

The Board of Mayor and Aldermen of the City of Waveland, Mississippi, met in special session at the Waveland Civic Center, 335 Coleman Avenue, Waveland, MS. at 6:30 p.m. on January 4, 2011 take action on the following matters of city business.

Present at the meeting Mayor Garcia and Aldermen Stahler, Geoffrey, Lafontaine and Kidd.

Also present was City Attorney Gary Yarborough, City Clerk Lisa Planchard and Court Reporter Norma Jean Soroe.

MAYOR'S REPORT

Re: Mayor Garcia welcomed everyone to the meeting and wished everyone a happy New Year.

Re: The Mayor said that he called Ms. Mary Perkins with the Hancock Library System questioning the Library by-laws that allows for one Waveland appointee to the Library Board and allows 2 appointees from Bay St. Louis. Ms. Perkins said that she would check into this and call him back.

Re: Mayor Garcia presented the Board with a report from AMR for the period January – October, 2010 and a letter from Mr. Mike Womack of MEMA, related to the City of Waveland's 2008 Audit. He also was served the second of the three law-suits today but said that he could not comment further.

Re: Mayor Garcia said that the City will be working very closely with Mr. Tommy Kidd on litter control throughout the City.

Re: The Mayor discussed water backing up on Old Spanish Trail at Margie Street (the newly installed drainage culverts) and told audience members that when the culvert was installed the large wood plugs inside the culvert were never removed. Mayor Garcia added that this should have been detected by Digital Engineering's Project Supervisor and by Brent Anderson, the City's Recovery Manager and asked why was this not seen? Mr. Anderson told the board he and Public Works do all the walk throughs on drainage, water and sewer projects and he just obviously missed it. Mayor Garcia said we need to do a better job on that, this was uncalled for. He said the City will reverse the charges back to the contractor on this for City time and equipment usage.

ALDERMEN'S COMMENTS

Re: Alderman Geoffrey asked about caution lights at Old Spanish Trail and Highway 90 (had to go to MDOT for approval), and at Old Spanish Trail and McLaurin Street (previously approved the Board). These sets of lights should been installed long ago. Public Works Director Haskell said he would look into this.

Re: Alderman Lafontaine said that he sent a letter to the Mayor about problem areas in Ward 3. Mayor Garcia said he spoke with Dwight Haskell about these issues and Mr. Haskell is getting to work on this. He then thanked Alderman Lafontaine.

Re: Alderman Lafontaine asked if the hay bails could be removed at the end of Monroe Street to help the drainage at the end of Waveland Avenue. In addition to the drainage issues, Alderman Lafontaine asked about the valve boxes that are 4 to 5" tall, and whether they would eventually be recessed down, because if not, there will be a problem for vehicles pulling trailers on this roadway. Recovery Manager, Brent Anderson said that he would be on this tomorrow (January 5, 2011) noting that the contractors should place concrete plates down. Public Works Administrator Dwight Haskell said they will pack the soil around these so they don't sink. Alderman Lafontaine asked Mr. Anderson about the work taking place at the end of Waveland Avenue. Mr. Anderson said they were supposed to start compaction today, this is work being done by MDOT via Necaise Brothers Construction.

Re: Alderman Lafontaine said the he has been receiving complaints about the mechanic shop on Old Spanish Trail at Margie Street. Alderman Lafontaine said someone is apparently running an extension cord across the street to a private household and the other problem is the storage of cars; this address is not approved as a residential business. Mr. Anderson said this has been addressed. Mayor Garcia said the stop sign at Old Spanish Trail and Margie is a hazard because it obstructs a driver's vision. Mr. Anderson said that he would also check on this.

Re: Alderman Kidd welcomed everyone and said that he too had several citizens ask about the same property on Old Spanish Trail and Margie Street.

Re: Alderman Kidd asked about several grinder pumps being hooked up soon to the main sewer system. Alderman Kidd said that he planned to meet with Digital Engineering next week regarding drainage issues in Idlewood Subdivision, Dubuc Lane, and Waveland Avenue where Reynolds Construction is working. He said Mr. Haskell has helped with getting pot holes fixed and he wants to get with Mr. Anderson regarding height requirements for manhole covers. He noted that people are hitting them; they are very high. Mr. Haskell told the Board that there will be a walk-through on this project to create a punch list. Upon completion of the punch list, there will be another walk-through to make sure that the items are fixed and the City gets it's moneys worth and the project will last for years. Alderman Kidd asked if there is soil boring or compaction tests done on projects. Mr. Haskell said yes, this is done prior to asphalt being put down.

