANCES

Re: Review and Discuss Short Term Rental Agreements

Review and discussion of short term rental agreement draft copy (EXHIBIT A)

During discussion, Alderman Richardson commented on **page 1**, regarding Local Property Manager, 415.02. It states that the local property manager may be the owner/agent of the owner and shall reside within 2 miles of the Waveland city limits. Alderman Richardson asked why this would be a stipulation? Mayor Trapani mentioned he highlighted that in his packet as well. Alderman Aime-Gamble explained it is because if there were to be an emergency, that person can get there quickly. Alderman Richardson added that we would

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have all their contact numbers and did not think this should be a stipulation. Mayor Trapani said we will just make a note and then can speak with the City Attorney about it.

Moving on to page 2, Alderman Lafontaine inquired about the definition of a 'shell house' under Short-Term Rental, 415.02; what was meant by a shell house? Alderman Lafontaine said they've always considered the shell to be the outside perimeters of the house; studs, walls (the shell). He also questioned a section under the Uses Permitted: Section 415.03 where it states "In R-1 areas: only 1 short-term rental unit per family structure shall be permitted. Short-term rental units shall be limited to two units per lot." Mayor Trapani said that this is if you rent a garage and a house out on the same property, something like a mother-in-law cottage in the back; this is how he read it. Alderman Lafontaine said he was reading it in the same way, but stated that he thought there are Ordinances against being able to build two structures, like an apartment, at your house. If so, don't they have to have separate metered? Alderman LaFontaine asked the mayor if these stipulations can be checked into that? Mayor Trapani said that he'll make note of that. Mayor Trapani brought up 'Mobile Homes', Short-Term Rental, 415.02, noting that Aloha Trailer Park is doing short-term rentals. "Do we stop them from doing short-term rentals. or do we consider this a 'Mobile Home'? Alderman Richardson commented that it just states that 'short-term rental is not to exceed 30 days, but he believes a lot of the people in the Aloha Trailer Park very well may exceed the 30 days, but how does the Board police this issue? The mayor added that if anyone catches them advertising or renting it out for the weekend, then there are provisions in this ordinance to penalize people who do not follow the Ordinance. Mayor Trapani then moved on to the section, Special Use Permit, 415.02, asking if this was the same thing as a Privilege License? Alderman Aime-Gamble informed him this was not the same. She explained that a Privilege License is for conducting a business within Waveland and will need a privilege license, but a Special Use Permit will go before the Planning and Zoning Board to be approved or denied and then make their recommendation to the Board of Mayor and Aldermen. Mayor Trapani then asked what would be an example of a Special Use Permit? Alderman Aime-Gamble stated that short term rentals would all be Special Use because they are all Residential, and there're all running a business in a residential neighborhood. The mayor said that we can't restrict anyone in R-1 doing an accepted activity that other R-1 residents can do. He added that if a resident wanted to have a wedding reception in R-1, we can't say that a short-term renter can't have this. Alderman Aime-Gamble said, "Yes you can, because that's where the business line is drawn. If I had one at my house, I'm not running a business. I'm not making money off of that event; that's where the line is drawn." Mayor Trapani said, "But if you rented the short-term rental and had a reception for your daughter, but you're not making money off the reception." Alderman Aime-Gamble said, "No, but the person renting it is, and they have to have a business license to even do that." Mayor Trapani asked the City Clerk to make note of this in the minutes to get clarification. Alderman Lafontaine noted that as we move forward with this ordinance, there will be a lot of discussion as to who will oversee this, how will it be policed? Alderman Clark asked just to clarify that we're saying anyone with a Short-Term Rental in the City of Waveland will have to get Privilege License and a Special Use Permit, every single one of them will have to go before the Planning and Zoning Board as well as the Board of Aldermen? Alderman Aime-Gamble said, "Yes".

Moving on to page 3, none of the Aldermen had comments or questions about page 3.

