

The Board of Mayor and Aldermen of the City of Waveland, Mississippi met in regular session at the Waveland City Hall Board Room 301 Coleman Avenue, Waveland, MS. on February 3, 2015 at 6:30 p.m. to take action on the following matters of City business.

PUBLIC COMMENTS:

Re: The following addressed Board members with Public Comments:

- Mr. Alfred “Tiger” Harris

ROLL CALL

Mayor Smith noted for the record the presence of Aldermen Burke, Richardson, Lafontaine and Piazza, along with City Clerk Lisa Planchard and City Attorney Rachel P. Yarborough.

MAYOR’S REPORT

Re: Mayor Smith said that he, Aldermen Burke, Lafontaine and Richardson attended the recent MML Conference in Jackson, MS. The Mayor thanked Mr. Mickey Lagasse for his introducing the Mayor and Aldermen to various Senators and Representatives, in addition, the Mayor to the Speaker of the House. The Mayor said this was certainly for the betterment of Waveland.

Re: With the help of Firefighter, Don Siebenkittel, the City will be able to get about 6 Hancock County inmates that will help with post-parade clean-up.

Re: Ms. Kim Hart was present to discuss the City becoming a Smoke Free Community and brought a sample ordinance regarding same.

MAYOR’S REPORT/PUBLIC WORKS/PURCHASING/UTILITIES

Re: Amend agenda to Authorize Public Works Administrator to Sign Purchase Requisitions.

Alderman Richardson moved, seconded by Alderman Lafontaine to amend the agenda to authorize Dwight Haskell, Public Works Administrator, to sign purchase requisitions.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

Re: Dwight Haskell to Sign Purchase Requests

Alderman Burke moved, seconded by Alderman Lafontaine to authorize Dwight Haskell, Public Works Administrator, to sign purchase requisitions.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

ATTORNEY’S COMMENTS:

There were no comments by Attorney Rachel Yarborough.

ALDERMEN’S COMMENTS

Re: Alderman Burke

- Told audience members about the fine job that our new Mayor did in Jackson and how well he was received; also noting the amount of contacts he made during their recent visit to Jackson during the Mississippi Municipal League Convention and that this would pay dividends to the City for a long time.
- Discussed signs that used to be placed on the streets intersecting Beach Blvd. that said “No Parking from here to Corner” and that he would like to see those replaced, primarily Nicholson

Avenue, Sears and Waveland Avenue. He spoke with Steve Seymour, County Supervisor about this.

- The Ground Zero Museum Board will need more room for the exhibits coming in. Requested that the Board come up with a plan for more space for them to display the exhibits.
- Requested that the light timers in the back parking lot at the Business Center be set to come on at 5:30 pm.
- Requested the Board to consider the feasibility of a power meter for each Unit at the Business Center.
- Noted the “Paradigm” being used to rent space at the Business Center is false based upon taking the highest bid for a space instead of viable businesses that will incubate Coleman Avenue by staying and building here. We should look at the Business Center as to whether our goal is to just collect rent and hope to break even or get sustainable businesses that will help employ other people and make a lasting impact. He suggested the City look at its current process of bidding for space.
- Discussed the recent Chamber of Commerce Annual Breakfast Meeting and the appointment of Mr. Chuck Underwood, owner of *Treasures of the Bay* and Waveland resident, to the Chamber Board of Directors.

Re: Alderman Richardson:

- Discussed large trucks speeding on City streets with loads of sand. Thanked Chief Allen for handling this issue.
- Provided update on Phase I Drainage Project.

Re: Alderman Lafontaine:

- Received a compliment on the Streets and Utilities employees doing a good job.
- Explained the Business Center history and rental policy set forth by the prior Board. Said he would be open to looking at other avenues concerning the Business Center with the current Board.

Re: Alderman Piazza

- Discussed safety of trucks on the highway backing in to dump sand without a flagman present.

