

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 18, 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, Geoffrey, Lafontaine and Kidd

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

ROLL CALL

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

MAYOR'S REPORT

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

AMEND AGENDA

Re: Amend the agenda to include items #19 e & f, #26, #27 and #31

Alderman Stahler moved, seconded by Alderman Kidd to amend the agenda to include Item numbers #19 e and f, #26, #27 and #31.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

MAYOR'S REPORT

Re: Mayor Garcia said that he met with Representative David Baria who requested the Board submit a Resolution (as opposed to a letter) 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 the 2012 Mississippi Legislative Session to continue participation.

Re: Mayor Garcia said he had recently met with Mr. Bobby Eleuterius of Seymour Engineering regarding additional drainage projects (dredging of the Jackson Ridge marsh area) within Waveland and noted correspondence he distributed to Board members from Mr. Eleuterius. This correspondence seeks Waveland's assistance in forwarding letters to our congressional delegation requesting their support in amending PL110-28 providing support in amending PL110-28 that would provide for the use of previously appropriated funds to construct additional hurricane and storm damage reduction projects within Waveland.

The Mayor said that he met with American Legion Post 77 and Compton Engineering representatives to discuss needed improvements to the Veterans Memorial and considerable wave erosion problems near the waters end of the memorial. The Mayor recommends the board move forward with placing sheet piling for tidal erosion protection around the end of the Veterans Memorial. He mentioned that they also discussed repairs to sidewalks, realigning the flag poles and creating a concert space with bench seating, along with additional ideas for civic groups and schools.

Mayor Garcia stated this past Saturday he, Alderman Stahler and several City staff members met with Nereids Representatives as well as officials from the City of Bay St. Louis to discuss this year's Nereids parade details. The Mayor informed audience members of the parade and traffic routes.

Mayor Garcia reminded everyone of the upcoming workshop set for Thursday, January 19, 2012 at 6:30 p.m. at the Civic Center to discuss blighted properties and budget issues.
(EXHIBIT A)

ALDERMEN'S COMMENTS:

Re: Alderman Stahler had no comments.

Re: Alderman Geoffrey had no comments.

Re: Alderman Lafontaine asked Recovery Manager Brent Anderson about the collapsing grading at the corner at Oak and Fell Streets. Mr. Anderson and Mr. (Bruce) Newton of Digital Engineering both stated that this was the old/existing grading/drain (not part of the contract) and the City will have to get a new piece of grading material to repair that; it had nothing to do with the contractor. Alderman Lafontaine also asked about the turnouts onto Waveland Avenue. Mr. Anderson said he filled these areas with rock temporarily and patched holes throughout the City Friday. Mr. Newton added the only resolution would be hiring a contractor to repair or widen the turn radius; this was not covered under the existing contract; the issue would be 'trying to tackle this under one of the contracts'. Mr. Newton said the road is actually wider than it was before the construction project. Alderman Lafontaine said this is a continuing problem with buses making short turns at these corners. Mr. Anderson said he will try to do a bulkhead and fill with rock at this site; this is the most cost effective way to handle this.

Alderman Lafontaine also asked if the Stop sign on Central Avenue at Coleman Avenue could be moved to its proper location, the stop sign is too far back.

Re: Alderman Kidd asked about roads in the annexed area and needed repairs. Mr. Anderson said the City inherited these roads and would need a motor grader to fix them. Alderman Kidd also asked whether someone with the City is inspecting the new buildings as they are being constructed. Mr. Anderson said Mr. Bill Carrigee is currently performing this service as the City's sub-contractor.

Mr. Kidd also noted that sometimes City must hire Contractors working for the City and are they required to have a State License and insurance. Mr. Anderson said it depends whether the job is residential or commercial, but yes, the City requires a license on any job being done and they have to have a minimum of \$1,000,000.00 coverage. (The Mayor informed Brent of missing fill at the corner of Nicholson Avenue and Beach Boulevard.) Mr. Kidd said he also discussed with Mayor Garcia about bringing Cal Ripkin girls softball tournaments to Waveland. He said that currently the City does not have the funds to do this, but would take participation of residents to help do this if it was to be pursued.

City Attorney Gary Yarborough announced that the County has set a joint entity meeting for January 30th, 5:00 pm at the County Annex; it tends to be informal, but there tends to be discussion about what services or ideas the entities may bring or have. He asked that the City of Waveland notice said meeting in the local newspaper.

