

The Board of Mayor and Aldermen of the City of Waveland, Mississippi, met in regular session at the Waveland City Hall Board Room 301 Coleman Avenue, Waveland, MS. on April 5, 2016 at 6:30 p.m. to take action on the following matters of City business.

**PUBLIC COMMENTS:**

- There were no Public Comments

**ROLL CALL:**

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

Absent from the Meeting was City Attorney Rachel Yarborough and Alderman Bobby Richardson

**MAYOR'S REPORT**

- Mr. Lee Taylor – Request Letter of Support to Congress for Study of Storm Surge Barrier; No Motion made; letter of support not granted at this time.

**CITYWIDE DRAINAGE IMPROVEMENTS PROJECT/DRAINAGE PROJECT/HMGP/DEPOSITORY ACCOUNT/BUDGET/TRANSFERS OF FUNDS**

**Re: Transfer of funds from HMGP Anticipation Note in the amount of \$156,310.00 to Depository Account**

Alderman Piazza moved, seconded by Alderman Burke to approve the transfer of funds from the HMGP Anticipation Note in the amount of \$156,310.00 to the Depository Bank Account to pay Kappa Development Invoice No. 16 related to the HMGP Citywide Drainage Improvements Project #1604-0420.

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine and Piazza

Voting Nay: None

Absent: Richardson

**MAYOR'S REPORT (CONT.)**

- Thanked the ladies of City Hall for their putting together the Easter Egg Hunt.

**POLLUTION CONTROL REVOLVING LOAN FUND PROGRAM/CITYWIDE WASTERWATER SYSTEM IMPROVEMENTS/BUDGET FY 2016**

**Re: Set Meeting for April 21, 2016 to discuss Revolving Loan Fund Program and Provide Brief Budget Update**

Alderman Burke moved, seconded by Alderman Lafontaine to move the meeting from April 19, 2016 to April 21, 2016 at 6:00 p.m. regarding the \$8 Million dollar loan from The Pollution Control Revolving Loan fund Program for a Citywide Sewer System improvements with Budget Update.

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine and Piazza

Voting Nay: None

Absent: Richardson

*Note: This meeting was subsequently changed back to April 19, 2016 at 6:00 pm*

**ATTORNEY'S COMMENTS**

**Re:** No comments presented

**ALDERMEN'S COMMENTS**

**Re: Alderman Burke:**

- Alderman Burke proposed that instead of advertising for bids, the City set fixed rates for the units at the Business Center, which would include utilities and cleaning fees.
- Discussed the House Bill related to Municipalities to receive 20% on sales tax vs. the current 17.5%; passed the State House and requires House/Senate conference, then on to the State Senate.
- Alderman Lafontaine asked Alderman Burke about his request to establish monthly rates for the Incubator, (A1, A2, A9... which is one unit). Alderman Lafontaine said that front corner unit is currently occupied. Mrs. Planchard said that there is a contract on it, but the gentleman moved out without notifying the City. Mayor Smith said, "He has to submit a formal letter requesting to terminate the lease." Alderman Burke said he thought the gentleman emailed the Mayor and it was sufficient. City Clerk Planchard said she nor Ms. Chevis (who sends billings) have received anything. Alderman Burke said someone might need to tell the tenant about needing their moving in writing. Mayor Smith said he told Alderman Burke's brother that he needed something formal in writing and the Mayor also said, "While we're on that subject, just for your protection, you might want to contact the Mississippi State Ethics Commission to make sure what kind of breathing room you have there (as to personal involvement)." Mr. Burke said that setting rates would stream line not having to do advertisements. Mr. Yarborough said the City could either advertise the units or get an appraisal and rent the units for the fair market value of the appraisal. Alderman Lafontaine said he felt the City should not allow rental fees as low as \$50.00 per month and we should set a minimum monthly rate on each of the units. He said the rent does not cover the maintenance; he recommended we advertise but have a minimum bid price. Mayor Smith agreed with Alderman Lafontaine's position, saying that as the building gets older it will require more maintenance. Alderman Piazza asked if the building could be sold. Mr. Yarborough said the City a 5 year look back period; this is a CDBG Economic Development project so it's probably from the end/close of that project whenever that was.

**Alderman Lafontaine:**

- Where does the City stand with the junk yard at the end of Margie Street and Old Spanish Trail? Mr. Yarborough said he tried to call legal counsel for the owner and had not had a response from him yet. He said there is an injunction in place and is trying to attempt to set up a meeting for the upcoming week and will let the Board know.

**Alderman Piazza:**

- No comments at this time.

