

The Board of Mayor and Aldermen of the City of Waveland, Mississippi, met in regular session at the Waveland Civic Center, 335 Coleman Avenue, Waveland, MS on January 3, 2012 at 6:30 p.m., to take action on the following matters of city business.

Present at the meeting were Mayor David A. Garcia and Aldermen Stahler, Lafontaine and Kidd

Also present at the meeting was City Clerk Lisa Planchard and City Attorney Gary Yarborough.

Absent from the meeting was Alderman Ricky Geoffrey.

ROLL CALL

Mayor Garcia noted for the record, the presence of Aldermen Stahler, Lafontaine, Kidd along with City Attorney Gary Yarborough and City Clerk Lisa Planchard.

(Tape of meeting for listening available via records request, in Meeting folder)

MAYOR'S REPORT

(EXHIBIT A)

Re: The Mayor wished everyone a Happy New Year.

Re: Mayor Garcia said that he handed out correspondence from Mississippi Attorney General Mr. Jim Hood and FEMA regarding the continuation of Mississippi's participation in the NFIP program, Section 17-2-9 of the Mississippi Code and the necessity to remedy said Code Section before the end of 2012 Mississippi Legislative Session to continue participation. The Mayor stated that the issues with this bill could affect each home owner of Waveland as it relates to their mortgages, FEMA loans, insurances, etc.

AMEND AGENDA/FLOOD PROGRAM/RESOLUTIONS

Re: Amend agenda to authorize Mayor to create a Resolution to Attorney General Jim Hood regarding the National Flood Insurance Program; to be hand delivered by Representative David Baria.

Alderman Stahler moved, seconded by Alderman Lafontaine to amend the agenda to authorize Mayor Garcia to create a Resolution to Attorney General Jim Hood regarding remedy to Code Section 17-2-9 and its affect on the National Flood Insurance Program; this Resolution to be delivered by Representative David Baria.

A vote was called for with the following results:

Voting Yea: Stahler, Lafontaine and Kidd

Voting Nay: None

Absent: Geoffrey

Re: Authorize Mayor Garcia to create a Resolution to Attorney General Jim Hood regarding the National Flood Insurance Program

Alderman Stahler moved, seconded by Alderman Lafontaine to write a Letter/Resolution to Attorney General Jim Hood regarding remedy to Code Section 17-2-9 and its affect on the National Flood Insurance Program; this Resolution to be delivered by Representative David Baria. **(EXHIBIT A)**

A vote was called for with the following results:

Voting Yea: Stahler, Lafontaine and Kidd

Voting Nay: None

Absent: Geoffrey

ALDERMEN'S COMMENTS:

Re: Alderman Stahler wished everyone a Happy New Year.

Re: Alderman Lafontaine asked if there was any way to prevent the buildup of sand along Waveland Ave. from the related sand hauling to Beach Blvd. Alderman Lafontaine also asked about the buildup of cars parked at the corner of Old Spanish Trail and Margie Street. He said it is getting out of control as the cars are being parked everywhere and wanted to know what could be done legally. The Mayor said that Mr. Yarborough will work on a resolution to this ongoing problem with the property owner.

Alderman Lafontaine noted a question posed to him regarding nepotism as it relates to his Aunt (Ms. Rhonda Aubert) working in the Public Works Department and proceeded to read from MS. Code Section and an AG Opinion related thereto. **(EXHIBIT B)**

Re: Alderman Kidd asked if the sirens at the ball field are complete. Mr. Anderson said no, they would have to install the computer station (which operates these) at the Central Fire Station before they will be remotely controlled.

Alderman Kidd also asked about the Business Incubator Building and where is the City with that. Mr. Anderson said that it is now up to the Board as to how they wish to proceed. Mayor Garcia said there was a group interested and City Attorney Gary Yarborough is currently in lease negotiations; the Board should know something very soon.

