

The Board of Mayor and Aldermen of the City of Waveland, Mississippi, met in regular session at the Waveland Civic Center, 335 Coleman Avenue, Waveland, MS. at 6:30 p.m. on February 16, 2011 to take action on the following matters of city business.

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

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

PUBLIC COMMENTS

Re: Ms. Connie West congratulated the Board and said that they are doing a great job. Ms. West asked Engineer Bruce Newton about the paving problems on Waveland Avenue at Central Avenue. Mr. Newton replied by stating that he and Recovery Manager Brent Anderson have been in discussions with FEMA regarding this issue to justify the reasons behind asking for more funds to repair this road.

Re: Mr. Robert Richards questioned the Board as to when a portion of his property in question on Dane Road will be quit claimed by the city to him. Mayor Garcia told him he would need to hire an attorney and provide the city with abstract before we can proceed.

MAYOR'S REPORT

Re: Mayor Garcia said that the Nereid's Parade will be held at 1:00 p.m., Sunday February 27, 2011. He noted that the route will begin at Waveland Avenue, travel east on Highway 90, u-turn at Highway 603, traveling west on Highway 90 and disbanding at Waveland Avenue. The Mayor added that the route is shorter this year and explained that it was due to the inability to route traffic on to Longfellow Drive as had been done in years past. However, Nereid's did request that Bay St. Louis route traffic down Chapman Road to Washington, but the request was denied.

Re: The Mayor said that he met with MEMA and FEMA representatives with the NFIP program on Tuesday. As of that date, the CAV violations are down to 109 of which 23 have agreed to comply and 7 will be issued citations to appear in City Court for failure to comply, leaving 79 that are currently being contacted with 41 days left to be in compliance.

(See EXHIBIT A – Transcript, for Details)

ALDERMEN'S COMMENTS

Re Alderman Stahler said that she attended a Solid Waste Meeting. She said the County was doing a house count to reconcile their numbers with the City of Waveland's for billing corrections as may be needed.

Re: Alderman Stahler also attended the EOC meeting earlier in the day. She said BP is still running 2 cleaning crews at the outfalls along the beach and are still finding and cleaning a minimum amount of tar balls.

Re: Alderman Geoffrey asked about the lot at the corner of Spanish Trail and Margie Street being used as a car lot. Recovery Manager Brent Anderson said that this issue will take time to resolve; he had been in contact with the property owners, however they are so far refusing to comply with the ordinance.

Re: Alderman Lafontaine questioned the 27 speed limit signs from Waveland Avenue at Hwy 90, south to the Rail Road Tracks. He asked why are there so many. Mr. Anderson said MDOT sets forth the regulations as to how close signs must be at and between intersections.

Re: Alderman Lafontaine said that he met with Jeff from Digital Engineering regarding the beach outflows and drainage and received sufficient explanation regarding the drainage solution.

Re: Alderman Lafontaine reported that he met with a lady who lives at the corner of Fell and Oak Streets. This citizen asked Alderman Lafontaine if he knew of how to get her ditch repaired from damage after Hurricane Katrina. Mayor Garcia said perhaps B&C Land Services did this; they were the individuals cleaning out ditches 3-4 days after the event. Engineer Bruce Newton also made note that the Corps of Engineers were also cleaning ditches after the storm, but he can't say who did this

particular damage to that ditch. He indicated Digital has some records of this, but require an easement from this lady and she has been uncooperative. He said he has met with this lady in the past and will look for his records on this issue.

Re: Alderman Lafontaine said that he had received several phone calls from citizens regarding incorrect water bills. The Mayor noted there will be discussion of utility bills this evening later on the agenda.

Re: Alderman Lafontaine asked if anyone had heard from the Mayor of Bay St. Louis regarding payments owed to the Animal Shelter. He recommended that since they won't pay the City of Waveland for handling their animal care needs, the city no longer permit animals in from Bay St. Louis.

The Mayor reminded everyone of an article in the Sea Coast Echo where Mayor Fillingame said they wanted a meeting with Waveland officials with the BSL Mayor and Council before our next meeting.

Re: Alderman Kidd said that there are many issues with contractors in the annexed area, which include blocked drainage basins, culverts and violations of storm water runoff. He brought this to Digital's attention and they are working on this.

Re: Alderman Kidd thanked the Animal Shelter for coming to his house regarding a vicious dog situation.

Re: Alderman Kidd wanted audience members to know that prior to the Board meeting and voting on agenda items, there is a large amount of research that has been done before the meeting.

