

The Board of Mayor and Aldermen of the City of Waveland, Mississippi, met in regular session at the Waveland City Hall Boardroom, 301 Coleman Avenue, Waveland, MS on February 20, 2013 at 6:30 p.m., to take action on the following matters of city business.

PUBLIC COMMENTS

Re: Ms. Melinda Tucker updated the Board with *Keep Waveland Beautiful* (KWB) activities. Ms. Tucker said KWB would be meeting tomorrow (February 2, 2013) at the Library. She said their agenda had grown; the main issue up for discussion would be the MS. 'Adopt a Highway' Program. Ms. Tucker said that she had spoken with Ms. Ashlyn Brock of MDOT (Litter Control) who is anxious to work with KWB and the three cities in Hancock County involved in this project. KWB will be asking businesses to adopt a portion of the Highway to cleanup; she also asked Board members for their suggestions and/or ideas for this program. Ms. Tucker said MDOT was willing to shorten the length to 1 mile for cleanup requirements for this Highway beautification project, even allowing 2 or 3 businesses to adopt that 1 mile for cleanup. She said currently Homeland Security no longer allows individuals to search the database of license plates to determine who owns a vehicle from which trash has been thrown. Ms. Tucker gave an update of the condition of the plants on Highway 90 and the need to have the trees/bushes pruned; she also provided the Board with some recommendations to promote the plants health and growth. Ms. Tucker complimented the two Parks and Recreations employees for their help in assisting her (Mr. Willie Moody and Mr. Geoffrey Smith). She said she plans to have this plant work done in preparation for Easter, but mentioned the area along the Highway needing the most work was from Wal-Mart to Waveland Avenue. Alderman Lafontaine asked if businesses would be allowed to place flower beds in the middle of the neutral ground if they liked. Ms. Tucker said that decision would be up to MDOT. Ms. Tucker said this MDOT program is primarily to address litter along the shoulders of the highways; it's not to take care of the medians, but if there are trees or other plants that have been planted there, they will allow people to adopt that part also. Mayor Garcia asked if he needed to call Mr. King (MDOT) about this issue with the two end caps at the intersection of Hwy 603 and Hwy 90. Ms. Tucker said if a work crew is willing to get out there and plant some things in these two end caps, she would be willing to take that area on; there are plants that can be planted there that require no care. Alderman Lafontaine said he thought this would also look nice at Waveland Avenue & Hwy 90, another main entrance to the City. Mayor Garcia said he would ask Mr. King for planting permission at this location also. Alderman Stahler said 25 orange safety vests had been donated for the volunteers to wear on the Highway. Ms. Tucker said Waveland KWB had started a block captain program to ask neighbors to maintain the areas in front of their houses; currently there are over 60 participants.

ROLL CALL

Mayor Garcia noted for the record the presence of Aldermen Stahler, Geoffrey and Lafontaine, along with City Attorney Gary Yarborough and City Clerk Lisa Planchard.

Absent due to a recent surgery was Alderman Mark Kidd.

MAYOR'S REPORT (EXHIBIT A)

Re: Mayor Garcia commented on the following:

- a. The Mayor said that he and Alderman Stahler met at the American Legion and presented the National Commander a plaque and welcomed him to Waveland.

AUDIT REPORT/FY 2011 AUDIT

Re: Jennifer Bell, CPA. Presented the FYE 2011 Audit Report

Ms. Jennifer Bell was present to discuss the completed FYE 2011 Audit. She mentioned that Wright, Ward Hatten & Guel plan to start field work on the FYE 2012 Audit right after tax season. She said when you look at the net assets for 2010 versus 2011 there was a \$13,000,000.00 increase and the majority of that was due to the ongoing capital construction projects. The operating revenues stayed pretty much the same; there were some decreases primarily due to the economic climate. She said many of the Financial Statement Findings are still repeat findings from prior years. Much of this had to do with