MINUTES

Re: Minutes of December 21, 2011

Alderman Stahler moved, seconded by Alderman Kidd to approve the Minutes of the Meeting of December 21, 2011 (with noted corrections to pages 3 and 4) as submitted by the City Clerk. **(EXHIBIT C)**

A vote was called for with the following results:

Voting Yea: Stahler, Lafontaine and Kidd

Voting Nay: None

Absent: Geoffrey

RSVP

Re: Claims

Alderman Kidd moved, seconded by Alderman Lafontaine to approve the RSVP Claims as submitted. **(EXHIBIT D)**

A vote was called for with the following results:

Voting Yea: Stahler, Lafontaine and Kidd

Voting Nay: None

Absent: Geoffrey

DOCKET OF CLAIMS

Re: Claims Nos. 69461-69831

Spread on the Minutes the Dockets of Claims approved by the Board at their December 21, 2011 meeting, being numbered 69461-69831. **(EXHIBIT E)**

Re: Approve the Docket of Claims dated January 3, 2012

Alderman Kidd moved, seconded by Alderman Stahler to approve the Dockets of Claims dated January 3, 2012 as submitted by the City Clerk. (EXHIBIT F)
A vote was called for with the following results:

Voting Yea: Stahler, Lafontaine and Kidd

Voting Nay: None

Absent: Geoffrey

PLANNING AND ZONING (EXHIBIT G)

Re: Dr. Joseph Rillens Lee and Mrs. Suzi Lee, 441 N. Beach Blvd.

Edward Wikoff, Architect, for Dr. Joseph Rillens Lee and Ms. Suzi Lee appeared before the commission with a request for side yard variance of eight feet from the required side yard setback in order to construct a new residence on their property located at 441 N. Beach Boulevard. Legal description: Lot 10, 2nd Ward, City of Waveland, Hancock County, Mississippi.

Steve Hand moved, seconded by Brenda McComb to recommend that the Board of Mayor and Aldermen approve as submitted Applicant's request for a side yard setback variance of eight feet to allow a setback of seven feet, on the condition that the Building Official approve a drainage plan for the property that ensures that all roof and surface water drain within applicant's property.

Alderman Lafontaine moved, seconded by Alderman Kidd to follow the recommendation of the Planning and Zoning Board and approve the recommendation as submitted.

Let the Minutes reflect that City Attorney Gary Yarborough asked if anyone present opposed the request by Dr. and Mrs. Lee and there no was no response in opposition.

A vote was called for with the following results:

Voting Yea: Stahler, Lafontaine and Kidd

Voting Nay: None

Absent: Geoffrey

Re: Micah Tinkler, 125 Pecan Ridge Drive

Micah Tinkler appeared before the commission with a request for a re-subdivision of his property from four 50' x 125' individual parcels into two parcels. One parcel would consist of 70' x 175' with 12,250 square feet and one parcel would consist of 80' x 175' with 12,750 square feet. These parcels would require a variance from the required lot frontage. This property is located at 125 Pecan Ridge Drive. Legal description: Block B, lot 1; Block C, lots 3-5, Pecan Ridge Place, City of Waveland, Hancock County, Mississippi.

Steve Hand moved, seconded by Clarence Harris in that the proposed subdivision of four buildable lots that are below the minimum lot size for the R-1 district into two new lots that exceed minimum lot area requirements and better meet the goals of the R-1 Zoning District and Waveland's Comprehensive Plan, the Planning & Zoning Commission recommends the Board of Mayor and Aldermen approve Applicant's requested two lot width variances from 100 feet to 80 feet and 70 feet respectively, provided the proposed sub-division meets the approval requirements set forth in Section 17-1-23 of the Mississippi Codes, as amended.

Alderman Kidd moved, seconded by Alderman Lafontaine to follow the recommendation of the Planning and Zoning Board and approve the recommendation as submitted.

City Attorney Gary Yarborough asked for Executive Session for Potential litigation and legal interpretation related to Planning & Zoning.

EXECUTIVE SESSION

Re: Potential Litigation and Legal Interpretation, Planning & Zoning

Alderman Lafontaine moved, seconded by Alderman Kidd to consider Executive Session to discuss Potential litigation and legal interpretation related to Planning & Zoning.

A vote was called for with the following results:

Voting Yea: Stahler, Lafontaine and Kidd

Voting Nay: None

Absent: Geoffrey

Alderman Kidd moved, seconded by Alderman Lafontaine to enter Executive Session to discuss Potential litigation and legal interpretation related to Planning & Zoning.

A vote was called for with the following results:

Voting Yea: Stahler, Lafontaine and Kidd

Voting Nay: None

Absent: Geoffrey

With no positive or negative action taken, Alderman Kidd moved, seconded by Alderman Lafontaine to come out of Executive Session.

