

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 17, 2016 at 6:30 p.m. to take action on the following matters of City business.

**PUBLIC COMMENTS:**

Mr. Brian Therolf

**ROLL CALL:**

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

Absent from the meeting was City Attorney Rachel Yarborough

**CHANGE ORDERS/POLICE BUILDING-STATION**

**Re: Approve Change Order No. 1 from J.O. Collins Contractor, Inc. – Police Building**

Alderman Burke moved, seconded by Alderman Piazza to approve Change Order No. 1 from J.O. Collins Contractor, Inc. in the amount of a \$444.50 decrease, as recommended by Architect Nofie Alfonso, contingent upon Wagoneer Engineering's agreement to the amount of the reduction in the price, and in the event Waggoner Engineering disagrees with the amount, this shall be done as a Change Directive. **(EXHIBIT A)**

During discussion, Mr. Yarborough said he had not seen on this Change Order Wagoneer's agreement or not, to the price. He said each of these items needs to be performed or they have already been performed. Mr. Yarborough added that one of the items is very large; the generator, and he wanted to make sure with Waggoner that the price adjustment is proper. He recommended the Board make the motion to approve contingent upon Wagoneer's agreement to the amount of reduction of the price, and in the event Waggoner disagrees with that amount, the Board can do this as a Construction Change Directive and we will work out the prices later. He added that the Architect agrees that the work needs to be done and Mr. Yarborough thinks that's consistent with what Waggoner previously said, he's just not sure about the price. Mr. Yarborough said he would follow up with Waggoner Engineering and if they agree to the price he will send a letter **(EXHIBIT A-1)** and we can spread the letter on the minutes agreeing to the price or not.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine and Piazza

Voting Nay: None

Absent: None

**CONSTRUCTION CHANGE DIRECTIVE/POLICE BUILDING-STATION**

**Re: Approve Construction Change Directive No. 1 from J.O. Collins Contractor, Inc.**

Alderman Richardson moved, seconded by Alderman Burke to approve Construction Change Directive No. 1 from J.O. Collins Contractor, Inc. as recommended. **(EXHIBIT B)**

Note: Mr. Billy Waits with Waggoner Engineering was present but not familiar with the Police Building Project. Mr. Yarborough asked Mr. Waits to check with Mr. Paul Mitchell (Waggoner Engineering) regarding the \$444.50 deduct on Change Order No. 1 above. Mr. Yarborough said this looks to be just aesthetic changes for the construction of a judge's bench and railing; delete wood base and all areas with urethane floor coating, and replace with rubber base for no cost change to the contract.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, and Piazza

Voting Nay: Lafontaine

Absent: None

**RSVP/PERSONNEL**

**Re: Reclassify Linda Pitts from part-time to full-time and increase salary**

Alderman Richardson moved, seconded by Alderman Lafontaine to reclassify RSVP Director, Linda Pitts, from part-time to full-time employee at an annual salary of \$33,600.00 and amend the budget related thereto.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine and Piazza

Voting Nay: None

Absent: None

**MAYOR'S REPORT (CONT.) PLANNING AND ZONING/ORDINANCES**

**Re:** Recommended the Board open discussion regarding the Zoning Ordinance and the need for changes and/or updates to encourage building development and economic growth; he recommended a committee be put together for that. Alderman Burke suggested the Planning and Zoning Board act as the Committee and discuss this issue. Alderman Lafontaine said that he felt Zoning Clerk Christine Gallagher should be a part of the Committee.

**Re: Formation of Committee to be made up of members of Planning and Zoning Board + Ms. Christine Gallagher to Recommend Zoning Ordinance Changes/Updates to Encourage Building Development and Economic Growth**

Alderman Piazza moved, seconded by Alderman Lafontaine to form a Committee to review the Zoning Ordinance; this committee to consist of the Planning and Zoning appointments as well as Ms. Christine Gallagher.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine and Piazza

Voting Nay: None

Absent: None

**ATTORNEY'S COMMENTS**

- Mr. Yarborough had no comments at this time.