a combination of timing of reporting those findings to the Board of Mayor and Aldermen and not being able to get them remedied in 2011. The first finding dealt with segregation of duties. For proper internal control and to eliminate the opportunity for something going on, she said we want to segregate collection of cash, recording of cash and reconciling bank statements. She said now the City has different people doing those different functions; that finding has been remedied. **2011-2 Utility billings and receivables:** There were still a lot of issues with Utility billing; inconsistencies, bills were not going out in a timely manner (I know there was a lot of turnover). Personnel in that department; collections and cutoffs were not being done timely. I know you all are, even now, still on a flat rate billing until you get the electronic meters installed and data in the system. The Mayor said that he is personally getting the meter reading issue straightened out. Mayor Garcia said he had hoped the computer problems would be solved by Friday and we hope to be able to start meter reading. Ms. Bell said it appeared to be a 2 fold problem; not having meters in the ground and the process and procedures of the actual billing and collections in the office. Mayor Garcia said City Hall is working on this and it will be corrected as soon as the outside issues are corrected. Alderman Lafontaine asked about the segregation of duties and the Aldermen's responsibility in solving the problem. Ms. Bell said that while doing an audit if they find areas that need to be corrected, she has an obligation to tell the Board noting this is the responsibility of Management and those who are overseeing the day-to-day operations who have the responsibility of implementing the correction or putting the controls in place. Ms. Bell said it is very important to get someone in the Utility Department to implement policies and procedures and to generate cutoffs and billings on a consistent basis and produce the Accounts Receivable reports; make sure that customers have adequate deposits on hand and that everyone that is within the City limits that's supposed to be tied to the utility system is actually connected to the utility system. She said that often in a small city, you don't have enough personnel to segregate the duties but you will have other mitigating factors where someone can be flipping through the bank statement to make sure that there are proper signatures on the checks, and deposits are being done in a timely fashion. **2011-3 Procurement Policies and Payment of Invoices;** in 2011 there were a couple of instances where the original invoices were not marked PAID when the check was written. Ms. Bell said she understood there had been a lot of turnover, virtually in every department. She said Mrs. Cerami is marking the invoices paid and felt this would be remedied for the 2012 audit. **2011-4 Capital Asset Management** noted that basically all of the fixed assets have been replaced since Hurricane Katrina. Ms. Bell said a lot of this had a lot to do with constructed items, infrastructure and utility systems; nothing had been put in place in the City's general ledger system, fixed asset subsidiary ledger. They, as the auditors, have been keeping track of those assets. She has spoken with Ms. Dudding, who is familiar with what needs to be done and has given her a listing of all the assets that the auditors are showing that the City has of 9/30/11, and she is inputting these into the fixed asset subsidiary ledger. Ms. Bell reminded the Board that all assets in the City should be tagged and marked 'City of Waveland'. Inventories have to be done each year at the end of the fiscal year. Ms. Cerami explained said that the threshold is \$5000.00 to include in inventory according to the State Audit Dept., but the City will be including anything that is walkable and may cost much less. The Mayor said he had met with the Purchasing Clerk Karen (Mrs. Cerami) who has a goal to complete this task by April. Alderman Lafontaine asked if someone had done this last year. Mayor Garcia said this had been ongoing and his staff had been working on this for the last 7 months to provide the City with a clean fixed asset report, but that time is the issue. Purchasing Clerk Cerami provided the Board with a brief description of the software and how it works for inventory and fixed assets. **2011-5 – Building Permits and Privilege License.** There are still several open building permit jobs in the software that they know are no longer ongoing projects; the staff just needs to take the time to close them out. She noted that some of the permits would overlap years and they have to pay a renewal fee; they weren't charged a renewal fee. She noted that the software has the capability to generate a report of expired permits which can be used to bill renewal fees. City Clerk Planchard told Board members that Ms. Blankenship has all of the folders pulled for those that need to be closed out; it's just getting the time to do it. Ms. Bell said that will probably be the biggest hurdle on a lot of these findings is just taking the time to implement the corrective measures. Ms. Bell addressed Privilege Licenses and her conversation with the current Personnel Director, Donna Henry. She said that Mrs. Henry has since realigned her

