

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 May 3, 2016 at 6:30 p.m. to take action on the following matters of City business.

PUBLIC COMMENTS:

- Mikelle Williamson

ROLL CALL:

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

Absent from the meeting was Alderman Piazza, Ward 4.

MAYOR'S REPORT:

- Attended a Coastal Mayor's meeting on Cat Island Friday. They discussed some upcoming Legislative bills, specifically the 'Social Districts Bill'; i.e. 'Entertainment District Ordinance'. The process for this is to create and pass an ordinance, create a District in our City to which this shall apply, provide security details for that district and then send the Ordinance up to the State for their approval. He also mentioned that the Governor has provided \$3M in mapping funds along the Coast; this is a potential life ring for decreasing flood insurance rates especially for residents north of the RR tracks.
- 'Relay for Life' event was Saturday and thanked the employees for volunteering; it was unfortunately rained out midafternoon.
- Discussed setting the second quarter Town Hall Meetings with each Alderman; he would like to have these before Hurricane Season, preferable the first part of June.

ATTORNEY'S COMMENTS

- Has two issues to add to Executive Session once we get to that point at the 'heel of the docket'; otherwise no comments at this time.

ALDERMEN'S COMMENTS/SOLID WASTE/PUBLIC APPEARANCE

Alderman Burke:

- Recognized two representatives from Team Waste, Andrew Densing and Jenna Bennett, were present to discuss the garbage collection contract and collection process within the City and County.
- Asked Mrs. Yarborough if she had contacted Waste Management to cancel the contract. Mrs. Yarborough said that she sent them a letter, but did not receive a response; adding, it's terminated.

**PUBLIC WORKS/UTILITIES DEPARTMENT/PURCHASING/SEWER DEPARTMENT/
ADVERTISEMENTS**

Re: Advertise for the purchase of a Vacuum Truck for the Utilities Department

Alderman Burke moved, seconded by Alderman Richardson advertise for bids for the purchase of one vacuum truck for the Utilities/Sewer Department. Financing for the same has already been included in the FY 2016 budget.

specifications. He noted that there is a manufacturer in Gulfport, one in Mobile, Al. and one in Texas; they are spread out. Mayor Smith asked Mr. Anderson how long he thought it would take to pay for itself. Mr. Anderson said based on doing preventative maintenance, he thought about 1.5 years starting next fiscal year because we've already spent so much this year on sewer repairs and fixes to reduce infiltration.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, and Lafontaine

Voting Nay: None

Absent: Piazza

ALDERMEN'S COMMENTS (Cont.)

Re: Alderman Richardson

- Discussed the debris around the shed at the Baseball Park and the ruts in the ground created by driving into the ball park. The Mayor said a shed has been ordered and good equipment will go in the shed, the remainder will be cleaned up.
- Inquired about the Citywide Drainage Project and the contractors damming up the ditches to work a particular area, then during torrential rain falls they are remaining dammed; we are requesting the dams be removed prior to any rain event.

Re: Alderman Lafontaine:

- Asked about the purchase of the water meters (Buccaneer, Housing Authority, Apartments) and noted the meters not being ordered is holding the Water Rate Ordinance Committee from the final changes that need to be considered.
- Inquired about the Road and Bridge Funds, and the possibility of their being used to repair the culvert on South Street at the location where the road dips down. Ms. Planchard said that \$67,000 funds did come in from the County.
- Requested the Mayor discuss Golf Cart legislation with the Coastal Mayor's as it had been defeated at the State Level. Mayor Smith said it was a matter of making a more unified Coast wide Resolution to send on to the State Level for Legislation.

TREE PRESERVATION/AIKEN STREET

Re: Ms. Beverly Coleman requested authority from the Board to maintain and preserve a few oak trees on Aiken Road near Beach Blvd. at the neighbors/property owners' expense. They are going to pursue historical markers for the trees. Board were all in favor, but did not make a motion.

