

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 7, 2016 at 6:30 p.m. to take action on the following matters of City business.

PUBLIC COMMENTS:

- Bennis Moss
- Tom Bentley

ROLL CALL:

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

*Mrs. Yarborough asked to *let the record reflect that Alderman Jeremy Burke has recused himself and is leaving the room* under consideration related to items within the Mayor's Report regarding the Business Incubator.

MAYOR'S REPORT/BUSINESS CENTER/INCUBATOR/LEASE AGREEMENT

Re: Chad Whitney moved out of Unit at Business Center and authorize Deposit for the same

Alderman Piazza moved, seconded by Alderman Lafontaine to recognize that Chad Whitney (Lime Pi Digital) has moved out of Unit A1, A2, A9 the first week of March 5, 2016 into Unit A3 and authorize refund of deposit in the amount of \$1,202.00 on Unit A1, A2, A9.

Mr. Whitney vacated the Unit due to the leak in the roof.

A vote was called for with the following results:

Voting Yea: Richardson, Lafontaine, and Piazza

Voting Nay: None

Recused: Burke

Let the record reflect that Alderman Burke returned to the Board Room at this time.

ATTORNEY'S COMMENTS

- Discussed the Period of Performance Extension letter regarding the HMGP Drainage Project until January 31, 2017. She said during discussion with the Grant Administrator, AMEC, concerns were expressed about obtaining the Rights of Entry and felt it's better to ask for more time; she therefore recommends the Board City amend the grant Period of Performance from January 31, 2017 to June 30, 2017.

CITYWIDE DRAINAGE PROJECT/GRANT/PERIOD OF PERFORMANCE

Re: Amend and Request a Period of Performance Extension for Citywide Drainage Improvements Project to June 30, 2017

Alderman Lafontaine moved, seconded by Alderman Burke to amend the Grant Period of Performance and request an Extension from January 31, 2017 to June 30, 2017. **(EXHIBIT A)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

ATTORNEY'S COMMENTS (CONT.)

- Requested that Agenda Item 32 be considered before Agenda Item 31d); i.e. reverse them in order on the agenda because Item 32 will affect Item 31d).

PUBLIC WORKS/PERSONNEL/EMPLOYEE OF THE MONTH

Re: Mayor recognized Mr. Kevin Whitney as Employee of the Month for April 2016 and Mr. Kenny Kientz as Employee of the Month for May 2016. Mayor Smith told Mr. Kientz we're all going to miss him when he retires; the Mayor thanked them for what they do.

ALDERMEN'S COMMENTS

Re: Alderman Burke had no comments; he cleared all of his questions with Department Heads before the meeting.

Re: Alderman Richardson

- Asked Mr. Andy Phelan with Pickering Firm about the Phase I drainage ditch on the north side of Old Spanish Trail by the 'Hotel'. He said on the south side of the road there's 1.5 ft. of water stagnating, but on the north side there's growth in the ditch holding the water back from draining. Alderman Richardson discussed other areas that have been concreted that are draining poorly, i.e. water still in the ditch a week after it rains.

Re: Alderman Lafontaine commented on the following:

- Asked about doing some grubbing to get the drainage out to the Gulf or to Dodson's Pond, and whether we found out anything on that. Mr. Anderson said the City does not actually need permits to clean its own ditches, but in turn, we are permitted to clean them through the permits that were accessed through that project; they are permitted all the way out. Mr. Anderson said a decision needs to be made as to whether the City will clean the ditches (and rent the equipment) or obtain funding to hire out this service. Mrs. Yarborough asked Mr. Anderson if the City cleaned the ditches would he have to cross private property. Mr. Anderson said he had not gotten that far yet, however they've obtained right of entries through the Vacation Lane area with the last drainage project. Mrs. Yarborough said those have probably expired. Mr. Anderson said Sarah's Lane and Dubuc Lane also need to be cleaned out. He added that we're permitted, and technically don't have to be permitted, because there are no wetland violations cleaning our own ditches; it's just going to be a matter of cost. Mrs. Yarborough asked Mr. Anderson if he was proposing that his staff could do this work. Mr. Anderson said yes, he knows he could do this; it's something he would do himself. Mrs. Yarborough asked if it would be rental of the equipment. He said, "Right." She asked if he knew a cost estimate. Mr. Anderson said usually a month rental of a track hoe big enough to do that is probably somewhere around \$4,000 a month; it will also involve renting some mats (for the track hoe to move along). In addition, he added that without a roadway built in, there would be no way to get rid of all the material that's being removed; it's not a small project. Mr. Anderson said the City has mostly 10' easements on each side of the main drains to build a road and work with. He added that Christine (Gallagher) had a lot of the information needed to show the City rights of way. Alderman Lafontaine asked Mr. Anderson to put together something for the Board giving them an idea on which way to go; it's something that needs to be addressed. Mr. Anderson said he does not have trucks that can get back in there to haul out the material. Alderman Burke asked Mr. Anderson to put together a full estimate of costs for every piece of equipment he anticipates he will need.

Re: Alderman Piazza had no comments; he cleared all of his questions with Department Heads before the meeting.