**ALDERMEN'S COMMENTS**

**Re: Alderman Burke:**

- Mentioned that, with regard to Hancock County Solid Waste Board, Waste Management has decided to opt out of the current collections contract with the County. HCSWD will be seeking proposals for trash removal.

**Re: Alderman Richardson:**

- Discussed repair of the roof at the Business Center (Incubator). Mrs. Planchard said that City Attorney has contacted the subcontractor who installed the roof and it is under warranty, so the City can't repair the roof. She added that until it is resolved, perhaps through litigation, she's asked Mr. Brent Anderson to place tarps between the first roof and the second roof to stop the leaking in the actual units. City Clerk to forward warranty to Mr. Yarborough.
- Discussed the Drainage Project with Mr. Frank Parker regarding the water sitting in the ditches and no mobilization of the work crews. Mr. Parker recommended withholding payment. Mayor Smith said he spoke with Mr. Chris Nobles, AMEC rep. on Friday and told him the whole thought of this Board was to get that contract back to Phase 1, and clean up to where they are now. Mr. Yarborough said what the Board needs from Pickering Firm is, and he knows the

contract has in it, that the City can keep the retainage at 5%, but it was elected to go to 2.5% when we reach 50%; so if there was an amount that would, a cost that the City would have to incur assuming Kappa walked off the job, to clean up that... that would have to be included with any consideration by Pickering whether or not this Board should approve payment. Mr. Yarborough said that's a recommendation Pickering will have to make to the City whether the City needs to withhold it, or because whether we approve work and withhold payment because there are other items and costs that the City may have to incur should Kappa leave because that is what retainage is for, so those calls will have to come from Pickering. Mr. Parker recommended that we get from Kappa a schedule of when they plan to actually do the work. He said they're doing so little work right now that there is very little to withhold. Mr. Yarborough asked what the balance is remaining under that contract. Mr. Parker said, "They're at 70, something over 70% so that's, I mean there's a good amount of work." Mr. Yarborough said, "So you're looking at \$1.6 million to go, retained." Mr. Parker said, "Yea." Alderman Lafontaine said with \$1.6 million to go, he could very well see the City being upside down if we had to go out and hire somebody to come in and finish this project. Mr. Parker said he did not know of the legal position as far as talking to their bonding company; he didn't know if that was an option at this point. Alderman Lafontaine requested that this be added to Executive Session. Mr. Yarborough asked whether, at the special meeting held about the change orders Kappa was to have provided a construction schedule and Critical Path schedule; is that accurate. Mr. Parker's response was inaudible. Mr. Yarborough said if there are deficiencies though, the City does and should expect that the deficiencies be presented back to Kappa by ya'll (Pickering). He said, "So if there are deficiencies there, they need to be remedied or at least notified that they have to remedy them." Mr. Parker said the largest amount of the project is in Phase III and Kappa finally last week, with the City's help, got all the property cleared so they should be able to knock that out. Mr. Yarborough asked what would be the price of the cleanup if they had to go back and clean it. Mr. Parker said he would have to get back with Mr. Yarborough on that. Mr. Yarborough said the Board needs to have that in hand before the Board considers any other payment application or concurrent with it. Mr. Parker said that Pickering Engineer, (around 1/21/16) Andy Phelan walked the first 2 phases of ditches and "saw a good bit of dirt that has to come out of the concrete ditches". Mr. Yarborough said when the Board evaluates a payment application and when the Board considers certifying a payment application, it is incumbent upon, and he knows Kappa is the contractor, but if Pickering is going to certify that the City should pay them, the City has to know that we have enough retainage that if they Contractor walks away, the City has enough to finish the job and do whatever punch list items and cleanup is necessary to do the work within the scope. He told Mr. Parker and Board members that before the Board considers any other payment applications, we need to know that.

- Discussed the drainage ditch dug by Mr. Conti (property in back of Rite Aid Drug Store); who gave him permission to dig that ditch and pile up the cement? Alderman Richardson asked the Mayor to check with Mr. Anderson and get back with him on that.