Moving on to page 4, Alderman Lafontaine inquired about the Number of Vehicles, 415.04.11.1 section on page 4 where it states "in certain circumstances where no off-street parking exists and on-street constraints exist, the planning department may require that an off-street parking space be constructed or secured". He asked if the Board is even going to allow on-street parking this is worded in a way that sounds like it would allow on-street parking in certain situations. Alderman Lafontaine then asked if this phrasing can be changed and be more direct, "No on street parking". Mayor Trapani informed Board members that he has been advised from a few other attorneys in different cities that have ordinances about this. He explained that, "If you have an R-1 resident who can park in front of his house and then Bobby rents the house next door; you can't stop him from parking on the street. He has to have every right in an R1 area that an R1 resident has." Alderman Lafontaine said, "That makes sense, but if you run it as a business, don't we mandate that businesses have to have so many parking spaces to accommodate their business, so I guess once you pull your permit at that point, you're a business and not

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necessarily a resident.” Alderman Aime-Gamble added that when you have an operating business in a residential neighborhood, there are restrictions about how much traffic you can have back and forth to that residence and that’s already in the Ordinance. Alderman Clark asked, “If I’ve got a house in a residential neighborhood and I’m not doing short-term rental; I’m doing long-term rental. I’m making money off of that house...” Mayor Trapani paused and said, “Is that a business?” Alderman Clark said, “Explain to me what the difference is”? Alderman Aime-Gamble said the difference is like being a hotel or motel and somebody living in there long-term; most leases are for a year. Alderman Clark said, “When we’re talking about a business, I don’t see the difference there between... both of us are making money off the house”. Alderman Lafontaine added, “You’re just making it weekly and someone else is making it monthly”. Alderman Clark said, “Right”. Alderman Aime-Gamble added that a business license is required for either.

Moving on to page 5, Noise, 415.04.11, Mayor Trapani read, “... occupants of the short-term lodging rental are aware of city noise ordinances and state laws regarding disturbing the peace.” “That city noise ordinance needs to be posted”. Alderman Lafontaine asked about 415.04.12.1 stating he doesn’t have a problem with the ‘1 year’ (415.04.12), but he does have a problem with “The total number of permits issued for residential short-term rental shall not exceed seventy-five (75) at any given time. He asked who came up with 75 because this seems low to him? Furthermore, he said a year or so ago, there was a number thrown around that Waveland had over 400. Alderman Aime-Gamble said she looked last night on VRBO online and there are about 55 registered rentals listed in Waveland. She said she did not get on any of the other sites (Air BNB) but does know that some units are listed on several of the sites. Alderman Lafontaine said someone told him, “There are a pile of them”. He said that if we have more than 75 right now existing, you have people that have built houses just for this...if we had more than 75 and we say we’re limiting to 75... let’s just say we advertise, put this online, contacted all the real estate agencies, that Waveland is going to a permitting process, you have 90 days and we only allow 75 short term rentals. What happens if we get 150 applicants? He added that in his opinion, if they’re already here and they’re already registered, invested their money and built a house, you allow it (grandfather them in) and as they drop off the list; you’d be reducing it slower. Mayor Trapani said he thinks we should open it up to everyone that has a short-term rental initially and see what the total number is; we need to set a number. If it’s 75 and we have 150, we won’t issue any new permits after the initial permitting time; we’ll wait for some to drop off. Mayor Trapani said he has a problem with density; there needs to be a set percentage of short-term rentals on a block or neighborhood; he does not want a whole street to be short-term Rentals and only one resident lives there full-time. We should set a % (say only 25%) of residents on that block can be short-term rental; it’s a lot of policing. Alderman Lafontaine said that he understands, but how do we determine who’s being allowed or not; this all has to be worked out fairly to existing residents and those applying. Alderman Clark also noted that if we’re limiting by block, or whatever we want to do, there’s obviously certain areas that are more likely to have short-term rentals than other areas of the city. He said he agrees with Alderman Lafontaine, how do you determine who’s allowed and who’s not.

Moving on to page 6, Renewal of Short-term Rental Permit, 415.08.02, Alderman Aime-Gamble said that she believes we’re going to have to put internal controls in place to make sure that this ordinance’s requirements/regulations run smoothly; “Should we spell that out in the ordinance itself or have that as a separate policy within the office”. Example: The property manager will have to keep a log/list of all the guests; if something happens, the Police Chief may need to get in touch with those people, so the Zoning Department needs to receive that updated list from the property manager and they in turn give the Chief a copy.