DOCKET OF CLAIMS

Re: Claims

Alderman Lafontaine moved, seconded by Alderman Richardson to approve the Docket of Claims (less the Streets Payroll portion) in the amount of \$824,674.04 dated June 7, 2016 as submitted.

(EXHIBIT B)

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

MINUTES

Re: Regular Meeting of May 18, 2016

Alderman Lafontaine moved, seconded by Alderman Richardson to approve the Minutes of the Regular Meeting of May 18, 2016 as submitted.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, and Lafontaine

Abstain: Piazza

Voting Nay: None

Absent: None

Re: Special Meeting of May 19, 2016

Alderman Lafontaine moved, seconded by Alderman Richardson to approve the Minutes of the Special Meeting of May 19, 2016 as submitted.

A vote was called for with the following results:

Voting Yea: Richardson, Lafontaine, Smith

Abstain: Burke and Piazza

Voting Nay: None

Absent: None

**Mrs. Yarborough asked to let the record reflect that Alderman Burke is leaving the room to recuse himself from any business regarding the Business Incubator.*

BUSINESS CENTER/INCUBATOR/DUNKS SOUTHERN STYLE BUFFET/UTILITIES/ PUBLIC WORKS/LEASES

Re: Mrs. Lisa Dunklin of Dunk's Restaurant was present to discuss payment of the water bill at the Business Center

Ms. Dunklin said she was present to get help with the water bill issue. She understands that according to her lease she's supposed to pay a portion of it, but wants to see if the other tenants can pay a portion. Mrs. Yarborough asked Mrs. Dunklin who opened the City's water account. Mrs. Dunklin said from what she understood the bill is in her name because there are not individual meters; it was opened about 1.5 months ago. Mrs. Yarborough asked about the other tenants in the building. Ms. Dunklin said RSVP, Lime Pi Digital, High Bueno and Gina Pepe. Mrs. Yarborough asked if it was fair to say that they use less water than Mrs. Dunklin's business, noting the presence of a direct tap in her restaurant. Mrs. Dunklin said they use water, but she pays 60% of the water bill; they use water in the restrooms. She also said she pays gas because she's the only one using gas. Mrs. Yarborough asked Mrs. Dunklin how she arrived at paying only 60% of the bill. Mrs. Dunklin said she felt that paying over half of the bill would be just and leaving only an estimated \$33.00 monthly for the remaining tenants to pay. Mrs. Yarborough asked Mrs. Dunklin where she remitted the payment to. Mrs. Dunklin said to the City Water Department. Mrs. Yarborough asked if they had been accepting the partial payment. Mrs. Dunklin said the month prior she had paid all of the bill minus the \$33.00, and was concerned about the \$33 amounts being carried over from month to month. Mrs. Yarborough said the lease just states 'Utilities' which refers to electricity according to when she wrote it. Ms. Dunklin says the lease says, "Gas, water and any other municipal utility services." Mrs. Yarborough said that what it states is a pro-rata share of their use of the percentage of the building. Ms. Yarborough added that even with all of the

businesses %'s added together it still does not make up 100% so the City would be left with the shortfall. She said it's up to the Board as to how they want to handle it. Mayor Smith said the RSVP portion of the water bill can be paid by the City and reimbursed by RSVP, about \$10 or \$11 currently. The Mayor then confirmed with Mrs. Dunklin that the other tenants had refused to pay any portion of the bill when she asked them to. Ms. Yarborough estimated the other tenants would be about 5%; Alderman Richardson estimated 7%. Mrs. Yarborough asked who was responsible for the opening of the account and how did it get into Mrs. Dunklin's name. Mrs. Dunklin said she said waited for a water bill and never received one. She said she came over and spoke with Marsha (Ory) in the Utility Department and set up the account in her name. Mrs. Yarborough asked if Ms. Dunklin had to pay a deposit. Mrs. Dunklin said, "No". Mrs. Yarborough said Mrs. Dunklin will be responsible for 60%, which is fair enough, and the Board should enforce that the other tenants will be responsible for their pro-rata percentage of the water bill and associated charges and if their percentage falls short of the 100%, she would say that is the common use area for the public and that the City would be obligated to pay that portion. Alderman Lafontaine said, "I mean we're only talking \$10 a month." Mayor Smith said, "It's hard to fathom why someone wouldn't pay \$10 a month." Ms. Yarborough said, "Well, they're still obligated for their percentage." Alderman Lafontaine said, "I say we enforce the percentage." Mayor Smith and the other Board members were heard to agree. Alderman Lafontaine recommended that the bill be in the City's name (just like the electricity bill) and we just add it to the rent each month and invoice it. Alderman Lafontaine clarified that Ms. Dunklin's 60% of the water bill (and associated fees) would be added to her monthly rent invoice. Ms. Planchard clarified that the pro rata square footage percentages would be used for the other tenants portion of the water (and associated charges) bill. During further discussion Alderman Richardson inquired about leaseholders subleasing of their space to others. He said this is not allowed in the lease. Mrs. Yarborough said that she would send those individuals a letter to enforce the lease, she just does not have enough information at this time to write the letter; perhaps this could be talked about in Executive Session. The Board all agreed.

