

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 April 17, 2013 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 Clerk Lisa Planchard and City Attorney Gary Yarborough.

PUBLIC COMMENTS:

Re: Mr. Mike Kopke was present to let Board members know that Mr. Bill Dentzel will be visiting the Civic Center to review the space and start assembly of the Carrousel. Hopefully by the first meeting in May 2013, the Carrousel will be assembled and ready for viewing.

Re: Mr. Alfred "Tiger" Harris said he would be meeting with the wood carver at the Bourgeois Park regarding the Herb Sires Memorial Tree carving by Mr. Dale Lewis. He also announced the upcoming Special Needs Children's Fishing Rodeo to be held on Saturday April 20th, 2013.

Re: Ms. Mikelle Williamson discussed a 5K Run that will be a part of the St. Clare Fair on Memorial Day weekend. She said she had already spoken with Lt. Mac Cowand with the Police Department and was here to let Board members know the route which would require some temporary road closures on Saturday May 25, 2013. The race will begin at St. Clare Church and proceed east on Beach Boulevard, up Mollere to Central Avenue, west on Central and then head south on Nicholson Avenue to Beach Boulevard, and west back to the Church.

AMEND AGENDA/POLICE DEPARTMENT/STREET CLOSURE/EVENTS

Re: Amend Agenda and Approve to Close Streets during St. Clare Festival 5K Run

Alderman Lafontaine moved, seconded by Alderman Geoffrey to close Beach Boulevard to Mollere Dr. to Central Avenue to Nicholson Avenue and back along the beach to St. Clare Church from 8 a.m. to 10 a.m. for the St. Clare Festival 5K Run.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

MAYOR'S REPORT (EXHIBIT A)

Re: Presentation of Certificates to the Bay High Lady Tigers Class IV-A State Championship Basketball Team members and Coach. Mayor Garcia mentioned that the Lady Tigers score for the year was 36-0.

Re: Fire Chief Mike Smith came forward to update Board members about his team's participation (Chief Smith was team captain) and their success in the Relay for Life event which raised money for Cancer research and treatment. Mikelle Williamson said that St. Clare's team had come in 2nd and Waveland's team came in 3rd with funds raised for the event. Mayor Garcia and Alderman Stahler suggested combining these two teams next year.

Re: The annual Hope Haven Crawfish Cook-off to benefit Hope Haven's children's services was held on Coleman Avenue and was a huge success. The event was originally planned for Bourgeois Park, but due to a large storm that came through a couple days earlier, the event was moved which turned out to be a much better venue.

Re: Chief Smith handed out a 'Blighted Properties Update' to Board members. He said that at Court tomorrow there would be an arraignment for 4 cases which hopefully, will be the start of something good. Alderman Lafontaine noted that 363 properties are listed in the data base, and of those 168 are closed and in compliance with cleanup issues. Chief Smith noted that some of these properties are slabs only.

Re: Mr. Chad Whitney, currently renting office space at the Business Incubator provided the Board with a Power Point Presentation showing his ideas of attracting tenants to the Incubator.

Re: Mayor Garcia recognized Scout leader and members of Boy Scout Troop 630 who were in attendance to earn their Government Merit Badge. The Mayor thanked the young men for joining us this evening and participating in their local government; he welcomed them back anytime they would like to attend and listen to the City's Board meetings.

ALDERMEN'S COMMENTS:

Re: Alderman Stahler:

- a. Relay for Life and the Crawfish Cook-off were very nice events and she was so happy to be a part of it.
- b. Discussed slab removal and that sewer pipes should be capped off; along with the possibility of doing smoke testing to detect these and other leaks in the City's sewage system. Spoke with Bay St. Louis Public Works Director, Buddy Zimmerman who said they were currently doing their own testing; taking a small section of the City at a time which is much less expensive. Alderman Stahler suggested using some temporary employment help to achieve this goal of smoke testing individual streets.
- c. Reminded everyone of the upcoming Red Beans and Rice Cook-off to be held on Monday, April 22, 2013.

