

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 4, 2013 at 6:30 p.m. to take action on the following matters of city business.

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.

PUBLIC COMMENTS

- Mr. Jeremy Burke discussed the Tidelands money and the possibility of borrowing against these anticipated funds. Mayor Garcia said it is not permitted because there is no assurance that a City will receive these funds each year. He also asked to determine the feasibility of the City issuing a bond to complete the repairs to the Pier so as not to fall behind the progress of other cities.

MAYOR'S REPORT: (EXHIBIT A)

AMEND AGENDA/HMGP PROPERTY ACQUISITION PROJECT/LEGAL DEPARTMENT/BIDS

Re: Amend Agenda to rescind motion hiring Mr. Ronnie Artigues and instead hire Butler, Snow, O'Mara, Stevens, et. al. for Legal Services - HMGP Property Acquisition Project

Re: Amend Agenda to Advertise for Debris Removal related to the property closings associated with the HMGP Acquisition Project

Alderman Lafontaine moved, seconded by Alderman Kidd to amend the agenda to:

1. Rescind motion of 10/16/13 hiring Ronnie Artigues for legal services related to real estate closings for the HMGP Property Acquisitions Project (5), and instead hire Butler, Snow, O'Mara, Stevens, Attorneys for same legal services.
2. Advertise for bids for Residential Demolition and Debris Removal related to real estate closings for the HMGP Property Acquisitions Project (5) and instead hire Butler Snow

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine, and Kidd

Voting Nay: None

Absent: None

Re: Motion to Rescind motion to hire Ronnie Artigues and instead hire Butler, Snow, O'Mara, Stevens (HMGP Property Acquisition Project)

Re: Motion to Advertise for Debris Removal related to the property closings associated with the HMGP Acquisition Project

Alderman Kidd moved, seconded by Alderman Geoffrey to:

1. Rescind motion of 10/16/13 hiring Ronnie Artigues for legal services related to real estate closings for the HMGP Property Acquisitions Project (5), and instead hire Butler, Snow, O'Mara, Stevens, Attorneys for same legal services.
2. Advertise for bids for Residential Demolition and Debris Removal related to real estate closings for the HMGP Property Acquisitions Project (5) and instead hire Butler Snow

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine, and Kidd

Voting Nay: None

Absent: None

MAYOR'S REPORT (Continued)

- February 3-7, 2014 is Severe Weather Preparedness Week in Mississippi. There will be a Statewide Tornado Drill will be held February 5, 2013.
- Tuesday February 4, Waveland was presented as the first Coastal MS. City designated as a Storm Ready Community.
- Mississippi Emergency Management Agency, NOAA National Weather Service forecast office in the New Orleans for their assistance as the Fire Department went through the Storm Ready application process. Thanked Chief Mike Smith and the Fire Department personnel for their working toward this certification. This certification is good for a 3 year term.
- Thanked the City Employees for their participation with the recent severe cold weather preparation, along with the Fire and Police Departments for their working around the clock during this weather event. Thanked EOC Director Bryan Adams and his staff for their hard work and keeping the community informed during this weather event. Streets and Utility personnel kept the gas lines and water wells monitored. MDOT worked around the clock keeping everyone informed; the Mayor expressed his appreciation to City Comptroller Linda Elias and Purchasing Clerk Paula Tully for their answering phones from home during the City Hall administrative offices shut down.
- Smoke Testing results/pictures (Set 2) have been given to the Board.
- The Public Works employees will begin training on the new Knuckle Boom loader truck tomorrow (Wednesday, February 5, 2014).
- Construction has begun on the Coleman Avenue Fire Station to make the building ADA Compliant. The estimated completion time is 3 to 4 months.
- Provided a copy of the information that had been discussed on WLOX Channel 13 related to the garbage services fees that had been discovered. Tax Assessor Jimmy Ladner will be working with all 3 Hancock County City's accessing car tag fees.