PLANNING AND ZONING (EXHIBIT C)

Re: William and Doris Bridges, Block 115, Lots 1-30

William and Doris Bridges appeared before the commission with a request for the abandonment of a 12' alley located in Golfview Subdivision. The alley runs thru and between Block 115 lots 1-30 and is bounded by Arnold, Gladstone, Ladner and Faith Streets.

Commissioner Mike Kopke moved, seconded by Commissioner John Becker to recommend that Board of Mayor and Aldermen approve the applicant's request for the abandonment of a 12' alley located in Golfview Subdivision. The alley runs thru and between Block 115 lots 1-30 and is bounded by Arnold, Gladstone, Ladner and Faith Streets.

Alderman Burke moved, seconded by Alderman Piazza to remand the request back to the Planning and Zoning Board for further action, as stated in City Attorney discussion below. (See attorney comments below)

During discussion, Mrs. Yarborough said this property is located in a formal subdivision, which is platted at the Chancery Clerk's office and by law whenever there is a revision of a formal plat you have to have written permission from all affected property owners, which really means all adjacent property owners in order for the Board to have authority to amend that plat. When you vacate an easement; that is a plat amendment so procedurally you would have to have written permission from all adjacent property owners. You would also, by our Ordinance, it is actually considered to be a subdivision which requires a plat so it would have to go through Planning & Zoning; the plat would have to be approved. By law, if you have the right to amend the subdivision, then the easement that is vacated would split down the middle and each adjacent property owner would get that underlying share from that point. She said that however, procedurally she does not think that this is right for the Board to act on; she thinks it needs to go back to P&Z. The applicant needs to submit to the City written authorization from all the adjacent property owners that they agree to the vacation and then they need to provide a new plat to the City to show how the new subdivision is going to be formed (the new underlying ownership), follow our Ordinances and then go from there. Ms. Yarborough said she would show her new ownership with the new plat (once it is approved by the Board of Mayor & Aldermen).

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

Re: Jason and Ann Lumpkin, Seabrook Drive

Jason and Ann Lumpkin appeared before the commission with a request for a conditional use in order to build an 18' x 31' accessory building on their property. They are also requesting a variance of 7'6" from the side yard setback and a variance of 9'1" from the required rear yard setback. This property is located at 208 Seabrook Drive. Legal description: Lot 1, Lakeside Subdivision, City of Waveland, Hancock County, Mississippi.

Commissioner Clarence Harris moved, seconded by Commissioner Mike Kopke to recommend that the Board of Mayor and Aldermen deny a conditional use by the applicant in order to build an 18' x 31' accessory building on their property. They are also requesting a variance of 7'6" from the side yard setback and a variance of 9'1" from the required rear yard setback. This property is located at 208 Seabrook Drive.

Alderman Richardson moved, seconded by Alderman Burke to remand the request back to Planning and Zoning for further action and waive fees for re-advertising, because according to the City Attorney, this would be considered a new application (Mr. Lumpkin will be reducing his accessory building dimensions from what was originally advertised).

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

POLICE DEPARTMENT/TOWING ROTATION

Re: Addition of Big Boy Towing to the Police Department

Alderman Burke moved, seconded by Alderman Piazza to add Big Boy Towing to the Waveland Police Department wrecker rotation list as recommended by Police Chief David Allen. Chief Allen was present to discuss. (Tabled from May 3rd and May 18th 2016 Meeting). **(EXHIBIT D)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

POLICE DEPARTMENT/CONTRACTS

Re: CSpire Contract re: Internet Service for the Waveland Police Department

Alderman Lafontaine moved, seconded by Alderman Burke to **TABLE** approval the CSpire Telecommunications Service Agreement and CSpire Installation Information & Acknowledgments, including required signatures, at a monthly fee of \$351.99 to provide internet service at the new Police Building, 1602 McLaurin Street. Chief Allen was present to explain and answer questions.

During discussion, Board members agreed they would like to see the 36 month agreement for data and static IP addresses.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

FIRE DEPARTMENT/PERSONNEL

Re: New Hires Bradley Polk, Eric Janssen and Josh Bell

Alderman Piazza moved, seconded by Alderman Lafontaine to hire the following as part-time Firefighters, at \$9.00 per hour, pending passage of drug test:

- a) Bradley Polk
- b) Eric Janssen
- c) Josh Bell

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

UTILITY DEPARTMENT/AGREEMENTS/LIFT STATIONS/INSURANCE CLAIMS

Re: Remove from agenda Non Waiver Agreement regarding loss located at Central Avenue and Lakewood Drive

Alderman Burke moved, seconded by Alderman Piazza to authorize required signatures on Non-Waiver Agreement related to the loss (lift stations) located at Central Avenue and Lakewood Drive, Property Policy Number AMR42048, VeriClaim No. QCC16502810 which took place April 11, 2016.

During discussion, City Attorney Rachel Yarborough explained that the City is not required by our Policy to sign this agreement, however she thinks that there may be a risk that they will stop investigating the claim and deny, but that does not mean that they don't have an obligation under the policy to rightfully investigate and adjust according to the terms of the policy. She said she does not know why they would send us an agreement to sign because really all they had to do was send us a letter. Ms. Yarborough would like to write a letter and explain the City's position that we understand that they are still investigating and that they have rights under the policy also vs. signing the agreement.