Re: Alderman Kidd said there needs to be more street signs in the annexed area, Amar Street is holding water, and told Mr. Newton that this drainage issue needs attention. The Mayor asked Public Works Director Haskell to update the Board on the new style of streets signs as recommended by MDOT. Mr. Haskell said they must be set on an 8" plate with larger lettering, and reminded the Board that they will be opening newest street signs bids on March 16th prior to the regular meeting and will proceed from there.

MINUTES

Re: Meeting of February 1, 2011

Alderman Geoffrey moved, seconded by Alderman Stahler to approve the minutes of the regular meeting of February 1, 2011 including the transcript of the Court Reporter thereto, as presented by the City Clerk.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

R.S.V.P.

Re: Claims

Alderman Stahler moved, seconded by Alderman Kidd to approve the R.S.V.P. Claims. **(EXHIBIT B)**

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

DOCKET OF CLAIMS

Re: Claims Nos. 67892-67992

Alderman Lafontaine moved, seconded by Alderman Geoffrey to approve the Docket of Claims being numbered as 67892-67992, as submitted by the City Clerk. **(EXHIBIT C)**

During discussion, Aldermen questioned and were provided answers (by Purchasing Clerk Joy Normand) to the following docket claim numbers: 67934, 67970, 67987 and 67894.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd(*)

Voting Nay: None

Absent: None

*Alderman Kidd abstained from # Claim No. 67894

REVENUES AND EXPENSES
Re: The month of January, 2011

Spread on the minutes the Statement of Revenues and Expenditures for the month of January, 2011 at this, the second meeting of February, 2011, as presented by Comptroller Tom Worrel.

Alderman Lafontaine asked when the budget would be amended. City Clerk Planchard answered that this will be submitted on the March 1, 2011 regular board meeting.

GARFIELD LADNER MEMORIAL PIER/PIER
Re: WCA to hold a Fishing Rodeo for Citizens with Special Needs

Alderman Geoffrey moved, seconded by Alderman Lafontaine to approve a request from Alfred "Tiger" Harris with the Waveland Civic Association to hold a Fishing Rodeo for Special Needs Children on the Garfield Ladner Pier to be held Saturday, June 4th, 2011 from 8:00 a.m. to 12 noon. The Pier shall remain closed to the general public from 8:00 am to 12:00 noon and shall allow free rental of fishing poles to rodeo fishing participants.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

HOUSING AUTHORITY/APPOINTMENTS
Re: Appoint Mrs. Elizabeth Register to Housing Authority Board

Alderman Geoffrey moved, seconded by Alderman Kidd to appoint Mrs. Elizabeth Register as the Mayor's appointment to the Waveland Housing Authority Board.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

POLICIES/BUILDING PROJECTS/INSURANCE
Re: No Smoking in City Buildings

Spread on the Minutes certification that all City Buildings shall be and remain Smoke Free.

During discussion, Board members agreed that the issue of Smoke Free Vehicles shall be raised at a later date so as to receive an approximate \$26,000 reduction in annual health insurance rates.

**POLICIES/CITY HALL/POLICE DEPARTMENT/COURT
DEPARTMENT/PUBLIC WORKS DEPARTMENT/BUILDING
DEPT/PERSONNEL/FIRE DEPARTMENT/PIER/ANIMAL
SHELTER/PURCHASING/PAYROLL/HR DEPARTMENT
Re: Adopt Conflict of Interest Policy**

Alderman Geoffrey moved, seconded by Alderman Lafontaine to approve the City of Waveland Conflict of Interest Policy. This Policy shall assist all Board Members, Employees, Directors, Officers, Department Heads, Supervisors, Volunteers and Vendors be aware of and properly manage all conflicts of interest and appearance of a conflict of interest; and to provide the City with a procedure to appropriately manage any conflicts with legal requirements and the goals of accountability and transparency in the City of Waveland's operations. **(EXHIBIT D)**

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

**POLICIES/AUDIT/BUDGET/CITY HALL/ POLICE DEPARTMENT/COURT
DEPARTMENT/PUBLIC WORKS DEPARTMENT/BUILDING
DEPT/PERSONNEL/FIRE DEPARTMENT/PIER/ANIMAL
SHELTER/PURCHASING
Re: Adoption of the Municipal Audit and Accounting Guide**