duties and has sent out the business license renewal notices and has become aware of some businesses operating in the City limits that had been operating without a business license; she has sent them a Privilege License application and invoice since that time. Ms. Bell said that she had asked the Fire Chief to have the Firefighters check for Privilege Licenses during their routine Fire Inspections and Occupancy readings. **2011-6 – Payroll and Privilege.** Ms. Bell said at the end of 2011 there had been a lot of employees that had left the City due to furloughs. When testing payroll, she noted some things that should have been in the payroll files that were not. Ms. Bell said she realizes there had been a condensation of the number of payrolls, but another recommendation would be regarding compensated absences/paid time off (comp time). She said that it accrues on an employee's anniversary/hire date; it would probably be easier on the payroll clerk and for calculation purposes for having that accrue on a calendar year basis (from January 1 to December 31st). She also recommended that when someone takes off, it is reconciled back into the system and it is documented that their time has been taken off. Mayor Garcia said that several of the departments have not been submitting 'Time off Request forms', but he had City Clerk Planchard type a memo noticing all employees that immediately everyone is to complete, for approval, a 'time off request' form, which will be signed and approved by the Supervisor, the HR/Payroll Clerk, the City Clerk and then the Mayor; to return to the Personnel office for reconciliation to time sheets and filing in the employee's file. Ms. Bell recommended that the Board look at the City Personnel Handbook to see what it says as far as accumulation of time; if you're exempt or non-exempt. That might be something that may need to be changed for efficiency purposes and also how it's calculated; that it's calculated correctly. Alderman Lafontaine asked about the recommendation of using a time clock or using a different time keeping system. Mayor Garcia said office personnel use a paper system; the streets and utility employees use a time clock. Mrs. Planchard said she had recommended a thumb print time clock about 2 years ago to prevent employee time clock abuse; that suggestion was not received; Planchard said that would have been a little harder for someone to manipulate. **2011-7 – Court Fines Related Assessments and Court Fine Receivable** – Ms. Bell said she realizes there was just 1 person working the Department and there was turnover. She said during the testing some of the reports in the court software did not agree to what was posted in the General Ledger. When they tried to go back and look at all of those reports, not all reports were there and they therefore, could not get an accurate picture. They saw where 3 months of court assessments payable to the State had not been paid. Ms. Bell said the Court Clerk said there were a lot of adjustments that needed to be made to some cases; they haven't been made and her recommendation is go through each one of those adjustments, try to do due diligence and see what needs to be done with it and post it to the actual cases. Ms. Bell said that Ms. Dudding said Delta has a Court software module that would probably interface better as far as amounts being posted and agreeing to the reports generated. It may be that Policies and Procedures need to be laid out in conjunction with State Law. The Mayor said this is a troubled Department with this software problem and after he had spoken with Ms. Bell, he realizes the Court should be trying to make their software compatible to the Delta accounting system instead of trying to match the court software to Police ticket software. Ms. Bell said they should all integrate. Mrs. Planchard said that Ms. Dudding is getting a quote on the Court system. Mrs. Planchard added that the E-Ticket requirement can be added as a component to the Delta Court Accounting software module after the fact; we may have to ask Delta to write the language to accomplish this, but it can be done and the Court accounting system would interface with the General Ledger Accounting system. Ms. Bell said Ms. Dudding will meet with the Court clerk to determine the procedures that need to take place and show her how to implement them. **Federal Award Findings** – Ms. Bell said the first 3 findings had been from prior year findings. The first had to do with the fixed assets; the second was the accounts payable and procurement as previously discussed. **2011-8 Construction Oversight and Project Management-** Ms. Bell said there were a lot of projects still ongoing at the end of 2011 and towards the end of 2012; you have completed a majority of them, there's only a handful of them ongoing. She said that again their concern, which has been remedied already, is making sure that the accounting and the financial compliance with the Grant is being adhered to on the construction projects. **2011-9 – Cash Management finding with CDBG Grant** – Ms. Bell said the Grant requires that once the money comes in from the Request for Cash, it has to be spent out of the bank account within 3 days. She said there were a few instances during testing in

2011 that showed it had been longer than 3 days. This is not considered a material compliance finding, but it has to be reported. Again, this has been remedied now. Ms. Bell said in closing those were the areas of concern noted on the 2011 Audit; she offered the Board the opportunity to call or email her with any questions.

Re: FY 2011 Audit: Accept & Approve

Alderman Lafontaine moved, seconded by Alderman Geoffrey to accept and approve the Fiscal Year September 30, 2011 Audit as prepared, received and presented by Ms. Jennifer Bell and Mr. Mike Guel with Wright, Ward, Hatten & Guel, CPA's.