ATTORNEY'S REPORT:

No Comments

ALDERMEN'S COMMENTS:

Re: Alderman Stahler:

- Volleyball court lights have been installed and will be meeting with Mr. Rick Richtein to discuss a plan for bidding for tournaments; they will also pursue local leagues. Mr. Richtein suggested possibly naming the courts; maybe assigning names that will 'brand' the area. It appears there will be an active spring and summer with volleyball.
- Will be meeting with Ms. Elizabeth Veglia on Thursday to work on a grant to rebuild the City Hall Wall Mosaic (Pre-2005 Hurricane Katrina).
- Requested approval to attend the canceled MML Board Meeting that has been cancelled last week and rescheduled for the 25th of February. Mayor Garcia said the request would be placed on the February 19, 2014 meeting agenda.

Re: Alderman Geoffrey:

No Comments

Re: Alderman Lafontaine:

- Inquired about the Siren Test. Mayor Garcia said it will be at 9:15 a.m. tomorrow morning.

Re: Alderman Kidd:

- Asked if the City could speak to the County about getting CIAP, Tidelands or other grant funding to help the City with the installation of bathrooms at the beach. Alderman Kidd said that he was under the impression there was still \$600,000.00 available (from a Pearlinton project) to assist with this. Mayor Garcia said he and Aldermen Lafontaine plan to meet with a couple of the County Supervisors to discuss this and other issues.
- Asked Mr. Mickey Lagasse to come forward to update the Board on the Street Paving Project.
- Asked if everything had been going smoothly with the Veterans Memorial Project. Mr. Lagasse said everything had been going well.

MINUTES

Re: Minutes of the Special Meeting of January 15, 2014

Alderman Lafontaine moved, seconded by Alderman Geoffrey to approve the Minutes of the MEMA Cottage/Tidelands Special Meeting of January 15, 2014 as submitted.

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 Geoffrey moved, seconded by Alderman Kidd to approve the RSVP claims as submitted.
(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

Alderman Geoffrey moved, seconded by Alderman Lafontaine to approve the Docket of Claims dated Feb 4, 2014. **(EXHIBIT C)**

- 001 Fund – 389 to 430
- 099 Fund – None
- 100 Fund – 11 to 12
- 101 Fund – None
- 102 Fund – 7 to 8
- 103 Fund – 10
- 104 Fund – None
- 105 Fund – None
- 124 Fund – None
- 125 Fund – 14
- 126 Fund – 15
- 127 Fund – 6
- 200 Fund – None
- 313 Fund – 6 to 7
- 400 Fund – 180 to 193
- 601 Fund – None

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine, and Kidd

Voting Nay: None

Absent: None

PLANNING AND ZONING (EXHIBIT D)

Re: 805 Combel Street, Wallace Bourgeois

Spread on the minutes Wallace Bourgeois did not appear before the commission with his tabled request for a variance from the required side yard setback in order to construct a new carport 24' x 20'

and a side and rear yard setback as well as a conditional use in order to construct a 24' x 40' garage that will be attached to the carport on his property located at 805 Combel Street, Legal description: Lots 489-492, Gulfside Sites Subdivision, City of Waveland, Hancock County, Mississippi.

Steve Hand moved, seconded by Mike Kopke that the Planning and Zoning Commission table the Applicant's request for a period of up to three (3) months to allow the Applicant time to explore with the Zoning Official alternatives to the carport/storage building as proposed and return to the Commission when Applicant chooses to present either a revised plan or the plan as originally proposed.

***At this time Mayor Garcia recused himself from discussion of this item and left the room (Jason Garcia is a relative). Alderman Geoffrey acted as Mayor Pro Tem.**

Re: 112 Aiken Road, Jason Garcia of Garcia and Sons Development LLC

Jason Garcia of Garcia & Sons Development, LLC appeared before the commission with a request for a variance of ten feet from the required front yard setback in order to construct a new residence. This property is located at 112 Aiken Road. Legal description: Block 2 lot B & 1, Gayle Aiken Subdivision, City of Waveland, Hancock County, Mississippi.

