

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. on February 22, 2012 at 6:30 p.m., to take action on the following matters of city business.

Present at the meeting were Mayor David A. Garcia with Aldermen Stahler, Lafontaine and Kidd.

Also present at the meeting were City Clerk Lisa Planchard and City Attorney Gary Yarborough.

Absent from the meeting was Alderman Ricky Geoffrey.

ROLL CALL

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

PUBLIC COMMENTS:

Debbie Smith and Alfred Tiger Harris

MAYOR'S REPORT (EXHIBIT A)

(Tape of meeting for listening available via records request, in Meeting folder)

The Mayor and Board congratulated and presented with individual certificates: the OLA Girls Soccer Team as Class 1A/2A/3A State Soccer Champions, the Bay High School Girls Soccer Team as Class 4A State Champions, and the Bay High School Boys Soccer Team as Class 4A State Champions.

AMEND AGENDA

Re: Authorize Mayor's signature on Proclamation for February 2012 as Black History Month

Alderman Stahler moved, seconded by Alderman Lafontaine to amend the agenda and authorize the Mayor's signature on a Proclamation dedicating February 2012 as Black History Month in Waveland.

A vote was called for with the following results:

Voting Yea: Stahler, Lafontaine and Kidd

Voting Nay: None

Absent: Geoffrey

PROCLAMATION

Re: Dedicate February 2012 as Black History Month in Waveland

Alderman Stahler moved, seconded by Alderman Lafontaine to authorize the Mayor's signature on a Proclamation dedicating February 2012 as Black History Month in Waveland. **(EXHIBIT B)**

A vote was called for with the following results:

Voting Yea: Stahler, Lafontaine and Kidd

Voting Nay: None

Absent: Geoffrey

ALDERMEN'S COMMENTS:

Re: Alderman Stahler - There were no comments by Alderman Stahler.

Re: Alderman Lafontaine spoke to the following issues:

- a. Asked three financial questions of Comptroller who was absent from the meeting. The Mayor advised Alderman Lafontaine his questions would be addressed the following day.
- b. Attendance at the American Legion Ball.

Re: Alderman Kidd spoke to the following points:

- a. Attendance at the American Legion Ball.
- b. Requested budget workshop. Mayor said he would speak with the Comptroller about this, but said it be needed to be scheduled after the move into the new building.
- c. Asked about fire hydrant(s) leaking at Cameo & Ruby.

MINUTES

Re: Minutes of February 10, 2012

Alderman Lafontaine moved, seconded by Alderman Kidd to approve the Minutes of the Meeting of February 10, 2012 as submitted by the City Clerk.

(EXHIBIT C)

A vote was called for with the following results:

Voting Yea: Stahler, Lafontaine and Kidd

Voting Nay: None

Absent: Geoffrey

RSVP

Re: Claims

Alderman Lafontaine moved, seconded by Alderman Kidd to approve the RSVP Claims as submitted. **(EXHIBIT D)**

A vote was called for with the following results:

Voting Yea: Stahler, Lafontaine and Kidd

Voting Nay: Geoffrey

Absent: None

DOCKET OF CLAIMS

Re: Claims Nos. as Listed

Alderman Stahler moved, seconded by Alderman Lafontaine to approve the Docket of Claims dated February 22, 2012 as submitted by the City Clerk. **(EXHIBIT E)**

001 Fund – Claims No's 46-108

101 Fund – Claim No. 4

125 Fund – Claim No. 10

400 Fund – Claim No's. 54 – 59

A vote was called for with the following results:

Voting Yea: Stahler, Lafontaine and Kidd

Voting Nay: None

Absent: Geoffrey

APPOINTMENTS

Re: Mayor Garcia's appointment of Ms. Tequila Hall to Hancock County Human Resources

Spread on the minutes, Mayor Garcia's appointment of Ms. Tequila Hall as the City's Representative to Hancock County Human Resources.