**Re: Alderman Lafontaine:**

- Discussed the 'Overs and Under's' regarding payments to the Hancock County Utility Authority. Alderman Lafontaine said the HCUA Board is asking how the City would like to proceed with payment of the current outstanding underage amount in the amount of \$7,349.00. Mrs. Planchard said if the Board liked, the City can make 2 payments. Ms. Planchard added that it's not budgeted, but it's expected each year and we would have to amend the budget.
- Discussed the camera work on the City sewerage pipes. Mr. Lagasse said there are 2 areas; the northwest area of Waveland-Kiln Cutoff Road and the area around Gladstone St.; those two areas have shown a very high level of influx. Mr. Lagasse said the area they have not been able to read yet is the Buccaneer Park area. Mr. Lagasse presented two Task Orders to the Board regarding the linear foot charges for cameraing these 2 sewer line areas and said Compton feels they should be getting a better price on the per square foot cost. He said he was here today to ask that the board review these 2 task orders and allow them to move forward with them after they negotiate a better price or instruct Mr. Lagasse to hold off. Mr. Yarborough said that these are separate task orders and asked who the company under contract doing the underground camerawork was. Mr. Lagasse said they are under contract with Gulf Coast Underground (GCU) and the City is contracted with Compton. Mr. Yarborough asked if these two new engineering orders are outside the scope of GCU's present contract or is this within the scope of it. Mr. Lagasse said it's all within the scope. Alderman Lafontaine asked about the riser rings being placed on the manholes (to raise them above the ditch level) out near Avenue B to see if that would help eliminate the excess infiltration. Mr. Lagasse said Compton has concerns that there

are other issues in that area. Alderman Lafontaine said he knew there were 64 in that area. Alderman Lafontaine said he would like to see the Board move forward with the Task Order for the Gladstone area first. Mr. Yarborough asked how GCU was procured. Mr. Lagasse said that was done through Compton's contract with them; the City's agreement is with Compton. Mr. Lagasse said currently they are at \$2.50 per foot for heavy cleaning and Compton is asking GCU to decrease their cost to \$2.00 per foot since so much more than originally thought has had to be camera'd; he did not know if they would agree to that. Mr. Yarborough said if the Board can approve the request, they can authorize a Task Order in the amount of \$33,790.00, which includes GCU doing the work; and authorize Compton to negotiate with GCU. In the event that their price goes down, we get the corresponding reduction in the \$33,790.00.

**COMPTON ENGINEERING/CITY SEWERAGE PROJECT**

**Re: Authorize Task Order No. 6, Citywide Sewerage Improvements Project**

Alderman Burke moved, seconded by Alderman Lafontaine to authorize Task order No. 6 in the amount of \$33,790.00 which includes a cost of \$2.50 per linear foot, but the City notes in the agreement that the City receives the benefit of any reduction in price; Compton is authorized to negotiate with GCU for this. **(EXHIBIT C)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine and Piazza

Voting Nay: None

Absent: None

**HANCOCK COUNTY UTILITY AUTHORITY**

**Re: Hancock County Utility Authority Underage Payment**

Alderman Burke moved, seconded by Alderman Piazza to pay \$7,349.00 underage in 2 payments, each \$3,674.50, to the Hancock County Utility Authority. **(EXHIBIT D)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine and Piazza

Voting Nay: None

Absent: None

**ALDERMEN'S COMMENTS, cont....**

**Re: Alderman Piazza**

- Alderman Piazza had no comments at this time.

**DOCKET OF CLAIMS**

**Re: Claims (Less the Streets Payroll portion)**

Alderman Piazza moved, seconded by Alderman Burke to approve the Docket of Claims (less the Streets Payroll portion) in the amount of \$769,461.27 dated February 17, 2016 as submitted. **(EXHIBIT E)**

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 20, 2016, January 21, 2016, January 25, 2016, January 27, 2016 and February 2, 2016**

Alderman Burke moved, seconded by Alderman Richardson to approve the Minutes of the Regular Meeting of January 20, 2016, Special Meetings of January 21, 2016, January 25, 2016, the Reconvened Recessed Special Meeting of January 27, 2016 and the Regular Meeting of February 2, 2016.