Alderman Lafontaine moved, seconded by Alderman Piazza to **Remove from the Agenda** the Non-Waiver Agreement related to the loss (lift stations) located at Central Avenue and Lakewood Drive, Property Policy Number AMR42048, VeriClaim No. QCC16502810 which took place April 11, 2016.

*Removed from Agenda – No vote taken

PUBLIC WORKS/POLICE DEPARTMENT/CITY HALL/TRAVEL

Re: Ratify travel for Public Works Director Brent Anderson and Utility Operator Dwight Haskell to attend 2016 Rural Water Training in Biloxi, MS, Purchasing Clerk Rachel Cullen to attend 2016 Certification Seminar & Police Chief and Matt Sekinger to Crimes against Children Conference in Dallas. TX.

Alderman Lafontaine moved, seconded by Alderman Richardson to approve the following travel for Public Works, Purchasing, and Police Department as listed, Items (a, b & d):

- a) Ratify approval of Public Works Director Brent Anderson and Utility Operator Dwight Haskell to attend the 2016 Summer Training-Mississippi Rural Water Association in Biloxi, MS. June 7-9, 2016. Cost to the City is a Registration fee in the amount of \$175.00 for Mr. Anderson (3 days of training), \$100.00 for Mr. Haskell (1 day of training) and use of a City vehicle.
- b) Purchasing Agent Rachel Cullen to attend 2016 Certification Seminar for Purchasing Clerks Tuesday, June 15, 2016 at the Gulf Coast Convention Center in Biloxi. Cost to the City will be a registration fee of \$50.00 and use of a City vehicle.

- c) ~~Chief David Allen, Assistant Chief Mike Prendergast and Lieutenant Mac Cowand to Biloxi, Golden Nugget Casino June 21st through June 24, 2016 for the Mississippi Association of Chiefs of Police Summer Conference. Total registration cost to the City would be \$1,175.00 and use of a City vehicle, as budgeted.~~
- d) Chief David Allen and Investigator Matthew Sekinger to attend Crimes against Children Conference in Dallas Texas, August 8th through 11th, 2016. Cost to the City will be each 5 days per diem, registration in the amount of \$990.00 (\$495.00 each), lodging in the amount of \$626.34 and use of a city vehicle (traveling together). (This has been budgeted for and will be reimbursed by the Attorney General's office upon completion).

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

Re: Chief David Allen, Asst. Chief Mike Prendergast and Lt. Mac Cowand to the MS. Association of Chiefs of Police Conference 2016 (DENIED)

Alderman Burke moved, seconded by Alderman Richardson to approve Chief David Allen, Assistant Chief Mike Prendergast, and Lt. Mac Cowand to Biloxi, Golden Nugget Casino June 21st through June 24, 2016 for the Mississippi Association of Chiefs of Police Summer Conference. Total registration cost to the City would be \$1,175.00 and use of a City vehicle, as budgeted.

A vote was called for with the following results:

Voting Yea: Burke, Piazza

Voting Nay: Richardson, Lafontaine and Smith

Absent: None

Re: Amend Agenda to Approve Chief David Allen and Asst. Chief Mike Prendergast to the MS. Association of Chiefs of Police Chiefs Conference

Alderman Lafontaine moved, seconded by Alderman Richardson to **amend the agenda** to approve Chief David Allen and Assistant Chief Mike Prendergast to Biloxi, Golden Nugget Casino June 21st through 24th, 2016 for the Mississippi Association of Chiefs of Police Summer Conference. Total registration cost to the City would be \$750.00 and use of a City vehicle as budgeted.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

Re: Approve Chief David Allen and Asst. Chief Mike Prendergast to the MS. Association of Chiefs of Police Chiefs Conference

Alderman Lafontaine moved, seconded by Alderman Richardson to **approve** Chief David Allen and Assistant Chief Mike Prendergast to Biloxi, Golden Nugget Casino June 21st through 24th, 2016 for the Mississippi Association of Chiefs of Police Summer Conference. Total registration cost to the City would be \$750.00 and use of a City vehicle as budgeted.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

PURCHASING/PUBLIC WORKS

Re: Authorize City Mechanic John Montgomery to Sign Purchase Requests

Alderman Lafontaine moved, seconded by Alderman Richardson to authorize City Mechanic John Montgomery to sign purchase requisitions for the Public Works Department

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

POLICE DEPARTMENT/CONTRACTS/PURCHASES/AGREEMENTS/RENTALS

Re: Approve Contract with Toshiba for Rental of 1 Toshiba Copy Machine and Purchase of 1 Toshiba Copy Machine

Alderman Lafontaine moved, seconded by Alderman Piazza to approve Contract with Toshiba for the rental of 1 Toshiba e*Studio 3555C copy machine at the price of \$260.96 per month and the purchase of 1 Toshiba e*Studio 3555C copy machine at a cost of \$7,053.00, both priced State Contract (below State Contract). This motion shall authorize required signatures on purchase and State Contract rental agreements. The purchase will be applied against the Contents PW (project workshop) for the Police Building. **(EXHIBIT E)**

During discussion, City Attorney Yarborough said that the rental is for 36 months so she will do an addendum to the Rental to notify the rental company that this Board does not have the authority to bind successor Boards.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

CONTRACTS/COURT DEPARTMENT

Re: Renew Annual Contract with Alternative Sentencing Arrest Program

Alderman Piazza moved, seconded by Alderman Burke to renew the annual contract with Alternative Sentencing and Arrest Programs (ASAP), Inc. for the term June 19, 2016 to June 19, 2017.