(EXHIBIT B)

A vote was called for with the following results:

Yea: Stahler, Geoffrey, and Lafontaine,

Nay: None

Absent: Kidd

ALDERMEN'S COMMENTS:

Alderman Stahler:

- a. Tomorrow from 4:30 pm to 6:30 pm is an Art Opening at City Hall by the Arts of Hancock County. There is always food and music. This is a great event to show support for the arts.

Alderman Geoffrey:

Alderman Geoffrey had no comments at this time.

Alderman Lafontaine:

- a. Waveland Avenue re-paving looks great and he had not seen any standing water as yet. Mayor Garcia said there was a problem with the ditch near the old bank at Waveland Avenue & Hwy 90. He asked Mr. Anderson to put a french drain there to allow the water to run off. Mr. Anderson said he would get his crew on that.
- b. Is the City ready to begin taking bids to begin paving streets. Mayor Garcia said he is trying to get some Federal Funds to stretch the Bond money the City has, to pave more streets. Alderman Lafontaine asked if they could begin taking bids. The Mayor said the first thing they need to do is come up with a plan to see which streets the Aldermen suggest need paving; they need to start putting a list together and they can get together one on one to talk about it. Mayor Garcia said in the mean time he and Brent Anderson would meet with Gulf Regional Planning to see what kind of funds are available to stretch the bond money for paving streets. Mayor Garcia suggested that the Board wait until the weather dries up and they get a good dry road base to deal with.
- c. Is there any information about the sidewalk on Oak Street and tying it into the curb where it stops short? The Mayor said he spoke with Mr. Anderson and County Supervisor Yarborough to see if it could be done. The Mayor said it can be done, but he'd like to speak with Mr. Crane to be sure he'll be happy with it as well.
- d. Spoke with Brent (Mr. Anderson) about the drainage at the ball field. Mr. Anderson said there may be something clogging the culverts causing the flooding.
- e. Mr. Anderson's grass cutting plan, should the City hire an extra person for this task. Mr. Anderson said he started it last week. Mr. Anderson said he has to check his budget to see if he can financially afford another person; he would like to sit down with Janet (Dudding) and Lisa (Planchard) to discuss this. The Mayor said he and Alderman Stahler also discussed the grass cutting situation with Supervisor (David) Yarbrough. He said that Mr. Yarbrough felt they (the County) did not have the equipment to help with their own grass cutting this year. Mayor Garcia said we may want to consider purchasing another bush hog and side arm to put a third person on it. The Mayor said 3 machines should be able to keep up

with the grass and then if one goes down, there are still 2 running. He also said that while the Board has these revenues in place, they should think about purchasing a claw truck; i.e., send one man out to pick up limbs instead of 2 men. Mr. Anderson said the Board may also want to consider purchasing a sewer pumping truck; the City pays an exorbitant amount every year for this service.

Alderman Stahler's Additional Comments/Mayor's Report continued:

BEACH VOLLEYBALL COURT PLANS READY FOR BID/ MAYORS REPORT/VETERANS MEMORIAL

Re: Mr. Mickey Lagasse was present to discuss the Latest Information Regarding the Proposed Beach Volleyball Court Plans