Alderman Kidd moved, seconded by Alderman Geoffrey to adopt the Municipal Audit and Accounting Guide as the City of Waveland's Municipal Policy so as to comply with audit requirements. **(EXHIBIT E)**

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

**ORDINANCES/BUILDING DEPARTMENT/PLANNING & ZONING
Re: Ordinance No. 355 (amending a portion of Ordinance No. 349) to restore the
penalty for protected trees**

Alderman Kidd moved, seconded by Alderman Lafontaine to approve Ordinance No. 355 Amending a portion of Zoning Ordinance No. 349 of the City of Waveland, Mississippi to Restore the Penalty amount for Protected Trees. **(EXHIBIT F)**

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

**AGREEMENTS/HAZARD MITIGATION GRANT/DRAINAGE
IMPROVEMENTS PROJECT/**

**Re: Approve Hazard Mitigation Grant Application Certification Authorization and
the Maintenance Agreement for the Drainage Improvements Project**

Alderman Lafontaine moved, seconded by Alderman Stahler to approve the Hazard Mitigation Grant Application Certification Authorization and the Maintenance Agreement (post project award maintenance responsibilities) for the Drainage Improvements Project (HMGP), including required signatures. **(EXHIBIT G)**

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

TRAVEL/CITY HALL

**Re: Mayor Garcia, Alderman Lafontaine and Alderman Kidd to attend Mississippi
Rural Water Association Class**

Alderman Geoffrey moved, seconded by Alderman Stahler to approve travel for Mayor David Garcia, Alderman Shane Lafontaine and Alderman Mark Kidd to attend the Mississippi Rural Water Association, 2011 Board Member Management Training Seminar. Cost to the City will be a registration fee of \$75.00 per Board Member and per diem for one meal. A city vehicle will provide transportation to the Coliseum in Biloxi, MS. on June 8, 2011.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

TRAVEL/PUBLIC WORKS

Re: Public Works Director, Dwight Haskell to attend Gas Training Class

Alderman Lafontaine moved, seconded by Alderman Geoffrey to approve travel for Public Works Director, Dwight Haskell to attend Gas Training Class in Tupelo, MS on March 23rd and 24th. Cost to the City will be a registration fee of \$150.00, lodging for 2 nights at an approximate cost of \$60.00 per night. A City vehicle will provide transportation.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

**RESOLUTIONS/106 BOURGEOIS STREET/CITY HALL AND CITY HALL
ANNEX PROJECT**

**Re: Resolution authorizing Mayor to sign all necessary documents to acquire 106
Bourgeois Street**

Alderman Stahler moved, seconded by Alderman Geoffrey to approve a Resolution Authorizing the Mayor to Sign all Necessary Documents to Acquire 106 Bourgeois

Street, Parcel No. 161E-002.208.000 for the City Hall/City Hall Annex Project. This will be covered by CDBG funding. (EXHIBIT H)

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

PUBLIC WORKS

Re: Recognition of Public Works Director, Dwight Haskell for completion of MDOT 7 Professional Development Course

Spread on the minutes the Certificate of Recognition of Public Work's Director Dwight Haskell's completion of the MDOT 7 Professional Development Course during the Local Public Agency Process Training and Certification. Mr. Haskell explained that he must attend these classes to sign off on State Contract bids according to MDOT.

During discussion, Brent Anderson reminded the Board that he, also, will have to attend this course, but another class is offered in McComb shortly. He will provide Mayor Garcia with the information and get his approval to attend.

PUBLIC WORKS/UTILITIES/REFUNDS

Re: Refund of Utility Deposit to Remax Along the Way

Alderman Kidd moved, seconded by Alderman Geoffrey to approve a refund for water/sewer deposit in the amount of \$49.50 to Remax along the Way. The local physical address associated with this deposit was 207 Anson Way; the property has sold.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

ANIMAL SHELTER/GRANTS

Re: Application with Board of Animal Health to received allocated State funds from sale of vehicle tags

Alderman Stahler moved, seconded by Alderman Lafontaine to approve application with the MS. Board of Animal Health to receive allocated State funds from the sale of vehicle tags designated for the care of animals, including required signatures. Maximum grant amount eligible is \$1000 and there is no cost to the City.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

BUDGET MODIFICATION/CITY HALL AND CITY HALL ANNEX BUILDING

Re: Budget Modification #8 on City Hall and City Hall Annex Building

Spread on the Minutes the CDBG Project Budget Modification No. 8, on City Hall and City Hall Annex Building, Project #R-109-379-02-KCR. (EXHIBIT I)

