

The Board of Mayor and Aldermen of the City of Waveland, Mississippi, met in regular session at the Waveland Civic Center, 335 Coleman Avenue, Waveland, MS on May 16, 2012 at 6:30 p.m., to take action on the following matters of city business.

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

#### **ROLL CALL**

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

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

**Re: Mayor Garcia** commented on the following: **(EXHIBIT A)**

- a. Black topping of Bourgeois Street (next to City Hall) began today.
- b. The installation of the bench seating in the new Board Room began today, leaving only the audio/visual system to be installed.
- c. The trash dumpster storage area fencing also began construction today at the rear of City Hall.

#### **PUBLIC COMMENTS**

Re: Mr. Alfred "Tiger" Harris presented the City with a framed poster representing the recent Fishing Rodeo sponsored by the Waveland Civic Association.

Re: Mr. Charles Gallagher gave his personal opinion re: the upcoming Presidential election and it's affect on National and City funding needs.

Re: Mr. Mike Kopke representing the Bay-Waveland Main Street Association presented City Attorney Gary Yarborough with a certificate for his participation in the Easter Eggstravaganza. Mr. Kopke also discussed the bench project and pricing available through the Mississippi Prison System; five benches have been donated for Coleman Avenue at this point in time.

#### **PRESENTATION/PERSONNEL**

**Re: The Board of Mayor and Aldermen presented Human Resources Director Sharon Jacobi with a plaque** commemorating her retirement that will take effect Friday, May 18, 2012. The Mayor noted Mrs. Jacobi's 30+ years of dedicated service and reflected on her early years of employment with the City.

#### **COURT DEPARTMENT**

**Re: Court Clerk Paula Fayard** presented the Board with a status update of ticket reports and outstanding fines. Mrs. Fayard provided a description of ticket collections, past and present fines outstanding, and the procedures for administering fines and settling fines to the County and State of MS. **(EXHIBIT A)**

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

**Alderman Stahler:** No comments

**Alderman Geoffrey, Ward 2:**

- a. Asked about the property at Old Spanish Trail and Margie which is storing vehicles; what progress has been made. City Attorney Gary Yarborough said that with regard to the surrounding property (which are also storing vehicles), the City either has to cite those property owners as a violation to the zoning ordinance or go after the titled property owners and file a suit to enjoin it, but the City would have to sue the property owners. He said those are basically the two options. Mayor Garcia said he felt that the second option (going after the property owners) is the best way to get their attention. Mr. Yarborough said the city can either go through City Court or Chancery Court.

**Alderman Lafontaine:** No comments

**Alderman Kidd:**

- a. Discussed additional paperwork received at the meeting in addition to that in the packets, and asked if there should perhaps be an earlier deadline to address any

- additional data received just before meetings. Asked if dockets could be completed for the Board members on Friday since he uses the weekend to review.
- b. The paper on windows of doors leading into offices at City Hall, he said it looks bad. Mayor Garcia said the interior window frosting was done today, but we're still waiting on the plantation shutters. (Note: employees had placed paper on windows to block sunlight shining onto their computer screens... unable to read screens to do their work).
  - c. The property at Waveland Avenue and Dicks Street, spoke with Ms. Christine Gallagher.
  - d. There was an issue at Beach Boulevard and Sears Avenue where a property owner pumped out an old swimming pool. There were pictures of sludge and debris running across Beach Blvd. onto the sand. Mr. Anderson was at the site and said DEQ was contacted and is aware of this.

## **MINUTES**

### **Re: Meetings of April 18, 2012, April 26, 2012 and May 1, 2012**

Alderman Stahler moved, seconded by Alderman Geoffrey to approve the Minutes of the Meetings of April 18, 2012, April 26, 2012 and May 1, 2012 as submitted by the City Clerk. **(EXHIBIT B)**

A vote was called for with the following results:

Yea: Stahler, Geoffrey, Lafontaine, and Kidd

Nay: None

Absent: None

## **RSVP**

### **Re: Claims**

Alderman Lafontaine moved, seconded by Alderman Geoffrey to approve the R.S.V.P. Claims. **(EXHIBIT C)**

A vote was called for with the following results:

Yea: Stahler, Geoffrey, Lafontaine, and Kidd

Nay: None

Absent: None

## **DOCKET OF CLAIMS**

### **Re: Claims Nos.**

Alderman Lafontaine moved, seconded by Alderman Geoffrey to approve the Docket of Claims dated May 16, 2012 as submitted by the City Clerk. **(EXHIBIT D)**

001 Fund – 330-371

100 Fund – NONE

101 Fund – 6

102 Fund – 3-4

105 Fund – 10

124 Fund – 24-37

125 Fund – 41-43

400 Fund – 168-183

A vote was called for with the following results:

Yea: Stahler, Geoffrey, and Lafontaine

Nay: Kidd

Absent: None

**REVENUES AND EXPENSES**

**Re: The Month of April, 2012**

Spread on the minutes the Revenue and Expenditures Report for the Month of April 2012, at this the second meeting of May, 2012 as presented by Comptroller Janet Dudding. (EXHIBIT E)

(Note: Board members were given the April 2012 report on April 26, 2012 through that date; this is the full report through April 30, 2012)

**09/30/2012 BUDGET/AMENDED BUDGET/COMPTROLLER**

**Re: Consider Budget Amendments**

Alderman Lafontaine moved, seconded by Alderman Geoffrey to approve the Amended 9/30/2012 Budget as presented by Comptroller, Janet Dudding:

- Budget Amendment No. 1, Version 1 and/or
- Budget Amendment No. 1, Version 2 and/or
- Budget Amendment No. 1, Version 3 and/or
- Budget Amendment No. 2 and/or
- Budget Amendment No. 3

During discussion, Mayor Garcia recommended that since the City is financially moving in the current positive financial direction, we need to leave the budget alone and do not amend at this time to restore salaries, etc. because of the fact that the only current source of revenue is predominantly sales tax through the remainder of the fiscal year; he felt we need to err on the side of caution. He said the money we have now and currently coming in has to get us through January and we will be sitting down to decide on a budget in 4 months; the City will not be collecting any new ad valorem taxes until January 2013.

A vote was called for with the following results:

Yea: None

Nay: Stahler, Geoffrey, Lafontaine, and Kidd

Absent: None

**JEFF DAVIS-GULFSIDE SEWER PROJECTS/CORP. OF ENGINEERS/  
RESOLUTIONS:**

**GULFSIDE STREET SEWER SYSTEM IMPROVEMENTS PROJECT/  
WEST JEFF DAVIS AVENUE SEWER IMPROVEMENTS PROJECT/  
JEFF DAVIS AVENUE SEWER CONNECTORS AND PAVING PROJECT/  
EAST JEFF DAVIS AVENUE SEWER SYSTEM IMPROVEMENTS PROJECT**

**Re: Resolutions related to Jeff Davis/Gulfside Street Sewer Improvements**

Alderman Stahler moved, seconded by Alderman Lafontaine to approve the following Jeff Davis/Gulfside Street Sewer Improvement Project Resolutions.

- a. Matching Funds Resolution regarding the Waveland Sewer Project/Gulfside Street Sewer System Improvements (1); Corp. of Engineer Funds in the amount up to \$586,546. (EXHIBIT F)
- b. Matching Funds Resolution regarding the Waveland Sewer Project/West Jeff Davis Avenue Sewer Improvements (2); Corp. of Engineer Funds in the amount up to \$756,058. (EXHIBIT G)
- c. Matching Funds Resolution regarding the Waveland Sewer Project/Jeff Davis Avenue Sewer Connectors and Paving (3); Corp. of Engineer Funds in the amount

- up to \$822,902; City of Waveland Funds up to \$16,851 (which commitment shall be accepted by the City and budgeted for). **(EXHIBIT H)**
- d. Matching Funds Resolution regarding the Waveland Sewer Project/East Jeff Davis Avenue Sewer System Improvements (4); Corp. of Engineer Funds in the amount of \$619,535. **(EXHIBIT I)**

Note: Army Corp of Engineers to fund 75% of projects and 25% to be funded by MDA. Explanation by City Attorney regarding project administration and bidding available on tape.

A vote was called for with the following results:

Yea: Stahler, Geoffrey, Lafontaine and Kidd

Nay: None

Absent: None

### **REDISTRICTING**

Mr. Yarborough reminded Board members of Mike Slaughter's (Slaughter & Associates) visit to the City some time ago. Mr. Yarborough proposed discussing the issue of redistricting with Gulf Regional Planning Commission or some other organization shortly, so as to have our reorganization plan prepared in advance of the City's next election, 2014. The Board concurred, granting Mr. Yarborough permission to have a representative from Gulf Regional Planning Commission (because of cost savings) come and speak with Board members.