(See Exhibit A - Transcript for Details)

MINUTES

Re: Meeting of December 22, 2010

Alderman Geoffrey moved, seconded by Alderman Stahler to approve the minutes of the regular meeting of December 22, 2010 and to include the transcript of the court reporter thereto, as submitted by the City Clerk; subject to proposed corrections recommended by Alderman Stahler.

During discussion, Alderman Stahler stated that Mayor Garcia's presence had not been noted in the previous minutes.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

RSVP

Re: Claims

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

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

DOCKET OF CLAIMS

Re: Claims numbers 67578-67641

Alderman Stahler moved, seconded by Alderman Kidd to approve the Docket of Claims, as submitted by the City Clerk and being numbered as **67578-67641. (EXHIBIT C)**

During discussion, Alderman Lafontaine questioned docket number 67586 to the telephone company for the Civic Center/RSVP. Alderman Lafontaine questioned the reasoning behind RSVP Director Mary Turcotte paying a check on the claims submitted by RSVP to the phone company in the amount of \$73.00 and a docket claim submitted for the same building in the amount of \$232.63 for the same services. Purchasing Clerk Joy Normand said that she would look into this matter to reduce phone expenses. The

next docket number questioned was number 67614 for repairs to Chief Varnell's vehicle. Ms. Normand said that this would be reimbursed from insurance, less the \$1,000.00 deductible. Docket number 61613 was questioned and asked about details. Alderman Lafontaine also asked about docket number 67635 regarding the advertisement for bids for the Magnolia Revitalization Project; removing fill from the site. City Clerk Lisa Planchard explained that this was necessary to advertise twice (once each week for 2 consecutive weeks) to comply with purchasing laws and it was a large legal ad. Docket number 67629 for the copier at the Police Department was also questioned. Aldermen also questioned docket number 67607 for the George Healy Trust. City Attorney Gary Yarborough explained that this was part of the settlement related to the Magnolia Garden Condominiums lawsuit.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

400 DAVIS STREET/CELLULAR SOUTH

Re: Lease vs. sale of 400 Davis Street – Mr. Mullen not in attendance

Discuss lease vs. sale of 400 Davis Street, Waveland, Mississippi property to Cellular South. This will be discussed at the next regular meeting of the board of Mayor and Aldermen.

ISLAND UTILITIES/PUBLIC WORKS/UTILITIES

Re: Attorney Chad Mask was present to discuss and give explanation of this issue as well as surrounding issues related to Island Utilities. (See Transcript)

PLANNING AND ZONING

Re: Correct title of Mr. Roger Estopinal to Zoning Chairman

Spread on the minutes correction of appointment title given to Mr. Roger Estopinal Jr., to Planning and Zoning Chairman and not Planning and Zoning Official as noted on the December 13, 2010 meeting. This was merely a typographical error.

PARKS AND RECREATIONS

Re: Set 2011 usage fees for Elwood Bourgeois Park

Alderman Kidd moved, seconded by Alderman Geoffrey to set 2011 usage fees (for Elwood Bourgeois Park on Central Avenue) at a rate of \$200.00 per day for use of both fields with the exception of the following teams, as they have utilized the fields since spring, 2006:

- a. Our Lady Academy (OLA)
- b. Hancock Girls Little League
- c. South Hancock Youth Football
- d. Girls Travel Softball Team 'Storm' (based out of Waveland)

During discussion, Mr. Chris Johnson told Board members the previous fee was \$150.00.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

CITY HALL/TRAVEL

Re: Travel for City Clerk Lisa Planchard and Deputy City Clerk Tammy Fayard to Hattiesburg, MS in February for Municipal Clerks Certification Program (EXHIBIT D)

Alderman Kidd moved, seconded by Alderman Stahler to approve travel for City Clerk Lisa Planchard and Deputy City Clerk Tammy Fayard to attend the 2010-2011 Winter Session of the Certification Program for Municipal Clerks in Hattiesburg, Mississippi February 10 – 11, 2011. Cost to the City would be a registration fee of \$75.00 each, 1 day per-diem each and lodging for one night (will share room), a city vehicle will provide transportation.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

FIRE DEPARTMENT/FEMA/AGREEMENTS

Re: Temporary Facility License and Use Agreement for Fire Station

Alderman Geoffrey moved, seconded by Alderman Lafontaine to approve Temporary Facility License and Use Agreement (including signatures) between Department of Homeland Security, FEMA and the City of Waveland for Fire Department/Fire Stations (mobile homes/offices) located at 335 Coleman Avenue and Gulfside Drive, being identified as bar code 1238215, 1238216 and bar code 1032858.