During discussion, acting City Attorney Gary Yarborough said that abstentions would be considered a vote with the majority.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine (January 20, 21 and 25 and February 2) and Piazza (February 2)

Abstain: Lafontaine (January 27) and Piazza (January 20, 21, 25, and 27)

Voting Nay: None

Absent: None

**INSURANCE/CITY HALL/PROPERTY INSURANCE/FIRE DEPARTMENT**

**Re: Property Insurance Renewal – HUB International**

Alderman Lafontaine moved, seconded by Alderman Richardson to approve Agreements with HUB International Insurance for the Policy Period 2/24/16 through 2/24/17, with required signatures for Property Insurance – Building and Contents, including Wind at an annual cost of \$116,366.25 (a savings over prior year of \$57,104.75). This also reflects a decrease in deductible from \$50,000 to \$25,000 per storm/wind event. **(EXHIBIT F)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine and Piazza

Voting Nay: None

Absent: None

**WAVELAND CIVIC ASSOCIATION (WCA)/ST PATRICK'S DAY PARADE/EVENTS**

**Re: Approve Request from WCA to hold its Annual St. Patrick's Parade**

Alderman Piazza moved, seconded by Alderman Lafontaine to approve a request from the Waveland Civic Association (WCA) to hold its annual St. Patrick's Day Parade on Saturday March 12, 2016 at 2:00 p.m. The Parade will take its traditional route.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine and Piazza

Voting Nay: None

Absent: None

**WAVELAND CIVIC ASSOCIATION (WCA)/SPECIAL NEEDS FISHING RODEO/GARFIELD LADNER MEMORIAL PIER**

**Re: WCA to Hold its Annual Special Needs Fishing Rodeo**

Alderman Lafontaine moved, seconded by Alderman Burke to approve Waveland Civic Association to hold its Annual Special Needs Fishing Rodeo at the Garfield Ladner Memorial Pier May 14, 2016 from 9:00 am to 1:00 pm., as requested by Judge Jay Lagasse.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine and Piazza

Voting Nay: None

Absent: None

**DESTINATION WAVELAND/FOURTH OF JULY DESTINATION WAVELAND/EVENTS**  
**Re: Destination Waveland Fourth of July Event**

Alderman Burke moved, seconded by Alderman Lafontaine to approve the City of Waveland's Fourth of July Destination Waveland' event on Saturday July 2, 2016. Mr. Charlie Cornelius was present and discussed. (Tabled from the February 2, 2016 meeting) According to Mr. Cornelius and confirmed by Mr. Yarborough, highest cost to the City would be up to \$21,600.00 reduced by any donations with collections of \$8,650.00 so far (not yet submitted to City). All donations collected and received by the City would be accepted on the City's minutes and restricted to a separate general ledger account line item (001-000-347) for this event. The Board agreed that the City will select the \$12,000 option for fireworks display.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine and Piazza

Voting Nay: None

Absent: None

**CONTRACTS/DESTINATION WAVELAND/FOURTH OF JULY**  
**Re: Contract with Category 6, LLC (band) to perform at the City's Fourth of July Event**

Alderman Piazza moved, seconded by Alderman Burke to approve an agreement between Category 6 LLC (band), and the City of Waveland at a cost of \$3,500.00 to provide entertainment on Saturday July 2, 2016, for the Fourth of July Destination Waveland Event. Mr. Charles Cornelius present to discuss. (Tabled from the February 2, 2016 Meeting) **(EXHIBIT G)**