Steve Hand moved, seconded by Mike Kopke that due to the unique shape and topography of the parcel at 112 Aiken Road, and the location of two City-protected, large Live Oaks, the Planning and Zoning Commission recommends the Board of Mayor and Aldermen approve the requested ten (10) foot front yard setback variance to allow for a fifteen (15) front yard setback for the proposed residence. The Commission further recommends that the variance be granted on the condition that the City will grant no further variance for this residence.

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

Mr. Yarborough asked if Mr. Garcia was present. He noted for the record Mr. Garcia's absence. Mr. Yarborough asked to let the record reflect that no one was present to oppose the application request as submitted. He advised the Board that by accepting the variance application they are making a finding of fact from the Planning and Zoning Commission that the applicant has met the requirements of Ordinance No. 349 for a Zoning Variance and met those non-applicable criteria.

A vote was called for with the following results:

Voting Yea: Stahler, Lafontaine, and Kidd

Voting Nay: None

Absent: None

Other: Geoffrey was serving as Mayor Pro Tem and did not vote.

***Mayor Garcia re-entered the meeting at this time.**

UTILITY REPAIRS/SMOKE TESTING/LEGAL ISSUES

Re: Form Authorizing the City to enter Premises for Utility Repairs

Alderman Kidd moved, seconded by Alderman Lafontaine to approve proposed form 'Authority for the City of Waveland to enter Premises for Utility Repairs' to be executed by property owners for the City to enter that property for smoke testing utility repairs. **(EXHIBIT E)**

Mr. Yarborough said the question presented was rather or not the City has the right to enter private property dealing with utilities related to smoke testing currently being done throughout the City. Mr. Yarborough said this would just be a mechanism for people who sign to allow the City to go on to the property; the Attorney General's Office (A.G. Opinion) says we can do that if we receive the permission of the property owners. He said he is asking the Board by allowing this is to make a finding that where there are those smoke testing issues and breaks in the line, that repairing that on the private property, with the owner's permission, is for the best interest of the utility as a whole and not to serve the interest of the individual property owner/person. Alderman Lafontaine confirmed that what we're mostly

talking about is sewer caps (nominal cost items). Mr. Yarborough said this is discretionary on the part of the City; we're not absorbing any obligation to go onto private property and make repairs, but can use this tool if the City so chooses. Aldermen Kidd asked, "What if the property owner denies access." Mr. Yarborough said, "Absent in taking, you can't go onto the property." Alderman Lafontaine said, "Can we force them to fix it if they don't want to let us go in there and fix it." Mr. Yarborough said, "You might be throwing good money after bad, but feasibly you can file an action in court depending on how bad it was."

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine, and Kidd

Voting Nay: None

Absent: None

RESOLUTIONS/SMOKE TESTING/UTILITY REPAIRS/LEGAL ISSUES

Re: Resolution - Utility Repairs performed on Private Property is to serve the Integrity of the System as a Whole

Alderman Lafontaine moved, seconded by Alderman Geoffrey to approve Resolution re: Smoke Testing Repairs; this Resolution makes the finding that the work is performed on private property to serve the integrity of the system as a whole and to benefit not just the individual owner, but all utility customers. **(EXHIBIT F)**

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine, and Kidd

Voting Nay: None

Absent: None

RESOLUTION/TOURISM/LEGISLATURE

Re: Resolution - Request Legislature to Reinstate Legislation regarding Hotel Tax to support Tourism

Alderman Stahler moved, seconded by Alderman Lafontaine to Adopt a Resolution Requesting Mississippi Legislature to Reinstate Legislation for the Hancock County Tourism Development Bureau by Amending Current Legislation Repeal Clause. (i.e. A Resolution to enable and enhance the marketing and Promotion of Hancock County, MS. as a tourist destination, through continued enabling legislation for the Hancock County Tourism Development Bureau by amending current legislation repeal clause). Ms. Myrna Green was present to discuss. **(EXHIBIT G)**

