

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 June 3, 2014 at 6:30 p.m. to take action on the following matters of City business.

ROLL CALL

Alderman Geoffrey acting as Mayor Pro-Tem noted for the record the presence of Aldermen Stahler, Lafontaine and Kidd, along with City Clerk Lisa Planchard and City Attorney Gary Yarborough. Absent from the meeting was Mayor David Garcia.

PUBLIC COMMENTS:

Re: Mikelle Williamson:

- Thanked Public Works Director Brent Anderson and his staff for the work done on Vacation Lane prior to the St. Clare Church Festival.
- No smoking policy on City Property as it pertains to the Baseball Park at the corner of Central and Waveland Avenue; suggested smokers stand across the street, as opposed to gated entrance of park. Mr. Anderson said he would get with Mr. Moody to have proper signage installed directing smokers to move across the street for smoke breaks.
- Reminded the Board that the 4 way stop at Herlihy and Waveland Avenue had not been installed to date. Board members instructed Mr. Anderson to "Put it up".

Re: Ms. Theresa Ehrlich presented the Board with a proposal to offer Court Collection services in addition to or instead of ASAP Court Collection services.

MAYOR'S REPORT/COURT DEPARTMENT (EXHIBIT A)

Re: Court Clerk Rhonda Cummings presented the Board with an update of Court fines, fees and collections.

ATTORNEY'S COMMENTS:

Re: Mr. Yarborough said he provided Board members with a letter prior to the meeting and asked to have that letter Spread on the Minutes. It is the Army Corp Levy Proposal comment period ended June 2, 2014 that he submitted on on behalf of the City. **(EXHIBIT B - Letter)**

ALDERMEN'S COMMENTS:

Re: Alderman Stahler:

- Wednesday June 18th at 8:00 a.m. the Chamber of Commerce will host 'Coffee with the Mayor' at the Leo Seal Center.
- There is a new Art Exhibit in City Hall currently showcasing photography.
- Discussed Economic Development at the last meeting and would like to have a workshop to develop an action plan of what the Board wants to do and see in the City. Alderman Lafontaine, Kidd and Geoffrey said they are open to this workshop.

Re: Alderman Geoffrey: No comments, serving at Mayor Pro Tem

Re: Alderman Lafontaine: Had no comments for audience members.

Re: Alderman Kidd:

- Presented his concerns about the Ballpark gates being locked.
- Would like to increase the drug testing to a 12 panel screening and what would be the associated costs.
- Discussed with Mr. Anderson total costs over the last 3 years that the City has paid for Vacuum Services to consider the purchase of a vacuum truck on the upcoming fiscal year budget.

MINUTES

Re: Minutes of the Regular Meeting of May 21, 2014

Alderman Lafontaine moved, seconded by Alderman Kidd to approve the Minutes of the Meeting of May 21, 2014 as submitted.

A vote was called for with the following results:

Voting Yea: Stahler, Lafontaine, and Kidd

Voting Nay: None

Absent: None

RSVP

Re: Claims

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

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

Alderman Lafontaine moved, seconded by Alderman Kidd to approve the Docket of Claims dated June 3, 2014, except Claim # 840/Transaction #142288 payable to Rebel Sound. **(EXHIBIT D)**

001 Fund – 802 to 850

099 Fund – 9

100 Fund – None

101 Fund – 9

102 Fund – 23 to 24

103 Fund – 22 to 23

104 Fund – None

105 Fund – 11 to 13

124 Fund – None

125 Fund – 24

126 Fund – 27 to 28

127 Fund – 13

200 Fund – None

313 Fund – 18

400 Fund – 364 to 382

601 Fund – None

A vote was called for with the following results:

Voting Yea: Stahler, Lafontaine, and Kidd

Voting Nay: None

Absent: None

PLANNING AND ZONING

Re: Patricia Cox, 110 Grass Street (EXHIBIT E)

Patricia Cox appeared before the commission with a request for conditional use in order to install a 12' x 24' accessory building on her property located at 110 Grass Street. There is an existing 420 square foot pool house, therefore she is requesting conditional use since the combined footage exceeds the 500 square feet allowed for accessory structures in R-1 zoning. Legal description: Lot 5, Idlewood Subdivision #1, City of Waveland, Hancock County, Mississippi.