During discussion, Mr. Cornelius said he told the Band that beer, wine, etc will not be provided them as they had requested in their contract, neither will they have a dressing room. A stage will be provided. City Clerk Planchard asked Mr. Cornelius about 'insurance' mentioned in the contract. He explained that the Cities usually put this as a rider to the City's policy. Alderman Burke asked if this can be put under Hancock County Tourism's insurance umbrella. Mr. Cornelius said we could probably do that.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine and Piazza

Voting Nay: None

Absent: None

**CHANGE ORDERS/CITYWIDE DRAINAGE PROJECT/DRAINAGE PROJECT**  
**Re: Change Order No. 4 from Kappa Development**

Alderman Burke moved, seconded by Alderman Richardson to discuss Change Order No. 4 from Kappa Development to address several latent conditions discovered during the course of construction, with an increase in the contract amount of \$39,569.13 – Citywide Drainage Project. (Tabled from January 21, 2016 Meeting)

Mr. Yarborough said, "I know we discussed this at the January 21st meeting; I think this was previously numbered No. 4 and we approved some, but didn't approve others. I think we left this that these items

were going to be, I think Pickering was going to go back and determine which ones were field orders or not, and determine which ones were truly latent conditions or not, and I know we discussed the concrete ditch box removal and, just for reference, before I would recommend any approval of a change order...Changes of the work, Section 13.2, if there's a field order directing them to do this, they have to notify you within 7 days of the receipt of the Field Order that they intend to ask for an additional cost. If not, they are restricted from the contract, so we need to know on each of these items whether or not, post field order they actually submitted a request for additional cost within 7 days. If not, it is waived and we're not going to pay for it. Um, the box issue is on, let me see, the junction box, sink hole plug, on each of these we need to know really whether there is a... I know on one there are changes from one box to the other but the concrete removal, and we need to know whether that was a design issue or is that something because of an item in the field, or a subsurface issue; so we're going to need to know that on each of these items." Mr. Parker said, "I've got it." Mr. Yarborough said, "Because otherwise, I don't consider if it's something they knew when they bid the project, I don't consider that to be a latent issue." Mr. Parker said, "No, we didn't know, they didn't know. I don't know what the City knew; I can't speak for the City, but just about all of these latent conditions were existing City utilities, whether it's water, sewer or drainage pipe. I'd never seen any of those type of utilities like run through a box culvert. Typically, everywhere I've done work, you have a structure; basically a conflict (sp.?) structure that's built for that. Every one of these, from Item 107 through 117, just about every one of those." Mr. Yarborough said, "Still were going to need, if they're field orders, we need to know whether or not Kappa requested additional costs when the work was directed. We need to know when the work was directed and when they requested the additional cost. It's more than just saying the cost is commercially reasonable; we have to know that they properly preserved their right for additional costs under the contract." Mr. Yarborough then went through each item with Mr. Parker noting dates included in backup documentation. Mr. Yarborough asked Mr. Parker, "Are there any of these items that have not yet been performed." Mr. Parker said, "Yes". Mr. Yarborough asked, "Which ones have not yet been performed; I'm assuming you have a letter with a date for each of these that have actually been performed, is that fair." Mr. Parker said, "Yea, I mean it's in our inspection report. I don't write a letter (inaudible)." Mr. Yarborough said, "No, I'm not saying when it was finished; I'm talking about when they requested the price and then you directed the work after." Mr. Parker said, "Yea, yes that's what I'm reading from right now which information..." Mr. Yarborough asked, "Which ones have not been performed." Mr. Parker said, "119 and 120 are the only ones that haven't been done." Mr. Yarborough said, "And it's Pickering's position that each of these items was a latent defect."

Mr. Parker, "Yes".

Mr. Yarborough, "What type, prior construction"?

Mr. Parker, "Yes".

Alderman Burke, "Like in design"?

Mr. Parker, "Well, a City utility running through a box culvert that the only way you can find it is basically climbing in the box culvert. Our survey didn't pick it up, we did not get that information from the City, yes, we've got utilities in this area."

Alderman Piazza, "Mr. Yarborough, do we have a total on Market and Piney Ridge on this payment".

Mr. Parker, "We do".

Alderman Piazza, "What is that total".