A vote was called for with the following results:

Voting Yea: Stahler, Lafontaine and Kidd

Voting Nay: None

Absent: Geoffrey

The Board members requested that the following language be written as follows from the original motion by Mr. Hand and seconded by Mr. Harris, to which they made motion and second to approve (above).

Steve Hand moved, seconded by Clarence Harris in that the proposed subdivision of four buildable lots that are below the minimum lot size for the R-1 district into two new lots that exceed minimum lot area requirements and better meet the goals of the R-1 Zoning District and Waveland's Comprehensive Plan, the Planning & Zoning Commission recommends the Board of Mayor and Aldermen approve Applicant's requested two lot width variances from 100 feet to 80 feet and 70 feet respectively.

A vote was called for with the following results:

Voting Yea: Stahler, Lafontaine and Kidd

Voting Nay: None

Absent: Geoffrey

POLICE DEPARTMENT/PERSONNEL

Re: Hire Officers: John Salterelli and Joshua Poyadou

Alderman Kidd moved, seconded by Alderman Stahler to hire Mr. John Salterelli and Mr. Joshua Poyadou, each at a rate of \$12.15 per hour, pending passage of mandatory drug test.

A vote was called for with the following results:

Voting Yea: Stahler and Kidd

Voting Nay: Lafontaine

Absent: Geoffrey

PARADE/EVENTS

Re: Discuss Krewe of Nereid's to present their annual Mardi Gras Parade and the Parade Route therewith

Alderman Lafontaine moved, seconded by Alderman Stahler to approve a request from Krewe of Nereid's to present their annual Mardi Gras Parade on Sunday, February 12, 2012, provided the traditional parade route is used.

A vote was called for with the following results:

Voting Yea: Stahler, Lafontaine and Kidd

Voting Nay: None

Absent: Geoffrey

INVOICES/CENTRAL FIRE STATION/WATER SYSTEM EXTENSION-ANNEXED AREA

Re: Approve invoices submitted by various contractors

Alderman Lafontaine moved, seconded by Alderman Stahler to approve the following invoices submitted by various contractors and vendors and recommended to be placed in line for payment consideration contingent upon receiving funding from grant sources and pending review and approval by Recovery Manager, Brent Anderson, as listed:

(Items a-b) **(EXHIBIT H)**

- a. Invoice No. 23 from CDM in the amount of \$4,209.94 – Central Fire Station.
- b. Payment Request No. 20 from Reynolds, Inc. in the amount of \$265,456.10 – Water System Extension – Annexed Area.

A vote was called for with the following results:

Voting Yea: Stahler, Lafontaine and Kidd

Voting Nay: None

Absent: Geoffrey

SPREAD ON THE MINUTES/REQUEST FOR CASH REIMBURSEMENTS/CITY HALL AND CITY HALL ANNEX

Re: Approve Request for Cash Reimbursement

Re: Rescind action regarding the change of the payroll

Spread on the minutes the Request for Cash Reimbursement #R-109-379-02-KCR in the amount of \$1,500.00 – City Hall and City Hall Annex. **(EXHIBIT I)**

**PERSONNEL/CITY HALL/POLICE DEPARTMENT/COURT
DEPARTMENT/PUBLIC WORKS/ANIMAL SHELTER/**

Re: Rescind action approving a one-time pay period change to bring all pay periods to a 25 December 2011 pay period ending date, as originally voted on at the December 21, 2011 meeting. (Actual wording of this agenda item was removed from the agenda; instead Board took action and made motion as read here below):

Alderman Lafontaine moved, seconded by Alderman Kidd moved to re-establish pay periods as it relate to a one time pay period as scheduled, i.e. as prior to the vote by the Board of Mayor and Aldermen on 12/21/2011.

A vote was called for with the following results:

Voting Yea: Stahler, Lafontaine and Kidd

Voting Nay: None

Absent: Geoffrey

Re: Rescind action approving bi-weekly pay period schedule beginning with the pay period starting after 25 December 2011, a Sunday, with pay day set for the Wednesday following the Sunday pay period, as originally voted on at the December 21, 2011 meeting. (Actual wording of this agenda item was removed from the agenda; instead Board took action and made motion as read here below):

Alderman Lafontaine moved, seconded by Alderman Kidd to re-establish pay periods as it relates to a bi-weekly pay period schedule; i.e. as prior to vote by Board of Mayor and Aldermen on December 21, 2011.