Mr. Lagasse said the beach volleyball courts are ready to go out for bid. He said he would come before the Board in March to request approval to go out for bid. Mayor Garcia asked if this would continue the Pedestrian Pathway too. Mr. Lagasse said this portion done prior to Hurricane Isaac, it's been fixed; the next step that you will receive will be the Pedestrian Pathway and the FEMA repairs to the Veterans Memorial. He said that Compton Engineering was in a boat last week evaluating the Garfield Ladner Memorial Pier. Mayor Garcia asked about the time frame to bid for Pier construction. Mr. Lagasse said it would be "very shortly". He said Mr. Anderson is currently trying to get them a copy of the Pier plans; the CAD drawings. Alderman Lafontaine asked about the volleyball court and pavilions order of approval. Mr. Lagasse said that Tidelands money has already been allocated for the pavilions. Mr. Lagasse said the volleyball courts and pavilions will go hand and hand. Mr. Yarborough reminded Mr. Lagasse of having to obtain approval from the Secretary of State prior to the development of anything in this area; Mr. Yarborough said he would contact Mr. Carter and get that started. Mr. Lagasse said there would need to be approval; it would be from the outfall over. Mr. Yarborough said the eastern portion would be outside the leased area, he said the City will have to make sure we are within the lease, and secondly we will have to get approval for that anyway. Mr. Yarborough said he would be working with Mr. Carter of the Secretary of State's office, the County, and Bay St. Louis over a Beach Vendor Ordinance, which we are in the process of working on also. Locations for beach vending will be discussed later at a workshop of the Board. Mr. Lagasse asked if there should be one description that would cover from the Memorial over the beach (volleyball court), area so that there are not multiple leases. Mr. Yarborough agreed with one description. Alderman Lafontaine asked about when the bids/work would begin on the pavilions. Mr. Lagasse said the funds for this have been allocated, but not actually received by the City yet. Upon receipt of the money, the funding can be transferred from the parking bays to the pagodas. Mr. Lagasse said all of the current funds (close to \$700,000) were allocated for the Veterans Memorial, the cleaning up, etc... When Compton went out for bids last time, he said they requested the volleyball courts as an add-on; the plans were done. He said at that time the money had not been awarded for the pavilions, nor the parking; it was requested, but not allocated yet. He said when the Board accepted the money for the parking... and he does not think the City has actually received it yet; as soon as the City receives this money, Compton will then transfer those funds to go to parking and pavilions/pagodas. Mr. Lagasse said the bids can roll out quickly. The Mayor said he is disappointed that the Pedestrian Pathway has not been connected to the Casino like the City was promised. Mr. Lagasse said it is coming, the money is there and it has been awarded. Mayor Garcia said he recommended to Supervisor Yarborough that the County requested use of these funds to provide some sort of elevated board walk through the wetlands at Buccaneer Park to provide visitors the opportunity to see the wildlife and vegetation out there. Mr. Lagasse said he was concerned because he and Mayor Garcia had not been given the same information. His understanding was that the money was received and his direction was to proceed; Mr. Lagasse said as far as he knew the Supervisors are moving forward with the Pedestrian Pathway. The Mayor said he would like to see the City reconsider the use of their funds to do more at Coleman Avenue to allow for more use and draw visitors to this area. He noted that MDA is spending a fortune in Bay St. Louis with bath houses on the beach and Waveland is not getting 'anything' from them; we pay Seawall taxes and they get the Tidelands funds. He thinks it's time that more Tidelands funds get spent on Waveland and Seawall funds to install

the parking bays; that would free up Waveland's Tidelands funds to improve the Coleman Avenue beach area to give our residents activities to do at the beach. Mayor Garcia also expressed his concerns for the removal of the sand from Waveland Pedestrian Pathway and hauling it to Bayou Caddy in the County. He said that sand was pumped into Waveland; why did they not put that sand back on Waveland's beach... and we have sand washing out. He said Waveland has always been at the last, but since I'm here as Mayor, Waveland is going to be at the forefront or we'll be asking questions. Mr. Lagasse said he sees the procedure as follows: the volleyball project will be bid because it was almost finished, the repairs re: ISAAC for the Veterans Memorial and the Veterans Memorial Improvements will be bid. In the time between that's happening and the Pier, I hope to ask you all to transfer that money to pagodas. He said that will be put in there and then the Pier will be bid sometime (if they can get the Pier CAD asbuilt drawings)...interrupted, Mr. Lagasse did not finish this sentence.

MINUTES

Re: Meetings of the Budget Update Special Meeting of January 23, 2013 and the Regular Meeting of February 5, 2013

Alderman Stahler moved, seconded by Alderman Lafontaine to approve the Minutes of the meetings of the Budget Update Special Meeting of January 23, 2013 and the Regular Meeting of February 5, 2013. **(EXHIBIT C)**

A vote was called for with the following results:

Yea: Stahler, and Lafontaine

Abstain: Geoffrey

Nay: None

Absent: Kidd

RSVP

Re: Claims

Alderman Stahler moved, seconded by Alderman Geoffrey to approve the RSVP Claims as submitted by Ms. Mary Turcotte.

A vote was called for with the following results:

Yea: Stahler, Geoffrey and Lafontaine

Abstain: None

Nay: None

Absent: Kidd

DOCKET OF CLAIMS

Re: Claims Nos.