**BLIGHTED PROPERTY PUBLIC HEARING/LEGAL ISSUES/AUTHORITY TO CLEAN PROPERTY-6134 TYLER ST. (EXHIBIT A)**

**Re: 111 Mollere Drive, Owner Roy Raspanti** – Mr. Yarborough confirmed this was one that the Board had already made a determination on. Mrs. Cullen said, "Yes". Mr. Yarborough recognized Mr. Raspanti who came forward to speak with the Board. He also thanked Ms. Cullen, Mr. Carrige and Alderman Burke for his recommending Mr. Morealis, who will fill the pool with sand; he is waiting on Mr. Lafarge (referred by Alderman Burke) and Mr. Jamie Bean to give him quotes to care for the pool. Mr. Yarborough asked Mr. Raspanti for his timeline for completion to fill the pool. Mr. Raspanti, said Mr. Morealis said he could fill the pool next week and had not heard from the other contractors yet with their quotes. Mr. Yarborough said the Board had "kicked this down the road a little bit" and are trying to get this finalized. Mr. Yarborough said the Board is attempting to allow Mr. Raspanti to do this himself in lieu of the City having to do this, and asked Mr. Raspanti when would be a reasonable deadline. Mr. Raspanti requested the Board tell him, but that he thought it would be done within the next couple of weeks. Mr. Yarborough asked about next Wednesday and that way it would be in advance of the agenda deadline. Mr. Raspanti said he's waiting on the 3 estimates, but he would try for

that deadline. Mr. Yarborough asked if the Board would like to consider a motion to allow Mr. Raspanti until next Wednesday by 2 p.m. to have the pool filled. Alderman Lafontaine asked if the original vote 'back when' had a timeline. Ms. Cullen said yes, it was 30 days. The Board discussed allowing Mr. Raspanti until April 16<sup>th</sup> to fill the pool (this would have been the 30 day deadline). Mr. Yarborough said that the Board will place on the 4/20/16 Meeting agenda to authorize the Board to fill in the pool with sand ourselves and put a lien on your property in the instance it's not done by April 16, 2016. Mr. Raspanti said, "Ok".

**Re: 555 Brown Avenue, Owner Deborah Plauche**

Mrs. Cullen explained that this is a continuance of 555 Brown Ave., the abandoned house with debris. What Mr. Yarborough asked for at that last meeting was the % of damage. Mrs. Cullen said Mr. Carrigee checked the RSDE percentage of damage and was found to be 52.89%. Mrs. Cullen said since March 16<sup>th</sup> the owners have cleared land on the property, built a very wide circular driveway and boarded the windows and secured the doors on the house. Mrs. Cullen said she discussed this with Alderman Piazza and both felt the owners are well on their way to cleaning the property. She also noted the property was for sale by Owner/Agent. Ms. Cullen said she would contact the owner and ask what her future plans are for the property.

**Re: 6136 Tyler Street, Owner State of Mississippi**

Mrs. Cullen said she placed this issue on the agenda for Mr. Yarborough, who stated State Property could not have a lien placed on it and had no news from the State. Alderman Burke suggested the City try to get a Right of Entry and clean the property.

**Re: Authorize City Attorney to obtain a Right of Entry for 6136 Tyler Street**

Alderman Burke moved, seconded by Alderman Lafontaine to authorize the City Attorney authority to obtain a Right of Entry for 6136 Tyler Street for the City to clean the property.

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine and Piazza

Voting Nay: None

Absent: Richardson

**Re: 6035 Polk Street, Anthony Sides**

Mr. Yarborough said the finding of the Building Inspector is the home is substantially damaged and is below the flood elevation, which prohibits the City under Flood Ordinance from providing a permit, unless and until it could meet a building code, which it probably can't until it's torn down. Mike and Kim Sides addressed the Board. The Board had declared this structure a public nuisance, health hazard and unsafe, including the need to demolish at a prior meeting. Mr. (Anthony) Sides said he had been working on the structure all day, taking out the bottom level of the home. Mr. Yarborough said the finding by the building inspector is that it is substantially damaged and below the flood elevation, which prohibits the City, under its flood ordinance, from providing a permit unless and until it can meet a building code, which it probably can't until it's torn down. Mr. Sides said he was not able to afford to fix the home; he said he can't get anyone to help him get it fixed. Mr. Sides asked about a timeline. Mr. Yarborough said that the Board has not made a finding for when the structure must be torn down. Mike Sides said they have all the outside walls on the bottom taken down now; he had a permit for this. Mayor Smith reiterated how terrible he, Ms. Cullen and the entire Board feels about this decision regarding demolishing the property, but there is no other option. Ms. Cullen again confirmed that Mr. Carrigee said this structure needs to come down. Mayor Smith said he would try to help Mr. Sides get to the top of the list regarding low income housing assistance and asked him to call him tomorrow. Mr. Sides said he filed for this 3 years ago and still hasn't received any information from them. Mr. Mike Sides said he and his wife are moving away in a week or two; its job related. Alderman Burke asked Mr. (Anthony) Sides if he would be willing to allow volunteers come help you take down the house. Mr. Sides said, "Yes, I would be more than glad to, yes".

## **DOCKET OF CLAIMS**

### **Re: Claims**

Alderman Burke moved, seconded by Alderman Piazza to approve the Docket of Claims (less the Streets Payroll portion) in the amount of \$730,929.99, which excludes claim #161460 in the amount of \$295.00 (posted twice), as submitted. **(EXHIBIT B)**

During discussion, Alderman Lafontaine asked about the high phone bill for the Civic Center. There is one dedicated line for the alarm system, one line for internet (which is the most costly part of the bill) & one or more phone lines. Mr. Cullen will work on getting this bill lowered.

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine and Smith

Abstain: Piazza

Voting Nay: None

Absent: Richardson

## **MINUTES**

### **Re: Minutes of March 1, 2016 and March 16, 2016**

Alderman Burke moved, seconded by Alderman Lafontaine to approve the Minutes of the Regular Meetings of March 1, 2016 and March 16, 2016 as submitted, with one correction to the 3/16/16 minutes regarding Alderman Lafontaine's rejoining the meeting after recusing himself for one vote near the beginning of the meeting.