RSVP

Re: Claims

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

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

DOCKET OF CLAIMS

Re: Claims

Alderman Burke moved, seconded by Alderman Lafontaine to approve the Docket of Claims dated 02/03/2015 as submitted and recuse Alderman Piazza from the payroll portion of the docket related to Maconnelly Piazza. **(EXHIBIT B)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

MINUTES

Re: Minutes of January 21, 2015

Alderman Piazza moved, seconded by Alderman Burke to approve the Minutes of the Regular Meeting of January 21, 2015 as submitted.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

PARKS AND RECREATION/BOURGEOIS PARK

Re: Mr. Michael Smith with ASA regarding League changes at Elwood Bourgeois Park and installation of Security Cameras

Mr. Michael Smith (no relation to Mayor) was present to let the Board of Mayor and Aldermen know of their change from Hancock County Little League to the Mississippi West Coast Softball League which allows their team to play various teams around the Country; i.e. a travel league. Mr. Smith also discussed placement of 12 cameras around the Elwood Bourgeois Park at the League's expense. Alderman Burke said that the League will have to be responsible for repairs and damages to the cameras. Alderman Lafontaine said he thought the Police will have to be involved with camera usage and viewing camera footage. City Attorney Rachel Yarborough said there will be surveillance issues which is a privacy concern; if it is a City mandated security, then we need a public policy about how they will function and be handled. Alderman Richardson said he understood that if the City advertises with signs that there is surveillance in use, this should cover the City. Police Chief Allen added that it is a deterrent as well, but suggested both the City and the League have a policy as to the cameras use. Chief Allen recommended that after 3 or 5 days, the discs be wiped. Attorney Yarborough said, "That is why you need a policy in place." Mr. Smith also requested the return of the cameras should the league decide to move to another park; the cameras will basically be on loan to the City as long as the League is at Bourgeois Park. Mrs. Yarborough said they would need to do a Memorandum of Understanding (M.O.U) related to who maintains the park and whose equipment it belongs to, because if it's going to be City equipment, we have to abide by State guidelines.

HMGP/GRANTS/GROUND ZERO MUSEUM/MUSEUM/COURT

Re: Mrs. Lili Murphy, HMGP Grant Application Request

Ms. Lili Murphy began discussion about Mr. Harris' comments that were made regarding the Museum & Carousel. Mrs. Murphy told Board members that this is Waveland's primary tourist attraction. She informed the Board of the upcoming events, visitor attendance and donations made to the Museum. Mrs. Stahler also touched base on the myriad of organizations using the building for their meetings, etc... Mrs. Murphy asked the Board if they would be interested in providing matching funds and/or in-kind services for a \$60,000 HMGP 75/25 match Grant for a MEMA interactive exhibit focused on resilient rebuilding. The 25% match (\$15,000) of which half (\$7,500) could be by a sponsor or in-kind service by the City which could include trash removal, possible building out and some project management which the City could perform in house; a city employee would have to be the manager of the project. She said she would do the application. She asked if the City was interested in applying for this grant for a MEMA interactive exhibit on sound rebuilding techniques; she requested guidance from the Board as to how to proceed. Alderman Lafontaine asked where it would be placed; which room. She said, "We'll fit it somewhere. I'm hoping to have the Boy Scout room (where Court is currently being held) by the time we do the exhibit." Mrs. Murphy requested to move Court to the City Hall Board Room to make room for more planned exhibits. The Mayor clearly explained that he was not in favor of moving Court to the Board Room because we have business being conducted upstairs, and downstairs also. Alderman Lafontaine said, "We've already tried that; that didn't work." Alderman Burke expressed his concerns about the current working conditions of the court staff and the security of the daily court deposits and that they should be near the City Clerk's office. He suggested moving Court to City Hall where the City Clerk could oversee the receipts process. Alderman Lafontaine said that had been a recommendation by the City auditors; he discussed the results of the City having sought rental property for the Court Department. Mrs. Stahler said the Museum is bringing in about 300 to 400 people a month and already out of space; there are two 18' display cases being built by Pearl River Community College at no charge that require a large amount of space, and she requested direction from the Board as