POLICE DEPARTMENT/SWAT

Re: Request to participate (on Volunteer Basis) in Special Response Team with Hancock Sheriff's Department

Alderman Lafontaine moved, seconded by Alderman Stahler to approve a request from Sheriff Ricky Adam and Commander Jeremy Skinner inviting some of the Waveland Police Officers to train for and participate on the County's volunteer Special Response Team; above dependent upon results of City Attorney Gary Yarborough's work with County Attorney Ronnie Artigues, via Board authorization, to develop an Interlocal Agreement that will subsequently come back before the Board of Mayor and Aldermen for approval. City Attorney shall also research legalities involving municipal liability and workman's compensation issues related to this proposal. Mr. Yarborough added, "The biggest thing is that we have to get something showing that when they're working, they're not working as a City of Waveland officer; their working as a County officer... whether that's from the officer that we'll have to get signed and acknowledged or whether that's through the County."

A vote was called for with the following results:

Voting Yea: Stahler, Lafontaine and Kidd

Voting Nay: None

Absent: Geoffrey

SURPLUS PROPERTY/BUSINESS INCUBATOR/REAL ESTATE

Re: Declare as Surplus property 228 Coleman Avenue

Alderman Kidd moved, seconded by Alderman Lafontaine to declare the property at 228 Coleman Avenue (Waveland Business Center) as surplus property.

Mr. Yarborough said this would still remain on the City's property list. The purpose of this is for the time right now we are not using this and at such time this property becomes non surplus property, the City will take it back through our lease and absolve the lease with whoever the tenant is at that time. This is to comply with MS. Code Section 21-17-1 for the lease of property to non-profit.

A vote was called for with the following results:

Voting Yea: Stahler, Lafontaine and Kidd

Voting Nay: None

Absent: Geoffrey

AGREEMENTS/MISSISSIPPI POWER/CONTRACTS

Re: Mississippi Power Company's Banner, Flag or Holiday Decoration Attachment Agreement, Permit to Attach, and Absolute General Release and Covenant Not to Sue

Alderman Lafontaine moved, seconded by Alderman Kidd to TABLE the Mississippi Power Company's Banner, Flag or Holiday Decoration Attachment Agreement, the 'Permit to Attach' and the 'Absolute General Release and Covenant Not to Sue' between the City of Waveland and Mississippi Power, pending review and approval by City Attorney Gary Yarborough. This will provide the City permission to place banners and

holiday decorations on light poles. Note: Hwy 90 poles are the property of the City of Waveland and the City maintains those poles. City Attorney Yarborough noted No. 15 in the contract which requires the City to have \$1,000,000 plus \$5,000,000 in surplus insurance; the purpose is if someone gets electrocuted, but we would have to find out the cost of that insurance. He added that if it's not on property the City owns, he does not know how we have an insurable interest, other than worker's compensation insurance on our employees. Mr. Yarborough added, "It's also got a hold harmless where the City is holding MS. Power harmless from any loss including property damage or injury or death. Mr. Yarborough recommended that the Board table this issue until he could research the two above issues further.

A vote was called for with the following results:

Voting Yea: Stahler, Lafontaine and Kidd

Voting Nay: None

Absent: Geoffrey

PRESERVATION EASEMENT/NATIONAL PARK SERVICE/CIVIC CENTER
Re: Execution of the MS. Dept. of Archives and History Preservation Easement for the Civic Center

Alderman Kidd moved, seconded by Alderman Stahler to approve Mayor's execution of the MS. Department of Archives and History Preservation Easement for the work performed at 335 Coleman Avenue (Civic Center/Old Waveland School). This easement is required by the National Park Service as a component to the grant that the City received through the Department of Archives and History in renovating this building.