(EXHIBIT F)

During discussion, City Attorney Yarborough said that according to MS. Code Section 21-23-7(5) the Municipal Judge has the power to establish and operate a probation program appropriate to the judiciary and designed to aid in the administration of justice. Any such program shall be established by the Court with written policies and procedures filed with the Clerk of Court for public record. Judge Mauffrey does have a set of guidelines for his probation practices in his court, according to Ms. Yarborough. She said that he is thorough with his outline and he usually uses ASAP, although his procedures and policies do not require him to use ASAP, however they qualify in accordance with his guidelines. Ms. Yarborough said what the Board is approving here is not necessarily the use of ASAP as a probation company, but the pricing for indigent home arrest program for \$10.00 per day and that's basically all this agreement does is set that price, which is required because the Judge does not have the authority to expend any municipal monies; that's only appropriate by Board action.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

COURT DEPARTMENT/PURGE FILES/FILE PURGE/RECORDS RETENTION
Re: Purge Closed Court Case Files/Records

Alderman Piazza moved, seconded by Alderman to approve purging the following closed case files submitted by the Clerk of Court, Rhonda Cummings: **(EXHIBIT G)**

- a) 2006-2010 Tickets Only
- b) 2000-2005 Purge Tickets and Criminal Cases
- c) 1999 and prior (Tickets & Criminal Cases) to be purged due to Hurricane Katrina Damage.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

ORDINANCES/TAXES/EXEMPTIONS
Re: Discussion of Ordinance to Establish a Plan to Exempt Ad Valorem Taxes

Alderman Burke moved, seconded by Alderman Richardson to discuss Ordinance No.369 Establishing a Plan to Exempt Ad Valorem Taxes on the Increased Assessed Value for Qualifying Capital Improvement Investments in Qualifying Structures in the Designated Coleman Avenue District, in Accordance with Miss. Code Ann. Sec 17-21-5, as amended, Excluding School District Taxes, and Urging the Hancock County Board of Supervisors to Provide for Exemptions Qualified by the City of Waveland.

Mayor Smith explained that this is an idea that was presented by the Economic Development Citizens group as a result of what Gulfport is doing. This is only for discussion by the Board to show them what this group is presenting for the Board's review. After discussion and ideas presented, the Mayor will return to the Citizens group for suggested modifications to this draft.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

ORDINANCE/NOISE ORDINANCE
Re: Discussion regarding Amendments to Ordinance No. 340 (Noise)

Alderman Burke moved, seconded by Alderman Lafontaine to discuss any needed amendments to Ordinance No. 340 (Noise Ordinance) - Ordinance to Protect, Preserve and Promote the Health, Safety, Welfare of and Peace and Quiet for the Citizens of the City of Waveland through the Reduction, Control and Prevention of Noise.

Mayor Smith asked the Board to allow Ms. Yarborough to have a meeting with the Police Chief and the Prosecutor to review and develop potential changes to the Ordinance, noting that even after these changes are made the problem is not going to go away. Alderman Lafontaine noted that he has come out on nights when noise complaints about a certain business (bar) on Coleman Avenue have come in to the Police Department and he parked in the parking lot of the Business Center and could hear nothing

coming from the bar; it's more an issue of neighbors clashing more than a problem with an Ordinance. Alderman Lafontaine said he does not agree with the Ordinance because whatever restrictions you place in the Ordinance will have to pertain to all bars in the City, example: No bands after 11:00 pm on Coleman Avenue will pertain to all bars in the City. Alderman Lafontaine said he does not agree with that. As an example, Alderman Lafontaine said that he could not very well move to Bourbon Street in New Orleans and ask them to change the noise Ordinance; he would know about the noise when he moved there. Alderman Piazza said, "The issue is you have some individuals (residents) who think they're going to control Coleman Avenue and it's not going to happen. These people have to make a living, these people live here." Alderman Lafontaine said he is not in favor with the wording of the Ordinance because it shuts everything down at an hour that a bar owner; you can't shut everything down at 11:00 pm. Mayor Smith discussed Section 5, (II) saying he felt it was unreasonable. City Attorney Yarborough said she felt the Ordinance needs to be reviewed for vagueness. Chief Allen said there are personalities involved in this and he, along with his officers, have evaluated the loudness on numerous complaint occasions before they went to the scene so as to be unbiased; these events are documented.

SOFTWARE AGREEMENT/AGREEMENTS/BUILDING DEPARTMENT

Re: Deny Software Agreement with Delta Computer Systems for the Building Department

Alderman Burke moved, seconded by Alderman Richardson to approve Software Agreement (Building Permit System) with Delta Computer systems, Inc. for the Building Department at a cost of \$10,000.00 for the module, monthly maintenance in the amount of \$200.00, and a one-time setup and training fee budget in the amount of \$2,850.00; to include all necessary signatures as required. (This is budgeted for)

Chief Allen said that currently the Building Department is using a software (STAMP) he wrote years ago, but since Katrina the original programming has been lost. He said it's old and antiquated and can't even update it anymore; they will need something soon.