Mr. Parker, "Its items 108 and 109".

Mr. Yarborough, "Would you say the total is about \$20,300".

Mr. Parker, "Yea".

Alderman Piazza, "But that's not complete as far as going back and asphaltting and everything".

Mr. Parker, "That's not complete, that's just getting... (Inaudible)".

Alderman Piazza, "Well, I'm going to tell you something from my feelings on this in that area right there; that was a poor design. You put a bulkhead, a concrete bulkhead you might as well say in the middle of the street. You go down there tomorrow and you look at it; the street's not that wide. That is an accident waiting to happen and we're going to be liable. Not you, not the contractor, the City of Waveland, so that's a poor design. I don't know who came up with that idea, but it's poor. I'm no engineer; I grew up in that area, OK."

Mr. Yarborough, "The 119 and 120, are these critical path issues."

Mr. Parker, "To finish area 2, yes. That ditch can't be finished until this work is done".

Mr. Yarborough, "That's the \$6,938.56"?

Mr. Parker, "Yea".

Mr. Yarborough, "How did it come about; did ya'll ask them for prices".

Mr. Parker, "No, they discovered it with our field inspector and we asked them to give us a pricing or submit an RFI; that's what they did, or a letter".

Mr. Yarborough, "So they submitted an RFI because your filed inspector directed them to, or just on their own."

Mr. Parker, "Well, the contractor and our field inspector determined these conditions as work was being uncovered."

Mr. Yarborough, "Ok they submitted an RFI".

Mr. Parker, "Yes, an RFI, or a letter; it varied. It's not the same on every one of these. And then we responded and we went through negotiation. Then they gave us the price to do the work and then we accepted or rejected it and negotiated further".

Mr. Yarborough, "And it's fair to say you did not ask this Board about the price negotiation."

Mr. Parker, "No, No".

Alderman Lafontaine asked, "Are these prices material and labor, or just material".

Mr. Parker, "They're everything; they're installed, provided installed".

Alderman Lafontaine, "By the contractor"?

Mr. Parker, "Yes sir".

Mr. Yarborough, "What I'm going to suggest to the Board is this; although these items have already been completed, so it seems to me at this point it's immaterial except for 119 and 120, so consideration of the pricing on the others is immaterial at this point and can be held for later, field order's already been issued, they've already performed the work. On 119 and 120, is it Pickering's position to this Board that those should be directed through a construction change directive for them to perform the work?"

Mr. Parker, "inaudible... those other jobs, yes if that's what the Board..."

Mr. Yarborough, "So the only thing I'll recommend to the Board at this point to consider is whether or not to issue a construction change directive for line items 119 and 120, which is 20 cu. Yard sinkhole plug and 16 cu. Yd. sinkhole plug on 36-1, and then we'll worry about this other change order later, or, I'm sorry, been performed so it doesn't matter."

Alderman Lafontaine, "And that's 119 and 120".

Mr. Yarborough, "Which are the only other two; those are the only two items that have not been performed to date. Those are critical path items as Pickering's position to the Board".

Mr. Parker, "For that channel... for that area. That's the only ditch that hasn't been made, finished making in that area."

Alderman Lafontaine moved, seconded by Alderman Richardson to approve/authorize Pickering Engineering, based on their recommendation that 119 and 120 are critical path items to the Channel 2, to issue a Construction Change Directive and/or filed order as they deem necessary for those 20 cu. yds. and 16 cu. yds. to authorize Kappa to perform that work.

Attorney Yarborough said, "For the record, any negotiation of price is not to be performed absent authority from this Board. A field order is issued, they can request a change, and if they request a change we can approve it through a change order; just so it's clear what the procedure is."