to whether to get people to come or 'stagnate'. She said the display cases will be ready in March. Alderman Lafontaine said, "Before you can apply for the grant we have to figure if we have room for the exhibit." Ms. Murphy said, "We're out of room, we're growing." She said that so many people are willing to do so much, but I need direction from the Board. Mayor Smith said that he spoke with the Court Clerk (Rhonda Cummings) just today about moving the Court office to the second floor of the City Hall because of the audit. Alderman Piazza also agreed that the Board does need to find another place to hold Court. Mayor Smith said he had contacted the County about using Bay St. Louis court house and about using the jail court room, but it's a jurisdictional issue which is the problem. Court Clerk Rhonda Cummings discussed the constant move of Court; she's had to move 4 times. She said she wants to stay where she is until she moves to the Police Station Building once it's complete. Judge Jay Lagasse said that unless you have enough police officers in the Board Room to police the people that come in to sit on the benches; they're going to be tearing the fabric all up. They will bring their children who will be tinkling all over the benches; you have to have it constantly policed. He said that if you don't police it, it won't look like this in 6 months. Chief Allen said when Court was held the one time in the Board Room, a crack pipe was found shoved down in the seat afterward. Alderman Lafontaine said that he didn't know how the City could apply for a grant without a place to put the exhibit at this point. Alderman Burke asked if further discussion could be added at the end of the agenda, as the Board would need to discuss many issues related to this request before a decision could be made to approve the grant application for a MEMA exhibit. Alderman Richardson noted his concerns about the timeline that perhaps more time for discussion is needed.

PLANNING AND ZONING (EXHIBIT C)

Re: Regan Kane, 6051 and 6055 Monroe Street

Regan Kane appeared before the commission to amend his request on 6051 and 6055 Monroe Street (October 27, 2014 Planning and Zoning Public Hearing) to reflect the lot dimensions and total area in order to correct a mistake that was made in transposing the front footage and side yard setbacks on the plat that was submitted.

Mike Kopke moved, seconded by Jay Fountain to recommend that the Board of Mayor and Aldermen approve the amended request to read 6051 Monroe Street: 86.96' lot frontage with a side yard setback of 19.04' and 6055 Monroe Street: 78.17' lot frontage. (Corrected plat attached)

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

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

Re: Jason Lumpkin, 208 Seabrook Drive

Jason Lumpkin appeared before the commission with a request for a variance of seven and a half feet from the required side yard setback in order to construct a new residence on his property located at 208 Seabrook Drive. Legal description: Lot 1, 75' x 127.92', Lakeside Subdivision, City of Waveland, Hancock County, Mississippi.

Jay Fountain moved, seconded by Mike Kopke to recommend that the Board of Mayor and Aldermen approve the request as submitted provided that all applicable building, floodplain and zoning codes and ordinances are met.

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

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

MEETINGS/PLANNING AND ECONOMIC DEVELOPMENT

Re: Board Meeting with Economic Developers set for March 11, 2015

City Clerk Planchard provided the Board Members with possible dates to hold an Economic Development Meeting with Mr. Laurence Leyens and Mr. Bob Barber. The Board decided on Wednesday, March 11th at 6:00 p.m.

CONTRACTS/COAST CHLORINATOR/UTILITY DEPARTMENT/PUBLIC WORKS

Re: Correct Coast Chlorinator Contract Cancellation Date

Alderman Lafontaine moved, seconded by Alderman Piazza to correct Coast Chlorinator contract cancellation effective date from January 31, 2015 (approved at last meeting of 1/21/15) to Friday, February 13, 2015 to allow Mr. Dwight Haskell a training period with Coast Chlorinator's representative in preparation of Mr. Haskell's taking over the servicing of water and gas systems.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

PURCHASING/WEBSITE

Re: Payment of Annual Domain Site Registration Fee for Website

Alderman Piazza moved, seconded by Alderman Burke to approve payment of \$125.00 for the annual domain registration fee for WAVELAND-MS.GOV website. PayPal is the only form of payment for this.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

AGREEMENTS/CELL PHONES/CONTRACTS

Re: Renew C-Spire Agreement for Cell Phone Service

Alderman Lafontaine moved, seconded by Alderman Richardson to renew the Governing Authority Supplement to the Master Cellular Voice and Data Service and Equipment Agreement between Cellular South, Inc., d/b/a C Spire Wireless and MS. Department of Information Technology Services as Contracting Agent for the City of Waveland for a period January 22, 2015 through June 30, 2016, including required signatures thereon. **(EXHIBIT D)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

COURT DEPARTMENT/PUBLIC WORKS/UTILITY DEPARTMENT/AGREEMENTS

Re: nCourt and Graphite Payments Presented Proposals for Electronic Payments for Utilities

Discuss both of the following proposals for Electronic Payments for Utilities, Court/Police & Privilege License services:

- a) *nCourt* Payment Processing to receive Electronic Payments via the City's Website (at no cost to the City). Ms. Melanie Mayer was present to discuss.
- b) *Graphite Payments* Payment Transaction Processing Agreement including required signatures, which would allow Waveland residents & others to make electronic payments to the City of Waveland via the City's website (at no cost to the City). Mr. Gavin Birdsong and Mr. Mark Akers will be present to discuss.