Alderman Aime-Gamble noted that it (permit renewal denial) also says (note: landowner given 10 days to correct any deficiencies itemized) the landowner’s appeal of the permit denial must be in writing and *filed within 10 days* following the expiration of the 10-day period within which to file correct deficiencies? She asked are these working days or calendar days? We need to determine that.

Moving on to page 7, Denial or revocation of a license, 415.09.01, Alderman Aime-Gamble just noted that this will be more internal control discussion; permits, issuing of the contracts... what’s not in here is what we discussed before, the fire department and making sure that

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there's proper fire extinguishers, fire routes posted, all of the fire compliance issues for these rentals.

Alderman Lafontaine made note that with regard to internal controls; it's going to require a lot of work and coordination and will be on-going. Mayor Trapani said the Fire Department and Building Department can work together to make sure these rentals are, and stay in compliance. Alderman Lafontaine asked about the permit fee (415.04.07), Mayor Trapani said it is \$350 and the renewal fee will be \$350. Alderman Richardson asked how do we go about policing these because he knows there's some out there that are being done individually by word of mouth, by Facebook? He does not think it's fair for those that are registered with VRBO and Air BNB and pay their fees and then there's someone down the street doing it and he's not paying anything. Mayor Trapani said there are penalties and they may get away with not having a permit but it will only be for a short period of time. Alderman Richardson said that we need a way to track that. Mr. Brian Frater came forward concerning 415.04.03 and said that he doesn't understand why insurance is not a requirement and asked about homestead exemption. Alderman Aime-Gamble replied that the house could not have homestead exemption because the owner is not living there. Mr. Frater said he feels it should be stipulated in the Ordinance that the owner cannot have homestead exemption and maybe report it to the Tax Assessor. He commented on 415.04.12.1 saying that 75 short-term rentals are not realistic. Regarding 415.04.11.1, the maximum occupancy of each short-term rental, Mr. Frater stated that he's seen some stipulations that the number of people allowed is 2 occupants per bedroom plus 2. Alderman Lafontaine said the Fire Department or Building Department will inspect each house and determine the maximum occupancy. Regarding 415.10.02, Mr. Frater said a lot of places have penalties, as written here a penalty is assessed for violations and the city would take you to court? Alderman Aime-Gamble said yes, everybody is entitled to due process if they're in violation and a penalty assessed. Mr. Frater said the State of MS. passed a law to allow communities to assess a 3% occupancy tax on short-term rentals, hotels, and motels, this could represent a lot of revenue to the city. Mayor Trapani said that currently there is a 2% hotel/tourism tax that hotels collect. Mr. Frater added, "No one is collecting the 2%"; these are things to consider. Mr. Jim Meggett commented on Page 2 (top) Short Term Rental, 415.02, saying some manufactured homes are very nice and that he thought it was a good idea to go by density (according to what the neighborhood is like, sizes of lots) rather than by number when deciding on number of short-term rentals in a given area. He also agreed that the limit of 75 was not enough. Laurie Winkelhake said she had some concerns she wanted to address; her first concern was about regulation. She said that this is an area that Neighborhood Watch could be brought in; she sees this as a security issue. She stated that she has a short-term rental next to her. She said there are cars in and out all hours of the night. She said, "It is a business, what kind of community do you want Waveland to be? They are making money off of our street. There should be a limit; the whole street should not just be vacant. Do you want families to come in and go to school? Do you want them to be part of a community? Do you want them to be long-term residents? Do you want May to September people running up and down the street, their animals wandering around, there's 5 or 6 cars parked in the front yard?" She said security is a main issue to her. She said that her road is narrow so parking on the road will be an issue. She also said that now cars come up and down the road stopping and looking. She commented that it was not known if they were casing the area or looking for a specific address. Mayor Trapani told Ms. Winkelhake the noise ordinance is always in effect and if she has a problem just call the police. He also said the next steps would be to sit down with the City Attorney and get his feedback based on the results of tonight's discussion. Alderman Aime-Gamble said we don't have to reinvent the wheel; other communities already have these ordinances in place and have been tested in the courts, that we can pattern our off of. Alderman Lafontaine said you have to be fair to the residents and short-term rental owners; that's the part we have to work out and we may not make everybody happy. Mayor Trapani said we all agree that we need something; we've looked at Pass Christian, Ocean Springs and Laurel. He added that those cities have pretty big short-term rental numbers. We just have to fine tune it for our community and whenever you create an ordinance, there will be some people are affected negatively, but there's nothing you can do about it. We have to think about the general population; the majority. Mr. Frater said the VRBO people charge fees that are passed to the renter. Alderman Aime-Gamble

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said they also collect state tax that is paid to the State of MS.; sales tax that comes back to us, so we do get tax from it.

