

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 5, 2013 at 6:30 p.m., to take action on the following matters of city business

(Recording of meeting for listening available via records request)

PUBLIC COMMENTS

Re: Mr. Richard Kennedy asked the Board about Utility Billing as it pertained to the newly annexed area, where he lives. He told Board members he has never been billed for water, gas, sewer, et al. by the City. He also knows of another neighbor down the road that has not been billed either. Mr. Anderson asked him if he had ever received a letter about coming in to the office to post a deposit. He said no.

INTRODUCE SPECIAL GUEST IN AUDIENCE:

Mayor Garcia introduced Ms. Lemay, who was his 5th grade teacher and in addition, today is her birthday. The Mayor personally wished her a Happy Birthday.

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.

HANCOCK COUNTY LIBRARY/LIBRARY

Re: Mayor Garcia recognized Ms. Susie Lee with the Hancock County Library System Board of Trustees

Mrs. Lee thanked the Board for having her this evening and said she is the City of Waveland's delegate to the Library Board of Trustees. She introduced Ms. Courtney Thomas, who will serve as the Acting Interim Director of the Library System until a search can be done for the new Executive Director. She informed Board members of Ms. Patty Furr's resignation on Thursday as the Executive Director of the Library, which took effect immediately. The Board of Aldermen were then given a Library usage report, noting the increased numbers in computer usage at the local Library branch here in Waveland. Mayor Garcia congratulated Ms. Courtney Thomas on her appointment.

MISSISSIPPI BOARD OF HEALTH/WATER SYSTEM - FLUORIDE/PUBLIC WORKS

Re: Ms. Marsha Parker with MS. State Department of Health to Discuss Adding Fluoride to the Waveland Water System

Ms. Parker said she understood there were questions regarding the insertion of fluoride into the Water System. She reminded the Board that this had been approved in 2010; the grant money has finally come available and she would like to recommend that this Board continue with what was approved by the previous Board in 2010. Alderman Kidd asked what kind of time frame is involved and what is involved to get this hooked into our system. Ms. Parker said there are a lot of factors that come into play. There is an engineer ready to answer questions and work with the City. Alderman Kidd asked about costs. Ms. Parker said it is about \$180,000.00 grant which would include fluoride for the first year, thereafter the City would be responsible for the purchase of fluoride which she estimates at \$5,000.00 per year. Mr. Anderson said he had spoken with Ms. Parker and told the Board that he supported this issue; this would not affect the wells or pumps at all. Ms. Parker said there needed to be one staff member as the City contact with regard to Grants and Funding; this could move forward as soon as it is approved by the Board and the contract is drawn up. Ms. Parker said it has taken 3 years to get to this point, to get the grant money together; Bay St. Louis is under construction right now and Diamondhead went on line a few months ago. The Mayor asked if there was a Grant match. Ms. Parker said no and said she could speak with the Board members individually if they like. Alderman Lafontaine asked about fluoride allergies. Ms. Parker said fluoride is a natural mineral and would not cause an allergic reaction, nor does it have a taste.

MAYOR'S REPORT (EXHIBIT A)

Re: Mayor Garcia commented on the following:

- a. The Mayor thanked the Waveland Community Coalition and Mr. Tom Bentley for providing the trash containers and the litter bags along the parade route on Sunday at the Nereids parade. Mr. Bentley rode along the parade route and handed out trash bags to the parade goers. The Mayor also thanked the parade goers for their using the trash receptacles provided along the route. The trash was cleaned up in 2 days post parade.
- b. The Mayor also thanked the employees of City Hall, Public Works, Police and Fire, Pass Christian Police Department, AMR, ABC, and the Hancock County Sheriff's Department for their participation in making the Nereid's Parade a great success, noting that this was one of the largest crowds seen in years.
- c. The Mayor read a letter from Mrs. Rose Cooper about the kindness shown to a citizen by Mr. Bubba (Reese) Woods at Bubba Woods Automobile Sales.
- d. Police Chief Kenny Hurt provided a report about the recent Nereid's Parade. Total arrests were eight, several of these were juveniles. He received a report of 1 man who fell or was pushed at the parade and supposedly hit the curb with his head; he is in the hospital. This accident happened just east of the intersection of Hwy 90 and Old Spanish Trail by the old animal clinic. Four ABC (Alcohol Beverage Control) officers were present for the parade and cited forty juveniles for smoking marijuana and drinking moonshine, beer and liquor. Chief Hurt said Computer Forensic Investigator David Allen invited these officers from ABC who were his friends. He said we will be requesting more ABC officers for next year.
- e. Mr. Anderson provided an update of the parade trash clean-up. He said he felt all went well and the City has a great group of employees that were able to remove the trash, 2 sets of reviewing stands and barricades, and rake 2.3 miles of highway in a matter of 2 days. The Mayor and Alderman Lafontaine discussed the possibility of finding a storage place for the Waveland Community Coalition garbage cans. The Mayor said he met with the Beautification Committee earlier in the day, and during February the Committee plans to prune the trees on the highway and will need the chipper truck to assist them. Alderman Kidd said the oleander bushes especially need to be pruned. Alderman Lafontaine asked if those riding in the parades can receive literature prohibiting them from throwing trash from the floats. Mr. Anderson said that when a group signs up to ride in Nereids, they each receive a whole packet of literature which includes all of the rules and do's and don'ts. Alderman Lafontaine shared his experience with a float rider throwing trash off of the float. Mayor Garcia asked the Board for parade recommendations/complaints to be forwarded to his Secretary (Tammy). He said the list would be forwarded to the Nereids organization. Mrs. Planchard said she had spoken with Mrs. Mary Turcotte, Nereids Parade Commissioner about this very issue earlier in the day; Ms. Mary Turcotte encouraged everyone to please call her and report if anyone sees anything that is offensive or dangerous regarding parade floats/walking groups, etc. She said just please get the group or float number or name; she definitely wants to know if anyone notices violations; she has no problem ejecting a group from the parade if they violate any rules.
- f. The Mayor said it was a pleasure to see the entire Board present at the Mid-Winter MML Conference. He said for the first time in the history of Waveland, the entire Board will be certified Municipal Officials about this time next year; he and Alderman Stahler are certified, Aldermen Geoffrey, Lafontaine and Kidd will be graduating next year.

ALDERMEN'S COMMENTS:

Alderman Stahler:

- a. Agreed with the Mayor's sentiments regarding the Board's attendance at the MML Midwinter Conference. They attended a Capital briefing with all of the highest of government officials in attendance; later that day they attended a legislative reception. In attendance were both Representative David Baria and Senator Philip Moran; noting that Waveland was well represented.

- b. Thanked Tammy (Fayard) and Lisa (Planchard) for electronically delivering the Board Packets this meeting. She said she had not opened her (paper) packet before this meeting; she's going to try doing the meeting electronically tonight and see how it goes. Alderman Stahler also asked if the agenda could be placed on the Smart Board in the Board Room.

Alderman Geoffrey:

- a. Announced that he became a Grandpa for the first time last Tuesday; his daughter had a little boy, both mother and baby are doing well.

Alderman Lafontaine:

- a. Echoed the sentiments of the Mayor and Alderman Stahler regarding the fine job by the City of Waveland Employees for the Nereid's Mardi Gras Parade.

Alderman Kidd:

- a. Asked about the property at Margie Street and where we are regarding all of the cars parked there. Fire Chief Mike Smith and Clerk of Court Rhonda Cummings said the property owner will have to appear in Court on April 18, 2013, along with all individuals subpoenaed regarding property cleanup violations. Ms. Cummings said Court held the third Thursday of each month will deal with property/cleanup violations. Mayor Garcia asked if the property owner, where the "Animal Clinic" used to be located, could be sent a letter regarding the cars being parked there and the requirement to have them removed, i.e. blighted property cleaned up. Mayor Garcia asked Chief Smith to pull the tax rolls on that piece of property to see who owns it/pays taxes on it, and send them the cleanup letter. Chief Smith will use the Ordinance and Property Maintenance Codes to note violations of properties at issue. Alderman Lafontaine said he is disappointed that this has been going on for 2 years and he knows there have been violations there and this has not come to court sooner. The Mayor recommended citations be written regarding obstruction of the right of way at that intersection, i.e. these vehicles are parked on the public right of way and obstructing the view of motorists pulling up to that intersection of Margie and Old Spanish Trail; he said this traffic issue needs to be taken more serious than it is. Lt. Mac Cowand said, "Yes, he's conducting business on the right of way of the road." Lt. Cowand said citations could be written. The Mayor said he has spoke with Commissioner King, MDOT, and the City has the right to remove anything off of the Highway right-of-way that is deemed a problem, nuisance or violation, including signs; the City has his permission and authority to move any of these things from the public rights of way. Mayor Garcia said what MDOT does is pick up the sign the first time and hold it for the individual to claim it, but the second time it is thrown in the dumpster... individuals are told this will be done at the time they come pick up their signs. Alderman Kidd asked whether a field at the Elwood Bourgeois Park could be changed to honor 'Mr. Herb'. Mayor Garcia said no, that the entire park has already been dedicated as the Elwood Bourgeois Memorial Park. Mr. Bourgeois was a veteran from Waveland that lost his life in war; he was a POW missing in action and never returned to the U.S. Mayor Garcia said, "He gave his life for the freedom we have today". Mayor Garcia said he feels strongly about honoring veterans, he has a lot of respect for them, and he would have to veto that if it were done. Alderman Kidd said, "Right, no problem".