Clarence Harris moved, seconded by Jay Fountain to recommend that the Board of Mayor and Aldermen approve the applicant's request to construct a 12' x 24' storage building and to allow electricity for

lights only, no plumbing in the accessory structure, and must meet all applicable city codes and ordinances.

Alderman Kidd moved, seconded by Alderman Lafontaine to approve the request and follow the recommendation of the Planning and Zoning Board.

Mr. Yarborough asked Ms. Cox if she would like to add anything to her application. Ms. Cox said no, she just wanted to have a storage unit for organizational purposes. Mr. Yarborough then asked if anyone was present to oppose Ms. Cox' request. For the record, no one was present at this or the Planning and Zoning Hearing in opposition to the application. Mr. Yarborough said if the Board approves this application they are accepting the finding by the Planning and Zoning Commission that the applicant has met the requirements for conditional use under Ordinance 349. Board members had no questions. Alderman Yarborough added, "If you approve this application you are accepting the finding by the Planning & Zoning Commission that she has met the requirements for conditional use under Ordinance 349."

A vote was called for with the following results:

Voting Yea: Stahler, Lafontaine, and Kidd

Voting Nay: None

Absent: None

AGREEMENTS/CONTRACTS/RENTAL AGREEMENTS/PITNEY BOWES/MAYORS OFFICE

Re: Contract with Pitney Bowes for Postage Machine Rental in City Hall

Alderman Kidd moved, seconded by Alderman Lafontaine to approve the Rental Agreement between the City of Waveland and Pitney Bowes, Inc. for the rental of a Postage machine for use in City Hall, in the amount of \$116.26 per month, contingent upon review and approval by City Attorney Gary Yarborough. (\$10.00/month decrease in fee from prior year) **(EXHIBIT F)**

Mr. Yarborough said he was agreeable to the terms of the agreement, but asked for a typical addendum stating the agreement cannot bind a successor Board.

A vote was called for with the following results:

Voting Yea: Stahler, Lafontaine, and Kidd

Voting Nay: None

Absent: None

HANCOCK BANK/STREETS DEPARTMENT

Re: Ratify Hancock Bank Quote as lowest and best for Lease Purchase of Tractor/Boom Arm Mower

Alderman Kidd moved, seconded by Alderman Lafontaine to ratify and accept Hancock Bank as lowest and best quote for lease purchase of one tractor and boom arm mower (\$78,638.96) for the Streets Department at a rate of 1.39% over 3 years. **(EXHIBIT G)**

A vote was called for with the following results:

Voting Yea: Stahler, Lafontaine, and Kidd

Voting Nay: None

Absent: None

AGREEMENTS/CONTRACTS/AMERICAN MUNICIPAL SERVICES (A.M.S.)/DEBT COLLECTION/COLLECTIONS/COURT DEPARTMENT/UTILITIES DEPARTMENT/PUBLIC WORKS

Re: Agreement/Contract to Perform Debt Collection Services for Court and Utilities Departments

Alderman Lafontaine moved, seconded by Alderman Stahler to approve an agreement with American Municipal Services (A.M.S.) to perform debt collection services for the Municipality as it relates to the Court and Utilities Departments. A.M.S. will add 25% to the amount owed to the City as their fee. The City will receive the full amount of the debt +25% and remit the 25% fee back to AMS through a docket payment, effectively costing the City \$0. (EXHIBIT H)

Mr. Yarborough said Judge Mauffray's concern was that the Court could use its discretion about what accounts to send over for collection. Mr. Yarborough said that subject to the Board's approval, he was fine with the terms of the contract, but would ask the Board to consider allowing the Court and Utility Department the discretion of when to send people to the collection service.

A vote was called for with the following results:

Voting Yea: Stahler, Lafontaine, and Kidd

Voting Nay: None

Absent: None

CONTRACTS/COURT DEPARTMENT/ALTERNATIVE SENTENCING AND ARREST PROGRAM

Re: Extend Current ASAP Contract for 30 days to July 2, 2014

Alderman Lafontaine moved, seconded by Alderman Kidd to approve an extension of the current contract with Alternative Sentencing and Arrest Programs (ASAP), Inc. for the term to and including July 2, 2014 under the same terms. (EXHIBIT I)

A vote was called for with the following results:

Voting Yea: Stahler, Lafontaine, and Kidd

Voting Nay: None

Absent: None

CITY HALL/CERTIFICATION

Re: Tammy Fayard's Completion of the Municipal Clerk's Certification Program

Spread on the minutes Tammy Fayard's completion of the Municipal Clerks Certification Program and graduation as Certified Deputy Clerk. (EXHIBIT J)