### **GARFIELD LADNER MEMORIAL PIER/PARKS AND RECREATIONS**

Parks and Recreations Director, Chris Johnson said the situation at the Pier has gotten out of control without having rangers present. He said it is getting worse by the moment. "There is human waste, alcohol, and drug abuse on the Pier nightly; it's out of control and I need some kind of help to solve the problem". Alderman Lafontaine asked Mr. Johnson when was the last time he was on the Pier. Mr. Johnson said he works on the Pier very early every morning about 1 to 2 hours depending on how bad it is. Mr. Johnson asked for help to prevent further vandalism. The Board and Mayor noted their visits to the Pier that everything seemed to be alright; they had not received these complaints from people they spoke with, nor did they see these issues in the bathrooms or the Pier.

### **KEEP AMERICA BEAUTIFUL/KEEP WAVELAND BEAUTIFUL**

#### **Re: Pay Annual (2011) Affiliate Fee for Participation in Keep America Beautiful**

Alderman Kidd moved, seconded by Alderman Geoffrey to approve the 2011 annual affiliate fee in the amount of \$50.00 for participation in Keep America Beautiful, Inc. Alderman Stahler said this will make the City current to be eligible for grants.  
**(EXHIBIT J)**

A vote was called for with the following results:

Yea: Stahler, Geoffrey, Lafontaine and Kidd

Nay: None

Absent: None

### **TIDELANDS**

Discussion of Tidelands funding requests for 2014 as presented by Mickey Lagasse with Compton Engineering.

Based on discussion with Board members, three projects for 2014 funding were identified to pursue: parking bays as previously discussed, pavilion(s) and play area(s)/landscaping. Mr. Lagasse said he would prepare the applications and get them back to the Board for approval.

*Alderman Geoffrey excused himself and left the meeting due to a prior obligation.*

**ADVERTISEMENTS/BIDS /CENTRAL FIRE STATION**

**Re: Advertise for Construction Bids for the Training Facility and Drafting Pit at the Central Fire Station**

Alderman Lafontaine moved, seconded by Alderman Kidd to advertise for construction bids related to the Training Facility and Drafting Pit at the Central Fire Station.

A vote was called for with the following results:

Yea: Stahler, Lafontaine and Kidd

Nay: None

Absent: Geoffrey

**ADVERTISEMENTS/BIDS/VETERANS MEMORIAL IMPROVEMENTS PROJECT**

**Re: Advertise for Construction Bids for the Veterans Memorial Improvements Project and Walking Path**

Alderman Lafontaine moved, seconded by Alderman Kidd to advertise for construction bids for the Veteran Memorial Improvements Project and Walking Path from St. Joseph St. to Terrace Street.

A vote was called for with the following results:

Yea: Stahler, Lafontaine and Kidd

Nay: None

Absent: Geoffrey

**CONTRACTS/COURT DEPARTMENT**

**Re: Approve the Annual Contract with ASAP (Alternative Sentencing and Arrest Programs, Inc.**

Alderman Lafontaine moved, seconded by Alderman Kidd to approve the annual contract with Alternative Sentencing and Arrest Programs (ASAP), Inc. **(EXHIBIT K)**

A vote was called for with the following results:

Yea: Stahler, Lafontaine and Kidd

Nay: None

Absent: Geoffrey

**CITY HALL/TRAVEL**

**Re: Mayor David A. Garcia to attend the Mississippi Rural Water Association 2012 Board Member Management Training**

Alderman Lafontaine moved, seconded by Alderman Kidd to approve travel for Mayor David A. Garcia to attend the Mississippi Rural Water Association 2012 Board Member Management Training in Biloxi, Mississippi on June 12, 2012. This is a required course as stated in Code Section 41-26-101, Mississippi Code of 1972. Cost to the City will be a registration fee of \$75.00 and use of a City vehicle for travel.