RSVP

Re: Claims

Alderman Geoffrey moved, seconded by Alderman Kidd to approve the RSVP Claims as submitted by Mary Turcotte. **(EXHIBIT B)**

A vote was called for with the following results:

Yea: Stahler, Geoffrey, Lafontaine, and Kidd

Nay: None

Absent: None

DOCKET OF CLAIMS

Re: Claims Nos.

Alderman Kidd moved, seconded by Alderman Stahler to approve the Docket of Claims dated 2/5/2013 as submitted by the City Clerk. **(EXHIBIT C)**

Alderman Lafontaine had several questions; one repeated issue was about the payments to Geiger A/C. Ms. Cerami said she still has these on hold per Board instruction. City Attorney Yarborough said we still have not heard back on the warranty claim. He will contact them about this. Additional questions by Alderman Lafontaine and Kidd were answered satisfactorily by Ms. Cerami.

001 Fund – 220 to 575
100 Fund – None
101 Fund – None
102 Fund – 5
103 Fund – 9 to 10
124 Fund – None
125 Fund – None
126 Fund - 10 to 12
127 Fund – 19 to 21
400 Fund – 189 to 210

A vote was called for with the following results:

Yea: Stahler, Geoffrey, Lafontaine, and Kidd

Nay: None

Absent: None

MINUTES

Re: Meeting of January 16, 2013

Alderman Lafontaine moved, seconded by Alderman Kidd to approve the Minutes of January 16, 2013 as submitted by the City Clerk.

A vote was called for with the following results:

Yea: Stahler, Lafontaine, and Kidd

Abstain: Geoffrey

Nay: None

Absent: None

COURT DEPARTMENT

Re: Court Clerk Rhonda Cummings was present to update the Board on Court Collections, Fines and Fees

Court Clerk Rhonda Cummings was present to update Board on Court Collections Fines and Fees.

Board members noted that some of the numbers are showing an increase in collections. Ms. Cummings said that she would like to wait to get new court software until the Police Department gets their e-ticket system. Lieutenant Mac Cowand said there was still a lot of research to be done with the e-ticket system. He said he would like to pursue the JAG Grant regarding funds for the e-ticket system. Ms. Dudding also discussed the amount of

available funds (approximately \$300,000) on the Police/Court Department contents PW (Project Worksheet), noting that a little has been charged against it so far, but it was beautifully written. Mr. Yarborough said he thinks that currently the funds for that PW and the Police Department building PW are extended to June, and FEMA will reevaluate at 6 month intervals. (EXHIBIT D)

**BAY-WAVELAND GARDEN CLUB/BUSINESS INCUBATOR/
BEAUTIFICATION**

Re: Approve Ms. Mary Frost with the Bay –Waveland Garden Club to Maintain Landscaping at the Business Incubator

Alderman Lafontaine moved, seconded by Alderman Stahler to approve a request from Ms. Mary J. Frost of the Bay-Waveland Garden Club to maintain the landscaping bordering Coleman Avenue in front of the Waveland Business Incubator at the corner of N. Bourgeois St.

A vote was called for with the following results:

Yea: Stahler, Geoffrey, Lafontaine, and Kidd

Nay: None

Absent: None

PARADES/EVENTS/WAVELAND CIVIC ASSOCIATION

Re: Approve a Request from the Waveland Civic Association to present their 49th Annual St. Patrick's Day Parade

Alderman Kidd moved, seconded by Alderman Geoffrey to approve a request from the Waveland Civic Association to present their 49th Annual St. Patrick's Day Parade on Saturday March 16, 2013 at 2:00 p.m. Mr. Merlin "Shorty" Necaise was present to discuss and answer questions.