Chief Allen offered to go to Delta offices and sit down with the programmers to learn exactly how it mixes in between departments and what its capabilities are. Board members said they would like to see other software options. The Purchasing Agent will get with Ms. Gallagher to pursue quotes for other software's. Chief Allen reminded everyone that first and foremost is functionality of a software.

*Motion and second withdrawn- No vote needed or taken according to the City Attorney.

Alderman Richardson moved, seconded by Alderman Piazza to approve Software Agreement (Building Permit System) with Delta Computer systems, Inc. for the Building Department at a cost of \$10,000.00 for the module, monthly maintenance in the amount of \$200.00, and a one-time setup and training fee budget in the amount of \$2,850.00; to include all necessary signatures as required.

A vote was called for with the following results:

Voting Yea: None

Voting Nay: Burke, Richardson, Lafontaine, and Piazza

Absent: None

GULF REGIONAL PLANNING COMMISSION (GRPC)/SIDEWALK (CITYWIDE) STUDY PLAN/AGREEMENT/SPREAD ON THE MINUTES

Re: Ratify letter sent to Mr. Kenneth Yarrow with GRPC requesting funding for Implementation of Citywide Sidewalk Study throughout the City

Alderman Lafontaine moved, seconded by Alderman Burke to ratify letter sent to Mr. Kenneth Yarrow with Gulf Regional Planning Commission- Planning Manager, requesting funding to implement a sidewalk planning study throughout the City of Waveland in the amount of \$100,000.00 with the City's match being 20%, i.e. \$20,000.00. Federal MPO (Metropolitan Planning Organization-GRPC) Surface Transportation Program (STP) shall provide up to the other \$80,000.00. **(EXHIBIT H)**

Alderman Lafontaine clarified that this money will not be taken out of the current project for the Sidewalk on Waveland Avenue. City Clerk Planchard said that no, this is a completely different project.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

Re: Correspondence from GRPC Director, David Taylor dated 5/23/2016 – Citywide Sidewalks Project

Spread on the minutes letter from GRPC Director, David Taylor, dated 5/23/16 advising the City of the Federal Metropolitan Planning Organization's (MPO) intention to provide up to \$80,000.00 in Federal MPO Surface Transportation Program (STP) funding to cover 80% of the costs related to the engineering study to develop recommendations, conceptual engineering design, and cost estimates for pedestrian improvements within the study area, i.e. throughout the City (Citywide Sidewalks Project). The City will match the other \$20,000 for a total program cost of \$100,000 approved. **(EXHIBIT I)**

GRANTS/MDEQ (MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY)/GRANT/SOLID WASTE ASSISTANCE

Re: MDEQ Grant for Solid Waste Assistance

Alderman Burke moved, seconded by Alderman Piazza to approve and accept the MDEQ Grant in the amount of \$15,000 (Federal Portion-\$15,000; City will match \$15,500) for Solid Waste Assistance. (Board approved to apply for the Grant 4/15/2016). **(EXHIBIT J)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

DESTINATION WAVELAND/FOURTH OF JULY/ADVERTISING

Re: Deny Payment to M2 Media Corp for Advertising in South MS. Living Magazine

Alderman Lafontaine moved, seconded by Alderman Piazza to approve an Advertising Agreement with M2 Media Corp for advertising in South Mississippi Living Magazine in the amount of \$750.00 for the Destination Waveland Fourth of July event. This item will be paid for out of the restricted \$21,000 budgeted funds for the Destination Waveland event.

A vote was called for with the following results:

Voting Yea: None

Voting Nay: Burke, Richardson, Lafontaine, and Piazza

Absent: None

MDMR (MS DEPARTMENT OF MARINE RESOURCES/SOUTH STREET ROAD REPAIRS IMPROVEMENTS PROJECT)/STREETS DEPARTMENT

Re: Compton Engineering as Applicant Agent for MDMR South Street Road Repairs

Alderman Lafontaine moved, seconded by Alderman Burke to approve Agent Authorization of Compton Engineering, Inc. to act as the City's Agent with the MS. Department of Marine Resources regarding the South Street Road Repairs/Improvements. **(EXHIBIT K)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

**MDEQ (MISSISSIPPI DEPARTMENT OF MARINE RESOURCES)/CITYWIDE SEWER IMPROVEMENTS PROJECT/LOANS/BUDGET/UTILITY DEPARTMENT/APPLICATIONS
Re: MDEQ Water Control Revolving Loan Fund Application**

Alderman Burke moved, seconded by Alderman Piazza to approve, with authorized signatures, the Mississippi Department of Environmental Quality (MDEQ) Water Pollution Control Revolving Loan Fund Application (SRF Loan) SRF-C280-788-01 in the amount of \$7,577,340.88 regarding the proposed Citywide Sewer Improvements. **(EXHIBIT L)**

