

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 March 20, 2013 at 6:30 p.m., to take action on the following matters of city business.

#### **PUBLIC COMMENTS**

**Re: Ms. Mikelle Williamson** thanked the Mayor for his support and efforts to move Harbor Fest to another weekend so as not to compete with the St. Clare Fair. She asked if everyone would please attend the St. Clare's Fair Memorial Day weekend. Ms. Williamson also commented on the Taser Report recently showcased on WLOX News 13 and asked the Board's feelings on this matter. Chief Kenny Hurt offered his feelings about Taser use.

#### **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. Absent from the meeting was Alderman Geoffrey. (Note: Alderman Geoffrey arrived just after Alderman Stahler's "ALDERMAN'S COMMENTS" – see below, page 1)

#### **MAYOR'S REPORT**

**Mayor Garcia commented on the following:**

- a. The 49<sup>th</sup> Annual St. Patrick's Parade was very successful and well attended.
- b. Thanked Alderman Lafontaine, members of Keep Waveland Beautiful and members of the Waveland Civic Association for their participation in the parade clean-up on Sunday. The Mayor also thanked the Waveland Community Coalition for providing trash barrels for the parade. During comments, Mr. Anderson also thanked the Mayor and the Civic Association for their help with the clean up; it helped tremendously with the post parade clean up left for the employees. With this assistance, the Public Works Department employees were able to remove the barricades and reviewing stands and have the trash picked up in one day, really cutting down on time and expense to the City.
- c. Appreciation letter received from the American Legion National Commander thanking Waveland for their hospitality during his visit February 20, 2013.
- d. A letter from Secretary of State Delbert Hoseman sending the Library a State Flag and certificate. Provided Board members a letter sent from a Waveland Resident to Supervisor David Yarborough encouraging the search beyond Hancock County for a new Library Director with sufficient management experience, along with technical and financial skills.
- e. Habitat for Humanity is now offering assistance to those citizens in need of weatherization improvements to their homes.
- f. Fire Chief Mike Smith came forward to discuss the Waveland Relay for Life Team. The Chief encouraged everyone to join the Waveland team to participate in the Cancer Survivor Reception and walk to raise funds to fight cancer.
- g. Police Chief Kenny Hurt thanked Mr. Brent Anderson for his assistance in providing barricades for the recent parade.

#### **(EXHIBIT A)**

#### **ALDERMEN'S COMMENTS:**

**Re: Alderman Stahler:**

- a. The Tree Giveaway event was this past Sunday. The Mississippi Urban Forestry Council (for which Alderman Stahler serves on the Board) purchased 500 trees for a giveaway through the City of Waveland. This will be done again next year, but earlier in the year.
- b. The Eggstravaganza is rolling along thanks to the Mayor's Secretary, Tammy Fayard and Mr. Alfred "Tiger" Harris.

**\*Alderman Geoffrey entered the meeting at this time.**

**Re: Alderman Geoffrey:**

- a. No Comments

**Re: Alderman Lafontaine:**

- a. The City of Waveland's new website currently has the new 'ms.gov' email addresses and would like his current email address put on this website, as would the other Aldermen and Mayor. Mayor Garcia said that employees can choose their own email address or if they prefer, they can use the 'ms.gov' email address or the Mediacom email address.
- b. Asked about 4 or 5 storage containers on Surf and Marcus Streets. Mr. Anderson addressed this issue noting some confusion about the type of containers these are. Alderman Lafontaine said they are about 60' long on residential property. Mayor Garcia added that they are 18 wheelers without the wheels. Mr. Anderson said these are a violation and he would go to the locations questioned and would check the containers; Mr. Carrigee will have to send the citizen a certified letter re: the violation. City Attorney Yarborough said they cannot be used as a shed.
- c. Suggested each Board Member create a list to re-pave streets in their Ward. Mr. Anderson asked if the Board members would email him their list to allow him the opportunity to develop a cost estimate.
- d. Keep Waveland Beautiful (KWB) volunteers could use a tiller. He asked if the City could rent a tiller for them when they work on flower beds. Mayor Garcia said the only concern would be hitting shallow telephone lines. Alderman Stahler said KWB had received a \$500 restricted donation last year that the City of Waveland is holding. They could use that to purchase a tiller. Chief Smith said that there are also grants available for things like this. Chief Smith said he would look into this.
- e. He caught up with Mr. Jimmy Crane on Beach Blvd. regarding the sidewalk issue; Mr. Crane would be happy to have it all the way out to the curb.
- f. Apparently a parade reveler threw out business cards along the parade route; Alderman Lafontaine said these are terrible to cleanup because they lay flat on the cement. Mr. Harris approached the Board to discuss possible changes to the rules with regard to parade throws.