Ms. Melanie Mayer of *nCourt* was present to discuss services her company offers for citizens/others in paying fees online to the City for whatever purpose, not just court related payments; it can be for utilities, privilege licenses, taxes, etc... (She would set up a website for this purpose). She said there is no cost to the City of Waveland for these services, but said there is a 60 day notice to terminate services. *nCourt* guarantees the payment to the City and the payments are insured. City Clerk Planchard asked how much are the fees charged to the citizen/individual. Ms. Mayer said it is 7.0% for Court payments, for Utilities it is a sliding scale; up to \$150.00, it is \$3.95 and then it goes up from there, and tax payments are 3.0%, which includes privilege licenses. She said they do take credit and debit cards. Mrs. Planchard also inquired about the turnaround time of payments to the City. Ms. Mayer said it can be as often as the City requests; daily or weekly; notification to the Court Clerk is made immediately. Alderman Richardson asked if *nCourt* would be coordinating confirmation of payments with the Court Clerk. Ms. Mayer said yes, that the City would receive an immediate notice of payment. Comptroller Linda Elias told Board members that the City currently charges 3.0% to persons paying by credit card on site. Chief Allen asked about payment of fines and would the offender need to call the Court to obtain their fine. *nCourt* said no, she would place the City's fine list on the website and the offender should know by their ticket which offense(s) they have committed and can click on the item(s) and pay. City Attorney Rachel Yarborough requested that prior to the Board approving either company contract, she be given an opportunity to review the contract for compliance with State Auditors and State Law.

Mr. Mark Akers came forward and explained to the Board of Mayor and Aldermen that his company, *Graphite Payments*, would offer basically the same services although his company would, in addition to taking payments through a payment page on the City's website... a 3.0% fee, would provide a walk-up payment center in addition that would allow citizens the ability to come in and pay their bill (a flat 2.5% fee) by swiping their credit/debit card. Here too, there is no cost to the City. He said on utilities it would be a little different; he has one utility department that pays \$1.25 per transaction and some that pay as high as \$3.95 per transaction. He will need to get some information from the City of Waveland utility department to get a transaction cost for us. Mr. Akers also has a walk up payment system where he provides all equipment and installation for customers to swipe their card to make payment and the transaction is viewed on the employees computer screen. The fees are calculated automatically on the payment and goes right to the employee's printer. The payment is deposited into the City's checking account within 48 hours. The convenience fee is sent to another checking account and the City never has to bother with it; it too alerts the employee at the end of the day how much business (payments) has been done and the employee can go online and get all of the necessary reports at the same time. He said it's very easy; very user friendly. He currently works with many Counties, water departments, Justice Courts, McLeod Park, the Hancock County Tax Collector's office and the Chancellor Clerk's office in Hancock County and many others. Mrs. Yarborough asked for clarity on the submission of the contract and noted that she must have the Terms & Conditions in writing. Mr. Akers will provide Ms. Yarborough with the Terms & Conditions before the next board meeting.

**POLICE DEPARTMENT/COURT DEPARTMENT/TRANSFER OF INVENTORY/
INVENTORY**

Re: Transfer one 2005 Crown Victoria from the Fire Department to the Court Department

Alderman Burke moved, seconded by Alderman Piazza to approve transfer of one 2005 Crown Victoria VIN #2FAFP71W65X169794 from the Fire Department to the Court Department. Vehicle maintenance costs shall be paid by Court Department.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

TRAVEL/CONTINUING EDUCATION/MISSISSIPPI RURAL WATER ASSOCIATION/CITY HALL

Re: Board Members to Mississippi Rural Water Association Board Member Management Training

Alderman Lafontaine moved, seconded by Alderman Piazza to approve travel for the Board of Mayor and Aldermen to attend either of the two, 2015 Mississippi Rural Water Association Board Member Management Training Sessions (as required by State Law). Cost to the City will be registration fee of \$75.00 per person and use of a City Vehicle: (Each Board member shall select either to attend)

- a) June 3, 2015 in Biloxi, Mississippi Gulf Coast Convention Center (Registration deadline 5/28/2015)
- b) September 17, 2015, Hattiesburg, Mississippi, Jackie Dole Sherrill Community Center (Registration deadline 9/11/2015)

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

CITYWIDE STREET PAVING PROJECT/PAVING PROJECT/FIELD ORDER

Re: Acceptance of Field Order from Compton Engineering in lieu of Construction Change Directive

Alderman Lafontaine moved, seconded by Alderman Burke to ratify acceptance of Field Order from Compton Engineering received regarding the Citywide Street Paving Project, instead of Construction Change Directive as indicated in minutes of October 7, 2014. Note: If approved, Field Order shall be exhibited in the October 7, 2014 Minutes. (Tabled from the January 21, 2015 agenda).