Alderman Clark said that his feelings with regard to the 3% occupancy tax is that they're using all of our services; if they have an issue, the fire department's going to come out, the police department will come out, they're driving on the roads, all of that.

Alderman Clark asked, on Page 5 under Premises and garbage management, 415.04.11.1, could we add that the property manager is responsible for bringing cans in from the road? I don't know if anyone else is concerned with this, but a lot of times they'll be there for the weekend and put the cans out for pickup on Monday or whenever, and they sit out on the road until someone comes by the rental. Alderman Aime-Gamble added that we need to make sure that our new ordinance is in line with the new garbage contract; she specified "the one we got 2 years ago, just to make sure they're in line".

Moving on to page 8, none of the Aldermen had comments or questions about page 8.

EXECUTIVE SESSION/PERSONNEL/BUILDING DEPARTMENT

Re: Executive Session for Personnel matters In the Building Dept.

EXECUTIVE SESSION

Re: Consider entering a closed session

Alderman Clark moved, seconded by Alderman Richardson to consider entering a closed session for personnel matters, Building Department.

A vote was called for with the following results:

Voting Yea: Aime-Gamble, Richardson, Lafontaine and Clark

Voting Nay: None

Absent: None

Re: Enter into executive session

Alderman Clark moved, seconded by Alderman Aime-Gamble to enter an executive session for personnel matters, Building Department.

A vote was called for with the following results:

Voting Yea: Aime-Gamble, Richardson, Lafontaine and Clark

Voting Nay: None

Absent: None

Re: Exit Executive Session with no action taken

Alderman Aime-Gamble moved, seconded by Alderman Lafontaine to come out of executive session with no action taken.

A vote was called for with the following results:

Voting Yea: Aime-Gamble, Richardson, Lafontaine and Clark

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Voting Nay: None

Absent: None

BOARD BUSINESS:

PERSONNEL/HUMAN RESOURCES/BUILDING DEPARTMENT

Re: Hire Mr. Steven “Chris” Carter as the Building Official

- a. Alderman Clark moved, seconded by Alderman Lafontaine to hire Mr. Steven “Chris” Carter as the Building Official, to serve as the Department Head for the Building Department at an annual salary of \$72,500.00 plus benefits, as provided to other City of Waveland employees.

A vote was called for with the following results:

Voting Yea: Aime-Gamble, Richardson, Lafontaine and Clark

Voting Nay: None

Absent: None

APPOINTMENTS/PERSONNEL/HUMAN RESOURCES/BUILDING DEPARTMENT/CODE ENFORCEMENT

Re: Appoint and Hire Josh Hayes as a Building Inspector/Code Enforcement Officer

- b. Alderman Richardson moved, seconded by Alderman Clark to appoint and hire Mr. Josh Hayes as a building inspector/code enforcement officer as an hourly employee at the rate of \$23.0769/hr.

A vote was called for with the following results:

Voting Yea: Aime-Gamble, Richardson, Lafontaine and Clark

Voting Nay: None

Absent: None

ADJOURN

Re: Adjourn the meeting at 6:29 pm

Alderman Aime-Gamble moved, seconded by Alderman Lafontaine to adjourn the meeting at 6:29 pm

A vote was called for with the following results:

Voting Yea: Aime-Gamble, Richardson, Lafontaine and Clark

Voting Nay: None

Absent: None


The foregoing minutes were presented to Mayor Trapani on April 3, 2024.

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Lisa Planchard
City Clerk

The Minutes of March 14, 2024 have been read and approved by me on this day the 3rd day of April, 2024.



Jay Trapani
Mayor

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