**Re: Alderman Kidd:**

- a. Noticed the County had not finished back filling along the curb on the north side of Beach Road; this could be a potential hazard because it is such a drop-off. Alderman Stahler said she spoke with Supervisor Yarborough who stated the contract is let, but the rain has held off construction. Alderman Stahler said this had been since Hurricane Isaac. Mr. Anderson said he has received other information; he spoke with the Contractor on that job and was told the job was complete. Alderman Stahler asked that a letter be written to the Board of Supervisors requesting to have this problem corrected; it looks terrible and it's a safety hazard. She noted that the problem is all along Ward 1's Beach road also.

**MINUTES**

**Re: Minutes of February 20, 2013**

Alderman Stahler moved, seconded by Alderman Geoffrey to approve the Minutes of the Meeting of February 20, 2013 as submitted by the City Clerk.

A vote was called for with the following results:

Voting Yea: Stahler Geoffrey, and Lafontaine

Voting Nay: None

Abstain: Kidd

Absent: None

**RSVP**

**Re: Claims**

Alderman Stahler moved, seconded by Alderman Lafontaine to approve the RSVP Claims as submitted by Mary Turcotte. **(EXHIBIT B)**

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

**INVOICE/HANCOCK COUNTY UTILITY AUTHORITY**

**Re: Hancock County Utility Authority February Invoice**

Motion to approve an invoice for the month of February 2013 from Hancock County Authority in the amount \$76,232.26.

***Motion dies for Lack of Action***

**DOCKET OF CLAIMS**

**Re: Claims Nos.**

Alderman Lafontaine moved, seconded by Alderman Kidd to approve the Docket of Claims dated March 20, 2013 as submitted by the City Clerk. **(EXHIBIT C)**

001 Fund – 521 to 576

099 Fund – 2

100 Fund – None

101 Fund – 15 to 16

102 Fund – None

103 Fund – 11 to 14

124 Fund – 51 to 52

125 Fund – 13

126 Fund – 13 to 16

127 Fund – 23 to 24

400 Fund – 239 to 295

601 Fund – 163 to 164

650 Fund – 3

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

**PUBLIC WORKS/CEMETERY**

**Re: Public Works Director, Brent Anderson to discuss Expansion of the Waveland Cemetery**

Public Works Director, Brent Anderson discussed the shortage of burial space in the current cemetery. Mr. Anderson presented the Board with an aerial photograph of the current cemetery and requested permission to clear additional adjoining City property to expand the Cemetery. Board members were in agreement.

**REDISTRICTING PLAN/SLAUGHTER AND ASSOCIATES/ELECTIONS**

**Re: Attorney Gary Yarbrough to Discuss Draft #1**

Mr. Yarborough said the submitted plan (Draft #1) by Slaughter and Associates was only to give an idea of what the boundary lines would look like. Mayor Garcia said that in his opinion, this draft is unfair to Ward 4 and needs to go back for additional options. Mr. Yarborough said that Mr. Slaughter has asked for a workshop with the Board to discuss the ward lines and then his firm will re-submit an updated plan. Alderman Kidd read a statement regarding his ward as it applies to the redistricting plan according to space and population.

**PROCLAMATION/SAFE DIGGING MONTH 2013  
Re Proclaim April 2013 as Safe Digging Month**

Alderman Kidd moved, seconded by Alderman Lafontaine to approve a Proclamation recognizing April 2013 as Safe Digging Month in Mississippi, encouraging the Citizens of Waveland to call 811 before they dig on their property for any reason. **(EXHIBIT D)**

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

**RESOLUTION/SOLID WASTE MANAGEMENT PLAN/HANCOCK COUNTY  
REGIONAL SOLID WASTE AUTHORITY  
Re: Resolution Approving the Solid Waste Management Plan**

Alderman Stahler moved, seconded by Alderman Geoffrey to approve a Resolution of the City of Waveland approving the Solid Waste Management Plan adopted by the Hancock County Regional Solid Waste Authority. **(EXHIBIT E)**

