

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

ROLL CALL

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

PUBLIC COMMENTS

Ms. Tish Williams, Director of the Hancock County Chamber of Commerce was present to inform Board and audience members of the opening of the Infinity Science Center to be held Wednesday April 11, 2012, with the ribbon cutting at 11:00 am.

Ms. Mikelle Williamson inquired as to how notice is given to the public when a meeting has been moved. Mayor Garcia informed her that it is advertised in the local newspaper. She also asked about the Police Department moving to Coleman Avenue (at the site of the former Fire Department offices).

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

MAYOR'S REPORT

Mayor Garcia commented on the following: (EXHIBIT A)

- a. Thanked Mr. Clarence Harris and Mrs. Earlene Washington for their assistance with preparing for the Black History Month event held on Saturday, February 25, 2012 at the Martin Luther King Park.
- b. Announced *The Ride 2 Recovery Gulf Coast Challenge* which began in New Orleans, LA. and will end in Tallahassee, FL., with a stopover at the American Legion Post 77. The bicyclists were riding to raise money for, and honor those both in the Military and civilians, providing them with mental and physical rehabilitation services.
- c. The Mayor attended an event presented by Governor Phil Bryant in Pascagoula. The presentation spotlighted the future commissioning of the nuclear submarine, USS Mississippi. This event will be held June 2, 2012, also in Pascagoula.
- d. The Hancock County EMA will be hosting an ICWS-402 Incident Command System (ICS) Overview for Executives/Seniors Officials on March 14, 2012. The purpose is to familiarize attendees with the ICS principles and their role in supporting incident management.
- e. Thanked the employees of the Building Department and Fire Department for their hard work in getting the NFIP CAV Violations completely corrected.
- f. Mayor had a meeting today with FEMA/MEMA representatives. The Mayor said that he spoke with Mr. Robert Latham (MEMA Director) regarding the release of \$6,980,100 HMGP Drainage Improvement Project monies, of which the City received a 100% grant. Mr. Womack (former MEMA Director) had put a freeze on the money. The City received the Sub grantee Agreement today; however there were some typographical errors in the paperwork. The Mayor asked to amend the agenda to authorize his signature on the Sub grantee Agreement, as corrected.

MEMA/HMGP/DRAINAGE IMPROVEMENT PROJECT/CONTRACTS

Re: Authorize Mayor's signature on HMGP Drainage Improvements Project Sub grantee Agreement

Alderman Stahler moved, seconded by Alderman Lafontaine to authorize the Mayor's Signature on the Sub grantee Agreement for Phase I of the HMGP Drainage Improvement Project with MEMA; this is a \$6,900,100 (100% HMGP Grant).

(EXHIBIT B)

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

CITY HALL/WAVELAND PROFESSIONAL PLAZA
Re: Extension of tenancy with Waveland Professional Plaza

Alderman Geoffrey moved, seconded by Alderman Stahler to approve March 23, 2012 to April 30, 2012 for tenancy of the Waveland Professional Plaza and authorize payment of April 2012's rent, for the period of April 1 – April 30, 2012, in the amount of \$18,000.00.

City Attorney Gary Yarborough noted that payment for March 24th through the end of March is included in the current docket.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

BAY-WAVELAND HOUSING AUTHORITY
Re: Authorize Mayor to Execute 2 Draft Letters Proposed by the Waveland Housing Authority

Alderman Kidd moved, seconded by Alderman Lafontaine to authorize Mayor Garcia to execute two (2) Draft Housing Authority letters.

Mr. Yarborough said his recommendation was to not authorize signature on these letters; he said that Mrs. Ladner from the Housing Authority requested, about a year ago, that these letters be executed. He said currently the Building Department does not have any application on file for this project. He said he understands that the project is one (1) parcel and the intent of it is for 30 buildings to go on one parcel to be single family houses. He said we generally don't give advice on projects when there is no application. Mr. Yarborough said if there are 30 buildings on one parcel, it does not comply with the density of an R-1 zone. Mr. Yarborough's second concern was that this is intended as a letter to the MS. Home Corporation for approval of funding. He said this is the same MS. Home Corporation that issued approximately \$1,000,000 to Magnolia Garden Condominiums on a letter from Ron Calcagno before there was approval of a project, before there was an application in place and they loaned \$1,000,000 based on that letter, which in that case it did not comply with zoning. This one, with no application in hand, does not comply with zoning, so we would be sending a letter to the MS. Home Corporation for them to release funds to the Waveland Housing Authority when they do not, ostensibly, have a project that complies with the City's zoning regulations. Alderman Stahler questioned whether the City had signed this letter the prior year. City Attorney Yarborough said the City did not sign this letter, but signed a letter basically saying this is an R-1 property and this is the copy of our ordinance. He explained that the letter before the Board is saying that it complies with our ordinance... "It doesn't comply with our ordinance, the density is too great". Alderman Lafontaine asked whether there is a 'grandfather clause' that may apply. Mr. Yarborough said, "There's a complete loss and it's reconfigured as well. Once there is complete loss, there is no grandfather". Mr. Yarborough added that he explained this to the Housing Authority a year ago; if they file an application, go through Planning & Zoning, meet the requirements, and get approval, then we'll send the letter. Mr. Yarborough also noted they would have to submit a plan through our subdivision regulations for a plat. Ms. Gallagher can walk them through the requirements.