Alderman Lafontaine moved, seconded by Alderman Stahler to approve the Docket of Claims (except for the payment to Hancock County Utility Authority, transaction #131018) dated February 20, 2013 as submitted by the City Clerk. **(EXHIBIT D)**

Mr. Yarborough said he spoke with Geiger A/C and Heating regarding the rejected warranty, the question was whether or not the work performed was on the compressor. Mr. Yarborough said that they said it was lines and tubes and upkeep; that it is not covered under warranty, therefore we will need to be paid. He stated there was only a 1 year parts warranty on the air conditioners.

001 Fund – 220-575
100 Fund – None
101 Fund – 14
102 Fund – None
103 Fund – 11-12
124 Fund – None
125 Fund – 12
400 Fund – 211-231

REVENUE AND EXPENSE REPORT

Re: The Month of January, 2013

Spread on the minutes the Revenue and Expenditures Report for the Month of January 2013, at this the second meeting of February, 2013 as presented by Comptroller Janet Dudding. (EXHIBIT E)

EVENTS

Re: Approve a Request for the Annual C&R's Crawfish Cook-off at the Elwood Bourgeois Park

Alderman Stahler moved, seconded by Alderman Geoffrey to approve a request from Mrs. Nadine Brown to use the Elwood Bourgeois Park for the Annual C&R's Crawfish Cook-off that will benefit Hope Haven on Friday April 12, 2013 (for setting up) and on Saturday April 13, 2013 (for the event) from 9:00 am to 4:00 pm.

City Attorney noted that the City did check with our Liability Insurance Carrier and this would be covered under our policy. He noted that Ms. Brown would also provide us a Certificate of Liability Insurance for this event.

A vote was called for with the following results:

Yea: Stahler, Geoffrey and Lafontaine

Nay: None

Absent: Kidd

MISSISSIPPI STATE DEPARTMENT OF HEALTH, OFFICE OF ORAL HEALTH/CONTRACTS/AGREEMENTS/FLUORIDATING WATER/PUBLIC WORKS/WATER SERVICE

Re: Approve/Accept 100% Fluoridation Grant & Execute Contracts/Agreements to Allow for the Installation of Fluoridation Equipment on Waveland Wells; Fluoride in City Water

Spread on the minutes to approve a request from Ms. Marsha Parker with the Mississippi State Department of Health, Office of Oral Health, to approve and accept the awarded 100% grant in the amount of \$160,000 for placement of fluoride in the City Water System; and authorize employees to obtain required signatures as needed on contract and documents (after City Attorney review). Only cost to the City will be the fluoride (starting year 2) which is estimated at \$5,000 per year. Originally approved by the Board of Mayor and Aldermen 7/21/10. (EXHIBIT F)

BIDS/COLEMAN AVENUE IRRIGATION AND LANDSCAPING PROJECT/ PURCHASING/CDBG PROJECTS

Re: Waive the \$15,000.00 Quote/Bid Limitation and Approve Earthworks Design for the Coleman Avenue Landscaping Project

Alderman Lafontaine moved, seconded by Alderman Geoffrey to waive the \$15,000.00 quote/bid limitation (for this one instance because of the shortage of project completion time remaining with MDA) and approve Earthworks Design for the Coleman Avenue

Irrigation/Landscaping Project. This is 100% MDA/CDBG funded. Two quotes were obtained.

Mr. Yarborough said for the record there were 2 quotes received, one from Earthworks Design Inc., in the amount of \$29,000.00. There is a second quote from Jacksons Tree Nursery, in the amount of \$38,446.00. Pursuant to MS. Code Section 31-7-13, 2 quotes were received for less than \$50,000.00, so by waiving the local requirement the Board could comply with State Statute by accepting the lowest actual proposal.

(EXHIBIT G – 2 Quotes)

A vote was called for with the following results:

Yea: Stahler, Geoffrey and Lafontaine

Abstain:

Nay: None

Absent: Kidd

TRAVEL/PERSONNEL/HUMAN RESOURCES/CITY HALL/UTILITIES
Re: Travel for Human Resources Director Donna Henry and Utility Supervisor Dwight Haskell for continuing education

Alderman Lafontaine moved, seconded by Alderman Geoffrey to approve travel for the following: **(EXHIBIT H)**

- a. Human Resources Director, Donna Henry to attend Employment Law Update in Mississippi seminar on Tuesday, February 26, 2013 in Gulfport Mississippi. Cost to the City will be a Registration and supply fee in the amount of \$339.00, per diem for lunch only and use of a City vehicle.
- b. Utility Supervisor Dwight Haskell to attend the 25th Annual Mississippi Natural Gas Association Tradeshow, March 20-21, 2013 in Tupelo, Mississippi. Cost to the City will be a registration fee of \$150.00, lodging for 2 nights, 3 days per diem and use of a City vehicle for travel. These hours are necessary for Mr. Haskell to maintain his Operator Certification.