(EXHIBIT E)

Mr. Randy Verret, FEMA Representative, was present to explain that this is an extension of the agreement to provide housing/offices for the Fire Departments until the City's Fire Stations are built. The City Attorney has reviewed the contract and feels comfortable with the terms presented.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

PLANNING AND ZONING

Re: Planning and Zoning to advertise for name change of Kiln-Waveland Cutoff Road to Waveland Avenue North

Alderman Lafontaine moved, seconded by Alderman Geoffrey to request the Planning and Zoning Commission advertise for, and hold a duly-noticed public hearing on the proposed renaming of the Kiln-Waveland Cutoff Road to Waveland Avenue North, and thereafter consider and make a recommendation of the Planning and Zoning Board to the Board of Mayor and Aldermen with respect to the proposed road renaming.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

AGREEMENTS/EVENTS/CONTRACTS

Re: License agreement with the American Society of Composers (ASCAP)

Alderman Kidd moved, seconded by Alderman Geoffrey to approve a license agreement between the American Society of Composers, Authors and Publishers. (ASCAP) for ASCAP to grant and the LICENSEE (City of Waveland) to perform publicly, authorizing required signature(s). **(EXHIBIT F)**

During discussion, City Attorney, Gary Yarborough stated that even though the event may be held by another organization, there is music being played on City property and it's a copyright issue.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

AGREEMENT/PURCHASING

Re: Supplemental Agreement for Cellular Service

Alderman Stahler moved, seconded by Alderman Lafontaine to approve a Supplemental Agreement (authorizing required signatures) between Cellular South and the City of Waveland related to Cell Phone Service. (See Transcript) **(EXHIBIT G)**

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

GULF REGIONAL PLANNING COMMISSION (GRPC)

Re: Payment of \$3,000.00 to be used as 20% local match for Planning Funds

Alderman Geoffrey moved, seconded by Alderman Stahler to approve payment of \$3,000.00 to Gulf Regional Planning Commission (GRPC); funding is used as the 20% local match to the Planning funds received from Federal Highway Administration and the Federal Transit Administration.

During discussion, Mr. David Taylor with Gulf Regional Planning Commission (GRPC) was present to speak and answer questions for the Board. Mr. Taylor stated that the (GRPC) served the Metropolitan Planning Organization (MPO), this includes the 11 cities in the three coastal counties. The GRPC had funded the Old Spanish Trail sidewalks project and prior, the Nicholson Avenue and Coleman Avenue Projects since Hurricane Katrina, as well as the overly on the Waveland-Kiln Cutoff Road, and the Highway 90 lighting project. Mr. Taylor said that he would like to come and sit down with the Board to discuss possible projects; usually the project cost is an 80/20 match, but maybe CDBG Funds could absorb the 20% match due by the City. He said they are here to help the City develop projects, as they helped with the Old Spanish Trail Project. The \$3,000.00 fee is based on population and has been this for probably 15 years. Waveland is included in the Biloxi/Gulfport urbanized area and there is approximately \$500,000.00 per year that is allocated annually in projects to this area. Mr. Taylor continued by informing the Board that GRPC does an apartment survey every year that may be beneficial to the City. There are also traffic volume tests performed by GRPC every three years for MDOT that may also be of help to the City. The Mayor of each City is on the MPO Policy Committee for GRPC. With their Technical Committee, each City is allowed 2 representatives. Mr. Taylor said that he would e-mail the information about the Technical Committee to Mayor Garcia. Mr. Anderson said he signed himself up, along with Mr. Dwight Haskell to attend the technical committee meeting in February,

2011. After further discussion with the Board, Mr. Taylor said one good project would be to extend sidewalks the length of Old Spanish Trail.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

CONTRACTS/CITYWIDE DRAINAGE IMPROVEMENTS – PHASE 2
Re: Contract with Jay Bearden for the City Wide Drainage Improvements Phase 2