During discussion, Mayor Garcia said his concern was whether the City would have to notify the Department of Archives and History if the City wanted to do something further to the building and/or property. He asked, "Are we talking about just the building or the footprint of the property... and the reason I'm asking this is that we're planning to do the Carousel next door and are we going to have to get permission from them to do this." City Attorney said he would be speaking with MDA in the morning and would ask them this question. Mr. Yarborough said he recommended that the Board approve 'as is', this is what they were requiring for their grant, and if there's a problem he would know that at 8:00 am tomorrow morning. (EXHIBIT F)

A vote was called for with the following results:

Voting Yea: Stahler, Lafontaine and Kidd

Voting Nay: None

Absent: Geoffrey

TIDELANDS FUNDS/VETERANS MEMORIAL
Re: Discussion presented by Mickey Lagasse of Compton Engineering

Alderman Lafontaine moved, seconded by Alderman Kidd to hear discussion of Tideland Funds for Improvements to the Waveland Veterans Memorial and completing the Pedestrian Pathway. Mr. Mickey Lagasse of Compton Engineering was present to answer questions. Mr. Lagasse said that when it comes time to go out for bid for this project, the City can prioritize and bid as 'add alternates' some of the currently listed costs, to help keep the project costs in line. Lagasse said that if the Board is not comfortable with the bids when they come in, they can reject all the bids. Alderman Lafontaine asked when Mr. Lagasse was hoping to get this project started (as it relates to weather and tidal change). Mr. Lagasse said in this area it will not make a lot of difference. Mr. Lagasse also added that in his opinion, this project should not take more than six months to complete. Mr. Lagasse said he could get the Board some revised

numbers and see what other things Jimmy (Catt) (Engineer with Compton) can look at and we can go from there. Mr. Lafontaine said his personal opinion would be to bid it out with some of it as 'add alternates'. Mr. Lagasse gave for an example, the lighting, the saw cuts for the brick, and the benches can be done after, i.e. would be bid as 'add alternates'. Lagasse also noted during discussion that Compton's work on this (Veterans Memorial) project thus far is considered marketing and no costs have been incurred to the City as yet; this when asked by the Mayor whether the City had spent any money on this project yet.

No vote was necessary or taken.

Note: Mr. Lagasse dropped off a Gulf Regional Planning Commission 'DRAFT' pamphlet (about Waveland) and asked the Board to please look over and offer suggestions/changes within a week or so. Board members will let City Clerk or Mr. Lagasse know what they would suggest.

CONTRACTS/ARCHITECTURAL AGREEMENTS/CITY HALL-CITYHALL ANNEX PROJECT/CDBG PROJECTS

Re: Contract Modifications to Architectural Agreements with BDA, LLC

Alderman Lafontaine moved, seconded by Alderman Kidd to approve three (3) proposed contract modifications to the Architectural Agreements with BDA, LLC (total of \$23,686.42) on the following projects with an increase in fees each for, as listed:

(EXHIBIT G)

- a. City Hall Project – \$8,006.01
- b. City Hall Annex Project - \$7,342.79
- c. Fire Station Project, Coleman Avenue - \$8,337.62

During discussion, Brent Anderson said that these costs have all been pre-approved by MDA. City Attorney Gary Yarborough said that it looks like it was bid on a percentage basis; the contract he thought called for calculation on an hourly basis if there's in-excess time. Mr. Anderson said, "MDA works on a percentage basis; it should be on percentage not hourly." Mr. Yarborough asked, "Do they keep a time sheet." Mr. Anderson said, "Yes, he keeps a full; he's got to; MDA audits his whole project when he's complete." Mr. Yarborough asked, "Do we know if the hourly rate is less than or more than the percentage... the 6.6". Mr. Anderson said, "I know it won't be more because MDA won't approve it, but like I said, I did not prepare this contract." Mr. Yarborough asked, "How close is this project to being complete?" Mr. Anderson answered, "The very back parking lot, we're probably looking at another two months, the first additional parking lot (106 Bourgeois) is complete, the second parking lot I would say within 60 days; it may not be that long." Mr. Yarborough said, "The only question/concern is if he's doing it on a percentage basis and it's still going to be going on another 60 days, he's not going to be giving us another bill in 60 days?" Mr. Anderson said, "This is it; this is to cover the whole. You're not going to see another bill from the architect on this project; this will 100% finish that out." Mr. Yarborough said that this motion is not to approve to pay; this is approval to modify the contract.