A vote was called for with the following results:

Yea: Stahler, Geoffrey and Lafontaine

Nay: None

Absent: Kidd

HANCOCK COUNTY UTILITY AUTHORITY
Re: Approve Partial Payment of Invoice No. 01312013 in the amount \$50,000.00

Alderman Lafontaine moved, seconded by Alderman Geoffrey to approve the January, 2013 invoice submitted by the Hancock County Utility Authority in the amount of \$50,000.00 (Total invoice was for \$71,044.88). (On Current Docket); Note: Only a partial payment of \$50,000.00 shall be approved; hold \$21,044.88. **(EXHIBIT I)**

During discussion, the Mayor said he felt very passionately about this subject because the citizens of Waveland used their tax dollars to build this plant, but only receive \$1,206 per month lease fee for the plant. The Mayor asked the City Attorney for a thorough contract review because the original contract included three entities and now there are other entities involved in this and he can't agree with the computations for the billing. Alderman Stahler added that Waveland is now a minority vote on that Board. Mr. Yarborough said, "I looked at this in advance of last meeting and I'll say for the record, whomever may be reviewing the minutes in the future, we are reserving all rights, but post Katrina the Legislature created this district, appointed and said who are Directors, so

we have a contract which outlines our duties among the 3 original entities, we have a State created legislation, which didn't deal with the contract; it basically said everybody has the same contract. Mr. Yarborough said his presumption is the Utility's position is going to be that it is a creature of statute and that's what we're complying with. Alderman Stahler noted that Diamondhead is on the Board, but they do not participate; they do not get billed, they run their own system and they are only there because the statute says they're supposed to be there. Alderman Stahler says it brings up the question, can we have our own system and still just sit on the Board. Mr. Yarborough said the contract gives the City, as it's written, the right to terminate. Purchasing Clerk, Karen Cerami told the Board about her attending an HCUA meeting where there was discussion about a \$10,000,000.00 loan that all 5 entities will be responsible for. Mr. Yarborough discussed the loan saying that this loan is attempting to be forgiven, but they have received no relief on that to date. Alderman Stahler was concerned with the current invoice as to why the City's percentage increased so much. Alderman Lafontaine was concerned how the bill could increase \$20,000 in one month, saying that the City can't afford this, nor can the City afford for this to continue to increase every month.

A vote was called for with the following results:

Yea: Stahler, Geoffrey and Lafontaine

Nay: None

Absent: Kidd

**BUSINESS INCUBATOR/INCUBATOR/PURCHASING/UNABRIDGED
ARCHITECTURE/INVOICES**

**Re: Payment of Invoice #12 to Unabridged Architecture for the Business Incubator
in the amount of \$2,696.00**

Alderman Stahler moved, seconded by Alderman Geoffrey to approve payment of Invoice #12 from Unabridged Architecture in the amount of \$2,696.00 for the Waveland Business Incubator. This invoice was originally approved for payment October 17, 2012, contingent upon receiving funding by CDBG, noting that approval of the contract amendment for this had been approved June 5, 2012. Funding has run out on this project, thereby leaving the City to pay this balance due. **(EXHIBIT J)**

Alderman Stahler asked about the original motion related to this issue. Mr. Yarborough read through the documents provided to them by the City Clerk. He said he felt the issue no longer needed further action as the amendment for this cost had already been approved in the June 5, 2012 minutes and signed. The Board continued with the vote.