FIRE DEPARTMENT/PERSONNEL

Re: Transfer Firefighter Norman Loustalot from Part-time to Full-time and move Firefighter Justin Fayard to Part-time

Alderman Lafontaine moved, seconded by Alderman Kidd to approve the following changes in the Waveland Fire Department:

- a) Transfer Fire Fighter Norman Loustalot from Part-Time to Full-time (Replacing Firefighter Justin Fayard who will remain a part-time firefighter) and approve his attendance at the MS. State Fire Academy. Cost to the City will be a tuition fee of \$1,325.00, per diem for evening meals for 6 weeks, and use of a city vehicle.

A vote was called for with the following results:

Voting Yea: Stahler, Lafontaine, and Kidd

Voting Nay: None

Absent: None

**CONTRACT/AGREEMENTS/NOTICE OF AWARD/WATER SYSTEM EXTENSION-
ANNEXED AREA –MASTER METER CONNECTION**

Re: Contract (including Notice of Award) with Hensley R. Lee, Contracting, Inc. for Water System Extension Annexed Area-Master Meter Connection Project

Alderman Kidd moved, seconded by Alderman Stahler to approve Contract Agreement (including Notice of Award) between the City of Waveland and Hensley R. Lee Contracting, Inc. and authorize the Mayor's signature thereon, in the amount of \$195,700.00 for the Water System Extension Annex Area-Mater Meter Connection Project, contingent upon review and approval by City Attorney, Gary Yarborough. **(EXHIBIT K)**

During discussion, Attorney Yarborough asked City Clerk Planchard to "Spread on the Minutes the recommendation from Digital Engineering naming Hensley R. Lee Contracting, Inc. as the lowest, best and most responsible bidder." Ms. Planchard said, "I will".

Upon further discussion, Alderman Lafontaine questioned page 00300-1, titled 'BID FORM' at the top and dated April 1, 2014. Mr. Yarborough said this must be a typographical error on the bid form; he said he knew Digital did the engineering on this project. Alderman Lafontaine asked if this is something the Board can approve. Mr. Yarborough said, "Yes, you can waive it as an irregularity that doesn't affect the price." This project is 100% funded by MDA (CDBG).

A vote was called for with the following results:

Voting Yea: Stahler, Lafontaine, and Kidd

Voting Nay: None

Absent: None

**CHANGE ORDERS/BEACH FACILITY IMPROVEMENTS PROJECT/VETERANS
MEMORIAL**

Re: Change Order No. 5 from David Rush Construction, LLC. – Veterans Memorial Repairs Project

Alderman Stahler moved, seconded by Alderman Lafontaine to approve Change Order No. 5 from David Rush Construction, LLC. in the amount of \$32,463.00 for the following changes to the Beach Facility Improvements Project (Veterans Memorial Repairs) being listed: (Items a – d) **(EXHIBIT L)**

- b) Provide a 1.5" surface overlay on top of the existing asphalt parking lot at a cost of \$21,420.00
- c) Stripe the parking lot to accommodate 85 parking spaces including 4 handicapped spaces at a cost of \$1,600.00.
- d) Install 1 lighted pole across from the existing light pole at a cost of \$6,593.00.
- e) Install a 150' fence at the volleyball area to match the existing fence at the Veterans Memorial at a cost of \$2,870.00.

Mr. Yarborough recognized Mr. Mickey Lagasse with Compton Engineering and asked about the funding source for this project. Mr. Lagasse said Tidelands. Mr. Yarborough asked if this was Compton Engineering's recommendation that this is necessary and incidental to the original scope of work. Mr. Lagasse said it was and discussed a change in the number of lights that are needed at the Veterans Memorial; i.e. 1 additional light and pole.

A vote was called for with the following results:

Voting Yea: Stahler, Lafontaine, and Kidd

Voting Nay: None

Absent: None

TIDELANDS: FY 2016

Re: Discuss Project Submissions for the 2016 round of Tidelands Grant Funds

Alderman Lafontaine moved, seconded by Alderman Kidd to discuss and approve Tidelands projects to be considered and applied for- Fiscal Year 2016 Tidelands Application. Mickey Lagasse with Compton Engineering was present to discuss.