MINUTES

Re: Minutes of January 3, 2012

Alderman Lafontaine moved, seconded by Alderman Kidd to approve the Minutes of the Meeting of January 3, 2012 (with noted corrections to pages 3 and 4) as submitted by the City Clerk. **(EXHIBIT B)**

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

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 Nos. 120039-120080

Alderman Stahler moved, seconded by Alderman Lafontaine to approve the Docket of Claims as numbered **120039-120080** and dated January 18, 2012 as submitted by the City Clerk, with the exception of Invoice #5613 from Aaron Wilkenson in the amount of \$500.00. **(EXHIBIT D)**

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

REVENUE AND EXPENDITURES REPORT

Re: The month of December 2011

Spread on the minutes the Revenue and Expenditures Report for the Month of December 2011, at this the second meeting of January, 2012 as presented by Comptroller Janet Dudding. **(EXHIBIT E)**

FISHING RODEO/COASTAL CONVERSATION ASSOCIATION

Re: CCA request to hold its Annual Fishing Rodeo

Alderman Lafontaine moved, seconded by Alderman Geoffrey to approve a request from the CCA (Coastal Conservation Association) to hold its annual Children's Fishing Rodeo (8:00 am to 1:00 pm) at the Garfield Ladner Memorial Pier, May 5, 2012. This Fishing Rodeo is sponsored by DMR and MS. Wildlife and Fisheries.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

PARADES/CIVIC ASSOCIATION/GARFIELD LADNER MEMORIAL PIER/FISHING RODEO/EVENTS

Re: Event request from the Waveland Civic Association

Alderman Kidd moved, seconded by Alderman Geoffrey to approve the following requests by Mr. Jay Lagasse and Mr. Tiger Harris on behalf of the Waveland Civic Association:

- a. Present its annual Irish Parade on Saturday, March 17, 2012 at 2:00 p.m. The parade will be return to its original pre-Hurricane Katrina route on the South side of the railroad tracks.
- b. Children's Special Needs Fishing Rodeo on Saturday, April 21, 2012.
- c. Adult Fishing Rodeo Fair and Fundraiser for the Waveland Civic Association on May 11-13, 2012.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

WAVELAND COMMUNITY COALITION/GARFIELD LADNER PIER/EVENTS
Re: WCC request to hold WaveFest

Alderman Stahler moved, seconded by Alderman Lafontaine to approve a request from the Waveland Community Coalition to hold the following event:

- a. ~~Oyster Fest on Saturday, April 14, 2012, and use of the Garfield Ladner Memorial Pier jetty~~ (withdrawn by WCC this year to address other civic needs)
- b. WaveFest on Saturday, October 20, 2012 which would require the use of Coleman Avenue and Pier jetty.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

CONTRACTS/CELLULAR SOUTH SERVICE
Re: *TABLE* Cell Phone Contract with Cellular South, Inc and Verizon Wireless

Alderman Lafontaine moved, seconded by Alderman Kidd to approve cellular phone contract with (Cellular South, Inc. or Verizon Wireless: see quotes), pending review of any agreement(s) by City Attorney Gary Yarborough.

Mr. Brian Gai of Verizon Wireless was present to answer questions of the Board.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

Alderman Lafontaine moved, seconded by Alderman Kidd to rescind the original motion and table the contract with (Cellular South, Inc. or Verizon Wireless: see quotes), pending review of any agreement(s) by City Attorney Gary Yarborough.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

Alderman Lafontaine moved, seconded by Alderman Kidd to ***TABLE*** the original motion and table the contract with (Cellular South, Inc. or Verizon Wireless: see quotes), pending review of any agreement(s) by City Attorney Gary Yarborough.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

AGREEMENTS/CONTRACTS/POLICE DEPARTMENT

Re: Cancel Shredder Lease Agreement with Pitney Bowes

Alderman Stahler moved, seconded by Alderman Lafontaine to cancel Pitney Bowes Lease Agreement (No. 8372088) for the shredder located in the Police Department because of budgetary reduction and constraints: Serial number 0000304, Model SH6A/SH01. Note: Currently paying \$252.00/qtr.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

PUBLIC WORKS/TRAVEL/TRAINING

Re: Travel for Public Works Supervisor, Dwight Haskell

Alderman Lafontaine moved, seconded by Alderman Kidd to approve travel for Public Works Supervisor Dwight Haskell to attend the Mississippi Natural Gas Association Annual Trade Show and Continuing Education Classes in Tupelo, MS on March 21 and 22, 2012. Cost to the City will be a registration fee of \$150.00, lodging for 2 nights at a cost of \$80.00 per night, 2 days per diem and use of a City vehicle.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