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine

Voting Nay: None

Abstain: Piazza

Absent: Richardson

Acting City Attorney Yarborough said that for the record the abstention will be considered a vote with the majority; motion passes.

## **CHANGE ORDERS/DRAINAGE PROJECT/CITYWIDE DRAINAGE PROJECT**

### **Re: Change Order No. 5, submitted by Kappa Development**

Alderman Lafontaine moved, seconded by Alderman Burke to **DENY** Change Order No. 5 submitted by Kappa Development & General Contracting, Inc. in the amount of \$12,625.00 increasing the contract for the Citywide Drainage Improvements Project. (Tabled 3/1 & 3/16/16) **(EXHIBIT C)**

Engineer Andy Phelan was present to discuss the Change Order. Mr. Yarborough said that the crux of the issue is we have a proposed \$12,625.00 change order from what is requested for movement of utility lines, now utility conflict. The contract puts the risk of utility conflicts on Kappa which is why we have tabled it, so the question, I guess is, "If the recommendation is based on conflict in utilities and the contract puts the risk of utility conflicts on the contractor, why is it proposed as a change order?" Mr. Phelan (voice too low to understand)....

Mr. Yarborough said, "It is a utility conflict though is my question, I guess."

Mr. Phelan said, "Yes".

Mr. Yarborough: "Do you disagree that the contract of Kappa puts a risk of utility conflicts on them. Do you agree with that; I mean that's my reading of the contract? So I guess that's why we're considering a change order."

Mr. Phelan: "I've read the contract, part of the contract, basically enough to offer a...(inaudible)".

Mr. Yarborough: "Ms. Fayard & Ms. Planchard for the Board's consideration, representative of Pickering has proposed a change order because the basis of the increase in costs related to utility conflicts, for reference Subsection 11 of the Supplemental Conditions of the existing Utility in Services contract with Kappa states that "11.1 – The plan shows certain features of the topography and certain underground utilities, but they do not propose to show in complete detail all such lines or obstructions. Such topography and notes in the plan were inserted from records available are for the contractors convenience and shall not be used for a basis for claims or extra compensation. My reading of that is that this is a claim that is for which Kappa has borne the risk under their contract. If you agree with that you make a factual finding, based on the recommendation of Pickering as a utility conflict that does not pose a reason for the increase of cost under the contract, and reject the change order and authorize the City Attorney to notify Kappa Construction of the basis for the rejection of the change order request."

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine and Piazza

Voting Nay: None

Absent: Richardson

**INVOICES/CITYWIDE DRAINAGE IMPROVEMENTS PROJECT/DRAINAGE PROJECT  
Re: Pay Request No. 16 from Kappa Development in the Amount of \$156,306.30**

Alderman Burke moved, seconded by Alderman Lafontaine to approve Pay Request No. 16 from Kappa Development in the amount of \$156,306.30 – Citywide Drainage Improvements Project. **(EXHIBIT D)**

Mr. Yarborough said he received a letter from AMEC when he got to the meeting this evening, an issue regarding the three change orders having not been approved by FEMA. Ms. Planchard said the letter just came through this evening before the meeting. She handed Mr. Phelan a copy of this letter. Mr. Yarborough said the certification for payment authorizes \$156,306.30; AMEC is stating that it looks like the Change Orders 1, 2 and 3 were approved by the Board but not by FEMA as of today. I guess my question is, I know the last Invoice #15, we reduced some of it because some of the items billed were not under an approved Change of Work. He asked if there were any items billed under this Invoice from Kappa that are not under an approved Change Order as concerns the City.

Andy Phelan: Inaudible answer

Mr. Yarborough: "So there's nothing the City hasn't approved, I guess, is my question."

Andy Phelan: "Correct".

Mr. Yarborough: "And your/Pickering's recommendation is that the amount retained is sufficient to ensure the completion of the work in the instance Kappa would default on their contractual obligations."

Andy Phelan: "Yes and the good news today is they have started cleaning up the ditches... (Inaudible).

Mr. Yarborough: "If you can, if you would not mind whenever you go out there to inspect, there should be photographs and that way I'll have them for my file as well."

Ms. Planchard said at this time she would like to mention (and she was not present at the last Board meeting), but there was an issue on the agenda to approve a Scope of Work Change #9; which the Board tabled. After speaking with Mr. Duckworth, it was that Ms. Darla Jourdan did not need any approval of a Scope of Work Change, but rather only a letter saying the Board had approved Change Orders 1, 2 and 3. Ms. Planchard said she, therefore, did not put this back on the agenda tonight and she sent Ms. Jourdan a factual letter stating the Board approved at their prior Board meeting, Change Orders 1, 2 and 3.

Mr. Yarborough said that based on the recommendation of Pickering's concerning the retainage and the verified quantities, the Board would like to consider the motion to approve Invoice #16 from Kappa as presented.