A vote was called for with the following results:

Yea: Stahler, Geoffrey, Lafontaine, and Kidd

Nay: None

Absent: None

**ORDINANCES/CULVERTS/PUBLIC WORKS/PERMIT FEES-CULVERT
INSTALLATION**

Re: Approve Ordinance No. 359 Regarding the Placement of Culverts

Alderman Stahler moved, seconded by Alderman Kidd to approve the 'Culverts ordinance' "AN ORDINANCE OF THE CITY OF WAVELAND, MS CONCERNING PERMITS FOR ENCLOSURES ALTERING DRAINAGE WAYS" as presented by City Attorney Gary Yarborough. (EXHIBIT E)

During discussion Mr. Anderson recommended a fee of \$100.00 as permitting fee for the first two inspections, then \$50.00 per inspection thereafter. Alderman Stahler asked about the elevation of the culverts. Mayor Garcia said there will be different falls and the Watershed 44 will change a lot because the upcoming citywide drainage project. Mr. Anderson said the City inspector will come out before any work is done to determine where/what depth the culvert(s) will be placed; he will come out again once the work is done to make sure the culvert(s) were installed correctly. Mr. Anderson said a lot of our elevations are going to change this next year because of the upcoming Citywide Drainage Improvements project and said his personal opinion is that the City hold off on this ordinance until after this drainage project is completed. Mayor Garcia said there will be different falls, especially going into the Ward 4 area. The Board discussed the outflow

that may be affected by the approval of this Ordinance. Mr. Anderson said this is a costly improvement to property and we probably will not have that many citizens that request this. After much discussion, the Board requested that each permitting and installation request be reviewed by the Public Works Director separately to make sure current action (culverts installations) will not adversely affect the Citywide Drainage Improvements Project once it is completed; it has not yet begun. Alderman Lafontaine suggested that in anyone comes in for this permit that they are issued a letter saying that if their culverts installation affects the drainage project that is going on, corrections will be at their expense, not the City's. Mayor Garcia said the City needs to consult with Vince Altese of Pickering Firm about each property owner requesting that culverts be installed on their property, and what will the affect on their (and their neighborhood's) drainage be. Mayor Garcia asked Brent to draft a notice (and have the City Attorney review it) that when a citizen applies for this permit explaining the permit fees and give them a copy of the ordinance; tell the citizens that the City will be getting a citywide drainage improvements project underway and we will have to consult with the engineers on that project to make sure that this permitting for them will not interfere with that project in any way, or we don't have the data for that area yet, it could slow down this project. He said this would give the citizen something in writing to let them know where the City stands on this issue. Alderman Lafontaine said, "And also what you may want to do on that is on that sheet that you're talking about where you're notifying them to let them know that if they go forward with this, there is a possibility within the next 3 to 4 months that this could change, and maybe also have them sign a copy of that and keep that on file that they were notified of that. That way it's not an issue to where we go out there and we dig up their culverts and they come back 2 months later and say, "Oh, you've got to replace all my culverts." Brent Anderson said he would write something up and have Gary put a set of eyes on it before it goes out. Alderman Lafontaine said, "Put it on their permit or something and that way they sign off on it saying that they've been notified of this."

A vote was called for with the following results:

Yea: Stahler, Geoffrey, Lafontaine, and Kidd

Nay: None

Absent: None

**PUBLIC WORKS DEPARTMENT/HANCOCK COUNTY UTILITY
AUTHORITY/WATER SUPPLY ALLOCATION - HCUA**

**Re: Mr. Brent Anderson Discussed the HCUA Allocation of Water Supply/
Operations and Maintenance Cost Schedule**

During discussion, Mr. Anderson said the City's percentage of what we will buy (water) from the Utility Authority is 40%, which is 325,000 gallons of water a day. Alderman Stahler said she didn't know how this % has changed from 25% to 40%. Mr. Yarborough said, "That's what it looks like they're doing. Initially they're charging you pro-rate under the contract and charging you/saying you're absorbing 25% of the flow. On the second page instead of doing it per flow, they're doing it per customer, which bumps us to 40%, but I don't understand why it's a different number." Mr. Anderson said the way it is broken down is per agency involved, 25% of our customers have (inaudible). They're basing the bill to us at 25% of our customers of the 2500 water hookups that you have." Alderman Kidd asked if there was anything in writing as a contract about this; is there anything stating how much we have to buy or how much... I didn't think so. City Attorney Yarborough said no. Mr. Anderson said, "Which in turn what it costs the Utility Authority to operate a year, we're buying 40% of utility authority water." Alderman Kidd said, "I disagree with this." The Mayor said he had never seen a contract and suggested the Board direct Alderman Stahler to tell the HCUA Board that the City is not in agreement with putting the skater system on the City's water well system. Alderman Stahler asked for a directive from the Board, at her next Utility Authority meeting, to request a copy of the contract and do not put the skater system on the City's water wells, (Mayor Garcia and Alderman Kidd both now said they were opposed to this