(EXHIBIT E)

Mrs. Yarborough said the former City Attorney initially requested a Work/Construction Change Directive to add three streets to the paving project. What was issued by the field engineer was a Field Order (Definition: does not anticipate that there will be a change in price or contract terms, whereas a Work/Construction Change Directive does not necessarily mandate that there will be a change in contract time or price, but leaves the opportunity that there will be and is at the request of the Owner). Mrs. Yarborough said that the way the field order was worded, she felt it fulfilled the intent of what was approved does not feel there is a problem with accepting the Field Order as issued. She said basically it was unit base contract, and it was agreed at that time that the unit price would remain the same for the extra work that what was approved by the Board.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

CERTIFICATE OF SUBSTANTIAL COMPLETION/SUBSTANTIAL COMPLETION/CITYWIDE PAVING PROJECT/PAVING PROJECT/STREETS

Re: TABLE approval of Certificate of Substantial Completion by Huey Stockstill

Alderman Burke moved, seconded by Alderman Lafontaine to approve the Certificate of Substantial Completion by Huey Stockstill, Inc. as submitted by Compton Engineering regarding the Citywide Paving Project.

Mrs. Yarborough requested the Board table the request since there was not a positive date provided on the Substantial Completion paperwork. When speaking with Mr. Mickey Lagasse of Compton Engineering, Mrs. Yarborough recommended to clarify the contract and the record that we should clear this up with a proposed change order for days and change order based on the additional work that the City had requested and then come up with an amount of days that they're over per contract and any liquidated damages (Ld's) that the City needs to address. Mr. Lagasse said that Compton's recommendation will probably be that the Ld's are equal to the amount of repair on Herlihy Street so they will recommend that it just be a 'wash' between the amount of asphalt that it would have cost and the number of days.

Alderman Richardson moved, seconded by Alderman Lafontaine to **TABLE** approval of the Substantial Completion by Huey Stockstill Inc. as submitted by Compton Engineering regarding the Citywide Paving Project.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

GARFIELD LADNER MEMORIAL PIER REPAIR PROJECT/PIER/JEFF DAVIS-GULFSIDE STREET SEWER IMPROVEMENTS PROJECT/E. JEFF DAVIS SEWER SYSTEM IMPROVEMENTS PROJECT/JEFF DAVIS CONNECTOR SEWER AND PAVING PROJECT/CITYWIDE DRAINAGE PROJECT/DRAINAGE PROJECT
Re: Payment of invoices by Various Contractors

Alderman Lafontaine moved, seconded by Alderman Burke to approve the following invoices (a, e, & f) submitted by various contractors and recommended to be placed in line for payment consideration contingent upon receiving funding from grant sources (if required), and table Items b, c & d:
(EXHIBIT F)

- a) Pay Application #1 from Coastal Marine Contractors, LLC in the amount of \$163,970.00 – Garfield Ladner Memorial Pier Repair Project.
- ~~b) Payment Request No. 11 from Hensley R. Lee in the amount of \$4,479.25 – Jeff Davis/Gulfside Street Sewer Improvements Project. **TABLED**~~
- ~~c) Invoice 702-37-18A from Digital Engineering in the amount of \$1,166.90 – E. Jeff Davis Sewer System Improvements Project **TABLED**~~
- ~~d) Invoice No. 702-38-18A from Digital Engineering in the amount of \$3,662.54 – Jeff Davis Connector Sewers and Paving Project. **TABLED**~~
- e) Invoice No. 0076028 from Pickering Firm, Inc. in the amount of \$13,792.80 – Citywide Drainage Improvements Project.
- f) Pay Application No. 2 from Kappa Development in the amount of \$298,315.55 – Citywide Drainage Improvements Project.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

REQUEST FOR CASH REIMBURSEMENT/HMGP PROPERTY ACQUISITION PROJECT/ACQUISITION PROJECT/PROPERTY ACQUISITION PROJECT
Re: RFC – HMGP Property Acquisition Project & MEMA Mitigation Grant Program Closeout Request Letter

Spread on the minutes the following, as listed (a&b):

- a) Request for Cash Reimbursements in the amount of \$449,843.39 regarding the HMGP Property Acquisition Project. **(EXHIBIT G)**
- b) MEMA Mitigation Grant Program Closeout Request Letter in the amount of \$434,354.00, with required signatures, on the HMGP Property Acquisition Project. (See explanation of difference in amount attached).