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine and Piazza

Voting Nay: None

Absent: Richardson

**CITYWIDE DRAINAGE PROJECT/DRAINAGE PROJECT/CHANGE ORDERS/  
CITY CLERK/HMGP/MEMA**

**Re: Spread on the Minutes the Correspondence from City Clerk Planchard to Darla Jourdan of MEMA – Citywide Drainage Improvements Project**

Alderman Lafontaine moved, seconded by Alderman Burke to Amend the Agenda and Spread on the Minutes the correspondence from City Clerk Lisa Planchard to Darla Jourdan of MEMA Hazard Mitigation Grant Program concerning the approval of Change Orders 1, 2, and 3 related to the Citywide Drainage Improvements Project. **(EXHIBIT E)**

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine and Piazza

Voting Nay: None

Absent: Richardson

**PLANNING & ZONING**

Alderman Lafontaine moved, seconded by Alderman Burke to approve all of the Planning & Zoning Issues listed below, (Items a-e): **(EXHIBIT F)**

**Re: William Corr, 515 Amelda Street**

- a) **William Corr appeared before the commission** with a request for a conditional use in order to build a 20' x 24' addition that will be attached by a 6' breezeway to an existing accessory structure. He is also requesting a variance of 8' from the required rear yard setback in order to construct the addition. This property is located at 515 Amelda Street, Legal description: Lots 6-8, Price Subdivision, City of Waveland, Hancock County, Mississippi.

Commissioner Mike Kopke moved, seconded by Commissioner Clarence Harris to recommend that the Board of Mayor and Alderman approve the applicant's request for a conditional use in order to build a 20' x 24' addition that will be attached by a 6' breezeway to an existing accessory structure. They also recommend approving the variance of 8' from the required rear yard setback in order to construct the addition.

**Re: David J. Yarborough, 813 View Street**

- b) **David J. Yarborough appeared before the commission** with a request for a conditional use in order to build a 36' x 24' accessory structure on his property located at 813 View Street. Legal description: Block 4, lots 5-8, MS Land & Abstract Co., Subdivision, City of Waveland, Hancock County, Mississippi.

Commissioner John Becker moved, seconded by Commissioner Mike Kopke to recommend that the Board of Mayor and Alderman approve the applicant's request for a conditional use in order to build a 36' x 24' accessory structure on his property.

**Re: Bob Goza, Bay Waveland Housing Authority, 500 Block Herlihy**

- c) **Bob Goza, representing Bay-Waveland Housing Authority appeared before the commission** with a request to remove five live oak trees from their property located in the 500 block of Herlihy Street. Legal description: Div. NE ¼ of the SE ¼, lots 4-1 & B & 5-A, Section 3-9-174, City of Waveland, Hancock County, Mississippi.

Commissioner Mike Kopke moved, seconded by Commissioner Clarence Harris to recommend that the Board of Mayor and Alderman **TABLE** the applicant's request for the removal of five live oak trees that are located in the 500 block of Herlihy Street until the arborist gives a written report based on testing and his findings of the 11 live oak trees.

During discussion, Alderman Burke requested the City's Planning & Zoning Board request an arborist go to the site and perform an independent assessment for the City.

**Re: City of Waveland Zoning Change**

- d) **City of Waveland requests a zoning change** from R-1 to C-3. This property is located on the north side of Hwy 90 in the 4000 block (annexed area). Legal description: Pt. S. ½ of lot 5, Section 33-8-14, Block 179, lots 21-22, 25-27, 30-32, 35-36, Unit #7 Addition 8, Shoreline Park subdivision, City of Waveland, Hancock County, Mississippi.

Commissioner Mike Kopke moved, seconded by Commissioner Clarence Harris to recommend that the Board of Mayor and Alderman approve the request for a zoning change from R-1 to C-3 on the north side of Hwy 90 in the 4000 block (annexed area). Legal description: Pt. S. ½ of lot 5, Section 33-8-14, Block 179, lots 21-22, 25-27, 30-32, 35-36, Unit #7 Addition 8, Shoreline Park subdivision. (The following parcels: 138N-2-33-008.000, 138N-2-33-009.000, 138N-2-33-009.001, 138N-2-33-010.000, 138N-2-33-011.000, 138N-2-33-012.001, 138N-1-33-184.000, 138N-1-33-164.000, 138N-1-33-189.000, 138N-1-33-162.000, 138N-1-33-190.000)

**Re: City of Waveland Zoning change**

- e) **City of Waveland requests a zoning change** from R-1 to C-3. This property is located on the south side of Hwy 90 in the 4000 block (annexed area). Legal description: Pt. 2. ½ of lot 5, Pt. of the SW ¼ of SW ¼, Section 33-8-14, City of Waveland, Hancock County, Mississippi.

Commissioner Clarence Harris moved, seconded by Commissioner Mike Kopke to recommend that the Board of Mayor and Alderman approve the request for a zoning change from R-1 to C-3 on the south side of Highway 90 in the 4000 block (annexed area). Legal description: Pt. S ½ of lot 5, Pt. SW ¼ of SW ¼ Section 33-8-14 (The following parcels numbers: 138N-2-33-013.000, 138N-2-33-013.001, 138N-2-33-014.000, 138N-2-33-015.000, 138N-2-33-016.000, 138N-2-33-017.000, 138N-2-33-018.000. The Commissioners also recommend leaving Parcel Number 138N-2-33-019.000, Legal description: Pt. lot 6, Section 33-8-14 R-1 residential. (EXHIBIT MAP)

During discussion, Mr. Yarborough noted for the record, there are 2 variances which have been submitted under Sections a & b and 2 requests for zoning change under sections d & e; under Section 9 of 1 and sequential of the Zoning Ordinance #349, the Planning and Zoning commission is a Hearing Board of the Board of Aldermen. He said under a variance the applicant has a burden of proof by a preponderance of the evidence of the necessary elements of the variance are being met by Section 906a, that the special conditions and circumstances exists which are particular to the land, structure or building involved, which are not applicable to other land, structures or buildings in the same district. Second, a literal interpretation of the provisions of the Ordinance would deprive the applicant of rights, enjoyed by other properties in the same District of the term of this Ordinance. Three, that the special conditions and circumstances do not result from the actions of the applicant. Four, a granted variance request would not confer the applicant any special privilege that is denied by this Zoning Ordinance or other lands, structures or buildings in the same district.