A vote was called for with the following results:

Yea: Stahler, Geoffrey and Lafontaine

Nay: None

Absent: Kidd

**HMGP/ CITYWIDE DRAINAGE IMPROVEMENT PROJECT- HMGP/AMEC
ENVIRONEMENT AND INFRASTRUCURE, INC./HAZARD MITIGATION
PLAN UPDATE/CLIMATE CHANGE ADAPTION/SEA GRANT/WATER
SYSTEM EXTENSION, ANNEXED AREA**

Re: Approve Invoices Submitted by Various Contractors

Alderman Lafontaine moved, seconded by Alderman Stahler to approve the following invoices submitted by various contractors and vendors and recommended to be placed in line for payment consideration contingent upon receiving funding from grant source, and listed, (Items a-d): **(EXHIBIT K)**

- a. Invoice X17327503 from AMEC Environment and Infrastructure, Inc. in the amount of \$333.58 – HMGP Citywide Drainage Improvement Project.
- b. Invoice X17327504 from AMEC Environment & Infrastructure, Inc. in the amount of \$466.63 – Local Hazard Mitigation Plan Update, HMGP.
- c. Invoice X17327519 from AMEC Environment & Infrastructure, Inc. in the amount of \$3,327.59 – Climate Change Adaption (Sea Grant)
- d. Invoice No.702-40-01 from Digital Engineering in the amount of \$5,785.00 for professional Services – Water System Extension, Annexed Area: Master Meter Connectors.

A vote was called for with the following results:

Yea: Stahler, Geoffrey and Lafontaine

Nay: None

Absent: Kidd

REQUEST FOR CASH REIMBURSEMENTS/CENTRAL FIRE STATION TRAINING FACILITY AND DRAFTING PIT

Re: CDBG Project #R118-379-01-HCCR, RFC #38 in the amount of \$250.00

Spread on the minutes the Request for Cash Reimbursement #38, CDBG Project #R-118-379-01-HCCR in the amount of \$250.00 – Central Fire Station Training Facility & Drafting Pit. **(EXHIBIT L)**

RESIGNATIONSPERSONNEL/PUBLIC WORKS

Re: Resignation of Mr. Danny Page

Spread on the minutes the resignation of Mr. Danny Page, Mr. Page was furloughed 8/26/11 and his position dissolved because of budget cuts. He just recently resigned. **(EXHIBIT M)**

A vote was called for with the following results:

Yea: Stahler, Geoffrey and Lafontaine

Nay: None

Absent: Kidd

EXECUTIVE SESSION

Re: Contract Negotiations Related to the City Charter; Pending Litigation, Potential Litigation

Alderman Lafontaine moved, seconded by Alderman Geoffrey to consider Executive Session to prompt a closed discussion regarding contract negotiations as it relates to the City Charter; pending litigation Impson vs. City of Waveland, and W.G. Yates and Sons Construction Co., also potential litigation concerning Lacoste Property.

A vote was called for with the following results:

Yea: Stahler, Geoffrey and Lafontaine

Nay: None

Absent: Kidd

Alderman Lafontaine moved, seconded by Alderman Stahler to enter Executive Session regarding contract negotiations as it relates to the City Charter; pending litigation Impson

vs. City of Waveland, and W.G. Yates and Sons Construction Co., also potential litigation concerning Lacoste Property.

A vote was called for with the following results:

Yea: Stahler, Geoffrey and Lafontaine

Nay: None

Absent: Kidd

Alderman Geoffrey moved, seconded by Alderman Lafontaine to exit Executive Session with no action taken.

A vote was called for with the following results:

Yea: Stahler, Geoffrey and Lafontaine

Nay: None

Absent: Kidd

**LITIGATION/LEGAL ISSUES/YATES & SONS CONSTRUCTION CO.
Re: Approve & Ratify Lawsuit filed, Authorize City Atty. to proceed with that and any Related Litigation.**

Alderman Lafontaine moved, seconded by Alderman Geoffrey to approve and ratify lawsuit filed against W. G. Yates & Sons Construction Co., and authorize City Attorney to proceed with that and any related litigation.

A vote was called for with the following results:

Yea: Stahler, Geoffrey and Lafontaine

Nay: None

Absent: Kidd

**ADJOURN
Re: Adjourn meeting at 9:33 pm.**

Alderman Lafontaine moved, seconded by Alderman Geoffrey to adjourn the meeting at 9:33 p.m.

A vote was called for with the following results:

Yea: Stahler, Geoffrey and Lafontaine

Nay: None

Absent: Kidd

The foregoing minutes were presented to Mayor Garcia on March 22, 2013.

Lisa Planchard
City Clerk

The Minutes of February 20, 2013 have been read and approved by me on this day the 22nd day of March, 2013. .

David A. Garcia
Mayor

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