A vote was called for with the following results:

Voting Yea: Stahler, Lafontaine and Kidd

Voting Nay: None

Absent: Geoffrey

CDBG/SANITARY SEWER WEST GRANT PROJECT/PROJECT CLOSEOUT

Re: CDBG Closeout of Sanitary Sewer West Grant Project

Spread on the minutes the CDBG Closeout of the Sanitary Sewer West Grant Project, as submitted by Michele Moore with Gouras Urban Planning Consultants, Inc.

(EXHIBIT H)

**WATER SYSTEM IMPROVEMENTS PROJECT – ANNEXED
AREA/SUBSTANTIAL COMPLETION**

**Re: Substantial completion letter for Substantial completion of Water System
Annexed Area**

Spread on the minute's receipt of the substantial completion letter submitted by Digital Engineering for the Water System Improvements – Annexed Area, conditioned upon corrections/provisions named in letter dated 2/3/2012 from Mr. Bruce Newton, Digital Engineering and all issues being met. (EXHIBIT I)

**INVOICES/SEWER SYSTEM RECONSTRUCTION NORTH OF THE
RAILROAD TRACKS/CITY HALL AND CITY HALL ANNEX/FIRE STATION
COLEMAN AVENUE/WATER SYSTEM EXTENSION – ANNEXED
AREA/CITYWIDE DRAINAGE PROJECT/CENTRAL FIRE STATION**

Re: Approve invoices from 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 sources, as submitted by Recovery Manager, Brent Anderson, as listed (Items a-j); except to TABLE Items a-d: (EXHIBIT J)

- a. ~~Payment Request No. 17 from Reynolds, Inc. in the amount of \$549,506.23 – Sewer System Reconstruction North of Railroad Tracks. (TABLE)~~
- b. ~~Payment Request No. 18 from Reynolds, Inc. in the amount of \$201,565.65 – Sewer System Reconstruction North of Railroad Tracks. (TABLE)~~
- c. ~~Payment Request No. 19 from Reynolds, Inc. in the amount of \$288,825.90 – Sewer System Reconstruction North of Railroad Tracks. (TABLE)~~
- d. ~~Payment Request No. 10 from Jay Bearden Construction, Inc. in the amount of \$34,524.94 – Citywide Drainage Improvements Project (TABLE)~~
- e. Pay Application No. 13 from DNP, Inc in the amount of \$117,393.18 – City Hall and City Hall Annex, Fire Station Coleman
- f. Payment Request No. 21 from Reynolds, Inc in the amount of \$53,718.53 – Water System Extension – Annexed Area.
- g. Payment Request No. 22 from Reynolds, Inc. in the amount of \$1,901.25 – Water System Extension – Annexed Area.
- h. Invoice No. 702-34-30 from Digital Engineering in the amount of \$5,095.00 – Water System Extension – Annexed Area.
- i. Invoice No. 702-35-22 from Digital Engineering in the amount of \$5,000.00 – Citywide Drainage Improvements Project.
- j. Pay Application No. 1006-22 from GM&R in the amount of \$384,767.00 - Central Fire Station.

A vote was called for with the following results:

Voting Yea: Stahler, Lafontaine and Kidd

Voting Nay: None

Absent: Geoffrey

**POLICE DEPARTMENT/PERSONNEL/CIVIC CENTER, LIBRARY, FIRE
STATION, COLEMAN AVENUE/CENTRAL FIRE STATION/WATER SYSTEM
IMPROVEMENTS-ANNEXED AREA/DRAINAGE IMPROVEMENTS
PROJECT/REQUEST FOR CASH REIMBURSEMENTS/SPREAD ON THE
MINTUES**

**Re: Resignation of Officers John Salterelli and Tamas Filippi
Re: Request for Cash Reimbursements as submitted by Michele Moore of Gouras
Urban Planning Consultants**