RSVP

Re: Claims

Alderman Lafontaine moved, seconded by Alderman Burke to approve the RSVP Claims as submitted.
(EXHIBIT A)

A vote was called for with the following results:

Voting Yea: Burke, Richardson, and Lafontaine

Voting Yea: Burke, Richardson, and Lafontaine

Voting Nay: None

Absent: Piazza

MINUTES

Re: The Minutes of the Public Hearing of April 19, 2016 and Regular Meeting of April 20, 2016

Alderman Burke moved, seconded by Alderman Richardson to approve the Minutes of the Special Meeting/Public Hearing of April 19, 2016 and the Regular Meeting of April 20, 2016 as submitted.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, and Lafontaine

Voting Nay: None

Absent: Piazza

PLANNING AND ZONING (EXHIBIT C)

Motion to approve the following Requests presented to the Planning and Zoning Commission being listed, (Items a–d): (Motions taken individually)

Re: Christopher Marino, 132 St. Beach Boulevard

Christopher Marino appeared before the commission with a request for a variance of 3'9" from the required side yard setback on the east side and a variance of 2'6" from the required side yard setback on the west side of his property in order to build a new residence. This property is located at 132 S. Beach Boulevard. Legal description: 85B W. 38' x 241', 2nd Ward, City of Waveland, Hancock County, Mississippi.

Commissioner Charlotte Watson moved, seconded by Commissioner Mike Kopke to approve the applicant's request for a variance of 3'9" from the required side yard setback on the east side and a variance of 2'6" from the required side yard setback on the west side of his property in order to build a new residence at 132 S Beach Boulevard.

Alderman Lafontaine moved, seconded by Alderman Burke to follow the recommendation of the Planning & Zoning Commission and approve the request as submitted.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, and Lafontaine

Voting Nay: None

Absent: Piazza

variance of 5' from the required side yard setback in order to build a 14' x 14' covered patio instead of a 12' x 12' patio on her property located at 118 Whispering Pines.

Alderman Burke moved, seconded by Alderman Richardson to follow the recommendation of the Planning & Zoning Commission and approve the request as submitted.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, and Lafontaine

Voting Nay: None

Absent: Piazza

Re: Bob Goza, Bay-Waveland Housing Authority, 500 Block of Herlihy Street

Bob Goza, representing Bay-Waveland Housing Authority appeared before the commission with a tabled 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 Charlotte Watson to accept the request to withdraw the request for removal of the five live oak trees by Bay-Waveland Housing Authority.

No motion was needed, nor vote taken by the Board of Mayor and Aldermen; the application with Planning & Zoning was withdrawn.

Re: Bay Waveland Housing Authority, Variance Request

Bay Waveland Housing Authority appeared before the commission with a request for a variance from Zoning Ordinance #349 and Subdivision Ordinance #351 in order to not require final plat approval prior to the issuance of Certificate of Occupancies on each housing unit. Legal description: Div. NE ¼ of SE ¼, Lots 4-1 & B & 5-A, Section 3-9-14, City of Waveland, Hancock County, Mississippi.

Commissioner Clarence Harris moved, seconded by Commissioner John Becker to deny the applicant's request for a variance from Zoning Ordinance #349 and Subdivision Ordinance #351 in order to not require final plat approval prior to the issuance of Certificate of Occupancies on each housing unit.

Alderman Lafontaine moved, seconded by Alderman Burke to follow the recommendation of the Planning & Zoning Commission and deny the request as submitted

Mrs. Yarborough said it appears in the Planning and Zoning Minutes that the applicant failed to present any evidence to the Planning and Zoning Commission that they qualified for the variance.

A vote was called for with the following results (to deny the request):

A vote was called for with the following results:

Voting Yea: Burke, Richardson, and Lafontaine

Voting Nay: None

Absent: Piazza

ADVERTISEMENTS/MINOR ASPHALT OVERLAYS/STREETS DEPARTMENT
Re: Advertisement for Minor Asphalt Overlay for spot Repairs

Alderman Burke moved, seconded by Alderman Richardson to advertise for Minor Asphalt Overlay/Spot Repair Bids, current bid will expire 6/2/16.

Mr. Anderson said advertisement for these materials is not needed at this time.

A vote was called for with the following results:

Voting Yea: None

Voting Nay: Burke, Richardson, and Lafontaine

Absent: Piazza

POLICE DEPARTMENT/TOWING ROTATION
Re: Add Big Boy Towing to the WPD Towing Rotation

Alderman Burke moved, seconded by Alderman Lafontaine to **TABLE** adding Big Boy Towing to the Waveland Police Department wrecker rotation list as recommended.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, and Lafontaine

Voting Nay: None

Absent: Piazza

POLICE DEPARTMENT/PERSONNEL
Re: Salary Increase for Officers Hursey and Larsen

Alderman Burke moved, seconded by Alderman Lafontaine to approve pay increase for Officers Edward Hursey and Ian Larsen to \$15.11 per hour base pay for completion of 6 month waiting period after passing the Basic Police Academy. This increase has been budgeted.