PROJECT WORKSHEETS

Re: Recovery Manager Brent Anderson presented update on Project Worksheets as it pertains to upcoming closeouts

Recovery Manager Brent Anderson discussed PW procedures and closeouts on Project Worksheets in detail. (See Exhibit A)

ENGINEER'S REPORT

Re: Engineer's Bruce Newton and Forest Forbes were present to update the Board on all current projects and project status (See Exhibit A)

**PAY REQUESTS/2009 CDBG SEWER SYSTEM EXTENSION
PROJECT/CENTRAL FIRE STATION/CITY HALL AND CITY HALL ANNEX
BUILDING/FIRE STATION ON BOURGEOIS/BUSINESS
INCUBATOR/LIBRARY/POLICE STATION/WATER SYSTEM EXTENSION
ANNEX AREA/HMGP 18 PARCELS PURCHASE/HMGP DRAINAGE
PROJECT/MAGNOLIA CONDOMINIUM/REVITALIZATION
SITE/PEDESTRIAN BIKE PATH/TIDELANDS REPORT/HARBOR,
LIGHTHOUSE, BOAT LAUNCH/COLEMAN AVENUE STREET
IMPROVEMENTS PROJECT/GARFIELD LADNER MEMORIAL PIER
(EXHIBIT J)**

Re: Approval to pay various contractors

Alderman Stahler moved, seconded by Alderman Kidd to approve the following pay requests as submitted by various contractors and recommended for payment by Digital Engineering and Recovery Manager, Brent Anderson (as listed, Items a-s):

- a. Payment Request No. 12 from S.H. Anthony, Inc in the amount of \$208,819.56- 2009 CDBG Sewer System Extension Project.
- b. Pay Request No. 1006-09 from GM&R Construction Co. in the amount of \$64,657.00 – Central Fire Station.
- c. Pay Request No. 1006-10 from GM&R Construction Co. in the amount of \$146,418.00 – Waveland Central Fire Station.
- d. Invoice No. 10 from BDA, PLLC in the amount of \$4,093.00 – City Hall and City Hall Annex Building and Fire Station on Bourgeois.
- e. Invoice No. 9 from Unabridged Architecture in the amount of \$1,671.00 – Business Incubator.
- f. Pay Request No. 18 from Construction Services, Inc. in the amount of \$20,000.00 – Library
- g. Pay Request No. 9 from C. Perry Builders in the amount of \$124,065.76 – Police Station.
- h. Pay Request No. 11 from Benchmark Construction in the amount of \$408,572.22 – Business Incubator.
- i. Payment Request No. 9 from Reynolds, Inc. in the amount of \$103,205.83 – Water System Extension Annexed Area.
- j. Invoice number X17325494 from AMEC Earth and Environmental, Inc. in the amount of \$235.42 – HMGP 18 Parcels (Repetitive loss properties project)
- k. Invoice number X17325495 from AMEC Earth and Environmental, Inc. in the amount of \$126.50 – HMGP Drainage Project
- l. Invoice number 378 from PAC Services, LLC in the amount of \$1,211.25–Magnolia Condominium Site, Revitalization/Restoration Plan.
- m. Invoice number 209-088.005-1 from Compton Engineering in the amount of \$4,800.00 – Pedestrian/Bike Path.
- n. Invoice number 209-088.005-2 from Compton Engineering in the amount of \$2,400.00 – Pedestrian/Bike Path.
- o. Invoice number 201-150-24 from Compton Engineering in the amount of \$442.50 –Semi Annual Tidelands Reports (Oct, Nov. 2010)

- p. Invoice number 201-150-25 from Compton Engineering in the amount of \$360.00 –Semi Annual Tidelands Reports (Dec. 2010, Jan. 2011)
- q. Invoice number 209-007-12 from Compton Engineering in the amount of \$32,270.75 – Harbor, Lighthouse and Waterfront Development Project.
- r. Invoice number 13 and **final** from Malouf Construction, LLC in the amount of \$37,960.05 - Garfield Ladner Memorial Pier
- s. Payment Request No. 10 from Lane Construction Co. in the amount of \$287,516.98 – Coleman Avenue Street Improvements Projects.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