Mr. Yarborough said concerning the applications for a Zoning Change, the requirements for a Zoning Change is on the burden of proof by the Applicant, demonstrating by clear and convincing evidence that one, either a mistake in the original zoning occurred or 2, a change occurred in the character of the neighborhood to justify re-zoning and public need. Mr. Yarborough said they ask that the Board now take judicial notice of the area, of the location of the two Zoning Changes as the areas of the plat and the surrounding areas and the change of the circumstances. Mr. Yarborough said if the Board votes to approve those, you are making a finding of fact under the variance, a finding by a preponderance of the evidence, and under the zoning change that the applicant has met his burden of proof by clean and convincing evidence the necessary elements of a zoning change here of the 'not a mistake in zoning', but a 'change in the nature of the neighborhood' and the 'public need' to support the re-zoning. Mr. Yarborough asked if there was anyone present to state opposition to any of the four (a, b, d or e) applications being presented here today. Mr. Yarborough asked to let the record reflect that no one has stated an opposition. He said the Board has before it the Hearing Minutes of the Planning and Zoning

Commission Meeting and the findings of fact by the Planning and Zoning Commission. If you vote to approve, you are moving to accept those findings of fact.

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine and Piazza

Voting Nay: None

Absent: Richardson

**SURPLUS PROPERTY/REAL PROPERTY/POLICE DEPARTMENT**

**Re: Discussion related to the potential surplusing of the “Old Police Department property” on Highway 90**

Alderman Burke discussed declaring parcel number 138P-0-33-002.002 (Old Police Department Property at 628 Highway 90W) as surplus. Public Works Director Brent Anderson said this would not work because of the chlorinators, intern and feed lines for the Water Tower running through the property, along with the Municipal Water Tower situated on the property. Mr. Anderson said this is the City’s main hub for water supply.

**CONTRACTS/AGREEMENTS/DESTINATION WAVELAND/FOURTH OF JULY/EVENTS**

Alderman Lafontaine moved, seconded by Alderman Piazza to approve the Fireworks Display Agreement with J&M Displays, Inc. in the amount of \$12,000.00 for the presentation of a Fireworks display July 2, 2016; \$6,000 down payment due upon execution. **(EXHIBIT G)**

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine and Piazza

Voting Nay: None

Absent: Richardson

**GRANTS/APPLICATIONS/MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY/SOLID WASTE/LITTER CONTROL/MDEQ**

**Re: Authorize Application of Department of Environmental Quality Grant for Litter Control**

Alderman Burke moved, seconded by Alderman Lafontaine to apply for a Grant with the Mississippi Department of Environmental Quality in the amount of \$15,500.00 for payment of costs of employing a local solid waste enforcement officer. Chief Allen said this is a 50/50 match; i.e. the City will match \$15,500.00 + benefits. **(EXHIBIT H)**

Alderman Lafontaine clarified that the motion is only to apply for the grant and there will be further discussion before the grant is accepted.

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine and Piazza

Voting Nay: None

Absent: Richardson

**BUDGET FY 2016/AMENDED BUDGET**

**Re: Revised Amended to Actual FY 09/30/2015 Budget**

Alderman Piazza moved, seconded by Alderman Burke to approve the *Revised* Amended to Actual FY 09/30/2015 Budget. **(EXHIBIT I)**



A vote was called for with the following results:

Voting Yea: Burke, Lafontaine and Piazza

Voting Nay: None

Absent: Richardson

**AGREEMENTS/CITY HALL/HVAC SYSTEM**

**Re: Maintenance Agreement for the HVAC System at City Hall**

Alderman Burke moved, seconded by Alderman Piazza to approve Service Agreement with Ray C. Weaver Mechanical Contractors (including required signatures) for the maintenance of the HVAC System at City Hall, a cost of \$3,360.00 per year (quarterly inspections and service) as budgeted for. **(EXHIBIT J)**

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine and Piazza

Voting Nay: None

Absent: Richardson

**AGREEMENTS/BUSINESS CENTER/INCUBATOR/HVAC SYSTEM**

**Re: Maintenance Agreement for the HVAC System at Business Center**

Alderman Burke moved, seconded by Alderman Piazza to approve Service Agreement with Ray C. Weaver Mechanical Contractors (including required signatures) for the maintenance of the HVAC System at the Business Center/Incubator, a cost of \$4,560.00 per year (quarterly inspections and service). **(EXHIBIT K)**