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine and Piazza

Voting Nay: None

Absent: None

### **CENTRAL FIRE STATION/CDBG FUNDS/GM&R**

#### **Re: Payment to GM&R as Final Payment as Final Payment of Sub-Contractors**

Alderman Richardson moved, seconded by Alderman Burke to ratify approval of payment to GM&R Construction in the amount of \$7,944.20 as final payment for construction related to the Central Fire Station contingent upon the City having the Release and Consent of Surety to final Payment and the release of any liens from Subcontractors, which we may not have because it looks like all of the subcontractors haven't been paid. (City had escrowed funds sufficient to pay sub-contractors). Payment had to be made immediately because of 3 day turn around rule from receipt of CDBG funds. This motion also approves transferring \$7,526.00 of funds from the escrow bank account (non-interest bearing) to the depository to repay this cost to GM&R. **(EXHIBIT H)**

Note to Minutes: Release and Consent of Surety to Final Payment and Final Waiver of Lien are on file with City Clerk Records as approved by Board 12/3/13.



A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine and Piazza

Voting Nay: None

Absent: None

**CASA (COURT APPOINTED SPECIAL ADVOCATES FOR CHILDREN)/  
CONTRIBUTIONS/DONATIONS**

**Re: 2016 Contribution to CASA, as Budgeted**

Alderman Burke moved, seconded by Alderman Lafontaine to approve invoice from CASA (Court Appointed Special Advocates for Children) in the amount of \$5,040.00 for FY2016, as budgeted for. **(EXHIBIT I)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, and Piazza

Voting Nay: None

Absent: None

**MINUTES/SURPLUS PROPERTY/FIRE DEPARTMENT**

**Re: Rescind Motion from 1/5/2016 related to the Fire Truck Surplus**

Alderman Lafontaine moved, seconded by Alderman Piazza to rescind approval of Item b) of the motion made and approved January 5, 2016 by the Board to declare surplus property the following as requested by the Waveland Fire Department, Fire Chief Tony Mallini. The City wishes to pursue a private sale agreement with the Waveland American Legion for the Pierce Fire Truck in accordance with Attorney General Guidelines on the following asset.

This will specifically rescind approval to remove from inventory the following one item (----):

b) ~~1972 Hahn Fire Engine, VIN# HC5431577446~~

Private Sale Item: Pierce (Oren) Fire Truck VIN#1284514930

The Mayor said after speaking to the City Attorney, if there is a value of less than a \$1,000 on the vehicle, then the City can offer the item for \$1.00. Assistant Fire Chief was present. The Mayor asked the Board (collectively) how they felt about placing a \$1 private sale cost on the fire truck to the Waveland American Legion. The Board collectively agreed. Alderman Lafontaine asked if the Legion had looked at the truck. The Mayor said yes, and they want the truck. Alderman Piazza asked if Patterson (New Jersey) wanted the Fire Truck back. Assistant Chief Carver said, "No". Mr. Yarborough told the Board that under Mississippi Code Section 17-25-25, Subsection 3, that a private sale of the item to the negotiated price of \$1.00 to the American Legion, you are making a factual finding that the actual value of that property is, in fact \$1.00, and should be sold upon agreement agreeable to the City Attorney.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine and Piazza

Voting Nay: None

Absent: None

**CONTRACTS/AUCTIONS**

**Re: Approve Contract with Jeff Martin Auctioneers for Sale/Auction of Surplused Fire Equipment**

Alderman Lafontaine moved, seconded by Alderman Burke to approve a contract between the Jeff Martin Auctioneers, Inc. and the City of Waveland to sell/auction the surplus Fire equipment (approved for surplus at the January 5, 2016 Meeting, excluding the Pierce Fire Truck, VIN# VIN#1284514930 **(EXHIBIT J)**)

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine and Piazza

Voting Nay: None

Absent: None

#### **TRAVEL/UTILITY DEPARTMENT/PUBLIC WORKS**

##### **Re: Thomas McPherson to Brandon, Mississippi for Natural Gas Training/Certification**

Alderman Burke moved, seconded by Alderman Richardson to approve travel for Utility Employee, Thomas McPherson from March 15 through March 17, 2016 in Brandon, Mississippi to attend the MS. Natural Gas Association Training/Tradeshow. Cost to the City will be lodging for 2 nights (2/15 & 2/16), 2 days per diem and use of a City vehicle.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine and Piazza