HANCOCK CHAMBER OF COMMERCE

Re: Invoice No. 7602 for Chamber of Commerce Support, 1st Qtr. 2012

Alderman Stahler moved, seconded by Alderman Lafontaine to consider Invoice No. 7602 to Hancock Chamber of Commerce in the amount of \$1,050.00 for 1st Qtr. 2012 support.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

INTERLOCAL AGREEMENT/CONTRACTS/HANCOCK COUNTY

Re: Interlocal Agreement for Delinquent Tax Collection with Hancock County, Mississippi

Alderman Geoffrey moved, seconded by Alderman Kidd to approve Interlocal Agreement between Hancock County, Mississippi, and the City of Waveland for an initial 2 year term (January 1, 2012 – December 2, 2013) relating to the collection of delinquent taxes. Approval is based upon review and approval by City Attorney Gary

Yarborough and shall not exceed the term of the current Board of Mayor and Aldermen.
(EXHIBIT F)

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

**M.D.O.T. MISSISSIPPI DEPARTMENT OF TRANSPORTATION
/AGREEMENTS**

Re: Master Agreement MND-482 with MDOT

Alderman Geoffrey moved, seconded by Alderman Lafontaine to approve Master Agreement MND-482 with the Mississippi Department of Transportation regarding location of electric power and communication utility lines on State Highway rights of way. City Attorney shall negotiate to remove hold harmless in Paragraph 16, otherwise agreement shall also be approved as is. **(EXHIBIT G)**

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

**RSVP/POLICE DEPARTMENT/OATH OF OFFICE/PERSONNEL/REQUEST
FOR CASH REIMBURSEMENTS/WATER SYSTEM IMPROVEMENTS-
ANNEXED AREA/CENTRAL FIRE STATION/BUSINESS
INCUBATOR/SANITARY SEWER SYSTEM IMPROVEMENTS WEST**

Spread on the minutes the following:

- a. The adjusted work schedule for RSVP for the first 3 months of 2012 due to budget constraints.
- b. The Official Oath of Office of Police Chief Kenneth E. Hurt on January 6, 2012. **(EXHIBIT H)**
- c. Resignation of Investigator Laura Stepro from the Waveland Police Department, effective January 3, 2012.
- d. Resignation of Officer Henry Bouganim II from the Waveland Police Department effective December 30, 2011.
- e. Resignation of Officer Joshua Poyadou from the Waveland Police Department effective January 17, 2012.
- f. Mrs. Bernie Cullen to replace Mrs. Nora Wykoff as the Ward 1 appointee to the Keep Waveland Beautiful Board.
- g. The following Request for Cash Reimbursements: **(EXHIBIT I)**
 1. #R-118-379-06-HCCR in the amount of \$265,456.10 – Water System Improvements - Annexed Area.
 2. #R-118-379-01-HCCR in the amount of \$170,285.94 – Central Fire Station.
 3. #R-109-379-04-KCR in the amount of \$40,539.37 – Business Incubator.
 4. #R-118-379-03-HCCR in the amount of \$84,274.03 – Sanitary Sewer System Improvements West.

**BUDGET MODIFICATIONS/SANITARY SEWER SYSTEM IMPROVEMENTS
WEST/BUSINESS INCUBATOR/WATER SYSTEM IMPROVEMENTS
ANNEXED AREA/CITY HALL - CITY HALL ANNEX PROJECT
Re: Approve Budget Modifications as submitted by Gouras Urban Planners**

Alderman Lafontaine moved, seconded by Alderman Kidd to approve the following Budget Modifications (Items a-d): **(EXHIBIT J)**

- a. #R-118-379-03-HCCR, Budget Mod. #5- Sanitary Sewer System Improvements West.
- b. #R-109-379-04-KCR, Budget Mod #7 – Business Incubator
- c. #R-118-379-06-HCCR, Budget Mod #5 – Water System Improvements – Annexed Area.
- d. #R-109-379-02-KCR, Budget Mod #13 – City Hall/City Hall Annex Project

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

PAY REQUESTS/SEWER SYSTEM RECONSTRUCTION NORTH OF THE RAILROAD TRACKS

Re: Payment Request No. 17 from Reynolds, Inc.

Alderman Stahler moved, (NO SECOND TO THE MOTION WAS GIVEN) to approve Payment Request No. 17 from Reynolds, Inc in the amount of \$549,506.23 on the Sewer System Reconstruction North of Railroad Tracks Project.

MOTION DIED FOR LACK OF A SECOND.

