

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 July 3, 2012 at 6:30 p.m., to take action on the following matters of city business

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

ROLL CALL

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

Absent from the meeting was City Clerk Lisa Planchard, who was on vacation.

PUBLIC COMMENTS

Re: Mikelle Williamson asked about cars being parked around Margie Street and Old Spanish Trail. Mr. Anderson said that this is involved with court and legal procedures at this time. She also asked about house trailers (Mobile Home Ordinance) as it relates to Duke Levy on Waveland Avenue. Mr. Anderson said that Mr. Levy has been cited for the violation through the Floodplain Ordinance; he has to move the mobile home out of the floodplain. His next step is that he will have to go to court and be fined if it is not moved.

Re: Dr. John Dours, a recent graduate of Ole Miss Dental School and lifelong resident of Waveland, discussed his concerns about beautification, cleanup needs, large amounts of Section 8 housing, and still great amounts of sparsely populated areas. He sees great progress in Bay St. Louis, but not as much in Waveland. He grew up here and would like to see more progress in the area of City Planning and beautification efforts. Mayor Garcia said it's hard to compare Bay St. Louis to Waveland primarily because Bay St. Louis receives over \$2,000,000 from Casino revenues which Waveland does not receive; in addition, each mill in Bay St. Louis brings in approximately \$111,000 but in Waveland, each mill brings in only about \$64,000 which greatly affects what can be accomplished in a community.

MAYOR'S REPORT (EXHIBIT A)

Re: Mayor Garcia:

- a. Mayor, Alderman Stahler, and Fire Chief Mike Smith attended a church service on Sunday, July 1st at the Central Bible Church on Longfellow Drive to honor public safety personnel, military personnel and local government officials. The Church recognized everyone with a Certificate of Appreciation.
- b. Each Alderman received an invitation from American Legion Post 77 for the installment of its new officers.
- c. The City is currently working toward resetting all of the Historical Markers taken down by Hurricane Katrina. Chief Smith and Assistant Chief Mallini have retrieved the Camille and the Jean Lafitte signs. Molly, at Gulfside Assembly, has the Gulfside and SeaSong Markers; other markers are at the City yard. Alderman Kidd said that he would check his company's storage and may have some extra poles. The Mayor also asked the Board if they were all in favor of purchasing a new Hurricane Katrina marker to place in front of the Civic Center since this will be the future home of a Hurricane Katrina Museum. Mayor Garcia also noted the City will be marking the 'high water marks' at the Civic Center to show tourists the height of the water during Katrina.
- d. The City has brought back two furloughed Streets Department employees, Veotis Humphrey and Leroy Hawkins, Jr.; this will allow the City to move forward with grass cutting efforts.
- e. Reminder of the Special meeting to be held on Tuesday July 10th at 6:30p.m. to discuss the Noise and Culvert/Drainage Ordinances.

ALDERMEN'S COMMENTS:

Alderman Stahler:

- a. Board members and the Mayor attended the MML Annual Conference recently. Mayor Garcia will receive his certification at the MML Small Cities Conference in November, 2012.

Alderman Geoffrey: There were no comments presented by Alderman Geoffrey.

Alderman Lafontaine:

- a. Asked Recovery Manager Brent Anderson to contact CSX about grass cutting along the railroad tracks.
- b. **Alderman Kidd:**
 - a. Inquired as to whether the next meeting would be held at the new Board Room.
 - b. Asked Mr. Anderson if he could get the curb near the Pier replaced; it is rising from the heat. Mr. Anderson said that is actually the responsibility of the County.
 - c. Will Hancock County Tourism be donating to WaveFest? Mayor Garcia said that Mike Kopke would be able to answer this question.
 - d. Noticed there are cut limbs being placed in ditches along Waveland Avenue. He asked that citizens place the debris from their yards on the side of the curb instead. Mayor Garcia said that Solid Waste had recently placed an ad in the newspaper that provided citizens with instructions as to how to bundle limbs, etc.
 - e. During Alderman Kidd's comments, Mr. Anderson asked if the Board could waive its \$15,000.00 purchase rule regarding bids so that he could purchase a new excavator; otherwise he will have to advertise for same, which will as much as 30 to 60 days longer. Collectively the Board agreed that as long as Mr. Anderson provided 2 written quotes, this would not be a problem.