system) because the City will have water sitting in our towers dormant until they release it. The Mayor said they will override our system and we're not going to allow that; we're not going to give them that control. Mr. Anderson said he has a brand new well watch control system and its working fine. Mr. Anderson said that basically the skater system is what we have; we can put a skater system with our system, but I don't feel the Utility Authority needs to serve as licensed water operator for the City. Mr. Anderson said he doesn't feel the Utility Authority should have control of the City's wells; this would mean if something goes down, they could shut the City's wells off from their control panel and push water to us. Mr. Anderson said they're not going to touch the City's wells; he's going to valve it off at the water tower. He said that way he will know where their water is and where it's going and it doesn't integrate with our well system. Mr. Yarborough said they have been charging the City between \$1.40 and \$1.70 per thousand gallons for water which is really .70 cents per gallon, according to this schedule. Alderman Lafontaine said before the City pays anything, he would like Mr. Yarborough to go through the HCUA contract and review every single dime of this because the percentages have changed several times. Alderman Stahler said so far she understands the Board has directed her to obtain the contract, tell them the City does not want the skater system and get an explanation of the percentages. **(EXHIBIT F)**

HEARINGS/PROPERTY CLEANUPS

Re: Proceed with Noticing and Hearing regarding Property Cleanups

Motion to proceed, through the Board of Mayor & Aldermen, with noticing and hearing property cleanups, to set a date for the hearings, and to authorize City personnel to proceed with matters thereto.

****DIES FOR A LACK OF MOTION****

COMPTROLLER/BUDGET/FUND 313/CAPITAL PROJECTS FUNDS/ GENERAL OBLIGATION FUND SERIES, 2013/BONDS

Re: Establishing Fund 313 to Account for Proceeds of the General Obligation Bonds, Series 2013, \$1,500,000

Alderman Stahler moved, seconded by Alderman Geoffrey to authorize establishing Fund 313, styled "2013 1.5M Capital Projects Fund" to account for proceeds of the \$1,500,000 City of Waveland Mississippi General Obligation Bonds, Series 2013.

A vote was called for with the following results:

Yea: Stahler, Geoffrey, Lafontaine, and Kidd

Nay: None

Absent: None

BUDGET FY 2013/AMEND BUDGET/BONDS/AMENDMENTS TO BUDGET

Re: Amend the Budget to Account for the Bond Proceeds, Bond Issuance Costs, Note Payable and Capital Projects Money Available

Alderman Stahler moved, seconded by Alderman Lafontaine to authorize amending the 2012-2013 Budget as follows:

- a) 313-000-391 Bond Proceeds \$1,500,000.00
- b) 313-992-841 Bond Issuance Costs \$34,287.02
- c) 313-840-810 Note Payable \$598,203.98 (Magnolia Garden Condominiums)
- d) 313-301-780 Capital Projects, per Bond Resolution \$867,509.00.

A vote was called for with the following results:

Yea: Stahler, Geoffrey, Lafontaine, and Kidd

Nay: None

Absent: None

BOND CLOSING/BOND ISSUANCE COSTS/RATIFY PAYMENTS/INVOICES
Re: Ratify Payment of Bond Issuance Costs

Alderman Geoffrey moved, seconded by Alderman Kidd to ratify payment of Bond issuance costs as previously authorized and outlined in the Bond Closing Memorandum as follows: **(EXHIBIT G)**

- a) \$14,687.02 Butler Snow, Bond Counsel
- b) \$10,500.00 Government Consultants, Financial Advisory Services
- c) \$1,100.00 Hancock Bank, Paying Agent Acceptance
- d) \$500.00 Spence Flatgard, State Bond Attorney Validation
- e) \$7,500.00 Yarborough Law Firm, Bond Validation

A vote was called for with the following results:

Yea: Stahler, Geoffrey, Lafontaine, and Kidd

Nay: None

Absent: None

MISSISSIPPI HOME CORPORATION/GENERAL OBLIGATION BOND,
SERIES 2013/MAGNOLIA GARDEN CONDOMINIUMS/ LEGAL
ISSUES/NOTES PAYABLE
Re: Ratify payment of \$598,203.98 to Trustmark National Bank to Pay off the
Magnolia (Garden Condominiums) Note Payable

Alderman Lafontaine moved, seconded by Alderman Geoffrey to ratify payment of \$598,203.98 to Trustmark National Bank for credit to MHC (Mississippi Home Corporation) Corporate Fee Account, Account #1006966444 to pay off Note Payable, as outlined in the Bond Closing Memorandum, Series 2013 General Obligation Bond.