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

**MEMORANDUM OF AGREEMENT/CIRCUIT CLERK/ ELECTIONS/  
HANCOCK COUNTY/CONTRACTS/ELECTIONS  
Re: Memorandum of Understanding with Hancock County Circuit Clerk regarding  
the Preparation and Distribution of Polling Documents for the City's elections**

Alderman Lafontaine moved, seconded by Alderman Geoffrey to **TABLE** a Memorandum of Agreement between Hancock County and the City of Waveland regarding the preparation and distribution of poll books and registration books for voting in elections, by the county registrar and county election commission, respectively, pursuant to MCA Section § 23-15-153, as amended.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

**WAVELAND BEACH FACILITY IMPROVEMENTS/VOLLEYBALL  
COMPLEX/TIDELANDS  
Re: Advertise for construction of Waveland Beach Facility Improvements**

Alderman Stahler moved, seconded by Alderman Geoffrey to **TABLE** advertising for construction of the Waveland Beach Facility Improvements (Volleyball complex) as recommended by Compton Engineering, this shall be pending Secretary of State Approval.

Mr. Yarborough said he had a series of discussions with the Secretary of State regarding this issue and they called him back and indicated they would not approve an expansion of the lease until the City reaches a Memorandum of Understanding (MOU) with the City of Bay St. Louis and Hancock County regarding permitting and allowance of structures and improvements on the Beach, and also for Beach Vendors. Mr. Yarborough said that the City goes 150' out from the seawall; Bay St. Louis has certain portions of the beach that are within their municipal limits, but statutorily the County is responsible to upkeep the beach. Mr. Yarborough said that Raymond Carter wants an MOU to make sure that the City is not conflicting with the County's maintenance of the Beach. Mr. Yarborough said he drafted an MOU and sent it around to the entities; it appears everyone is on board. Raymond Carter sent back his comment said he felt it was alright, but he did not want the City to take any action yet because he has no authority from the Secretary of State.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

**REVENUE AND EXPENDITURES/HURRICANE KATRINA  
MUSEUM/MUSEUM/KEEPWAVELAND BEAUTIFUL/APPOINTEES/CITY  
HALL/CONTINUING EDUCATION/MISSISSIPPI MUNICIPAL LEAGUE  
(MML)/BUSINESS INCUBATOR**

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

- a) Revenue and Expenditures Report for the Month of February 2013, at this the second meeting of March, 2013 as presented by Comptroller Janet Dudding. **(EXHIBIT F)**
- b) Correspondence from Governor Phil Bryant supporting the efforts of the City to create a Hurricane Katrina Museum. **(EXHIBIT G)**
- c) Change in lodging charges for Fire Chief Mike Smith and Mayor Garcia from \$116.95 to \$139.00 per night. Chief Smith could no longer obtain the lower room rate. This travel was approved at the meeting of March 5, 2013.
- d) Replace the Ward 4 Keep Waveland Beautiful appointee: was Mr. L.J. Saucier (remove from list) and replace with Mr. Bob Swanson (new appointee)
- e) Alderman Ricky Geoffrey's completion of the Basic Certified Municipal Official's Course offered through Mississippi Municipal League (MML) **(EXHIBIT H)**
- f) That no Request for Statements of Qualifications and Price Quotes were received for Property Manager for the Waveland Business Incubator when advertised February 23, 2013 and March 2, 2013.

**REQUESTS FOR STATEMENTS OF QUALIFICATIONS/BUSINESS  
INCUBATOR/BUSINESS INCUBATOR**

**Re: Approve to re-advertise for Statements of Qualifications & Price Quotes for Property Management of the Business Incubator**

Alderman Lafontaine moved, seconded by Alderman Geoffrey to re-advertise for Request for Statements of Qualifications and Price Quotes for Property Manager for the Waveland Business Incubator.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

**PERSONNEL/UTILITIES/CITY HALL**

**Re: Transfer Mr. Michael Washington to position of Dedicated Meter Reader**

Alderman Geoffrey moved, seconded by Alderman Lafontaine to approve Michael Washington as dedicated meter reader for the Utility Department at a rate of \$10.50 per hour. This will be an interdepartmental transfer from Utilities Laborer.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