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine and Piazza

Voting Nay: None

Absent: Richardson

**DEBRIS REMOVAL/HURRICANE SANDY ACT/BIDS/PRE-STORM DEBRIS REMOVAL**

**Re: Prequalify Additional Debris Removal Companies as it applies to the Pre-Storm Debris Removal Bid**

Alderman Burke moved, seconded by Alderman Lafontaine to prequalify Ceres Environmental, Tag Grinding Services, Inc., TFR Enterprises, Inc., Phillips & Jordan, Inc., DRC Emergency Services, Inc. and Asplundh Environmental Services as debris and wreckage removal contractor until December 1, 2016 under the Sandy Recovery Improvement Act of 2013 regarding Public Assistance Alternative Procedures for debris removal. The determination of a pre-qualified contract does not constitute “stand by” contract or bind the City to any future contract condition on a qualifying event. **(EXHIBIT L)**

During discussion, Acting City Attorney Gary Yarborough said that the City pre-qualifies all of the companies and in the event of a storm you can seek price; they are already pre-qualified as adequate providers and then you request prices from them in the event of a Stafford Act type declared disaster/storm and that way you can more quickly award a contract. You basically do a competitive solicitation (get prices); they’re already pre-qualified and then you have your list of vendors. You get a price from each of them and that’s what you use for your emergency work/debris removal clearance after the event. You still have to do a procurement... after the event. Once the event happens you contact each of the 7 (also includes Crowder Gulf) of them, get prices from them and award it to the lowest. Under 13-36 you still have to do procurement and solicit prices from the adequate # of people you have prequalified; here are the people you are going to get quotes from, because otherwise you

would have to advertise. This is in lieu of having to advertise in the immediate aftermath of an event. You don't have to publicize and do the 3 week waiting period re: the publication; after the event you do your emergency debris removal from the list of qualified vendors.

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine and Piazza

Voting Nay: None

Absent: Richardson

**POLICE DEPARTMENT/PURCHASING/BUDGET/FINANCING/INVENTORY**  
**Re: Purchase Dodge Charger on State Contract and related financing through Hancock Bank**

Alderman Piazza moved, seconded by Alderman Burke to approve the purchase (State Contract price) and related financing through Hancock Bank @ 2.24% for 5 years for 1 (one) Dodge Charger Pursuit with Upgrades in the amount of \$27,042, which includes the exterior light package. This was budgeted for. **(EXHIBIT M)**

A vote was called for with the following results:

Voting Yea: Burke, and Piazza

Voting Nay: Lafontaine

Absent: Richardson

*Note: Motion passes 2 to 1*

**POLICE DEPARTMENT/PURCHASING/POLICE STATION**  
**Re: Amend the Purchase Cost for Furnishings to Equip the new Police Building (all State Contract price)**

Alderman Burke moved, seconded by Alderman Lafontaine to amend the purchase cost of furniture/storage/etc... items from Office Innovations from the amount of \$129,933.70 to \$132,506.47 (all items at state contract) to equip the new Police building. Note: For 3 additional chairs and 2 tables in Court Department. This cost will be posted against the Police Contents PW. (See Exhibit for State Contract #'s) **(EXHIBIT N)**

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine and Piazza

Voting Nay: None

Absent: Richardson

**SPREAD ON THE MINUTES/PERSONNEL/HUMAN RESOURCES/STREETS DEPARTMENT**  
**Re: Resignation of Mr. James Thomas and termination of Mr. David Gill from the Streets Department**

Spread on the minutes the following as listed (Items a&b):

- a) Resignation of Mr. James Thomas with the Streets Department effective March 28, 2016.
- b) Termination of Mr. David Gill with the Streets Department effective March 28, 2016.

**PERSONNEL/HUMAN RESOURCES/STREETS DEPARTMENT/ANIMAL CONTROL**  
**Re: New Hires, Lewis Moore and Corey Richardson in the Streets Department and Mr. David Cohen as Animal Control**

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

- a) Mr. Louis Moore a rate of \$10.00 per hour, Streets Department.
- b) Mr. Corey Richardson at a rate of \$10.50 per hour for the Streets Department. (\$.50/hr. more at request of Public Works Director, skilled/experience on heavy equipment)
- c) Mr. David Cohen at a rate of \$10.00 per hour, Animal Control Officer.

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine and Piazza

Voting Nay: None

Absent: Richardson

#### **TRAVEL/CITY HALL**

**Re: Travel for the Board of Mayor and Alderman, City Clerk/Deputy City Clerk to the Annual MML Conference in Biloxi**

Alderman Piazza moved, seconded by Alderman Burke to approve travel for the Board of Mayor and Aldermen, City Clerk Lisa Planchard and Deputy City Clerk Tammy Fayard, June 27-29, 2016 to Biloxi, Mississippi for the 85<sup>th</sup> annual MML Conference. Cost to the City would be \$235.00 for each Board Member and \$50.00 per Clerk (as guest) and use of City vehicle(s).

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine and Piazza

Voting Nay: None

Absent: Richardson

#### **CONTINUING EDUCATION/TRAINING/UTILITY DEPARTMENT/GAS SYSTEM CERTIFICATION**

**Re: Gas System Certification for Thomas McPherson, Eugene Thomas & Darryl Antoine**

Alderman Burke moved, seconded by Alderman Piazza to approve Gas System certification training for the following employees; costs to the City will be \$50.00 per lesson (153 lessons, if all are required) per person; (\$4550.00) per person maximum (Not previously budgeted) being listed: (Items a, c & d)

Note: Classes to be given at City of Waveland Fire Station.