SURPLUS/POLICE DEPARTMENT/INVENTORY

Re: Surplus 2009 Dodge Charger (totaled in accident) and two 2007 Crown Victoria's

Alderman Lafontaine moved, seconded by Alderman Burke to declare the following assets as Surplus Property, as listed (Items 1-3):

1. One *2009 Dodge Charger* VIN #2B3LA46T69H635**421**, Black in color (Car totaled in accident – Insurance Co. to pay City on this), Inventory #1126
 - a. One High-Band Motorola Radio from Unit #**421**, (radio was in trunk of vehicle that was in accident and destroyed), Inventory #1127
2. One *2007 Crown Victoria* VIN #2FAFP71W57X117**947**, Unit #947, Blue in color, Inventory #1219 which included the following (Items a-e) to also be suplushed:
 - a. Light Bar, Signal Star ULB 842, Serial #03650, Inventory #1223
 - b. Light Bar, Signal Star ULB 841-1, Serial #00609, Inventory #1224
 - c. Signal/Light Controls, Signal LCS 880, Inventory #1222
 - d. Siren, Signal LCS88-007 Serial #0272, Inventory #1226
 - e. Trunk Organizer, Dupont Kevlar Inventory #1225
3. One *2007 Crown Victoria* VIN #2FAFP71W47X126**168**, Unit #168, Gray in color, Inventory #1227 which included the following (Items a-e) to also be suplushed:
 - a. Light Bar, Signal Star ULB 842, Serial #3644 Inventory #1231
 - b. Light Bar, Signal Star ULB 841-1, Serial #00614, Inventory #1232
 - c. Siren/Light Controls, Signal LCS 880, Inventory #1230
 - d. Siren, Signal LCS88-007, Serial #0217, Inventory #1233
 - e. Trunk Organizer, Dupont Kevlar Inventory #1234

Chief Allen said the two 2007 Crown Victoria's are derelict and would cost a great deal of money to repair. He said the County would be willing to repair the vehicles and felt it would be a better fix for them. Mrs. Yarborough asked Chief Allen if the vehicles were being used for Municipal Purposes. Chief Allen confirmed that they are not being used for municipal purposes.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

INTERGOVERNMENTAL AGREEMENT/AGREEMENTS/CONTRACTS/RESOLUTIONS

Re: Intergovernmental Agreement & Joint Resolution with HCSO to Transfer two Police Vehicles

Alderman Piazza moved, seconded by Alderman LaFontaine to approve Intergovernmental Agreement and Joint Resolution between the City of Waveland and the Hancock County Sheriff's Department, Hancock County, Mississippi for the Intergovernmental Transfer of the following assets at a cost of \$5.00 each: **(EXHIBIT H)**

- a. *2007 Crown Victoria* VIN #2FAFP71W57X117**947**, Unit #947, Blue in color, Inventory #1219
- b. *2007 Crown Victoria* VIN #2FAFP71W47X126**168**, Unit #168, Gray in color, Inventory #1227

Mrs. Yarborough said for the record that by approving the Interlocal Agreement and Joint Resolution between the City of Waveland and the Hancock County Sheriff's Department, the Board is making a finding of fact in accordance with Mississippi State Code §31-7-13, Subsection (m), Subsection (6) that the surplus assets are made in an Inter-Governmental Transfer, that the transfer is made by private agreement at a price agreed to by both parties, and that if the negotiated price is below fair market value the Board is determining that the transfer of the assets to another Governmental Entity below market value is in the best interest of the taxpayers of the State.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

CHARTER CHANGE/AMEND CHARTER/LEGAL ACTIONS
Re: Consider Amending Charter

Alderman Lafontaine moved, seconded by Alderman Richardson to authorize City Attorney Rachel Yarborough to proceed with amending the Municipal Charter.