No vote was taken. Motion dies.

MAYOR'S REPORT (CONT)

The Mayor read a letter from the County noting that the new County Jail will be opening March 1, 2012 with changes that will include a fee of \$20.00 per day/per inmate.

ALDERMEN'S COMMENTS:

Re: Alderman Stahler:

- a. Attended the War and Peace Museum, located behind the old Monti Electric building. There are over 4,000 models either built by Mr. Monti or donated. Everyone should make an effort to stop by and see this exhibit.
- b. Sweet Bay Hollow will have a controlled burn in March. The Ms. Land Trust of the Coastal Plains, who owns the land, has picked up the board walk and secured the area for the burn. Volunteers will be here in March to assist with the *Keep Waveland Beautiful* campaign.
- c. Asked if the City has done an inventory of Police cars to see what the city can possibly surplus. Would like to move forward on this, feels we can spare our cars to some of the people in other towns who are in dire need. "We're on our feet now and we should assist since so many people assisted us, I think it's the right thing to do."

Re: Alderman Geoffrey:

- a. Spoke with Mr. Anderson about drainage issues in his ward; this is related to Item #14 on the agenda, (Pay Request #10 from Jay Bearden Construction).

Re: Alderman Lafontaine:

- a. The turnouts at Herlihy and Spruce Street on Waveland Avenue are getting worse. He asked if the patching machine could be used.
- b. The corner of Fell Street and Sandy looks as though there is sewer in the ditch. Mr. Anderson will check on this.
- c. On the corner of Dufour and Waveland Avenue; was that a sewer leak? Mr. Anderson said it was a grinder line; there was a 10' section missing. Can this be billed back to the contractor, Mr. Lafontaine asked. Mr. Anderson said he thought it may have been the Utility Authority when they ran the 16" water line right there.
- d. With regard to the old railroad property on the corner, who is responsible for cleaning this? The Mayor said he went to the CSX office in Bay St. Louis and left business cards on 3 doors asking for a return call; he also went to both buildings (no one was there). He's never received a return call.
- e. Would pushing the opening date on City Hall back interfere with the planned budget workshop or will we push that back also.
- f. The Board tentatively decided that they would schedule a budget workshop for April 17th, 2012 with the regular Board meeting following the next evening, April 18, 2012.
- g. Alderman Lafontaine expressed his concerns about the Police Department's move to Coleman Avenue, but has since been reassured.

Re: Alderman Kidd:

- a. When could the Board expect Revenue and Expense Reports? City Clerk Planchard said she would get this question to the Comptroller and ask her to let Board members know.
- b. The (Stennis) Airport is really expanding. There are two new hangers being built, and some new secured facilities; in short, the buildings are beautiful on the inside. The more citizens that know about their surroundings the better it is for Waveland.

MINUTES

Re: Minutes of February 22, 2012

Alderman Lafontaine moved, seconded by Alderman Kidd to approve the Minutes of the Meeting of February 22, 2012, as submitted by the City Clerk. **(EXHIBIT C)**

A vote was called for with the following results:

Voting Yea: Stahler, Lafontaine and Kidd

Abstain: Geoffrey

Voting Nay: None

Absent: None

RSVP

Re: Claims

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

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

DOCKET OF CLAIMS

Re: Claims Nos.