Alderman Kidd moved, seconded by Alderman Geoffrey to approve contract (authorizing signatures) between Jay Bearden Construction Inc. and the City of Waveland (subject to reviewing actual site and approval of plans with engineer by Mayor and Aldermen; Alderman Lafontaine to act as Aldermen's representative) for the Citywide Drainage Improvements – Phase 2 in the amount of \$1,189,811.75. **(EXHIBIT H)**

During discussion, the Board expressed concerns about approving the contract and ensuring a commitment by the Mayor regarding whether the ditch proposed to be put in across a particular resident's property be looked at before the contract is signed. Mayor Garcia said that he assured the property owner that he would resolve this issue as to not get a Change Order later. Mr. Anderson spoke about the pre-conference meeting that will be held tomorrow morning. Mayor Garcia said the property owner is concerned that there will be a 20 foot ditch across his property because of where the stakes are placed. Mr. Anderson said absolutely not, that Mr. Newton was supposed to meet with the Mayor and Alderman Kidd about this. Alderman Kidd said he has not heard from him. Mr. Anderson said the ditch will remain 6 feet. According to City Attorney Gary Yarborough, the contract will reflect the plans. Alderman Lafontaine said the Board does not know what the plans are and have not seen them.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

RESOLUTION/106 BOURGEOIS STREET PROPERTY/CITY HALL AND CITY HALL ANNEX PROPERTY

Re: Establish Just Compensation and sign certification

Alderman Kidd moved, seconded by Alderman Geoffrey to approve Resolution to Establish Just Compensation and sign certification for 106 Bourgeois Street property, as related to the City Hall/City Hall Annex Project. **(EXHIBIT I)**

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

Re: Fair Market Value Offer to Sell Property at 106 Bourgeois Street

Alderman Geoffrey moved, seconded by Alderman Stahler to approve Fair Market Value Offer to Sell the 106 Bourgeois Street Property, and approve Mayor Garcia's signature thereon. **(EXHIBIT J)**

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

Re: Offer of Just Compensation, 106 Bourgeois Street

Alderman Lafontaine moved, seconded by Geoffrey to approve Summary Statement Basis for Offer of Just Compensation for the property at 106 Bourgeois Street, and approve Mayor Garcia's signature thereon. **(EXHIBIT K)**

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

ADVERTISEMENT/DOWNTOWN SIDEWALK IMPROVEMENTS – PHASE 3
Re: Approve advertising for Downtown Sidewalk Improvements – Phase 3

Alderman Kidd moved, seconded by Alderman Geoffrey to approve advertisement for the construction project, Downtown Sidewalk Improvements – Phase 3.

Alderman Kidd moved, seconded by Alderman Geoffrey to rescind motion and table until the next Board of Mayor and Aldermen meeting set for January 19, 2011.

Note: This Agenda item is tabled.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

TIDELANDS FUNDS/MISSISSIPPI DEPARTMENT OF MARINE RESOURCES
(DMR)

Re: Tidelands Grant Agreement with Department of Marine Resources

Alderman Stahler moved, seconded by Alderman Kidd to discuss approving the Tidelands Grant Agreement (including signatures) with Mississippi Department of Marine Resources for the City of Waveland in the amount of \$100,000.00 – Waveland/Pier/Marina Improvements Project, FY 2010. (Motion for discussion only – see Transcript)

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

Alderman Stahler moved, seconded by Alderman Lafontaine to approve the Tideland's Grant Agreement (including signatures) with Mississippi Department of Marine Resources for the City of Waveland in the amount of \$100,000.00 – Waveland/Pier/Marina Improvements Project, FY 2010. **(EXHIBIT L)**

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

CHANGE ORDERS/BUSINESS INCUBATOR

Re: Approve Change Order No. 4, Benchmark Construction

Alderman Stahler moved, seconded by Alderman Geoffrey to table approval of Change Order No. 4 from Benchmark Construction for additional Construction services in the amount of \$17,238.35 – Business Incubator.