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine, and Kidd

Voting Nay: None

Absent: None

DECLARATION OF EMERGENCY/WINTER STORM 2014

Re: Declaration of Emergency for Severe Winter Weather Event of January 28 & 29, 2014

Alderman Lafontaine moved, seconded by Alderman Geoffrey to ratify the following Declarations of Emergency for Severe Winter Weather Event of January 28 & 29, 2014. Note: No Emergency purchases were made during this event. **(EXHIBIT H)**

- a. Proclamation of Existence of a Local Emergency – City of Waveland (Hancock County).
- b. Proclamation of Emergency – Governor Phil Bryant, State of Mississippi.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine, and Kidd

Voting Nay: None

Absent: None

**GARFIELD LADNER MEMORIAL PIER/FEMA/ADVERTISEMENTS/BIDS
Re: Re-Advertise for Bids for Garfield Ladner Memorial Pier Repairs Project**

Alderman Geoffrey moved, seconded by Alderman Kidd to advertise for bids for the Garfield Ladner Memorial Pier Repairs Project. Due to the delay in FEMA response/approval of the previous bid opened October 1, 2013, those bids have expired.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine, and Kidd

Voting Nay: None

Absent: None

**LEGAL DEPARTMENT/EASEMENT PURCHASE/WATER SYSTEM EXTENSION-
ANNEXED AREA PROJECT/BUTLER, SNOW, O'MARA, STEVENS/ PURCHASES, REAL
PROPERTY/ REAL PROPERTY PURCHASE
Re: Rescind Motion of 10/16/13 hiring Mr. Ronnie Artigues for Legal Services and instead Hire
Butler, Snow, O'Mara et. al.**

Alderman Kidd moved, seconded by Alderman Geoffrey to rescind motion of 10/16/13 hiring Ronnie Artigues for legal services related to closing the Rito 15' Property Easement purchase related to the Water System Extension – Annexed Area Project and instead hire Butler, Snow, O'Mara, Stevens, Attorneys for same legal services.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine, and Kidd

Voting Nay: None

Absent: None

**BONDS/ANNUAL DISCLOSURE SUBMISION
Re: Authorize Butler-Snow, LLP. to prepare the City's annual Continuing Disclosure Submission**

Alderman Stahler moved, seconded by Alderman Geoffrey to authorize Butler-Snow, LLP. to prepare the City's annual Continuing Disclosure Submission in an amount not to exceed \$1,500.00.
(EXHIBIT I)

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine, and Kidd

Voting Nay: None

Absent: None

**BIDS/PURCHASING DEPARTMENT/PUBLIC WORKS/HANCOCK COUNTY BOARD OF
SUPERVISORS/POLLING PLACE/WAVELAND EAST/ELECTIONS/REQUEST FOR CASH
REIMBURSEMENT/WAVELAND BEACH VOLLEYBALL PROJECT/TIDELANDS
FUNDING**

Spread on the minutes the following as listed: (Items a-d)

- a. Bids for Limestone, Sand and Fill dirt were opened prior to the meeting at 6:00 pm and have been taken under advisement.
- b. In accordance with MS. Code Section §23-15-281 through §23-15-285 Public Notice was given by Hancock County Board of Supervisors that the Polling Place for the Waveland East Voting Precinct has been changed to 307 Coleman Avenue (Fire Station). **(EXHIBIT J)**
- c. Partial Payment Request for Cash Reimbursement #16 in the amount of \$12,705.00 for the Waveland Beach Volleyball Project- Tidelands funding. **(EXHIBIT K)**
- d. Partial Payment Request #14 (for Reimbursement) from Tidelands in the amount of \$34,554.87 – David Rush Construction, Veterans Memorial Project. **(EXHIBIT L)**

***Alderman Geoffrey recused himself from the room because he is related to person in the upcoming agenda item.**

BIDS/BUSINESS CENTER/INCUBATOR

Re: Bid on Units A1-A2-A7-A8, & A9 (Pod A), 4103 square feet

Alderman Kidd moved, seconded by Alderman Lafontaine to approve bid on Units A1-A2-A7-A8, & A9 (Pod A), 4103 square feet, as the highest and most responsive bid (\$1,000/month) for the Business Center from Mr. Gary Geoffrey who proposes to open a convenience/souvenir store. Tenant shall pay all utilities, and gas if applicable. City Attorney Yarborough will draft the lease.