Alderman Burke said he agrees that the Special Charter needs to be revised, but not piecemealed together, and requested the entire Charter be changed instead of having several different amendments. Mayor Smith agreed. Mrs. Yarborough said that what she understood to be proposed for the amendment would not have any effect until the next Board takes office. She said that maybe this would be something the Board would like to have a special meeting for to discuss what amendments the Board would like to make and that way she could put all those amendments in writing and move forward with the process at that time. Alderman Burke suggested that the Board perhaps look at converting to a Code Charter. Alderman Lafontaine said he does not want to see this postponed like many things have been in the past.

A vote was called for with the following results:

Voting Yea: Lafontaine

Voting Nay: Burke, Richardson and Piazza

Absent: None

CIVIC CENTER/COURT DEPARTMENT/MUSEUM/GROUND ZERO MUSEUM/CAROUSEL
Re: Continue Discussion Related to Moving Court and/or the Carousel

Alderman Burke said that he that if the City is shopping for free money for economic development purposes for Coleman Avenue, we need to stand behind our museum. Alderman Lafontaine said that the Museum began in 1 room and from there has grown to the whole building. Mayor Smith said it looks to him like it can be condensed into smaller areas. Alderman Lafontaine said that he had suggested moving the Museum to the Library system. Alderman Richardson said he understands that the museum brings in visitors, but as he sees it growing we will have to look for money to add onto this building, which will likely not happen. Mayor Smith said we need to listen to the Court Clerk when she says she does not want to move again. Alderman Lafontaine said that if you do move Court to a building outside of a City building you'll be incurring a lot more expenses. Alderman Burke said that we all agree that Court can't be moved out of the jurisdiction. Mr. Lagasse asked why is it that C. Perry is not having to cover having to pay rent for somewhere for the City to hold court; this is not the City's problem, this is C. Perry's problem? Mrs. Yarborough said Ohio Casualty Company is quick to inform the City that they are not an insurance company and are in fact a Bonding Company and they are taking the defenses of C Perry Builders and since they have claimed those defenses, that they are under no obligation to perform under that bond, however she said she is hopeful that the City will be reimbursed for every cost that has been incurred by this litigation; she does not disagree with Mr. Lagasse. Mayor Smith said that he believes putting Court in the Board Room is not a good choice for a temporary solution. He added that he was even asked to move the Court to the third floor of the Fire Station (Highway 90), which he also