No Vote Taken; Board members continued discussion of this topic with Mr. Mickey Lagasse from Compton Engineering.

Re: Submission of Tidelands Application Plan for Funding Pavilion/Lighthouse Type Project

Alderman Lafontaine moved, seconded by Alderman Kidd to authorize Compton Engineering to submit the Tidelands 2016 Application plan to include funding of Pavilion/Lighthouse type project.

A vote was called for with the following results:

Voting Yea: Stahler, Lafontaine, and Kidd

Voting Nay: None

Absent: None

COASTAL MARINE/GARFIELD LADNER MEMORIAL PIER/PIER/BIDS

Re: Coastal Marine Contractors Extend their Pier Construction Bid to August 3, 2014

Spread on the minutes a letter from Coastal Marine Contractors extending their Bid for an additional 60 days, up to and including August 3, 2014. **(EXHIBIT M)**

AGREEMENTS/CONTRACTS/DSL BY AIR/WATER TOWER ACCESS AGREEMENT

Re: *DSL by Air* as Lowest, Best and Most Responsive Bid for Non-Exclusive Lease to Access Water Towers and *DSL by Air* Water Tower Access Agreement

Alderman Lafontaine moved, seconded by Alderman Stahler to **TABLE** *DSL by Air* as the lowest, best and most responsive bid for the Non-Exclusive Lease for Access to the City of Waveland Water Towers for Internet Service Providers, in addition to approving the Water Tower Access Agreement with *DSL by Air*, contingent upon review and approval by City Attorney. (As tabled from the May 21, 2014 Meeting)

During discussion, Mr. Yarborough expressed his concerns about the contract itself, noting that the intent is to get wireless internet service to the beach area. He said the only tower we have the capacity to do that with is this one water tower on Davis St. which has been deemed 100% loss by FEMA. "That is the subject of a pending deobligation appeal which we don't know if it's going to be funded or not. The provisions of the contract have that, as is typical of any lease, if the lease premises becomes dilapidated or uninhabitable, the lease terminates. What we're getting out of this is free internet access to the beach. The only tower we have that would get us that is deemed by FEMA, at this point, unusable. I have a lot of other edits to the agreement, but that's principally the major one as well it's got wording in here about repairing once it becomes lost; well, we've already got one that's lost so we don't want to be obligated to repair it. That one (tower) was quoted at \$350K which is the subject of the appeal. The only benefit we'll get, I'm not sure we're going to get. And we have the obligation to replace it, obligation to insure it; it's not insurable because there's no value to it." Alderman Lafontaine asked about contract wording requesting exclusive rights. Mr. Yarborough said he changed all of that to nonexclusive as it was bid; he took out their language about their ability to sublet. He said the biggest concern to him was that the tower we have now, we are not using because it's been a whole loss since Katrina. City Clerk Planchard asked if it has to be put on the tower; can it be attached to City Hall. Mr. Yarborough said we can sit down with him to see if it can be placed elsewhere, but as far as placing it on the tower, at this point that is not feasible. He mentioned the top of the Business Incubator and the top of City Hall to access to the beach. Alderman Stahler said, "So we can offer him the top of City Hall or the Incubator." Mr. Yarborough said, "And we can let him use the other tower (Hwy 90), but at this

point there's some things that need to be worked out; I don't think we can use this tower (Davis St.) until FEMA says otherwise, so we can either offer him City Hall, Incubator or something else so we can get that access to the beach, and then he can use our other towers."

A vote was called for with the following results:

Voting Yea: Stahler, Lafontaine, and Kidd

Voting Nay: None

Absent: None

Re: *DSL by Air* Tower Lease Agreement

Alderman Lafontaine moved, seconded by Alderman Kidd to **TABLE** the Tower Lease Agreement between *DSL by Air* and the City of Waveland for lease space on the Water Towers, contingent upon review and approval by City Attorney. (As tabled from the May 21, 2014 Meeting)

A vote was called for with the following results:

Voting Yea: Stahler, Lafontaine, and Kidd

Voting Nay: None

Absent: None

**CHANGE ORDER/FIRE STATION – COLEMAN AVENUE/NOTICE TO PROCEED/
CONSTRUCTION CHANGE DIRECTIVE/ELEVATOR**

Re: Extend contract time for installation of Elevator Tower at Coleman Avenue Fire Station

Alderman Kidd moved, seconded by Alderman Lafontaine to approve Change Order #16 from DNP, INC. for an addition of 5' to the Elevator Tower being built at the Fire Station on Coleman Avenue in the amount of \$17,736.25, along with a contract time extension of two months from 'Notice to Proceed' if approved. MDA has approved funding. (As removed from the May 6, 2014 Meeting & tabled May 21, 2014; City Attorney to discuss w/Architect).