A vote was called for with the following results:

Voting Yea: Stahler, Lafontaine, and Kidd

Voting Nay: None

Absent: None

Other: Alderman Geoffrey had recused himself from the Board room for the motion & vote.

***Aldermen Geoffrey re-entered the Board Room and resumed his duties.**

PARKS AND RECREATIONS/SURPLUS

Re: Declare Surplus Property – Parks and Recreations Department

Alderman Lafontaine moved, seconded by Alderman Kidd to approve the following as surplus property submitted by Parks and Recreation Director, Willie Moody, being listed. (Items a-c) **(EXHIBIT M)**

- a. 1 Husqvarna gcv 160 Push Lawn Mower (The equipment is in extremely poor condition - unable to locate the serial number).
- b. 8 Indoor basketball backboards.
- c. 8 Indoor basketball goals.

Mr. Yarborough said by making this finding the Board is finding that the items are no longer needed for Municipal Purposes.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine, and Kidd

Voting Nay: None

Absent: None

INVOICES/PAY APPLICATIONS/WAVELAND BEACH FACILITY IMPROVEMENTS/ BEACH FACILITY IMPROVEMENTS/VETERANS MEMORIAL PROJECT/CITYWIDE ROAD OVERLAY PROJECT/

Re: Invoices Submitted by Various Contractors

Alderman Lafontaine 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 source, as listed (Items a & b):

(EXHIBIT N)

- a) Pay Application #2 from Huey Stockstill, Inc in the amount of \$41,462.45 – City Wide Road Overlay (Street Paving) Project.
- b) Pay Application #2 from David Rush Construction, LLC. in the amount of \$276,991.26 – Waveland Beach Facility Improvements (Veterans Memorial) Project. Note: This invoice will be paid upon approval by Board (in accordance with Tidelands Funds procedure) on the 1/19/14 docket and will be reimbursed shortly thereafter by State of MS. -Tidelands Funds.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine, and Kidd

Voting Nay: None

Absent: None

**AMEND AGENDA/CITYWIDE STREET PAVING PROJECT/STREET PAVING PROJECT
Re: Amend Agenda to Include 2 Additional Streets (Sycamore St. & Rue de La Salle/Corner Waveland Avenue) in the Citywide Streets Paving Project**

Alderman Lafontaine moved, seconded by Alderman Kidd to amend the agenda to authorize a field order to do additional work on the Huey Stockstill Paving Project on the two sites discussed at the last meeting, namely Sycamore Street and Rue de La Salle/corner of Waveland Avenue.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine, and Kidd

Voting Nay: None

Absent: None

Re: Include 2 Additional Streets (Sycamore St. & Rue de La Salle/Corner Waveland Avenue) in the Citywide Streets Paving Project

Alderman Lafontaine moved, seconded by Alderman Geoffrey to authorize a field order to do additional work on the Huey Stockstill Paving Project on the two sites discussed at the last meeting, namely Sycamore Street and Rue de La Salle/corner of Waveland Avenue.

Mr. Yarborough said, “The contractor requires a field order which ultimately contemplates a change order; it’s ultimately going to depend on how much of the asphalt has been used and whether we need and adjusted price after; if there is any price adjustment, we have to approve it now.”

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 7:49 p.m.

Alderman Stahler moved, seconded by Alderman Geoffrey to adjourn the meeting at 7:49 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 March 7, 2014.

Lisa Planchard
City Clerk

The Minutes of February 4, 2014 have been read and approved by me on this day the 7th day of March, 2014.

David A. Garcia
Mayor

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