A vote was called for with the following results:

Voting Yea: Stahler, Lafontaine and Kidd

Voting Nay: None

Absent: Geoffrey

TRAVEL/CITY HALL

Re: City Clerk Lisa Planchard and Deputy City Clerk Tammy Fayard to attend the 2011-2012 Winter CMCC Training Session

Alderman Stahler moved, seconded by Alderman Lafontaine to approve City Clerk Lisa Planchard and Deputy City Clerk Tammy Fayard's attendance at the 2011-12 Winter Session of the Certification for Municipal Clerk's in Hattiesburg, Mississippi on February 9-10, 2012. Cost to the City would be a registration fee for Mrs. Fayard in the amount of \$75.00 (Ms. Planchard is carrying a registration credit with CMCC), lodging for one night and use of City vehicle.

A vote was called for with the following results:

Voting Yea: Stahler, Lafontaine and Kidd

Voting Nay: None

Absent: Geoffrey

BANK ACCOUNTS/DEPOSITORY BID/BIDS

Re: Hancock Bank named as the depository for the years of 2012 and 2013

Alderman Kidd moved, seconded by Alderman Stahler to award Bank Depositories bid for the 2012 and 2013 calendar years to Hancock Bank.

A vote was called for with the following results:

Voting Yea: Stahler and Kidd

Voting Nay: Lafontaine

Absent: Geoffrey

EXECUTIVE SESSION

Re: Personnel Issues in City Hall, Public Works and Police Department, along with contractual issues, Windstream and the Hancock County Utility Authority

Alderman Lafontaine moved, seconded by Alderman Kidd to consider going into Executive Session to discuss personnel issues, City Hall, Public Works and Police Department, along with contractual issues, Windstream and Hancock County Utility Authority.

A vote was called for with the following results:

Voting Yea: Stahler, Lafontaine and Kidd

Voting Nay: None

Absent: Geoffrey

Alderman Lafontaine moved, seconded by Alderman Stahler to go into Executive Session to discuss personnel issues, City Hall, Public Works and Police Department, along with contractual issues, Windstream and Hancock County Utility Authority.

A vote was called for with the following results:

Voting Yea: Stahler, Lafontaine and Kidd

Voting Nay: None

Absent: Geoffrey

With no positive or negative action taken, Alderman Stahler moved, seconded by Alderman Lafontaine to come out of Executive Session.

A vote was called for with the following results:

Voting Yea: Stahler, Lafontaine and Kidd

Voting Nay: None

Absent: Geoffrey

POLICE DEPARTMENT/PERSONNEL

Re: Remove additional title of 'Acting Police Chief' from David Allen

Alderman Kidd moved, seconded by Alderman Lafontaine to remove the additional title of 'Acting Police Chief' from employee David Allen.

A vote was called for with the following results:

Voting Yea: Stahler, Lafontaine and Kidd

Voting Nay: None

Absent: Geoffrey

Re: Appoint Mr. Kenny Hurt as Police Chief

Alderman Stahler moved, seconded by Alderman Kidd to appoint Mr. Kenny Hurt as police chief, per Mayor Garcia's recommendation.

A vote was called for with the following results:

Voting Yea: Stahler, Lafontaine and Kidd

Voting Nay: None

Absent: Geoffrey

Re: Hire Mr. Kenny Hurt as Police Chief

Alderman Stahler moved, seconded by Alderman Lafontaine to hire Mr. Kenny Hurt at an annual salary of \$50,000 as Police Chief, pending passage of drug test.

A vote was called for with the following results:

Voting Yea: Stahler, Lafontaine and Kidd

Voting Nay: None

Absent: Geoffrey

ADJOURN

Re: Adjourn meeting at 10:00 p.m.

Alderman Lafontaine moved, seconded by Alderman Kidd to adjourn the meeting at 10:00 p.m.

A vote was called for with the following results:

Voting Yea: Stahler, Lafontaine and Kidd

Voting Nay: None

Absent: Geoffrey

The foregoing minutes were presented to Mayor Garcia on January 20, 2012.

Lisa Planchard
City Clerk

The Minutes of January 3, 2012 have been read and approved by me on this day the 20th day of January, 2012.

David A. Garcia
Mayor