****No Vote Taken**

Mr. Yarborough said speaking candidly outside of Executive Session, in his mind there is a question as to whether this is a design issue or not because of the lack of "crawl space" to construct as designed. Mr. Yarborough said there is currently no agreement with Buzzy Bolton for him to pay for these repairs and it is unknown if CDBG will pay as well. Mr. Yarborough said the options are to either make it contingent on CDBG funding, you can attempt to have Mr. Bolton pay for this, or the other option is that this has a change order proposed and in the contract there is an alternate method, whereby you can do a construction change directive, which tells the contractor to go do the work, this is the price and you work out who pays for it later; it has to be done to complete the building. Alderman Kidd said, "He felt it's been flawed from the beginning; he is the designer of the building so he should have known what it is; for what has been done out here in this time frame... why should we as taxpayers come out of our pocket. That's my Federal tax dollars, it's free money; it's not costing Waveland any money... I don't want to hear that, this is what wrong with this Country." Mr. Yarborough explained that with a change order there is more of an argument that you have waived your rights because it requires you to agree to amount, time and who accrues it; so it basically modifies the contract. You can do a construction change directive which contemplates an increase in the cost to the contractor, but it doesn't necessarily say who pays for it; I think the work is necessary given the contractor; he can't do it as it's designed.

Re: Authorize City Attorney to Offer Construction Change Directive to BDA for Elevator Installation at Coleman Avenue Fire Station

Alderman Lafontaine moved, seconded by Alderman Kidd to authorize City Attorney to offer Buzzy Bolton (BDA) a Construction Change Directive for that change in the work with the contract amount of \$17,736.25.

A vote was called for with the following results:

Voting Yea: Stahler, Lafontaine, and Kidd

Voting Nay: None

Absent: None

CONTRACT MODIFICATION/ARCHITECTURAL CONTRACT/FIRE STATION/COLEMAN AVENUE/CONTRACTS/AMENDMENTS
Re: Contract Modification with BDA, PLLC.

Motion to approve Contract Modification No. 4 to the Architectural Contract with BDA, PLLC. for services related to the elevator tower, an additional 5', in the amount of \$1,755.89 – Coleman Avenue Fire Station. Note: Digital Engineering will no longer be reviewing change orders on this project. (As removed from the May 6 and tabled May 21, 2014 Meetings; City Attorney to discuss w/Architect)
DIES FOR A LACK OF A MOTION

INVOICES/CITYWIDE DRAINAGE IMPROVEMENTS PROJECT/BEACH FACILITY IMPROVEMENTS PROJECT/VETERANS MEMORIAL/CITYWIDE PAVING & OVERLAY PROJECT/PAVING PROJECT/STREETS PAVING
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 source, as listed (Items a-d): **(EXHIBIT N)**

- a) Invoice 0074702 from Pickering Firm, Inc. in the amount of \$3,454.50 – Citywide Drainage Improvements Project.
- b) Pay Application #6 from David Rush Construction, LLC. in the amount of \$61,376.71 – Beach Facility Improvements Project (Veterans Memorial). (on current docket)
- c) Payment Application #6 from Huey Stockstill, Inc. in the amount of \$225,160.44 – Citywide Paving and Overlay Project.
- d) Invoice 3699050814 from The Beta Group in the amount of \$1,706.00 – Beach Facility Project (Veterans Memorial).

A vote was called for with the following results:

Voting Yea: Stahler, Lafontaine, and Kidd

Voting Nay: None

Absent: None

ADJOURN
Re: Adjourn Meeting at 7:58 p.m.

Alderman Kidd moved, seconded by Alderman Lafontaine to adjourn the meeting at 7:58 p.m.

A vote was called for with the following results:

Voting Yea: Stahler, Lafontaine and Kidd

Voting Nay: None

Absent: None

The foregoing minutes were presented to Mayor Garcia on June 20, 2014.

Lisa Planchard
City Clerk

The Minutes of June 3, 2014 have been read and approved by me on this day the 20th day of June, 2014.

David A. Garcia
Mayor

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