**ANIMAL CONTROL/PUBLIC WORKS/UTILITY DEPARTMENT/PERSONNEL**

**Re: New Hires: Jesse Logan as Animal Control Officer, Karla Rayburn as Utility Office Manager and Mr. Thomas McPherson as Utility Laborer**

Alderman Geoffrey moved, seconded by Alderman Lafontaine to approve the following new hires pending passage of drug test, as listed: (Items a-c)

- a) Mr. Jesse Logan as Animal Control Officer at a rate of \$10.00 per hour.
- b) Mrs. Karla Rayburn as the Utility Office Manager at a rate of \$33,000.00 per year.
- c) Mr. Thomas McPherson as Utility Laborer at a rate of \$10.24 per hour.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

**PERSONNEL/FIRE DEPARTMENT**

**Re: Transfer Firefighters from Part-time to Full-time**

Alderman Geoffrey moved, seconded by Alderman Stahler to approve transfer of the following Firefighters from part-time to full-time status effective March 18, 2013 at a rate of \$11.62 per hour, as listed: (Items a-e)

Alderman Lafontaine noted for the record that Mr. Brandon Lafontaine is no relation to himself.

- a. Casey Piazza
- b. Brandon Lafontaine
- c. Eddie Bourgeois
- d. Michael Jackson
- e. Justin Fayard

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

**TRAVEL/CITY HALL**

**Re: Alderman Mark Kidd to Biloxi, MS. for the MS Association of Planning and Development Districts Annual Conference**

Alderman Lafontaine moved, seconded by Alderman Geoffrey to approve travel for Alderman Mark Kidd to Biloxi, Mississippi April 23-26, 2013 for the Mississippi Association of Planning and Development Districts 2013 Annual Conference. Cost to the City will be a \$275.00, registration fee, per diem for lunch, and use of a City vehicle.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

**POLICE DEPARTMENT/GRANTS**

**Re: Application for Two Public Safety Grants: Seat Belt Safety, and Stop Violence against Women**

Alderman Kidd moved, seconded by Alderman Geoffrey to approve a request from the Police Department to apply for the following grants as listed: (Items a&b)  
**(EXHIBIT I)**

- a. From the Department of Public Safety for Seat Belt Enforcement (Occupant Protection Enforcement) Grant, specifically to request overtime and fringe benefits totaling \$19,700.00 for the fiscal year 10/1/2013 through 9/30/2014. This is a 100% grant.
- b. From the Department of Public Safety for STOP Violence Against Women Act (VAWA) Grant, specifically to request the salary and fringe benefits for one Investigator. The total will be \$52,970.00 for one year. This is a 75/25 grant; the City's match portion according to Lt. Mac Cowand will be \$13,247.00. Chief Hurt was told this is a 1 year grant if the City is awarded. The Grant dates would be from July 1, 2013 to June 30, 2014.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

**CONTRACTS/CITY HALL – CITY HALL ANNEX/CENTRAL FIRE STATION**

**Re: Elevator Maintenance Contracts**

Alderman Stahler moved, seconded by Alderman Geoffrey to **TABLE** the following maintenance agreements

- a. Mowrey Elevator Company for the elevator located at the City Hall Complex, 301 Coleman Avenue for a period of 12 months (1 year) at a cost of \$195.00 per month.
- b. KONE, Inc. for the elevator located at 427 Highway 90, Central Fire Station for a period of \_\_ months (December 2014, 22 months is end of current Board term) at a cost of \$275.00 per month. City Attorney to discuss contract term; contract indicates 10 year term.

During discussion, Board members requested that Mowrey Elevator Company be called to ask if they would be able to quote the City for the maintenance contract on the Kone<sup>7</sup> Elevator at the Central Fire Station since Mowrey's maintenance rate was so much better.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

**INVOICES/AMEC/CLIMATE CHANGE ADAPTION/SEA GRANT/WATER SYSTEM EXTENSION – ANNEXED AREA/CENTRAL FIRE STATION/TRAINING FACILITY AND DRAFATING PIT  
Re: Payment of invoices Submitted by Various Contractors**

Alderman Lafontaine moved, seconded by Alderman Geoffrey 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, as listed (Items a-d): **(EXHIBIT J)**