During discussion the Board requested the issue be tabled until the next meeting and requested Mr. Anderson and Engineer, Bruce Newton presence.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

PAY REQUESTS/LIBRARY/CITY HALL AND CITY HALL ANNEX BUILDING/FIRE STATION ON BOURGEOIS/BUSINESS INCUBATOR/FIRE STATION HIGHWAY 90/LIBRARY

Re: Approval of Invoices as submitted by various contractors

Alderman Kidd moved, seconded by Alderman Lafontaine to approve the following pay requests/invoices as submitted by various contractors, as recommended for payment by Recovery Manager Brent Anderson. As listed (items a-e)

- a. Invoice Number 725 from Bolton-Dunn Associates (BDA) in the amount of \$8,741.14 – Library.
- b. Invoice Number 9 from BDA, PLLC in the amount of \$4,093.42 – City Hall – City Hall Annex Building, and Fire Station on Bourgeois.
- c. Invoice number 8 from Unabridged Architecture in the amount of \$5,848.00 – Business Incubator.
- d. Pay Request Number 12 from CDM in the amount of \$13,507.90 – Fire Station on Highway 90.
- e. Pay Request No. 17 from Construction Services, Inc. in the amount of \$24,242.40 – Waveland Public Library.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

EXECUTIVE SESSION

Re: Discuss Bank Property at Intersection of Waveland Avenue and Highway 90 and Budget discussions regarding personnel issues (several departments, see below)

Alderman Geoffrey moved, seconded by Alderman Kidd to consider going into Executive Session to discuss bank property at the intersection of Waveland Avenue and Hwy. 90 and Budget discussions re: Personnel issues in the Public Works, Police, City Hall, Court Departments, and Animal Shelter.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

Alderman Stahler moved, seconded by Alderman Geoffrey to go into Executive Session to discuss Bank property at the intersection of Waveland Avenue and Hwy. 90, Budget discussions re: Personnel issues in the Public Works, Police, City Hall, Court Departments, and Animal Shelter.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

**PERSONNEL/PUBLIC WORKS/UTILITY DEPARTMENT/STREETS
DEPARTMENT/COURT DEPARTMENT/CITY HALL/POLICE DEPARTMENT
Re: Layoffs resulting from budgetary decisions**

Alderman Stahler moved, seconded by Alderman Kidd to approve layoffs resulting from budgetary decision as follows:

Streets Department: Eliminating of position with employees:

Laborer, David Cohen,
Laborer, Clayton Favre

Changing from full-time to part-time:

Rodney Goodsell
Howard O'Gwin, Sr.
Gregory Porter
Kevin Whitney

Utility Department: Eliminating of position with employee:

Laborer, Darryl Antoine

General Government: Eliminating of position with employee:

Rhonda Cummings, Clerk/Deputy Registrar of
Voters

Court Department: Eliminating of position with employee:

Patricia Hawkins, Deputy Court Clerk

Police Department: Eliminating of position with employees:

Mike Prendergast, Asst. Chief
Brett Ladner, Captain
Mac Cowand, Lieutenant
Douglas H. Parker, Chief Investigator
Lisa Parker, Administrative Assistant
Gene Charles Lipps, Sergeant

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, and Kidd

Voting Nay: Lafontaine

Absent: None

EXECUTIVE SESSION

Re: Come out of Executive Session with action taken related to personnel

Alderman Geoffrey moved, seconded by Alderman Stahler to come out of Executive Session with action taken.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

PERSONNEL/BUDGET

Re: Department Heads to enforce employee layoffs

Alderman Stahler moved, seconded by Alderman Geoffrey to authorize Department Heads to enforce 15 administrative layoffs and/or changes in employee status eliminating 11 positions and making 4 full time positions part time.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, and Kidd

Voting Nay: Lafontaine

Absent: None

ANIMAL SHELTER/PERSONNEL

Re: Termination of Mr. John Green

Spread on the minute's termination of Mr. John Green from the Waveland Animal Shelter effective 12/15/2010.

ANIMAL SHELTER/PERSONNEL

Re: New Hire, Melissa Turnowilz

Alderman Geoffrey moved, seconded by Alderman Kidd to hire Melissa Turnowilz as a full-time employee at the Waveland Animal Shelter, as recommended by Director, Dina Allen at a salary of \$20,800.00 per year, pending passage of drug test.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

ADJOURN

Re: Adjourn meeting at 1:05 a.m.

Page _____
Meeting of January 4, 2011
6:30 P.M.

Alderman Geoffrey moved, seconded by Alderman Lafontaine to adjourn the meeting at 1:05 a.m.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

The foregoing minutes were presented to Mayor Garcia on January 21, 2011.

Lisa Planchard
City Clerk

The Minutes of January 4, 2011 have been read and approved by me on this day the 21st day of January, 2011.

David A. Garcia
Mayor

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