- a) Thomas McPherson - 37 Classes (approx.)
- ~~b) Brent Anderson~~
- c) Eugene Thomas – 17 Classes (approx.)
- d) Darryl Antoine – 37 Classes (approx.)

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine and Piazza

Voting Nay: None

Absent: Richardson

#### **INVOICES/POLICE BUILDING-STATION/CITYWIDE DRAINAGE IMPROVEMENTS PROJECT/DRAINAGE IMPROVEMENTS PROJECT/CITYWIDE SEWER IMPROVEMENTS PROJECT/SEWER IMPROVEMENTS PROJECT/LIGHTHOUSE AND OUTDOOR RECREATION PROJECT/FACILITIES PLAN/SRF/TIDELANDS**

**Re: Payment of Invoices by Various Contractors**

Alderman Piazza moved, seconded by Alderman Burke to approve the following invoices submitted by various Contractors and recommended to be placed in line for payment consideration contingent upon receiving funding from grant sources (if required), as listed (Items a-h): This motion is with a full reservation of rights and waiving nothing as concerns invoices b, c & d with Nofie Alfonso, Architect.

**(EXHIBIT O)**

- a) Pay Application #9 from J.O. Collins Contractor, Inc. in the amount of \$587,324.84 – Waveland Police Building/Station.
- b) Invoice from Nofie Alfonso, Architect in the amount of \$5,035.00 (November 2015) - Waveland Police Building Station.
- c) Invoice from Nofie Alfonso, Architect in the amount of \$5,035.00 (February 2016) - Waveland Police Building Station.
- d) Invoice from Nofie Alfonso, Architect in the amount of \$5,035.00 (March 2015) - Waveland Police Building Station.
- e) Invoice No. 215-065-9 from Compton Engineering in the amount of \$44,121.95 – Citywide Sewer Improvements; Waveland Facilities Plan/SRF.
- f) Invoice No. 215-065-12 from Compton Engineering in the amount of \$15,206.85 – Citywide Sewer Improvements; Waveland Facilities Plan/SRF.
- g) Invoice 215-065-13 from Compton Engineering in the amount of \$1,625.00 – Waveland Facilities Plan and Related Services.
- h) Invoice 215-068-6 from Compton Engineering in the amount of \$4,700.00 – Lighthouse and Outdoor Recreation Facility/Beach.

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine and Piazza

Voting Nay: None

Absent: Richardson

**REQUEST FOR CASH REIMBURSEMENTS/POLICE BUILDING-STATION/TAX DEPARTMENT/MINUTES/DESTINATION WAVELAND**

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

- a) Request for Cash Reimbursement (RFC), #28 in the amount \$131,308.24 – Waveland Police Building/Station. **(EXHIBIT P)**
- b) A Special Meeting of the Board of Mayor and Aldermen was held at 6:00 pm prior to this meeting in the Board Room (as advertised) for the Board to attend a Stormwater In-service Training.
- c) Privilege License Collection Report for the Month of February, 2016. **(EXHIBIT Q)**
- d) Correction of one item of the following motion passed February 17, 2016. The motion was correct as presented at the 3/16/16 meeting with the exception of limiting the highest out of pocket cost to \$21,000 vs. \$21,600, which has been corrected in those minutes.  
*Note: Mathematically, the cost to the City was estimated at \$9,600 + \$12,000 (fireworks display) = \$21,600.00, however the Board limited the maximum cost to \$21,000.00.*

As corrected:

Alderman Burke moved, seconded by Alderman Lafontaine to approve the City of Waveland's Fourth of July Destination Waveland' event on Saturday July 2, 2016. Mr. Charlie Cornelius was present and discussed. (Tabled from the February 2, 2016 meeting) According to Mr. Cornelius and confirmed by Mr. Yarborough, highest cost to the City would be up to \$21,000.00 reduced by any donations with collections of \$8,650.00 so far (not yet submitted to City). All donations collected and received by the City would be accepted on the City's minutes and restricted to a separate general ledger account line item (001-000-347) for this event. The Board agreed that the City will select the \$12,000 option for fireworks display.

**ANNEXATION 2016/LETTER OF ENGAGEMENT/CONTRACTS/AGREEMENTS/LEGAL SERVICES**

**Re: Letter of Engagement with Carroll Warren and Parker, PLLC to provide Legal Services for Annexation**

Alderman Burke moved, seconded by Alderman Piazza to approve a Letter of Engagement between the City of Waveland and Carroll Warren & Parker, PLLC to provide legal services – 2016 City of Waveland Annexation. **(EXHIBIT R)**

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine and Piazza

Voting Nay: None

Absent: Richardson

#### **ALDERMEN'S COMMENTS (Cont....)**

##### **Alderman Lafontaine**

- At a recent meeting the Utility Authority Board meeting, they listed a number the projects from 1 through 10 for BP funding; any funding that they receive, those projects will be allocated in that order. He said he had been constantly told that Waveland was on the list and when it was looked at closely, Waveland was not. After a brief discussion, all of the members of that Board agreed to place Waveland's \$10,000,000 sewer project as number one on that Utility Authority project list, if any BP funding appears.

##### **Alderman Burke**

- At Solid Waste meeting today, they opened Bids and the City should be able to use the Solid Waste bids for the City's dumpster costs. The Bids have not been awarded yet.