A vote was called for with the following results:

Utility Office Manager Larry Holland was present to discuss the wording changes in the Ordinance as it applies to the late fee/termination date of water service for non-payment. Mrs. Yarborough said she had re-worded Mr. Holland's verbiage request to make the language more clear. After lengthy discussion, the Board agreed that this issue should be tabled until the entire Utility Ordinance can be revised, combining all of the current utility ordinances and resolving the water rate structure at the same time. Alderman Lafontaine discussed the issue of overtime for the meter reader. Mayor Smith asked about the meter reader being able to disconnect meters during readings. Alderman Lafontaine said if it's taking over a week to read and costing overtime, we need to figure out why. Mr. Holland said the overtime is sometimes due to the weather because of the meters having water in them and need to be pumped out. The Mayor noted the only time he had seen the Meter Reader work overtime was during one of the times the water meters needed to be pumped out. With regard to getting the meters installed that are still needed for Buccaneer Park, the Apartments and the Housing Authority, City Clerk Planchard asked Mr. Anderson how long before all of these large meters are installed. Mr. Anderson said we 'the City employees' are going to install the (inaudible) tomorrow and on the weekend; he added that Mr. Davis, with Delta Water, is in New Mexico and won't be back until Monday. Alderman Lafontaine said that if we have the capability of doing it, install all of them; we don't need to wait on anybody. City Attorney Yarborough said she will review the contract with Delta Water in the morning regarding meter installations. Alderman Lafontaine asked if we have sent a letter to the Housing Authority letting them know that we are going to install meters just like every other house in the City of Waveland. Ms. Yarborough said she did not know that we have, she would ask Mr. Gary Yarborough, but she had not sent a letter. Alderman Lafontaine said in his opinion, those are full houses, not even apartments; they should pay the same water bill as everybody else. They are subsidized.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, and Lafontaine

Voting Nay: None

Absent: Piazza

**INVOICES/POLICE STATION-BUILDING/CITYWIDE DRAINAGE IMPROVEMENTS
PROJECT/DRAINAGE PROJECT**

Re: Payment of Invoices submitted by Various Contractors

Consideration to approve each payment of the following invoices was given separately, as submitted by various contractors to be placed in line for payment, contingent upon receiving funding from grant sources (if required) as listed (Items a-g):

During discussion Mrs. Yarborough noted, "As to Item (b), this is the Kappa Pay Request No. 17; if you recall last meeting in April, the motion was made to deduct that amount of \$22,240.00 for the CSX payments. I don't believe that was deducted from that \$60,730.40 pay request. So, if the Board is going to deduct what the City has paid to CSX, that amount (of \$60,730.40) needs to be amended to subtract that amount (i.e., to \$38,490.40). Alderman Burke had a question about Item (d). Mrs. Yarborough suggested voting for the items individually since there were questions.

Alderman Lafontaine moved, seconded by Alderman Burke to approve Payment Request No. 17 from Kappa Development in the amount of ~~\$60,730.40~~ \$38,490.40 regarding the Citywide Drainage Improvements Project/HMGP, which amount considers deduction of the four CSX Invoices the City paid on 4/20/16 in the amount of \$22,240.00. **(EXHIBIT F)**

During discussion Mrs. Yarborough discussed a letter sent by AMEC that states that there is an amount that represents Change Order Work that Kappa Development has submitted. In this letter, AMEC is stating to the City that that amount may not be reimbursed to the City because it's not been approved by the grantor as of yet, however the City is contractually obligated to pay it because we've approved the change orders.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, and Lafontaine

Voting Nay: None

Absent: Piazza

Re: Invoice No. N20121351 from AMEC Foster Wheeler Environment & Infrastructure in the amount of \$9,588.18

Alderman Burke moved, seconded by Alderman Richardson to approve payment of Invoice No. N20121351 from AMEC Foster Wheeler Environment & Infrastructure, Inc. in the amount of \$9,588.18 – Citywide Drainage Improvements Project/HMGP. **(EXHIBIT G)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, and Lafontaine

Voting Nay: None

Absent: Piazza

Re: Invoice No. 0078667 from Pickering Firm, Inc. in the amount of \$32,183.20

Alderman Lafontaine moved, seconded by Alderman Richardson to **TABLE** approval of Invoice No. 0078667 from Pickering Firm, Inc. in the amount of \$32,183.20 - Citywide Drainage Improvements Project/HMGP.