Re: Alderman Geoffrey:

- a. Has his map of Streets in need of paving ready to submit.

Re: Alderman Lafontaine:

- a. Asked Purchasing Agent to get a price on smoke testing sewer lines.
- b. His street paving map is ready to submit and asked if any employees have been out picking up limbs.

Re: Alderman Kidd:

- a. Also has his Street Paving map ready to submit.
- b. Addressed concern about the Waste Water bills getting close to annual budget limitation.
- c. Has a list ready for Chief Smith and has noted campers around the community that have hoses hooked alongside water meters; would like this taken care of.
- d. Spoke with Mrs. Planchard about Hurricane Isaac reimbursements.
- e. Possibility of changing name of the Waveland-Kiln Cutoff Road to North Waveland Avenue. Alderman Kidd said he would speak with the residences and citizens currently occupying businesses on that Street about the possible change.
- f. When would the Utility Building at the yard be built/constructed? Mrs. Planchard said that Ms. McIntosh (MEMA) was waiting for the extensions to be approved by Mr. Latham. Alderman Kidd is concerned about getting the equipment inside and protected, along with providing the employees with a better building to work out of.
- g. This weekend on Waveland Avenue @ RueDeLaSalle where the Bay-Waveland Youth Football League has 8 acres, there will be volunteers working to clean up the property for the league.
- h. The American Legion is interested in possibly getting a Fire Truck donated to them. Alderman Kidd said he would speak with the Mayor and Aldermen individually about this.
- i. Asked Mrs. Planchard about the window shutters. Mrs. Planchard said she had emailed Architect Buzzy Bolton about the stucco repairs needed as a result of the shutter installation and was waiting for an answer.

MINUTES

Re: March 20, 2013 and April 2, 2013

Alderman Geoffrey moved, seconded by Alderman Stahler to approve the Minutes of the Meetings of March 20, 2013 and April 2, 2013 as submitted by the City Clerk.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey Lafontaine and Kidd

Voting Nay: None

Absent: None

RSVP

Re: Claims

Alderman Stahler moved, seconded by Alderman Kidd to approve the RSVP Claims as submitted by Ms. 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

DOCKET OF CLAIMS

Re: Claims Nos.

Alderman Kidd moved, seconded by Alderman Geoffrey to approve the Docket of Claims dated April 17, 2013 as submitted by the City Clerk, except transaction No. 131448 to Hancock County Utility Authority. **(EXHIBIT C)**

001 Fund – 531 to 666

099 Fund – None

100 Fund – None

101 Fund – None

102 Fund – 6

103 Fund – 11

104 Fund – 2

105 Fund – 16 to 23

124 Fund – 53

125 Fund – 17

126 Fund – None

127 Fund – None

200 Fund – 4 to 5

400 Fund – 269 to 346

601 Fund – 163 to 189

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

CIVIC CENTER

Alderman Mark Kidd said he felt the City needed to do a better job with keeping this property and building clean. When he was at Court last week he noticed that the bathrooms were very dirty and there are 1' square sheets of paint peeling off of the walls and ceiling. Mayor Garcia recommended that on rainy days, some of the Public Works employees could go over and clean the building. Alderman Kidd also questioned the rental fees currently in place for use of the Civic Center. Board members discussed and agreed that \$600 was too high and should be lowered to make more affordable to our citizens.

AMEND AGENDA/CIVIC CENTER/RENTAL FEES/POLICIES

Re: Amend the Agenda to Reduce the Rental Cost of the Civic Center

Alderman Kidd moved, seconded by Alderman Lafontaine to amend the agenda to revise the current Civic Center Rental Policy to reduce the amount of rent owed from \$600 (on the auditorium, kitchen & bathrooms use) which included a refundable deposit of \$100 to a fee of \$300.00 (on the auditorium, kitchen & bathrooms use) which would include a refundable deposit of \$100.00 (if those rooms are left clean after the event) and a rental fee of \$100.00 (on a small classroom) which would include a returnable deposit of \$50.00 (if that room is left clean after the event). All other conditions within the current rental policy shall remain the same.