PEDESTRIAN PATHWAY/PAY REQUEST/CHANGE ORDER/CONTRACT COMPLETION DOCUMENTS/TIDELANDS FUNDS

Re: Closeout documents related to the Pedestrian Pathway

Alderman Geoffrey moved, seconded by Alderman Lafontaine to approve the following closeout documents related to the Pedestrian Pathway, as submitted by Compton Engineering: **(EXHIBIT K)**

- a. Pay estimate No. 8 (final) from David Rush Construction in the amount of \$33,509.72.
- b. Summary Change Order No. 2 in the amount of (\$20,872.02) due to quantity adjustment.
- c. Contract Completion Certificate
- d. Recommendation for Final Acceptance of Contract
- e. Final Completion Inspection Report (for City files)
- f. Final Waiver of Lien, Contractor's Affidavit, Contractor's Certification of Payment (for City files)
- g. Request for Reduction of Retainer
- h. Consent of Surety to Final Payment (for City files)

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

TIDELANDS FUNDS/NOTICE OF COMPLETION/PEDESTRIAN PATHWAY

Re: Notice of Completion for Engineering and Design of Pedestrian Pathway

Alderman Kidd moved, seconded by Alderman Geoffrey to approve and accept the Notice of Completion for engineering design and construction work on the Waveland Pedestrian Pathway funded by the DMR Tidelands Trust Fund Program. **(EXHIBIT L)**

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine, and Kidd

Voting Nay: None

Absent: None

PAY REQUESTS/CENTRAL FIRE STATION/2009 CDBG SEWER SYSTEM EXTENSION PROJECT/BUSINESS INCUBATOR

Re: Payment of invoices as submitted by various contractors

Alderman Kidd moved, seconded by Alderman Geoffrey 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, as submitted by Recovery Manager, Brent Anderson and listed: (Items a-c) **(EXHIBIT M)**

- a. Pay Application 1006-21 from GM&R in the amount of \$166,076.00 – Central Fire Station.
- b. Pay Request No. 15 (Final) from S.H. Anthony, Inc in the amount of \$84,274.03 – 2009 CDBG Sewer System Extension Project, contingent upon resident Mr. Craig Lafontaine getting his survey marker replaced; and add netting, fill sink holes and complete seeding at resident Mr. Mike Bell's property where sewer lines were installed. Alderman Kidd said he had a P.O. to have the survey marker done from Duke Levy sometime next week and will advise Comptroller when both of these contingencies have been met so City can proceed with invoice payment. City Attorney asked Mr. Bruce Newton to send him a short letter whenever this is done so the City can place this in the minutes.
- c. Pay Request No. 17 in the amount of \$27,789.37 from Unabridged Architecture – Business Incubator

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, and Kidd

Voting Nay: Lafontaine

Absent: None

EXECUTIVE SESSION

Re: Potential Litigation, Legal and Personnel Issues

Alderman Lafontaine moved, seconded by Alderman Geoffrey to consider going into Executive Session to discuss potential litigation related to the Police Station, Reynolds Construction and the Garfield Ladner Memorial Pier; contractual issues related to the Business Incubator, and legal issues related to the Court Department and Personnel issues in City Hall and the Police Department.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

Alderman Lafontaine moved, seconded by Alderman Geoffrey to go into Executive Session to discuss potential litigation related to the Police Station, Reynolds Construction and the Garfield Ladner Memorial Pier; contractual issues related to the Business Incubator, and legal issues related to the Court Department and Personnel issues in City Hall and the Police Department.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

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, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

COURT DEPARTMENT/APPOINTMENTS/PERSONNEL

Re: Appoint Zach Butterworth as Public Defender

Alderman Kidd moved, seconded by Alderman Geoffrey to appoint Attorney Zach Butterworth as the public defender for the City of Waveland Court Department.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

POLICE DEPARTMENT/PERSONNEL

Re: Hire Mr. Mac Cowand as Patrolman

Alderman Lafontaine moved, seconded by Alderman Kidd to approve hiring Mr. Mac Cowand as Patrolman in the Police Department, as recommended by Police chief Kenny Hurt at a rate of \$12.15 per hour 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

CITY HALL/PERSONNEL/PURCHASING DEPARTMENT

Re: New Hire Karen Cerami as part time Purchasing Agent, etc.

Alderman Stahler moved, seconded by Alderman Kidd to approve Karen Cerami as part-time Purchasing Agent, Workmen's Comp/Accounts Payable/Capital Assets Clerk at a rate of \$9.00 per hour, 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 9:43 p.m.

Alderman Lafontaine moved, seconded by Alderman Geoffrey to adjourn the meeting at 9:43 p.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 February 14, 2012.

Lisa Planchard
City Clerk

The Minutes of January 18, 2012 have been read and approved by me on this day the 14th day of February, 2012.

David A. Garcia
Mayor

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