Alderman Lafontaine said for the record, he knows we need sewer repairs as much as everyone else knows, but the City can't afford \$7.5 million dollars. Mayor Smith said that's what scares him. City Clerk Planchard added that if she recalls correctly the Board made the motion that every aspect will be voted on by the Board beforehand so they would be able to keep a running total so as to not overspend. Alderman Lafontaine said we just have to watch because the City is getting to the point because we have so many bond issues out, so many leases; we're putting ourselves in debt. Mayor Smith and City Clerk Planchard verbally agreed. Alderman Lafontaine said it would not hurt his feelings any if we got the \$7M and spent \$1M of it fixing the worst areas that we had, and then use any savings we would get from lowered costs of treating infiltration at the Sewer Plant to do the next little project and so on. He added that we can't fix 40 years' worth of damaged sewer system that's never been maintained all in one year; we can't afford to do it. Mayor Smith agreed saying it's not in one concentrated area, but rather all over the City, we should take it one step at a time.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

**INVOICES/CITYWIDE DRAINAGE IMPROVEMENTS PROJECT/DRAINAGE PROJECT/STREETS DEPARTMENT
Re: Invoice No. 9038505 from CSX Transportation for work performed in Citywide Drainage Project**

Alderman Burke moved, seconded by Alderman Richardson to approve Invoice No. 9038505 in the amount of \$1,523.31 from CSX Transportation for work performed during the Citywide Drainage Project reserving all rights, contractual or otherwise against Kappa Development and requiring corresponding reduction of the total on Kappa Development's next Progress Payment. **(EXHIBIT M)**

City Attorney asked Ms. Planchard if this bill was received from CSX to the City on June 3, 2016.

Ms. Planchard said, "Correct."

Ms. Yarborough, "And that was forwarded to Pickering to be forwarded to Kappa, is that correct?"

Ms. Planchard, "That's correct."

Ms. Yarborough, "And did you do that by email?"

Ms. Planchard, "I did".

Ms. Yarborough, "And did you send that to Mr. Andy Phelan".

Ms. Planchard, "Yes, I did".

Ms. Yarborough addressing Mr. Phelan, "Did you forward that bill to Kappa".

Mr. Phelan, Inaudible

Ms. Yarborough, "And has Kappa paid that invoice to your knowledge".

Ms. Planchard answered, "They have not, I actually contacted Barbara at the CSX office and she said no, they had not."

Ms. Yarborough, "And that bill was due over 15 days ago, May 22, 2016; so it's overdue is that correct."

Ms. Planchard, "Right"

Ms. Yarborough, "So this was actually received April 29th".

Ms. Planchard, "We haven't gotten late fees on it yet, that's why I had it put on here. I don't want to get late fees again."

Ms. Yarborough, "So this invoices was received initially April 29th and it was due May 22nd. It's now overdue and it's been forward to Kappa and they have not paid it, is that correct?"

Ms. Planchard, "Correct".

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

INVOICES/CITYWIDE DRAINAGE IMPROVEMENTS PROJECT/POLICE BUILDING-STATION

Re: Payment of Invoices Submitted by Various Contractors

Alderman Lafontaine moved, seconded by Alderman Burke to approve payment of the following invoices submitted by various contractors to be placed in line for payment consideration contingent upon receiving funding from grant sources (if required) as listed (Items a-d): **(EXHIBIT N)**

- a) Invoice #N20121515 from AMEC Foster Wheeler Environment & Infrastructure, Inc. in the amount of \$9,418.50 – Citywide Drainage Improvements Project.
- b) Pay Application No. 11 from J.O. Collins Contractor, Inc. in the amount of \$280,174.49 – Waveland Police Building.
- c) Invoice No. 0078821 from Pickering Firm, Inc. in the amount of \$6,896.40 – Citywide Drainage Improvements Project.
- d) Pay Application No. 18 from Kappa Development & General Contracting, Inc. in the amount of \$89,447.70 - (\$90,971.01 - \$1,523.31 CSX Invoice #9038505) Citywide Drainage Improvements Project. (see explanation below by City Attorney)

During discussion, City Attorney asked whether Item d) takes into account the payment of the CSX Invoice of \$1,523.31. City Clerk Planchard said that it did not. Alderman Lafontaine asked if we can deduct this from the Kappa Invoice, Item d), since the City will be paying that for them. Attorney Yarborough said that yes, that's what we did the month prior when we had a very large outstanding invoice from CSX; contractually they're required... the City is required to forward those invoices to Kappa for payment and actually their pay application, by contract, is supposed to be denied until they pay them, however, in order to continue progress on the project, it's been the City's position to deduct that amount from their pay applications.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

POLICE BUILDING-STATION/BUDGET MODIFICATION

Re: Budget Modification #10 for Additional Time to Fabricate and Install New Exterior Fuel Tank and Radio System – Police Building

Alderman Burke moved, seconded by Alderman Richardson to approve Budget Modification #10, Contract No. R-118-379-02-HCCR regarding the Police Building Project. This Budget Modification extends the project end date to 8/31/2016. Additional time is needed to fabricate and install the new exterior fuel tank and radio system. **(EXHIBIT O)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

PARKS AND RECREATIONS/HERLIHY PARK/SPLASHPADS/PURCHASING

Re: Approve the purchase of Splash pad for Herlihy Park

Alderman Burke moved, seconded by Alderman Richardson to approve the purchase of one Splash Pad from **Splashpads USA** in the amount of \$17,319.50 for the Herlihy Park, as budgeted. Employees and volunteers will install. **(EXHIBIT P)**

During discussion, Mayor Smith confirmed that this is only for the equipment. Alderman Richardson said that was correct. The City will have to purchase the approximate 16 yds. of concrete at approximately \$83.00 per yard with the electrical and plumbing services being donated. Compton had donated to shoot the grade before and after the dirt has been brought in. Volunteers will help install.