A vote was called for with the following results:

Yea: Stahler, Lafontaine and Kidd

Nay: None

Absent: Geoffrey

**RESOLUTION/MISSISSIPPI MUNICIPAL LEAGUE**

**Re: Resolution to Appoint MML 2012 Voting Delegates for the City of Waveland**

Alderman Lafontaine moved, seconded by Alderman Kidd to approve a Resolution appointing Mississippi Municipal League 2012 Voting Delegates: 1 Delegate, 1 First Alternate and 1 Second Alternate – Total of (3), for the City of Waveland. Delegate Names as follow: **(EXHIBIT L)**

- a. Delegate: Mayor David A. Garcia
- b. First Alternate: Alderman Lili Stahler
- c. Second Alternate: Alderman Shane Lafontaine

A vote was called for with the following results:

Yea: Stahler, Lafontaine and Kidd

Nay: None

Absent: Geoffrey

**HMGP/ DRAINAGE IMPROVEMENTS PROJECT/**

**Re: Appoint Program Manager for HMGP Drainage Improvements Project**

Alderman Lafontaine moved to appoint AMEC Earth and Environmental as the Program Manager for the HMGP Drainage Improvements Project Number DR-1604-MS-0420. No second to this motion was offered.

***Motion died for lack of a second***

**(See motion related to same on post executive session minutes herewith)**

**BUDGET MODIFICATIONS/CIVIC CENTER, LIBRARY, FIRE STATION,  
COLEMAN AVENUE STREET IMPROVEMENTS/CITY HALL AND CITY  
HALL ANNEX**

**Re: Budget Modifications as submitted by Gouras Urban Planning Consultants**

Alderman Lafontaine moved, seconded by Alderman Stahler to approve the following Budget Modifications, as listed (Items a-b): **(EXHIBIT M)**

- a) Budget Mod No.10, #R-103-379-01-KCR – Civic Center, Library, Fire Station, Coleman Avenue Street Improvements.
- b) Budget Mod No. 15, #R-109-379-02-KCR – City Hall/City Hall Annex Project Round

A vote was called for with the following results:

Yea: Stahler, Lafontaine and Kidd

Nay: None

Absent: Geoffrey

**WATER SYSTEM EXTENSION – ANNEXED AREA/CITYWIDE DRAINAGE IMPROVEMENTS PROJECT/CENTRAL FIRE STATION/PEDESTRIAN PATHWAY/TIDELANDS**

**Re: Invoices as Submitted by Various Contractors**

Alderman Lafontaine moved, seconded by Alderman Stahler to approve the following invoices submitted by various contractors and vendors and recommended to be placed in line for payment consideration contingent upon receiving funding from grant sources, as submitted by Recovery Manager, Brent Anderson: as listed, (Items a-e): **(EXHIBIT N)**

- a) Invoice No. 702-34-32 from Digital Engineering in the amount of \$2,557.37 – Water System Extension for Annexed Area.
- b) Payment Request No. 10 from Jay Bearden Construction in the amount of \$34,524.94 – Citywide Drainage Improvements Project. (Tabled from previous meetings) Note: Property has been cleaned by contractor.
- c) Pay Request No. 26 from CDM Smith Inc., in the amount of \$14,009.31- Central Fire Station.
- d) Invoice No. 209-088.001-4 from Compton Engineering in the amount of \$1,365.00 – Pedestrian Pathway (Tidelands) (On Current Docket).
- e) Invoice No. 209-088.005-11 from Compton Engineering in the amount of \$4,500.00 – Pedestrian Pathway (Tidelands) (On Current Docket).

A vote was called for with the following results:

Yea: Stahler, Lafontaine and Kidd

Nay: None

Absent: Geoffrey

**REQUESTS FOR CASH REIMBURSEMENTS/BUSINESS INCUBATOR/FIRE STATION, COLEMAN AVENUE/WATER SYSTEM IMPROVEMENTS – ANNEXED AREA/PERSONNEL/MS DEPARTMENT OF ETHICS/PUBLIC WORKS/UTILITIES**

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

- a) Request for Cash Reimbursements:
  1. #R-109-379-04-KCR in the amount of \$5,000.00, Business Incubator. **(EXHIBIT O)**
  2. #R-103-379-01-KCR in the amount of \$35,790.31, Fire Station, Coleman. **(EXHIBIT O)**
  3. #R-118-379-06-HCCR in the amount of \$72.47 – Water System Improvements Annexed Area. **(EXHIBIT O)**
- b) New Hire Mrs. Shirley Pantoja Fugar as the HR Director at a rate of \$25,000.00 per year. Mrs. Fugar has passed her preliminary pre-employment drug test.
- c) The Mississippi Department of Ethics annual filing by: **(EXHIBIT P)**
  1. Mayor David A. Garcia
  2. Alderman Lili Stahler
  3. Alderman Ricky Geoffrey
  4. Alderman Shane Lafontaine
  5. Alderman Mark Kidd
- d) Resignation of Mr. Corey Stone, Public Works Department, effective June 1, 2012.