Voting Nay: None

Absent: None

#### **INVOICES/CITYWIDE DRAINAGE IMPROVEMENTS PROJECT/DRAINAGE PROJECT/STREETS**

##### **Re: AMEC Invoice- Citywide Drainage Improvements Project**

Alderman Richardson moved, seconded by Alderman Lafontaine to approve the following invoice submitted by AMEC Foster Wheeler and recommended to be placed in line for payment consideration contingent upon receiving funding from grant sources (if required), as listed (Item a):

- a) Invoice #N20120903 from AMEC Foster Wheeler in the amount of \$15,749.10 – Citywide Drainage Improvements Project.

No vote taken at this time, City attorney reviewing AMEC contract...

#### **SPREAD ON THE MINUTES**

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

- a) Mayor Mike Smith and Alderman Jeremy Burke's Statements of Economic Interest. **(EXHIBIT K)**
- b) The following Request for Cash Reimbursements:
  1. RFC #26, #R-118-379-02-HCCR in the amount of \$65,107.57 – Waveland Police Station/Building. **(EXHIBIT L)**
  2. RFC #69, #R-109-379-01-KCR In the amount of \$119,176.00 – Civic Center, Library, Museum, Rebuild Coleman Avenue, Coleman Avenue Fire Station. **(EXHIBIT M)**
- c) Revenue and Expenditures report for the month of January, 2016 presented at this the second meeting of February, 2016. **(EXHIBIT N)**
- d) RFQ's/Bids were opened immediately prior to this meeting for Stormwater Management Plan Update and were taken under advisement.

#### **EXECUTIVE SESSION**

##### **Re Potential Litigation – HMGP Citywide Drainage Improvements Project, Kappa & Pickering**

Alderman Burke moved, seconded by Alderman Richardson to consider Executive Session to prompt a closed discussion regarding Potential Litigation, HMGP Citywide Drainage Improvements Project, Kappa Development & Pickering Engineering.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, and Piazza

Voting Nay: None

Absent: None

Alderman Burke moved, seconded by Alderman Lafontaine to enter Executive Session regarding Potential Litigation, HMGP Citywide Drainage Improvements Project, Kappa Development & Pickering Engineering.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

Alderman Piazza moved, seconded by Alderman Burke to exit Executive session with no action taken.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

**INVOICES/CITYWIDE DRAINAGE IMPROVEMENTS PROJECT/DRAINAGE PROJECT/  
Re: AMEC Invoice- Citywide Drainage Improvements Project**

Alderman Richardson moved, seconded by Alderman Lafontaine to approve the following invoice submitted by AMEC Foster Wheeler and recommended to be placed in line for payment consideration contingent upon receiving funding from grant sources (if required), as listed (Item a): **(EXHIBIT O)**

- a) Invoice #N20120903 from AMEC Foster Wheeler in the amount of \$15,749.10 – 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

*Let the Minutes Reflect that Alderman Piazza recused himself from the meeting at this time.*

**DOCKET OF CLAIMS**

**Re: Docket of Claims - Streets Payroll portion**

Alderman Burke moved, seconded by Alderman Richardson to approve the Docket of Claims, Streets Payroll portion only, in the amount of \$17,004.83. **(EXHIBIT E)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, and Lafontaine

Voting Nay: None

Recused: Piazza

Absent: None

**ADJOURN**

**Re: Adjourn Meeting at 8:45 p.m.**

Alderman Burke moved, seconded by Alderman Richardson to adjourn the meeting at 8:45 p.m.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, and Lafontaine

Voting Nay: None

Absent: Piazza

The foregoing minutes were presented to Mayor Smith on March 18, 2016.

\_\_\_\_\_  
Lisa Planchard  
City Clerk

The Minutes of March 2, 2016 have been read and approved by me on this day the 18<sup>th</sup> day of March 2016.

\_\_\_\_\_  
Mike Smith  
Mayor

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