turned down. Alderman Lafontaine added, with regard to economic development, that the free money doesn't always end up being free. Court Clerk Rhonda Cummings said the Boy Scout room is convenient for Court and security is right next door to her office, if needed. She said she used the room one time on an 'off day' and Ms. Lili was not happy with her. Alderman Lafontaine reiterated that when this came up in September, Ms. Cummings expressed that they are comfortable in the Civic Center and don't want to be moved until their building is ready, but realized they had more space in the large room until they were moved out for the Carousel. Mayor Smith said he gave Ms. Murphy the option to take the Carousel down and move Court back into the large room which would free up the Boy Scout room. Alderman Lafontaine agreed with this option that the Mayor mentioned, but that would have to be a Board decision. Mayor Smith noted that the Carousel is not in optimum working order; it is not motorized and must be manually pushed at present. Court Clerk Cummings said she even asked former Mayor Garcia to use the Business Center, before all of the businesses went in, and was told no. Mrs. Yarborough said that if Court were to need to enter into a rental agreement to move Court somewhere, it would be a decision of the Board, but any intergovernmental transfer of the Court location would be day to day operations. Alderman Burke noted that the only thing we have on Coleman Avenue that we can shop to the public is the Ground Zero Museum. Alderman Richardson said that it's difficult to go after the grant money if we don't have space to put the exhibit. Mayor Smith said he does not want to send a message back to Ms. Murphy that the Board is not interested, because that is not the case. Alderman Richardson agreed and said that anything that will bring people in to the City for days at a time is positive; the time crunch we are on right now is to relocate Court and trying to make everyone happy in the process. Mayor Smith said, "If it's really about the museum then the Carousel really doesn't fit as a part of the museum." Alderman Lafontaine asked, "With this grant, even if we were talking about moving court out, putting them into the big room where they used to be, is that good with you." Ms. Cummings said, "Yes". Alderman Lafontaine then said, "Now we do that; come March you've got an 18' exhibit cabinet that going into the Boy Scout room, which is where Court's at now. This exhibit that she's applying for is for \$60,000; whenever you get that you find out this is 'x' amount of feet long and has nowhere to go but in the big room, then what do you do." Ms. Planchard said that Ms. Murphy had not written the grant application yet, so she will have to write the application to make sure that the MEMA exhibit will fit in the smaller Boy Scout room. Alderman Lafontaine said, "I feel that at some point we have to say, you know what, this is the Museum, this is the space that you're going to have to operate in; operate within these means. You can't just keep pushing everything around; we've already moved boxes out of the front room giving that up." He said, "Can the City keep giving up, giving up; we're running out of room ourselves." Alderman Burke said, "It depends how much you value the Museum." Alderman Lafontaine said, "I value it enough to say, give Ms. Murphy the front two rooms and leave the other rooms for the citizens, for the court. Leave it there for people to go there and have plays." Mark Planchard said the City should develop a relationship between the Museum and the Library system to have museum pieces housed there which would draw people to the Library in addition. One citizen stood to ask whose building is the Civic Center and who's in charge of the building. He said you guys are on the Board, someone's got to be in charge of the building. If she's just doing what she wants to do; she's not getting permission from anyone. He said there's no accountability apparently for use of the building; you guys are in a tough situation. You don't want to make her mad and you don't want to hurt the Museum. Alderman Richardson said, "To your point, as a Board we do need to put our foot down and see what brings revenue in." He added that the Board in is the business of making Waveland move forward; we need money to move forward. Mayor Smith said he does not want to move the Museum out, he just thinks it's growth needs to be slowed temporarily until the Police Station building and Court room are built. Alderman Lafontaine agreed saying that currently we're just restricted on what we can do; the Museum started in one room and it's constantly growing but the City is running out of space. Alderman Lafontaine recommended that the Board hold off on approving the grant application. Alderman Richardson agreed saying that currently the City would be applying for money that we can't currently use. He said we have to have a place for everything before we need money; we have no options currently. Mayor Smith also mentioned that the Board does not even know what size the exhibit will be; it may be small. The size is not known, the Board needs more information. Alderman Lafontaine reminded Board members that Ms. Murphy said tonight that she did not know how large the exhibit will be.

EXECUTIVE SESSION

Re: Personnel Issues: Court, Building & Permits and City Hall, along with Pending Litigation – Nancy & Michael Carmichael Living Family Trust vs. City of Waveland

Alderman Burke moved, seconded by Alderman Piazza to consider Executive Session to prompt a closed discussion related to personnel issues, Court Department, Building & Permits Department and

City Hall personnel, along with pending litigation in regards to Nancy and Michael Carmichael Living Family Trust vs. City of Waveland.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

EXECUTIVE SESSION

Re: Personnel Issues: Building & Permits and City Hall, along with Pending Litigation – Nancy & Michael Carmichael Living Family Trust vs. City of Waveland

Alderman Burke moved, seconded by Alderman Piazza to discuss personnel issues, Building & Permits Department and City Hall personnel, along with pending litigation in regards to Nancy and Michael Carmichael Living Family Trust vs. City of Waveland. Note: Court Personnel issues did not qualify to be discussed in Executive Session.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

LEGAL/LITIGATION/BUILDING & PERMITS/PLANNING & ZONING

Re: Authorize Title Searches, Property Survey & Underground Utility Survey – Nancy & Michael Carmichael Living Trust vs. City of Waveland; property, west corner of Sears Ave. at Beach Blvd.

Alderman Piazza moved, seconded by Alderman Lafontaine to approve the following services be ordered; title search for all easements and survey of property lines and all easements, in addition to an underground utility survey related to Nancy & Michael Carmichael Living Trust vs. City of Waveland, specifically, 123 Sears Avenue.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

Alderman Burke moved, seconded by Alderman Piazza to exit Executive Session with action taken.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

ADJOURN

Re: Adjourn Meeting at 10:57 p.m.

Alderman Piazza moved, seconded by Alderman Burke to adjourn the meeting at 10:57 p.m.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

The foregoing minutes were presented to Mayor Smith on February 20, 2015.

Lisa Planchard
City Clerk

The Minutes of February 3, 2015 have been read and approved by me on this day the 20th day of February, 2015.

Mike Smith
Mayor

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