During discussion, Mayor Garcia mentioned that the Carousel will be taking up one of the classrooms at the north end of the building. Alderman Stahler added that whether the City rents or does not rent the building, we have a responsibility to take care of it. She said, "So many people in Waveland lost their homes in Katrina and the only bricks and mortar that they have to associate with is the Old School (Civic Center). That's the only building from their past and I think it's our obligation to keep it in as good of shape as we can." Mayor Garcia said that when we have a rainy day, we should send some of Brent's crew down to the Civic Center to get it cleaned up. Alderman Stahler announced that she had 3 humidifiers that were donated to the City, which she recommended be inventoried and used at the Civic Center.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

Re: Reduce the Rental Cost of the Civic Center

Alderman Kidd moved, seconded by Alderman Lafontaine to revise the current Civic Center Rental Policy to reduce the amount of rent owed from \$600 (on the auditorium, kitchen & bathrooms use) which included a refundable deposit of \$100 to a fee of \$300.00 (on the auditorium, kitchen & bathrooms use) which would include a refundable deposit of \$100.00 (if those rooms are left clean after the event) and a rental fee of \$100.00 (on a small classroom) which would include a returnable deposit of \$50.00 (if that room is left clean after the event). All other conditions within the current rental policy shall remain the same. **(EXHIBIT D)**

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

**CITY HALL/CONTRACTS/FIRE DEPARTMENT/ELEVATOR MAINTENANCE
CONTRACTS**

Re: City Hall Elevator Maintenance Agreement

Alderman Lafontaine moved, seconded by Alderman Kidd to TABLE the maintenance agreement with 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.

Mr. Yarbrough said there were some items that would have to be changed such as a hold harmless and the length of the contract.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

Re: Table approval of Maintenance Agreement with Mowrey Elevator OR Kone Elevation at Fire Station- Highway 90

- A. Alderman Geoffrey moved, seconded by Alderman Stahler to **TABLE** a maintenance agreement with Mowrey, Inc for the Kone' elevator located at 427 Highway 90, Central Fire Station for a period of 5 years at a cost of \$150.00 per month. City Attorney to discuss contract term; contract indicates 5 year term. Note: This is a conditional maintenance agreement, i.e. "oil and grease" contract that only covers routine maintenance and callbacks. Repairs to proprietary equipment, (controls, machine, suspension, etc) will need to be performed by the Kone' manufacturer. It will be the City's responsibility to handle these types of repairs with the manufacturer.

OR

- B. Alderman Geoffrey moved, seconded by Alderman Stahler to **TABLE** a maintenance agreement with KONE, Inc. for the elevator located at 427 Highway 90, Central Fire Station at a cost of \$275.00 per month. City Attorney to discuss contract term; contract indicates 10 year term.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

CONTRACTS/AMEC ENVIRONMENT AND INFRASTRUCTURE, INC/HMGP PROPERTY ACQUISITION PROGRAM/PROJECT MANAGEMENT/HMGP
Re: Contract with AMEC Environment & Infrastructure for the HMGP Property Acquisition Project Management Services

Alderman Geoffrey moved, seconded by Alderman Stahler to approve the contract with AMEC Environment and Infrastructure, Inc. for Project Management of the City's HMGP Property Acquisition Program. AMEC will provide Project Management Services for a fixed fee of \$3,300.00 per property as detailed in the HMGP grant agreement to acquire the residential properties.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

WATER SYSTEM EXTENSION TIE-IN PROJECT/CONTRACTS/AMENDMENTS
Re: Amendment No. 1 to Engineering Agreement with DEII – Water System Extension Tie-In Project, Annexed Area, Master Meter Connection

Alderman Stahler moved, seconded by Alderman Kidd to approve Amendment No. 1 to the engineering agreement with Digital Engineering and Imaging, Inc. (DEII) for Professional Services on the Water System Extension Tie-In-Project, Annexed Area-Master Meter Connection. With this amendment cost of \$1,392.60, the new total contract fee will be \$30,642.60. **(EXHIBIT E)**