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

- a. Resignation of Officer John Salterelli from the Waveland Police Department, effective February 14, 2012.
- b. Resignation of Officer Tamas Filippi from the Waveland Police Department, effective February 25, 2012.
- c. Requests for Cash Reimbursements, as listed (Items 1-5): **(EXHIBIT K)**
 1. #R-103-379-01-KCR in the amount of \$15,714.46 – Civic Center Library, Fire Station, Coleman Avenue.
 2. #R-118-379-01-HCCR in the amount of \$384,767.00 – Central Fire Station.
 3. #R-118-379-06-HCCR in the amount of \$62,203.11 – Water System Improvements - Annexed Area.
 4. #R-118-379-06-HCCR in the amount of \$37,435.20 – Water System Improvements - Annexed Area.
 5. #R-118-379-07-HCCR in the amount of \$5,000.00 – Drainage Improvements Project.

EXECUTIVE SESSION

Re: Discuss Potential Litigation/Pending Litigation

Alderman Kidd moved, seconded by Alderman Lafontaine to consider going into Executive Session to discuss potential litigation, Police Station, Pier and City Hall and pending litigation regarding Yates Construction.

A vote was called for with the following results:

Voting Yea: Stahler, Lafontaine and Kidd

Voting Nay: None

Absent: Geoffrey

Alderman Stahler moved, seconded by Alderman Lafontaine to enter Executive Session to discuss potential litigation, Police Station, Pier and City Hall and pending litigation regarding Yates Construction.

A vote was called for with the following results:

Voting Yea: Stahler, Lafontaine and Kidd

Voting Nay: None

Absent: Geoffrey

With no positive or negative action taken, Alderman Kidd moved, seconded by Alderman Lafontaine to come out of Executive Session.

A vote was called for with the following results:

Voting Yea: Stahler, Lafontaine and Kidd

Voting Nay: None

Absent: Geoffrey

POLICE DEPARTMENT/PERSONNEL

Re: Hire: Howard Parker or Matt Sekinger to the position of full time Patrolman

Alderman Stahler moved, seconded by Alderman Lafontaine offer to Howard Parker the position of fulltime Patrolman with the Police Department at a rate of \$12.50 per hour, as recommended by Chief Kenny Hurt. Mr. Parker will let Chief Hurt know by Thursday, February 23, 2012 if he accepts the position; if not, Chief Hurt is to move forward and hire Matt Sekinger to the position of full-time Patrolman with the Police Department at a rate of \$12.50 per hour.

A vote was called for with the following results:

Voting Yea: Stahler, Lafontaine and Kidd

Voting Nay: None

Absent: Geoffrey

Re: Hire Charles Lipps to the position of fulltime Patrolman

Alderman Kidd moved, seconded by Alderman Lafontaine to hire Mr. Charles Lipps to the position of fulltime Patrolman with the Police Department at a rate of \$12.50 per hour, as recommended by Chief Kenny Hurt.

A vote was called for with the following results:

Voting Yea: Stahler, Lafontaine and Kidd

Voting Nay: None

Absent: Geoffrey

Re: Approve hire of James J. Hair, Brett J. Ladner and Edward J. Richardson as part-time Patrolmen

Alderman Lafontaine moved, seconded by Alderman Kidd to approve the following as part-time Patrolmen at a rate of \$9.00 per hour with the Police Department, pending passage of drug test, as recommended by Chief Kenny Hurt:

- a. James J. Hair
- b. Brett J. Ladner
- c. Edward J. Richardson

A vote was called for with the following results:

Voting Yea: Stahler, Lafontaine and Kidd

Voting Nay: None

Absent: Geoffrey

ADJOURN

Re: Adjourn meeting 9:45 p.m.

Alderman Kidd moved, seconded by Alderman Lafontaine to adjourn the meeting at 9:45 p.m.

A vote was called for with the following results:

Voting Yea: Stahler, Lafontaine and Kidd

Voting Nay: None

Absent: Geoffrey

The foregoing minutes were presented to Mayor Garcia on March 9, 2012.

Lisa Planchard
City Clerk

The Minutes of February 22, 2012 have been read and approved by me on this day the 9^h day of March, 2012.

David A. Garcia
Mayor

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