Alderman Lafontaine moved, seconded by Alderman Kidd to approve the Docket of Claims dated March 6, 2012 as submitted by the City Clerk. **(EXHIBIT E)**

001 Fund – Claims No's 110-145

100 Fund – Claim No. 1

101 Fund – None

124 Fund – Claim No's 8-19

125 Fund – Claim No's 12-17

400 Fund – Claim No's 47-83

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

EVENTS/EGGSTRAVAGANZA/BAY-WAVELAND MAIN STREET ASSOCIATION

Re: Approve Request to hold the Annual Eggstravaganza at the Elwood Bourgeois Park

Alderman Lafontaine moved, seconded by Alderman Kidd to approve a request from the Bay-Waveland Main Street Association to present its Annual Eggstravaganza at the Elwood Bourgeois Park on April 7, 2012 from 8 a.m. to 12 noon, pending no conflict with scheduled ball games. Mr. Mike Kopke will check with Parks Director, Chris Johnson.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

**AGREEMENTS/MISSISSIPPI POWER COMPANY/ BANNERS/
DECORATIONS**

**Re: Removal of agenda item related to MS Power Company's Banner, Flag or
Holiday Decoration Attachment Agreement**

Alderman Kidd moved, seconded by Alderman Stahler to remove from the agenda, 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. City Attorney Yarborough would like additional time to discuss the insurance liability issue and hold harmless clause within the contract. Mr. Yarborough will let the City Clerk know when this can be added back to a subsequent agenda. (Previously tabled)

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

ORDINANCES/BAN ON GLASS/BUILDING DEPARTMENT

Re: Ban on Glass Bottles /Containers on Public Rights of Way

Alderman Lafontaine moved, seconded by Alderman Kidd to authorize City Attorney, Gary Yarborough to research and prepare a draft ordinance (or amend existing ordinance if applicable) banning glass bottles/containers on all public rights of way/City property including all beach front property during any public function/events.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

**Re: Establish an Administrative Fee to be Charged to Contractors who are not
licensed in the City of Waveland**

Let the record reflect that Alderman Lafontaine excused himself from the Board Room at this time; he is a contractor who does occasional jobs in Waveland.

Alderman Kidd moved, seconded by Alderman Stahler to authorize City Attorney, Gary Yarborough to research and prepare a draft ordinance establishing an Administrative fee to be charged to Contractors who are not licensed in the City of Waveland, but who are duly licensed in another City or County in Mississippi. (Ms. Janita Cole, Building Department clerk, was present to answer questions) Note: Resident Waveland contractors pay a \$25 privilege license to do work in Waveland. This would apply to out of town contractors.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, and Kidd

Voting Nay: None

Absent: Lafontaine

Let the record reflect that Alderman Lafontaine returned to the Board Room at this time.

BUILDING DEPARTMENT/CAV VIOLATIONS

Re: Correspondence from Deputy Director

Spread on the minute's Mayor's receipt of a letter from Mr. Charles Stallings, CFM, Floodplain Management Deputy Director with MEMA, noting the City of Waveland's compliance with administrative and enforcement requirements of the NFIP; i.e. all CAV violations have been cleared. **(EXHIBIT F)**

PEDESTRIAN PATHWAY/DMR/TIDELANDS

Re: Notice of Completion for Pedestrian Pathway Project

Alderman Geoffrey moved, seconded by Alderman Lafontaine to approve Mayor's signature on the Notice of Completion, Pedestrian Pathway Project letter to MS. Department of Marine Resources, Bureau of Wetlands, acknowledging completion of the project in accordance with the plans and specifications submitted under permit DMR-100437. **(EXHIBIT G)**

Mr. Yarborough asked Mr. Mickey Lagasse, "Is it Compton's indication to the Board that the project was completed?" Mr. Lagasse answered, "Yes sir." Mr. Yarborough then asked, "In accordance with the plans and specifications of the permit from DMR?" Mr. Lagasse, "Yes sir".

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

CITYWIDE DRAINAGE IMPROVEMENTS PROJECT/PAYMENT REQUEST

Re: Payment Request No. 10 - Jay Bearden Construction, Inc.

Alderman Geoffrey moved, seconded by Alderman Lafontaine to TABLE Payment Request No. 10 from Jay Bearden Construction, Inc. in the amount of \$34,524.94 - Citywide Drainage Improvements Project. (Previously tabled)

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

CITYWIDE DRAINAGE IMPROVEMENTS PROJECT- CLOSEOUT/BUDGET MODIFICATIONS

Re: Budget Modification and Closeout Package approval

Alderman Geoffrey moved, seconded by Alderman Lafontaine to approve Closeout Package #R-118-379-07-HCCR and Budget Modification #R-118-379-07-HCCR in the amount of \$1,000.00 for the Drainage Improvements Project. Note: This is related to Pay Request No. 10 submitted for payment by Jay Bearden Construction, Inc. **(EXHIBIT H&I)**

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

INVOICES/WATER SYSTEM IMPROVEMENTS, ANNEXED AREA

Re: 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-d) except to TABLE items a, b and c..