During discussion, Mayor Garcia said he wanted to eliminate 2 hydrants from the project. City Attorney Gary Yarborough said he would follow up on this.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

BUSINESS INCUBATOR/MAGNOLIA BUSINESS ALLIANCE/RESOLUTION FOR PAYMENT/CONTRACT

Re: Payment Resolution with Magnolia Business Alliance re: Business Incubator

Alderman Lafontaine moved, seconded by Alderman Kidd to approve a Payment Resolution between the City of Waveland and Magnolia Business Alliance, pursuant to a compromise related to a lease agreement signed on May 17, 2012 to oversee the rental of the Business Incubator which agreement failed due to material breach of the agreement in the amount of \$27,723.77, payable in monthly increments of \$1,900.00 due by the 5th day of each month. **(EXHIBIT F)**

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

ADVERTISEMENT/CORPS OF ENGINEERS/JEFF DAVIS-GULFSIDE PROJECTS/JEFF DAVIS EAST SEWER IMPROVEMENTS PROJECT/JEFF DAVIS WEST SEWER IMPROVEMENTS PROJECT/JEFF DAVIS CONNECTOR PROJECT/GULFSIDE STREET SEWER & PAVING IMPROVEMENTS PROJECT

Re: Advertise for Construction of Jeff Davis/Gulfside Projects upon Completion of Environmental Approval by Corps of Engineers

Alderman Geoffrey moved, seconded by Alderman Stahler to approve, upon completion of Environmental approval by Corps of Engineers on the Jeff Davis/Gulfside Projects, to advertise for construction of the Jeff Davis East Sewer Improvements Project, Jeff Davis West Sewer Improvements Project, Jeff Davis Connector Project and Gulfside Street Sewer Improvements Project.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

POLICE DEPARTMENT/TRAINING

Re: Training, Officer Eddie Peterson for NRA Civilian Instructor Certification

Alderman Stahler moved, seconded by Alderman Geoffrey to approve Officer Eddie Peterson to take an online class for NRA Civilian Instructor Certification Validation Course. Cost to the City would be a charge of \$150.00 which will cover pistol, person protection and home firearm safety. This is related to the upcoming open carry weapons law, House Bill 2 effective July 1, 2013. This training will be passed on to citizens regarding firearm safety and personal protection.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

**COURT DEPARTMENT/PUBLIC WORKS DEPARTMENT/ /INVENTORY
PURCHASING/ RESIGNATION/PERSONNEL/POLICE DEPARTMENT/ HUMAN
RESOURCES/CITY HALL/STATEMENTS OF QUALIFICATIONS-BUSINESS
INCUBATOR/BID FOR MANAGEMENT SERVICES-BUSINESS INCUBATOR/
REQUEST FOR CASH REIMBURSEMENT/CENTRAL FIRE STATION AND
DRAFTING PIT/REVENUE AND EXPENSE REPORT**

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

- a. The transfer of one 2007 Crown Victoria VIN2FAFP71W27X126167 from the Court Department to the Public Works Department.
- b. Resignation of Officer Nathaniel Duhe effective April 23, 2013.
- c. The completion of the Basic Certified Municipal Officials course by Mayor David A. Garcia.
- d. Request for Statements of Qualifications and price quotes for Property Manager for the Waveland Business Incubator were received prior to the meeting and will be opened and taken under advisement.
- e. Request for Cash Reimbursement #R-118-379-01-HCCR in the amount of \$174,011.90 – Central Fire Station and Drafting Pit. **(EXHIBIT G)**
- f. Revenue and Expenditures Report for the Month of March, 2013, at this the second meeting of April 2013 as presented by Comptroller Janet Dudding. **(EXHIBIT H)**