A vote was called for with the following results:

Yea: Stahler, Geoffrey, Lafontaine, and Kidd

Nay: None

Absent: None

UTILITY FUND/GENERAL FUND/BUDGET
Re: Transfer Administrative Service fees to General Fund

Alderman Stahler moved, seconded by Alderman Geoffrey to approve 12 monthly transfers of \$13,308.00 from Utility to General Fund to cover the Utility Fund's (an Enterprise Fund) share of administrative services (accounting, purchasing, payroll, etc.) as approved in adoption of 2012-2013 budget and requested by Janet Dudding. (Tabled 1/16/2013)

During discussion, Alderman Lafontaine said that he agrees with charging the Utility Fund, but this will put the Utility Fund that much further into the red to the point to where the next time the Board looks at the budget, the first thing that will be said is that we need to increase utility bills. As of right now, we've got this water system (HCUA) that we're getting ready to have to pay for, we've got the sewage bill going up; so that will put it that much further into the red with those two items and he knows it's already budgeted. Ms. Dudding said this is already budgeted into the Utility Budget as well. She said the Board needs to consider that the General Fund and the taxpayer dollars have

been subsidizing the Utility Fund for years due to all of the re-constructions and not a penny of the utility fund has gone toward (inaudible/interrupted). Alderman Lafontaine said he doesn't disagree with the fact that it needs to be done, but right now there's a couple of big things that are about to hit the utility fund, and we'll be taking out the \$13,000. Ms. Dudding said part of the risk the Board is facing if they deny the transfer is that the General Fund is no longer in budget; the general fund is balanced, the revenues and expenditures are balanced; and this was discussed at the beginning of the year and what helped balance is this \$160,000 coming over, which is very conservative; coming over from the Utility Fund just to pay for staffing assistance. Ms. Dudding said what we're looking right now is \$160,000 that you would be decreasing the revenues in the general fund, so I'm - \$160,000, I'm losing the lease revenue at the Business Incubator, so there's another \$25,000 loss. Not only am I losing the lease over there, but I've got to pick up the insurance cost that we'll not be reimbursed, for which is another \$30,000 loss. Not only do I now have to pick up insurance cost, but now I've got to absorb the electricity and water over there at a minimum; \$210,000 the general fund revenues are being decreased. She said she either needs to cut expenditures in the general fund or find a revenue source; part of her revenue source is this \$13,000 coming over from Utility Fund. She told Board members it is completely at their discretion, but if they could take a little longer to take a read on what's going on in the Utility Fund; noting we were initially promised that we would have the meters read in March of 2012; we're now at February of 2013. Alderman Lafontaine said originally the Board was told it would be done by October 2011. Ms. Dudding said we may know what we're pumping, but we don't know what we're selling. Mayor Garcia said the Board had also been told that every street had been ridden in the Annexed Area and every residence is accounted for and receiving a Utility Bill, but noted 2 more people who stood before the Board tonight stating that they had never received a bill. Ms. Dudding said if we're not reading meters we really need this transfer more; one fund is in jeopardy because the meters are not being read. Mayor Garcia said, "We only have one fund instead of two that will be out of balance." Ms. Dudding said, "By Ordinance we are supposed to balance in that fund. By ordinance you're not supposed to let the taxpayers pay for your water or your sewer, by the City's ordinance. If you could, let the transfer ride (let the transfers happen) for just a little while longer to see if we can't read some meters, to see if we can't get a handle on the revenues coming in." Ms. Dudding said the budget is tight, not strangling, but it's tight, the City is making it. She said if we could let those transfers happen while we concentrate on getting those meters in the ground and getting those meters read and see what we're selling; we don't know what we're selling. She added, "We're not even billing everybody. To see what we're selling, to see what the revenues should be in the utility fund, it might rectify itself; if it doesn't you can always reverse that transfer, but that way I've got one fund that's upside down, which is the utility fund, as opposed to creating two funds in trouble."

A vote was called for with the following results:

Yea: Stahler, Geoffrey, Lafontaine, and Kidd

Nay: None

Absent: None

FIRE DEPARTMENT/CONTINUING EDUCATION/TRAINING
Re: Mr. Rusty Schultz to Teach 1041-I Course at the Fire Department

Alderman Lafontaine moved, seconded by Alderman Geoffrey to approve Part-Time Firefighter Rusty Schultz to instruct the Fire Service Instructor 1041-I course at the Central Fire Station on Highway 90 at a total cost of \$640.00 for manuals, certification and course fees. Fees shall be paid from the Fire training budget line item. Mr. Schultz, a City employee, will not receive compensation other than his normal pay for this instruction. The following employees shall attend:

- a) Assistant Chief Tony Mallini
- b) Lieutenant James Butcher
- c) Lieutenant Tommy Carver

d) Lieutenant Kent Cuevas

A vote was called for with the following results:

Yea: Stahler, Geoffrey, Lafontaine, and Kidd

Nay: None

Absent: None

Re: Firefighter Rusty Schultz to Teach the 1021-I Course at Fire Department

Alderman Lafontaine moved, seconded by Alderman Kidd to approve Part-Time Firefighter Rusty Schultz to instruct the Fire Officer 1021-I course at the Central Fire Station on Highway 90 at a total cost of \$800.00 for manuals and certification and course fee. Fees shall be paid from the Fire training budget line item. Mr. Schultz, a City employee, will not receive compensation other than his normal pay for this instruction.

The following employees shall attend:

- a) Fire Chief Mike Smith
- b) Assistant Chief Tony Mallini
- c) Lieutenant James Butcher
- d) Lieutenant Tommy Carver
- e) Lieutenant Kent Cuevas

FIRE DEPARTMENT/TRAVEL/TRAINING

Re: Firefighter Mike Monju to the MS State Fire Academy for Fire Inspector 1031-II Course

Alderman Geoffrey moved, seconded by Alderman Kidd to approve travel for Firefighter Mike Monju to attend the MS. State Fire Academy for the Fire Inspector 1031-II Course April 8th -11th, 2013. Cost to the City will be a course fee of \$285.00, per diem for evening meals only for 4 days, and use of a City vehicle. The costs for lodging are included in the course fee.

A vote was called for with the following results:

Yea: Stahler, Geoffrey, Lafontaine, and Kidd

Nay: None

Absent: None

Re: Lieutenant Kent Cuevas to attend the MS State Fire Academy for Fire Inspector 1031-I Course

Alderman Stahler moved, seconded by Alderman Lafontaine to approve travel for Lieutenant Kent Cuevas to attend the MS. State Fire Academy for the Fire Inspector 1031-I Course March 4-14, 2013. Cost to the City will be a course fee of \$750, per diem for evening meals only for 10 days, and use of a City vehicle. The costs for lodging are included in the course fee.

A vote was called for with the following results:

Yea: Stahler, Geoffrey, Lafontaine, and Kidd

Nay: None

Absent: None

AUDIT/AUDIT ENGAGEMENT LETTER/WRIGHT, WARD, HATTEN AND GUEL/BUDGET FY 2012

Re: Annual Audit Engagement Agreement for FY2012

Alderman Geoffrey moved, seconded by Alderman to approve the annual Audit Engagement with Wright, Ward, Hatten and Guel, CPA's for the Fiscal Year ending September 30, 2012. **(EXHIBIT H)**

A vote was called for with the following results:

Yea: Stahler, Geoffrey, Lafontaine, and Kidd

Nay: None

Absent: None

**REDISTRICTING PLAN/ELECTION DISTRICTS/AGREEMENTS/
CONTRACTS**

Re: Slaughter and Associates, PLLC & Carroll, Warren and Parker, LLC

Alderman Lafontaine moved, seconded by Alderman Geoffrey to approve the letter agreements, with required signatures if needed, with Carroll, Warren and Parker, Attorneys LLC. and Slaughter and Associates, PLLC to prepare and submit the City of Waveland's Redistricting Plan Submission to the U.S. Dept. of Justice at a total cost of \$16,000.00 (\$8,000.00 flat fee to Slaughter and Associates, PLLC and \$8,000.00 flat fee to Carroll, Warren and Parker, LLC). This fee would not include any DOJ or other federal court litigation or appeals arising out of objections to the City's election districts. **(EXHIBIT I)**

A vote was called for with the following results:

Yea: Stahler, Geoffrey, Lafontaine, and Kidd

Nay: None

Absent: None

**BUDGET MODIFICATION/CIVIC CENTER/LIBRARY/FIRE
STATION/COLEMAN AVENUE PROJECT**

Re: Approve Budget Modification No. 12, R-103-379-01-KCR

Alderman Lafontaine moved, seconded by Alderman Geoffrey to approve Budget Modification No. 12, #R-103-379-01-KCR, Civic Center, Library, Fire Station, Coleman Avenue project, as requested by Michele Moore, Gouras Urban Planning. **(EXHIBIT J)**

A vote was called for with the following results:

Yea: Stahler, Geoffrey, Lafontaine, and Kidd

Nay: None

Absent: None

**REQUEST FOR CASH REIMBURSEMENTS/CIVIC CENTER/LIBRARY/FIRE
STATION/COLEMAN AVENUE/HMGP RESIDENTIAL ACQUISITION
PROJECT/BIDS/RFQ'S/HMGP**