During discussion Alderman Burke asked about the services, or lack thereof, being paid for by the Board. He requested logs of work done by Pickering. Alderman Richardson agreed. Mrs. Yarborough said the invoice does note specific work done and could not speak to their invoices. Alderman Burke said they (Pickering) are the project Manager for the job and have requested a critical path schedule. Mrs. Yarborough said the Board does not begin to see the tip of the acrimony that goes on with the pay apps

Re: Invoice 215-065-14 from Compton Engineering in the amount of \$30,142.50

Alderman Burke moved, seconded by Alderman Richardson to approve payment of Invoice No. 215-065-14 from Compton Engineering in the amount of \$30,142.50 – Facilities Plan and Related Services-Citywide Sewer Improvements (SRF). **(EXHIBIT H)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, and Lafontaine

Voting Nay: None

Absent: Piazza

Re: Invoice no 216-021-1 from Compton Engineering in the amount of \$720.00

Alderman Burke moved, seconded by Alderman Richardson to approve payment of Invoice No. 216-021-1 from Compton Engineering in the amount of \$720.00 – Phase II Stormwater Program. **(EXHIBIT I)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, and Lafontaine

Voting Nay: None

Absent: Piazza

Re: Invoice No. 215-068-7 from Compton Engineering in the amount of \$4,700.00

Alderman Burke moved, seconded by Alderman Richardson to approve payment of Invoice No. 215-068-7 from Compton Engineering in the amount of \$4,700.00 - Lighthouse and Outdoor Recreation, Tidelands. **(EXHIBIT J)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, and Lafontaine

Voting Nay: None

Absent: Piazza

QUOTES/FLOW METERS & INSTALLATION/UTILITIES DEPARTMENT

Mr. Mickey Lagasse with Compton Engineering was present to discuss the sealed quotes delivered to the City Clerk earlier in the day for 2 flow meters and installation. Mr. Lagasse said he and the City

UTILITY DEPARTMENT/PUBLIC WORKS/STREETS DEPARTMENT/REQUEST FOR CASH REIMBURSEMENTS/POLICE STATION-BUILDING/GARFIELD LADNER MEMORIAL PIER/PIER/CITYWIDE DRAINAGE IMPROVEMENTS PROJECT/DRAINAGE IMPROVEMENTS PROJECT/PRIVILEGE LICENSE REPORT/COURT DEPARTMENT

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

- a) Certificate from Mississippi State Department of Health Bureau of Public Water Supply, Waterworks Operator Certification for Mr. Brent Anderson, Certificate No. D04558 Expires 04/01/2019. **(EXHIBIT K)**
- b) New Hire Clifton Joseph Chatman Jr. to replace one of the 2 vacancies in the Streets Department at \$10 per hour, pending passage of drug test.
- c) Request for Cash Reimbursement, #R-118-379-02-HCCR in the amount of \$334,505.51 – Police Station/Building. **(EXHIBIT L)**
- d) Closeout Letter to Mr. Lee Smithson, Executive Director of MEMA regarding the Pier Closeout, PW #10433. **(EXHIBIT M)**
- e) Invoice No. 9038505 from CSX Transportation in the amount of \$1523.31 related to the Citywide Drainage Improvements Project was forwarded to Pickering on 4/29/16 for presentation to KAPPA for payment. **(EXHIBIT N)**
- f) Privilege License Activity Reports for the months of March 2016 and April 2016.
- g) Report of Court Fines and Fees, as submitted by Court Clerk, Rhonda Cummings (not received as of end of business Friday). **(EXHIBIT O)**

INVOICES/POLICE STATION-BUILDING/LEGAL DEPARTMENT

Re: Payment to Various Subcontractors Related to Work on the Waveland Police Department-Station

Alderman Burke moved, seconded by Alderman Richardson to **TABLE** approval of payment to 4 various subcontractors, a total amount of \$458.64, as final payment for construction services related to the Police Building during construction by C. Perry Builders, Inc. The City had escrowed funds sufficient to pay these sub-contractors; similar to what was done with the GM&R subcontractors for the Fire Building. This motion also approves transferring \$458.64 of funds from the escrow bank account (non-interest bearing) to the depository to cover these four checks and reflect that Escrow Funds balance reduction.