- a) Invoice X17327314 from AMEC Environment & Infrastructure, Inc in the amount of \$3,065.84 – Waveland Climate Change Adaption (Sea Grant).
- b) Invoice 702-40-02 from Digital Engineering in the amount of \$5,075.00 – Water System Extension, Annexed Area – Master Meter Connectors.
- c) Pay Application #1 from GM&R Co, Inc. in the amount of \$7,891.77 - Central Fire Station Training Facility and Drafting Pit.
- d) Pay Application #2 from GM&R Co, Inc. in the amount of \$171,589.90 – Central Fire Station Training Facility and Drafting Pit.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

**GARFIELD LADNER MEMORIAL PIER/ENGINEERING/PROGRAM MANAGEMENT  
Re: Contract with Compton Engineering for Services Necessary to Repair the Garfield Ladner Memorial Pier**

Alderman Geoffrey moved, seconded by Alderman Stahler to approve, pending review by the City Attorney, the contract between the City of Waveland and Compton Engineering for Design Engineering and Project Management services necessary to repair the Garfield Ladner Pier as stated in the attached contract. **(EXHIBIT K)**

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 Potential Litigation**



Alderman Lafontaine moved, seconded by Alderman Geoffrey to consider Executive Session to prompt a closed discussion regarding contract negotiations related to Bayou Caddy Utilities, and pending and potential litigation regarding Yates, Lacoste Property, Prendergast, and C. Perry Builders.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

Alderman Kidd moved, seconded by Alderman Lafontaine to enter Executive Session to discuss contract negotiations related to Bayou Caddy Utilities, and pending and potential litigation regarding Yates, Lacoste Property, Prendergast, and C. Perry Builders.

A vote was called for with the following results:

Voting Yea: Geoffrey, Stahler, Lafontaine and Kidd

Voting Nay: None

Absent: None

With no positive or negative action taken, Alderman Kidd 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

**AMEND AGENDA/DIGITAL ENGINEERING/LEGAL DEPARTMENT/SEWER PROJECT NORTH/INVOICES**

**Re: Amend Agenda to approve Final Payment to Reynolds, Inc – Sewer North Project; and approve Report of Final Inspection of Digital Engineering & Imaging, Inc.**

Alderman Lafontaine moved, seconded by Alderman Geoffrey to amend the agenda to approve of report of final inspection of Digital Engineering and Imaging, Inc. made pursuant to Section 14.06 in reference to the Sewer North Project as performed by Reynolds, Inc., and motion to approve final payment to Reynolds Inc., under Section 14.07. This motion would approve the final payment of \$312, 469.25 to Reynolds; the City will escrow funds in the amount of \$47,469.25, an amount equal to the Notice of Nonpayment and statutory lien received from Design Precast and Pipe pursuant to Mississippi Code Section 85-7-181; and will approve the project closeout. Digital Engineering reports that the project is complete, that a release of liens has been received, and that the project should be approved for closeout and payment. (EXHIBIT L)

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

**Re: Approve Final Payment to Reynolds, Inc – Sewer North Project; and approve Report of Final Inspection of Digital Engineering & Imaging, Inc.**

Alderman Lafontaine moved, seconded by Alderman Geoffrey to approve of report of final inspection of Digital Engineering & Imaging, Inc., made pursuant to Section 14.06 of the Standard Conditions of the FEMA Sewer North Project performed by Reynolds, Inc., and motion to approve final payment to Reynolds, Inc. under Section 14.07. This Motion would approve the final payment of \$312,469.25 to Reynolds and closeout this project and contract. The City will pay that amount, less the amount of \$47,469.25, an amount equal to the Notice of Nonpayment and statutory lien received from Design Precast and Pipe pursuant to Mississippi Code Section 85-7-181. The City will pay that lien amount once the lien will be resolved. Digital Engineering reports that the project is complete in compliance with the project design and specifications, that the release of liens and statement of unresolved liens have been received, and that the project should be approved for closeout and final payment subject to the aforementioned lien. By approving this motion, the City is making findings that those matters are accurate, that the project should be closed, and final payment and project closeout approved and made as stated in the motion.

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 10:00 p.m.**

Alderman Lafontaine moved, seconded by Alderman Kidd 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 April 19, 2013.

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

The Minutes of March 20, 2013 have been read and approved by me on this day the 19<sup>th</sup> day of April, 2013.

\_\_\_\_\_  
David A. Garcia, Mayor