**PAY REQUESTS/EASEMENT COORDINATION/PROGRAM
MANAGEMENT/2009 CDBG SEWER EXTENSION FOR ANNEXED
AREA/DOWNTOWN SIDEWALK IMPROVEMENTS PROJECT/WATER
SYSTEM EXTENSION FOR ANNEXED AREA/CITY WIDE DRAINAGE
IMPROVEMENTS/SEWER SYSTEM RECONSTRUCTION NORTH OF RR
TRACKS/PROGRAM MANAGEMENT, BUILDINGS/ (EXHIBIT L)
Re: Approval of Digital Engineering Invoices**

Alderman Staler moved, seconded by Alderman Lafontaine to approve the following invoices submitted by Digital Engineering and recommended for payment by Recovery Manager, Brent Anderson (as listed, Items a-h):

- a. Invoice No. 702-03-97 in the amount of \$3,118.93 – Project management.
- b. Invoice No. 702-17-38 in the amount of \$26,450.70 – Sewer System Reconstruction North of the Railroad Tracks.
- c. Invoice No. 702-23-37 in the amount of \$13,662.25 - Program Management Buildings and Facilities.
- d. Invoice No. 702-30-18 in the amount of \$157.50 – Waveland Easement Coordination.
- e. Invoice No. 702-32-20 in the amount 702-32-20 in the amount of \$23,541.04 – 2009 CDBG Sewer system Extension.
- f. Invoice No. 702-33-21 in the amount of \$8,194.16 – Downtown Sidewalk Improvements Project.
- g. Invoice No. 702-34-18 in the amount of \$27,213.08 – Water System Extension for Annexed Area.
- h. Invoice No. 702-35-12 in the amount of \$10,113.75 – City Wide Drainage Improvements Project.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

**CONSTRUCTION CHANGE DIRECTIVE/BUSINESS INCUBATOR
Re: Amend Agenda to Approve Construction Change Directive #001**

Alderman Geoffrey moved, seconded by Alderman Stahler to amend the agenda to approve Construction Change Directive No 1 that shall increase the substantial completion date by 81 days, i.e., to January 27, 2011 – Business Incubator Project.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

Re: Approve Construction Change Directive #001 - Business Incubator

Alderman Kidd moved, seconded by Alderman Geoffrey to approve Construction Change Directive No 1 that shall increase the substantial completion date by 81 days, i.e., to January 27, 2011 – Business Incubator Project.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

CHANGE ORDERS/COLEMAN AVENUE STREET IMPROVEMENTS PROJECT

Re: Approval of Change Order No. 7

Alderman Geoffrey moved, seconded by Alderman Kidd to approve Change Order No. 7 from Lane construction in the amount of \$148,863.71-Coleman Avenue Street Improvements Project. Note: There is approximately \$228,00 retainage remaining on this project, but will remaining costs will be nowhere near this amount per Bruce Newton.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

COURT DEPARTMENT/POLICE DEPARTMENT

Re: Officers Skinner, Bouganim, Allen and O' Gwin named as Deputy Court Clerks

Spread on the Minutes that Jeremy Skinner, Henry Bouganim, Chris Allen & Howard O'Gwin are Deputy Court Clerks. This is so affidavit & tickets can be sworn to by them for other officers. No pay increase involved.

PARKS AND RECREATIONS/PERSONNEL

Re: Termination of Thomas 'Gabe' Stockfleth

Spread on the Minutes termination of Thomas 'Gabe' Stockfleth from the Parks Department

PUBLIC COMMENTS

Re: Mr. Alfred 'Tiger' Harris came before the Board to address his concerns with Ordinance No. 355 as it relates to issues with private property and tree removal. Mr. Harris also expressed very aggressively his ill will toward the Board in reference to the Flood Plain violations on his property and strongly urged the Board to stay away from his property or he would take action of a violent nature toward

anyone stepping foot on his property for either tree removal and or to correct the flood violation.

Re: Ms. Mikelle Williamson reminded the Board of discussion of a 4 way stop at Herlihy Street and Waveland Avenue that had been approved by the previous Board. Ms. Williamson said that she would once again make this request to the new Board. Mayor Garcia said this was indeed approved, but had been delayed by the construction that had been taking place on Waveland Avenue. Mr. Dwight Haskell was present and acknowledged that this sign was approved to be installed.

ADJOURN

Re: Adjourn meeting at 9:40 p.m.

Alderman Lafontaine moved, seconded by Alderman Geoffrey to adjourn the meeting at 9:40 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 3, 2011

Lisa Planchard
City Clerk

The Minutes of February 16, 2011 have been read and approved by me on this day the 3rd day of March, 2011.

David A. Garcia
Mayor

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