**Re: Request for Cash Reimbursement – Civic Center, Library, Fire Station,
Coleman Avenue, R-103-379-01-KCR**

**Re: RFQ's received before the Meeting and being taken under advisement –
HMGP - Residential Acquisition Project, Project Management Services**

Spread on the minutes the following:

- a) Request for Cash Reimbursement #61, #R-103-379-01-KCR, in the amount of \$250.00 – Civic Center, Library, Fire Station, Coleman Avenue project. **(EXHIBIT K)**
- b) Spread on the minutes that Request for Qualifications and Price Quotes (RFQ's) for Project Management Services related to Hazard Mitigation Grant Program (HMGP) – Residential Acquisition Grant Project, were received and opened immediately prior to the meeting and are taken under advisement until they can be reviewed and recommendation made: **Note:** These bids were received by 4:00 p.m. this afternoon at 301 Coleman Avenue and opened at 6:00 pm. in the Board Room, immediately preceding this regular Board of Mayor and Aldermen meeting. **(EXHIBIT L)**

**INVOICES/DRAINAGE INFRASTRUCTURE PROJECT- HMGP/ HMGP/
WAVELAND CLIMATE CHANGE ADAPTATION PROJECT (SEA GRANT)/
TIDELANDS/ FIRE DEPARTMENT TRAINING FACILITY AND DRAFTING
PIT**

Re: Payment of Invoices Submitted by Various Contractors

Alderman Kidd moved, seconded by Alderman Stahler to approve the following invoice submitted by various contractors, and recommended to be placed in line for payment consideration contingent upon receiving funding from grant sources, as listed: (Items a-

d) **(EXHIBIT M)**

- a) Invoice 007282 from Pickering Engineering in the amount of \$31,521.30 – Drainage Infrastructure Project.
- b) Invoice X17327497 from AMEC Environment and Infrastructure, Inc in the amount of 2,273.21 – Waveland Climate Change Adaption (Sea Grant)
- c) Invoice 212-024-6 from Compton Engineering, Inc. in the amount of \$250.00 – Waveland Fire Department Training Facility and Drafting Pit.
- d) Invoice 201-150-35 from Compton Engineering in the amount of \$1,100.00 – December 2012 Tidelands Reporting.

During discussion, Mr. Yarborough suggested the Board may want to get a contract with Compton Engineering for the Tideland's Quarterly Reporting Services; Compton administers the Tideland funds; they submit these reports as a service. Mr. Yarborough will follow up with Compton Engineering about this.

EXECUTIVE SESSION

Re: Litigation, Personnel Issues, Contractual Issues

Alderman Lafontaine moved, seconded by Alderman Kidd to consider Executive Session to prompt a closed discussion regarding contractual issues, Hancock County Utility Authority and Business Incubator and Yates Construction, pending litigation along with personnel issues in the Utility Department.

A vote was called for with the following results:

Yea: Stahler, Geoffrey, Lafontaine, and Kidd

Nay: None

Absent: None

Alderman Kidd moved, seconded by Alderman Geoffrey to enter Executive regarding contractual issues, Hancock County Utility Authority and Business Incubator and Yates Construction, pending litigation along with personnel issues in the Utility Department.

A vote was called for with the following results:

Yea: Stahler, Geoffrey, Lafontaine, and Kidd

Nay: None

Absent: None

CONTRACTS/LEGAL ISSUES/YATES CONSTRUCTION/LITIGATION
Re: Authorize City Attorney to Resolve Yates Construction Litigation

Alderman Stahler moved, seconded by Alderman Geoffrey to authorize City Attorney to resolve Yates construction litigation in an amount of \$225,000.00 with offer to terminate by Thursday February 7, 2013 at 5:00 p.m.

A vote was called for with the following results:

Yea: Stahler, Geoffrey, Lafontaine, and Kidd

Nay: None

Absent: None

EXIT EXECUTIVE SESSION

Alderman Stahler moved, seconded by Alderman Geoffrey to exit Executive Session with action taken.

A vote was called for with the following results:

Yea: Stahler, Geoffrey, Lafontaine, and Kidd

Nay: None

Absent: None

ADJOURN

Re: Adjourn meeting at 10:23 p.m.

Alderman Lafontaine moved, seconded by Alderman Geoffrey to adjourn the meeting at 10:23 pm.

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 22, 2013.

Lisa Planchard
City Clerk

The Minutes of February 5, 2013 have been read and approved by me on this day the 22nd day of February, 2013.

David A. Garcia
Mayor