City Clerk Planchard said she just wanted the Board to be aware that the City will have to pay ½ down with approval and balance upon receipt of the equipment.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

**BLIGHTED PROPERTIES/POLICE BUILDING-STATION/EXTENSIONS/PURCHASING/
DOCKET OF CLAIMS/DNA UNDERGROUND/FLOW METERS INSTALLATION/HMGP/
CITYWIDE DRAINAGE IMPROVEMENTS PROJECT/DRAINAGE PROJECT/PRIVILEGE
LICENSE REPORT/COURT DEPARTMENT/PURCHASING/POLICE DEPARTMENT/
GRANTS**

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

- a) Resignation of Mrs. Bernadette Cullen, independent contractor for Blighted Properties, effective June 7, 2016. **(EXHIBIT Q)**
- b) Correspondence from Jacky Bell, Hazard Mitigation Assistance Branch (FEMA) approving the City's request for the Period of Performance Extension related to the Waveland Police Building Project through August 31, 2016. **(EXHIBIT R)**
- c) Claims Docket Transaction #161928 approved by the Board on 5/18/2016 has been voided; the Waste Management contract has been cancelled effective 5/1/2016 per email. (Attached Exhibit).
- d) Contract between the City of Waveland and DNA Underground, LLC, as approved at the May 18, 2016 meeting for the installation of 2 Flow Meters and Meter Vaults in the amount of \$41,979.00 plus the cost of payment and performance bonds. **(EXHIBIT S)**
- e) Contract Extension with AMEC Foster Wheeler to July 1, 2017, as approved @ the 5/18/16 meeting regarding the Citywide Drainage Improvements Project.
- f) Privilege License Report for the Month of May 2016. **(EXHIBIT T)**
- g) Court Collections Report for the Month of May 2016. **(EXHIBIT U)**
- h) Purchasing Clerk Rachel Cullen as the City's designated contact person responsible for communication with Solid Waste Administrator regarding the City's dumpsters' needs and concerns.
- i) Notice of Grant Award from Director of Mississippi Office of Highway Safety/Department of Public Safety, Penny N. Corn, related to the following two grants for the Police Department:
 1. **154 Alcohol** for Overtime salaries – Awarded Amount \$20,000.00**(EXHIBIT V)**
 2. **402 (PTS) Police Traffic Services** for Overtime salaries –Awarded Amount \$23,110.00 **(EXHIBIT W)**

EXECUTIVE SESSION

Re: Discussion related to Potential Litigation - Business Center Leases and Personnel Issues – City Hall

Alderman Richardson moved, seconded by Alderman Burke to consider Executive Session to prompt a closed discussion regarding potential litigation-Business Center leases and Personnel issues in City Hall.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

Re: Enter Executive Session to Discuss Waveland Business Center/Incubator – Potential Litigation regarding Leases

Alderman Richardson moved, seconded by Alderman Lafontaine to discuss potential litigation - Business Center/Incubator leases.

A vote was called for with the following results:

Voting Yea: Richardson, Lafontaine, and Piazza

Abstain: Burke

Voting Nay: None

Absent: None

Let the record reflect that Alderman Burke is not entering Executive Session for this issue.

Re: Exit Executive Session

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

A vote was called for with the following results:

Voting Yea: Richardson, Lafontaine, and Piazza

Abstain: Burke

Voting Nay: None

Absent: None

Re: Enter Executive Session regarding Personnel Issues in City Hall

Alderman Piazza moved, seconded by Alderman Richardson to approve entering Executive Session regarding Personnel Issues - City Hall.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

Re: Exit Executive Session

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

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

Alderman Piazza recused himself from the upcoming agenda item and left the Board Room.

DOCKET OF CLAIMS

Re: Claims, Streets Payroll portion only

Alderman Lafontaine moved, seconded by Alderman Richardson to approve the Docket of Claims, Streets Payroll portion only, in the amount of \$14,982.03 as submitted.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, and Lafontaine

Voting Nay: None

Recused: Piazza

ADJOURN

Re: Adjourn Meeting at 9:43 p.m.

Alderman Lafontaine moved, seconded by Alderman Richardson to adjourn the meeting at 9:43 p.m.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, and Lafontaine

Voting Nay: None

Absent: Piazza

The foregoing minutes were presented to Mayor Smith on July 8, 2016.

Lisa Planchard
City Clerk

The Minutes of June 7, 2016 have been read and approved by me on this day the 8th of July, 2016.

Mike Smith
Mayor