Mrs. Yarborough noted her discussion with co-counsel and felt that the City does not have any privity of contract with the sub-contractors for C. Perry and if they are owed money, it is from C. Perry and that the City should not be financially liable for any lack of payment between C. Perry their Sub-Contractors. Mrs. Planchard recognized Comptroller Ron Duckworth, who came forward and said this is being done at the request of MDA (Mississippi Development Authority), Ms. Nikki White and Ms. Lyn Powers with the Horne Group. Mrs. Yarborough asked Mr. Duckworth about the amount and what did it represent. Mr. Duckworth said these were employees that were not paid their wages according to Davis/Bacon Act regulations and the amount had been escrowed by the City over a year ago. Mrs. Planchard said the money was in the same escrow account as the funds that were escrowed for the Fire Department sub-contractor payment issues. Mrs. Yarborough asked if tabling the issue would cause a negative effect. Mrs. Planchard said, "No". The Board agreed to table the recommendation. Ms. Yarborough will call Ms. Nikki White and Ms. Lyn Powers to discuss this issue before the next Board meeting.

Alderman Burke moved, seconded by Alderman Richardson to amend the agenda and approve to advertise for construction bids on South Street.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, and Lafontaine

Voting Nay: None

Absent: Piazza

COURT DEPARTMENT

Re: Court Clerk Rhonda Cummings was present to submit the Court Collections Report

During discussion City Attorney Rachel Yarborough understood from Ms. Cummings that Judge Mauffrey has concerns as to how the statistics for the Court Department are relayed to the Board. There is concern that, and he is very sensitive to his role and main interest as justice, so he does not want it to be perceived that his department is only about revenue. When this information is presented to the Board he does not want it to be perceived that that department is all about tickets written, revenues collected. Mrs. Yarborough said she felt however, that there has to be some accountability as to what's collected; this Board is responsible for the finances of the City so they have a right to the information. Perhaps the Judge can meet to discuss how he would prefer the information is presented. Ms. Yarborough said there is concern from the Court Department that presenting those numbers would expose the City to liability because it could be perceived that it's all about revenue instead of the facts of each case.

QUOTES/FLOW METERS & INSTALLATION/UTILITIES DEPARTMENT (CONT.)

Mr. Lagasse said that according to the quotes submitted, it does appear that DNA Underground was the lowest, best and most responsible quote in the amount \$41,979.00. He said with the Board's approval the Mayor could sign a contract (yet to be received) to this effect with a statement in the agreement that the job cannot exceed the contract amount.

Re: Accept the Quote from DNA Underground for the Installation of Two Flow Meters

Alderman Lafontaine moved, seconded by Alderman Burke to accept the quote from DNA Underground in the amount of \$41,979.00 as lowest, best and most responsible as recommended by Compton Engineering and approve the contract with DNA Underground including required signatures, pending review by the City Attorney.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, and Lafontaine

Voting Nay: None

Absent: Piazza

Absent: Piazza

Note: Alderman Burke left the Board Room at this time.

Alderman Richardson moved, seconded by Alderman Lafontaine to enter Executive Session regarding Gohres Realty vs. City of Waveland for pending litigation and perspective litigation regarding outstanding issue of a certain number of Glock weapons.

A vote was called for with the following results:

Voting Yea: Richardson, Lafontaine and Smith

Voting Nay: None

Absent: Burke and Piazza

Note: Alderman Burke re-entered the Board Room at this time.

Alderman Burke moved, seconded by Alderman Richardson to exit Executive Session with no action taken.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, and Lafontaine

Voting Nay: None

Absent: Piazza

DONATIONS/AG OPINIONS/LEGAL ISSUES/GLOCK ISSUE

Re: Request AG Opinion regarding Donations to the City

Alderman Burke moved, seconded by Alderman Richardson to grant City Attorney authority to request an AG Opinion regarding donations to the City of Waveland

A vote was called for with the following results:

Voting Yea: Burke, Richardson, and Lafontaine

Voting Nay: None

Absent: Piazza

ADJOURN

Re: Adjourn Meeting at 9:13 p.m.

Lisa Planchard,
City Clerk

The Minutes of May 3, 2016 have been read and approved by me on this day the 20th of May, 2016.

Mike Smith,
Mayor

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