- a. ~~Payment Request No. 17 from Reynolds, Inc. in the amount of \$549,506.23 Sewer System Reconstruction North of Railroad Tracks. (previously tabled) TABLED~~
- b. ~~Payment Request No. 18 from Reynolds, Inc. in the amount of \$201,565.65 Sewer System Reconstruction North of Railroad Tracks. (previously tabled) TABLED~~
- c. ~~Payment Request No. 19 from Reynolds, Inc. in the amount of \$288,825.90 Sewer System Reconstruction North of Railroad Tracks. (previously tabled) TABLED~~
- d. Invoice 9238 from Jimmy G. Gouras, Urban Consultants, Inc. in the amount of \$8,833.36, Water System Improvements – Annexed Area.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

CITY HALL & CITY HALL ANNEX/CHANGE ORDERS

Re: Approve Change Order 11 from DNP, Inc. for City Hall Complex

Alderman Lafontaine moved, seconded by Alderman Geoffrey to approve Change Order No. 11 from DNP, Inc. in the amount of \$77,652.21 for the City Hall/City Hall Annex/Coleman Ave. Fire Station, as recommended by Digital Engineering.
(EXHIBIT J)

Mr. Yarborough asked Mr. Brent Anderson in the future to have the contractor present at meetings to discuss their change orders with the Board. Mr. Yarborough said that Digital Engineering indicated that this change order is acceptable to them, the only question he has is the amount of days requested. Mr. Yarborough's calculation was 161 days added onto the project for a contract completion date of May 21, 2012.

Board members discussed the additional flood vents required at the Coleman Fire Station (because all of the vents had been installed all on one wall). Mr. Anderson said the Flood Insurance Company wants to see flood vents on a second wall and it can only go one place, into the doors. Mr. Lafontaine also had a few additional questions concerning city hall, specifically the plantation shutters, security cameras, and bullet resistant glass at the utility collection area.

A vote was called for with the following results:

Voting Yea: Stahler, and Geoffrey, and Mayor Garcia (to Break the tie)

Voting Nay: Lafontaine and Kidd

Absent: None

REQUESTS FOR CASH REIMBURSEMENTS/WATER SYSTEM IMPROVEMENTS-ANNEXED AREA

Re: Request for Cash Reimbursement

Spread on the minutes the following items, as listed (Items 1):

- a. Request for Cash Reimbursements:
 1. #R-118-379-06-HCCR in the amount of \$8,833.36 – Water System Improvements – Annexed Area. **(EXHIBIT K)**

CONTRACTS/CENTRAL FIRE STATION/DRAFTING PIT

Re: Contract with Compton Engineering Designing the Central Fire Station Training Facility and Drafting Pit

Alderman Lafontaine moved, seconded by Alderman Kidd to approve the contract between Compton Engineering and the City of Waveland to Design the Waveland Central Fire Station Training Facility and Drafting Pit, contingent upon receipt and review with final changes, by City Attorney Gary Yarborough. **(EXHIBIT L)**

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

CONTRACTS/TIDELANDS/VETERANS MEMORIAL IMPROVEMENTS PROJECT

Re: Contract with Compton Engineering to Provide Services for Veterans Memorial Improvements Project

Alderman Geoffrey moved, seconded by Alderman Stahler to approve the contract between Compton Engineering and the City of Waveland for the purpose of providing services for Waveland Veterans Memorial Improvements and includes completing the Waveland Pedestrian Pathway between Terrace Avenue and St. Joseph Street; contingent upon receipt and review with final changes, by City Attorney Gary Yarborough. **(EXHIBIT M)**

Mr. Yarborough asked Mr. Lagasse, “How far out from the end of the road is the Memorial rock edge. Mr. Lagasse said, “Close to 200 feet.” The Board engaged in additional discussion with Mr. Lagasse about this project.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

EXECUTIVE SESSION

Re: Discuss Contractual Issues and Litigation

Alderman Lafontaine moved, seconded by Alderman Geoffrey to consider going into Executive Session to discuss contractual issues with the B.P. Oil Claim and Hancock Utility Authority; also discuss litigation related to Yates Construction.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

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Absent: None

Alderman Kidd moved, seconded by Alderman Geoffrey to go into Executive Session to discuss contractual issues with the B.P. Oil Claim and Hancock Utility Authority; also discuss litigation related to Yates Construction.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

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

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

ADJOURN

Re: Adjourn meeting at 10:00 p.m.

Alderman Lafontaine moved, seconded by Alderman Geoffrey to adjourn the meeting at 10: 00 p.m.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

The foregoing minutes were presented to Mayor Garcia on March 23, 2012.

Lisa Planchard
City Clerk

The Minutes of March 6, 2012 have been read and approved by me on this day the 23rd day of March, 2012.

David A. Garcia
Mayor