#### **EXECUTIVE SESSION**

##### **Re: Potential Litigation, Contractual Issues**

Alderman Piazza moved, seconded by Alderman Lafontaine to consider Executive Session to prompt a closed discussion regarding prospective litigation-Citywide Drainage Improvements Project, contractual Issues-Business Center, and Legal Issues, waiver of conflict-annexation.

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine and Piazza

Voting Nay: None

Absent: Richardson

Alderman Piazza moved, seconded by Alderman Lafontaine to approve entering Executive Session regarding prospective litigation-Citywide Drainage Improvements Project, contractual Issues-Business Center, and Legal Issues, waiver of conflict-annexation.

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine and Piazza

Voting Nay: None

Absent: Richardson

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

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine and Piazza

Voting Nay: None

Absent: Richardson

**BUSINESS CENTER/LEASES/AGREEMENTS/CONTRACTS/LIME PI DIGITAL**

**Re: Board discussion re: Mr. Chad Whitney moving his business to Unit A3 on March 15, 2016 with no notice or approval by the Board.**

Mayor Smith said that Mr. Chad Whitney moved out of his unit (A1, A2, A9); he has physically moved out but did not submit a letter to the Mayor or City that he was moving out. Mr. Yarborough asked if he was still paying his rent. City Clerk Planchard said, "No, he quit paying it for the front unit, about a month ago, March 15<sup>th</sup>." Mayor Smith said he physically moved all of his stuff into the Unit (A3) in the back. City Clerk Planchard said, "With no Board notice; no Board approval". Alderman Burke said, No, no this is what happened. Alderman Burke said, "This is what my understanding was, and this is because I do business with Lime Pi Digital (Chad Whitney's business) is when they moved out; they were moving out and he said yea, I'm moving out. I emailed the Mayor and told him I'm moving out, lack of repairs and everything else. He says I gave Mike notice, so he packed up whatever the date was that was decided on, but whenever they wrote the lease... correct me if I'm wrong but I might have to recuse myself...he is 50% owner."

Attorney Gary Yarborough: "Whoa Whoa Whoa Whoa Whoa, if you're going to consider a recusal, a recusal does not allow you to participate in discussion."

Alderman Burke: "Alright, well I'm not going to recuse myself. Alright, Chad Whitney is 50% owner of the business that's in the back (Hi Bueno – Unit A3) so he moved to the unit in the back, Unit A3. City Clerk Planchard said, "Because he can get it for \$50 a month, so he moved all four employees back there." Mayor Smith said, "But he did it on the basis of the lack of repairs to the front, am I correct in saying that".

Matt Burke: (Alderman Burke's brother) said, "That's correct. The rainwater was coming in the top and (inaudible)".

Gary Yarborough: "Has anybody provided notice to us from Mr. Whitney".

City Clerk: "I don't have anything."

Gary Yarborough: "Is he to date on his rent".

City Clerk: "No".

Gary Yarborough: "We need to send a notice of default to Mr. Whitney that he has not paid the rent per the terms of the contract; that's the first thing we need to do. If he hasn't paid us we need to notify him he hasn't paid us under the lease agreement if we haven't received any other notification."

Mayor Smith: "Just an email".

Alderman Lafontaine: "So he had 3 of the 5 spaces in the business center".

City Clerk: "Three doors, it was one space, but 3 doors went into it (A1, A2, A9)".

Alderman Lafontaine: "Well he's got his computer space in the back".

City Clerk: "He gave that up to move to the front; we advertised for the front space, which was bigger than the back space because he said he needed more room. So he moved to the front and then the roof was leaking and he moved to the \$50 unit."

Alderman Burke: "Mike, would you pull your email, correspondence with him because he told me that he gave you written notice."

Mayor Smith, "He did, I mean by email. Is that sufficient is my question."

Gary Yarborough: "I'd have to look at the lease, do you have it with you (Ms. Planchard)".

Planchard: "I think I do".

Gary Yarborough: "I don't see any provision in here authorizing them to terminate the lease. It allows us to terminate the lease. Is it his intent to leave the premises? Is that his intent or has he stated his intent?"

Do you all just want me to get with the Mayor tomorrow and see what the email says and we'll go from there. It's an executive matter, all we're doing is taking the rights under the contract to the extent of whatever we need to do under the contract". The Board verbally agreed.

**\*\*Alderman Piazza Recused himself and left the Meeting at this time.**

**DOCKET OF CLAIMS**

**Re: Streets Payroll Portion of Docket only in the amount of \$30,067.05**

Alderman Lafontaine moved, seconded by Alderman Burke to approve the Docket of Claims, Payroll portion only, in the amount of \$30,067.05 as submitted.

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine and Smith

Voting Nay: None

Recused: Piazza

Absent: Richardson

**ADJOURN**

**Re: Adjourn Meeting at 9:23 p.m.**

Alderman Lafontaine moved, seconded by Alderman Burke to adjourn the meeting at 9:23 p.m.

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine

Voting Nay: None

Absent: Richardson, Piazza

The foregoing minutes were presented to Mayor Smith on April 22, 2016.

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

The Minutes of April 5, 2016 have been read and approved by me on this day the 22<sup>nd</sup> of April, 2016.

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

This  
Area  
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