**CITY HALL AND CITY HALL ANNEX/DRAINAGEMENT IMPROVEMENTS
PROJECT/AMEC ENVIRONMENTAL AND INFRASTRUCTURE, INC/HAZARD
MITIGATION PLAN UPDATE/GULFSIDE SEWER AND PAVING PROJECT/JEFF
DAVIS SEWER SYSTEM IMPROVEMENTS PROJECT/WEST JEFF DAVIS SEWER
SYSTEM IMPROVEMENT PROJECTS/JEFF DAVIS CONNECTOR SEWER AND
PAVING PROJECT/CENTRAL FIRE DEPARTMENT TRAINING FACILITY AND
DRAFTING PIT/INVOICES**

Re: Invoices Submitted by Various Contractors

Alderman Lafontaine moved, seconded by Alderman Kidd 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 listed (Items a-i):

(EXHIBIT I)

- a. Invoice 17 from BDA, PLLC in the amount of \$8,338.58 – City Hall/City Hall Annex and Fire Station on Coleman Avenue.
- b. Pay Application No. 18 from DNP, Inc in the amount of \$125,706.75- City Hall/City Hall Annex and Fire Station on Coleman Avenue.
- c. Invoice X17327557 from AMEC Environment & Infrastructure, Inc. in the amount of \$1,121.53 – HMGP, Drainage Improvements Project.
- d. Invoice X17327558 from AMEC Environment & Infrastructure, Inc. in the amount of \$9,554.19 – HMGP, Local Hazard Mitigation Plan Update.
- e. Invoice 702-37-03A from Digital Engineering Inc. in the amount of \$754.50 – East Jeff Davis Sewer System Improvements Project. (P.O. #1136)
- f. Invoice 702-36-03A from Digital Engineering Inc. in the amount of 937.50 – West Jeff Davis Sewer System Improvements Project. (P.O. #1135)
- g. Invoice 702-38-03A from Digital Engineering Inc. in the amount of \$8,023.55 – Jeff Davis Connector Sewers and Paving Project. (P.O. #1137)
- h. Invoice702-39-03A from Digital Engineering Inc. in the amount of \$1,898.00 – Gulfside St. Sewer and Paving Improvements Project. (P.O. #1138)
- i. Invoice 212-024-8 from Compton Engineering in the amount of \$3,380.00 – Fire Department Training Facility.

EXECUTIVE SESSION

Re: Potential Litigation re: Workman's Compensation –Streets Department and Hancock County Utility Authority; Litigation related to BP, Prendergast, Lacoste, the Pier; and Personnel Issues in Police Department

Alderman Lafontaine moved, seconded by Alderman Kidd to consider Executive Session to prompt a closed discussion regarding Potential Litigation related to Workman's Compensation- Streets Department and Hancock County Utility Authority; Litigation related to BP, Prendergast, Lacoste, and the Pier; along with Personnel-Police Department.

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 Potential Litigation related to Workman's Compensation- Streets Department and Hancock County Utility Authority; Litigation related to BP, Prendergast, Lacoste, and the Pier; along with Personnel-Police Department.

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 exit Executive Session with no action taken.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

**BRITISH PETROLEUM/LEGAL DEPARTMENT/SETTLEMENTS/GULF OIL SPILL
Re: Settlement with British Petroleum (BP) related to 2010 Oil Spill – Deepwater Horizon**

Alderman Stahler moved, seconded by Alderman Kidd, "to enter Full and Final Release, Settlement and Covenant Not to Sue" with the Released Parties in return for the consideration stated therein; in return for the release and settlement, the Released Parties will pay \$250,000.00 to the City of Waveland and \$15,000.00 to the court supervised escrow account." **(EXHIBIT J)**

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

Alderman Stahler moved, seconded by Alderman Geoffrey, "to enter Resolution authorizing Mayor, David A. Garcia to execute any and the Full and Final Release, Settlement

and Covenant Not to Sue” to finalize the agreement with BP for the Settlement of Waveland’s BP claim.” **(EXHIBIT J)**

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 9:45 p.m.

Alderman Geoffrey moved, seconded by Alderman Kidd to adjourn the meeting at 9:45 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 May 10, 2013.

Lisa Planchard
City Clerk

The Minutes of April 17, 2013 have been read and approved by me on this day the 10th day of May, 2013.

David A. Garcia
Mayor

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