**PERSONNEL/FIRE DEPARTMENT**

**Re: Hire Mr. Casey Piazza with the Waveland Fire Department**

Alderman Lafontaine moved, seconded by Alderman Kidd to hire Mr. Casey Piazza as a part-time firefighter at a rate of \$9.00 per hour, pending passage of drug test, as recommended by Fire Chief Mike Smith. Mr. Piazza is certified through Mississippi

Minimum Standards; therefore Mr. Piazza will not require attendance at the Fire Academy.

A vote was called for with the following results:

Yea: Stahler, Lafontaine and Kidd

Nay: None

Absent: Geoffrey

**AGREEMENTS/CONTRACTS/BUSINESS INCUBATOR/MAGNOLIA  
BUSINESS ALLIANCE**

**Re: Ratify Agreement with Magnolia Business Alliance**

Alderman Stahler moved, seconded by Alderman Kidd to ratify the Agreement between the City of Waveland and the Magnolia Business Alliance concerning the Business Incubator on Coleman Avenue, Waveland, MS.

A vote was called for with the following results:

Yea: Stahler, Lafontaine and Kidd

Nay: None

Absent: Geoffrey

**MAGNOLIA BUSINESS ALLIANCE/BUSINESS INCUBATOR/ AGREEMENTS/  
CONTRACTS**

**Re: Ratified agreement with Magnolia Business Alliance**

Spread on the Minutes the ratified Agreement between the City of Waveland and the Magnolia Business Alliance concerning the Business Incubator on Coleman Avenue, Waveland, MS. **(EXHIBIT Q)**

**EXECUTIVE SESSION**

**Re: Contractual Issues & Pending Litigation**

Alderman Lafontaine moved, seconded by Alderman Kidd to consider going into Executive Session to discuss contractual issues related to PW 8280 – Engineering services portion of Water System North project and litigation related to Hemphill, R.W. Beck and Police Lawsuits.

A vote was called for with the following results:

Voting Yea: Stahler, Lafontaine and Kidd

Nay: None

Absent: Geoffrey

Alderman Lafontaine moved, seconded by Alderman Kidd to go into Executive Session to discuss contractual issues related to PW 8280 – Engineering services portion of Water System North project and litigation related to Hemphill, R.W. Beck and Police Lawsuits.

A vote was called for with the following results:

Voting Yea: Stahler, Lafontaine and Kidd

Nay: None



Absent: Geoffrey

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

A vote was called for with the following results:

Voting Yea: Stahler, Lafontaine and Kidd

Nay: None

Absent: Geoffrey

**AGREEMENTS/CONTRACTS/AMEC EARTH AND ENVIRONMENTAL  
Re: Reconsider and Appoint AMEC Earth and Environmental as Program  
Manager, Drainage Improvements Project**

Mayor Garcia announced he would like the Board to reconsider the earlier motion on the floor to approve AMEC Earth and Environmental as Program Manager.

Alderman Lafontaine moved, seconded by Alderman Kidd to reconsider and appoint AMEC Earth and Environmental as the Program Manager for the HMGP Drainage Improvements Project Number DR-1604-MS-0420.

A vote was called for with the following results:

Voting Yea: Stahler

Voting Nay: Lafontaine and Kidd

Absent: Geoffrey

**ADJOURN  
Re: Adjourn meeting at 11:20 p.m.**

Alderman Lafontaine moved, seconded by Alderman Kidd to adjourn the meeting at 9:24 p.m.

A vote was called for with the following results:

Voting Yea: Stahler, Lafontaine and Kidd

Voting Nay: None

Absent: Geoffrey

The foregoing minutes were presented to Mayor Garcia on June 8, 2012.

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Lisa Planchard  
City Clerk

The Minutes of May 16, 2012 have been read and approved by me on this day the 8<sup>th</sup> day of June 2012.

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David A. Garcia  
Mayor