MINUTES

Re: Meeting of June 20, 2012

Alderman Stahler moved, seconded by Alderman Lafontaine to approve the Minutes of the Meeting of June 20, 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 Kidd moved, seconded by Alderman Lafontaine 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 Kidd moved, seconded by Alderman Geoffrey to approve the Docket of Claims dated July 3, 2012 as submitted by the City Clerk. **(EXHIBIT D)**

001 Fund – 486-526

100 Fund – None

101 Fund – None

102 Fund – None

103 Fund – None
104 Fund – None
105 Fund – None
124 Fund – 40-41
125 Fund – None
200 Fund – None
400 Fund – 256-276

A vote was called for with the following results:

Yea: Stahler, Geoffrey, Lafontaine and Kidd

Nay: None

Absent: None

REVENUE AND EXPENDITURES

Re: The Month of May 2012

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

PLANNING AND ZONING (EXHIBIT F)

Re: 433 Sears Avenue, Paul Prouet and Mike Felter

Paul Prouet, along with Mike Felter, appeared before the commission with a request for a variance of ten feet from the required rear yard setback in order to build a new residence on his property located at 433 Sears Avenue. Legal description: Block 7 lots 39-42, Anchorage Subdivision, City of Waveland, Hancock County, Mississippi.

Tish Ortiz moved, seconded by Clarence Harris: recommends that the Board of Mayor and Aldermen approve the request for a variance of ten feet from the required rear yard setback as requested.

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

A vote was called for with the following results:

Yea: Stahler, Geoffrey, and Kidd

Nay: Lafontaine

Absent: None

Re: Resignation of Brenda McComb from Planning and Zoning Commissioner

Spread on the minutes the resignation of Planning and Zoning Commissioner Brenda McComb as the Ward 3 appointee.

Re: Appoint Mr. Mike Kopke as Ward 3 Representative for Planning and Zoning Commission - recommended by Alderman Shane Lafontaine

Alderman Lafontaine moved, seconded by Alderman Geoffrey to appoint Mr. Mike Kopke as the Ward 3 Representative to the Planning and Zoning Commission.

During discussion Mr. Yarborough asked Alderman Lafontaine if this was who he wished to appoint. Alderman Lafontaine said, "Yes".

A vote was called for with the following results:

Yea: Stahler, Geoffrey, Lafontaine and Kidd

Nay: None

Absent: None

BIDS/POLICE DEPARTMENT

Re: Ratify Advertising for Bids for the 2004 Ranger Bay Boat, 2006 Yamaha 250 HP Motor and 2006 Ranger Trailer

Alderman Lafontaine moved, seconded by Alderman Kidd to ratify advertising for bids to be received on the following: **(EXHIBIT G)**

- a. 2004 23' Ranger Bay Boat (including cover) with 2006 Yamaha 250 H.P. Motor and 2006 Ranger Trailer.

City Attorney Gary Yarborough announced that the City reserves the right to reject any and all bids received.

A vote was called for with the following results:

Yea: Stahler, Geoffrey, Lafontaine and Kidd

Nay: None

Absent: None

WASTEWATER/CONTRACTS

Re: Amendment to Wastewater Amended and Restated Service Contract

Alderman Stahler moved, seconded by Alderman Lafontaine to **Table** Amendment to Wastewater Amended and Restated Service Contract with regard to cost based flow. (Tabled from the June 20, 2012 Meeting)

A vote was called for with the following results:

Yea: Stahler, Geoffrey, Lafontaine and Kidd

Nay: None

Absent: None

DIGITAL ENGINEERING /MISSISSIPPI DEVELOPMENT AUTHORITY (MDA)/CITY HALL, CITY HALL ANNEX PROJECT

Re: Attorney Gary Yarborough discussed the current status of Amendment No. 3 which was submitted by Digital Engineering

Mr. Yarborough stated that Engineer Bruce Newton with Digital Engineering was currently in the process of speaking to Mississippi Development Authority (MDA) about this issue and providing answers to their questions submitted by email. (Tabled from the June 20, 2012 Meeting)

HAZARD MITIGATION GRANT PROGRAM/MEMA/WAVELAND ACQUISITION PROJECT/CONTRACTS/AGREEMENTS

Re: Hazard Mitigation Grant Program Agreement with MEMA

Alderman Stahler moved, seconded by Alderman Geoffrey to **Table** the Hazard Mitigation Grant Program Agreement with MEMA in the amount of \$933,911.00 for the Waveland Acquisition Project; Project No: DR-1604-MS-340. (Tabled from the June 20, 2012 Meeting). Note: Mayor sent correspondence to Mr. Robert Latham appealing final funds allotted for services; should have been 100% as in original application.

Mayor Garcia said that he had spoken with Robert Latham of MEMA at a recent Red Cross meeting. Mr. Latham said he had not yet received this correspondence, therefore the Mayor asked if this could be tabled to provide Mr. Latham more time to receive and review this request.

A vote was called for with the following results:

Yea: Stahler, Geoffrey, Lafontaine and Kidd

Nay: None

Absent: None

**BUDGET MODIFICATIONS/POLICE STATION/CENTRAL FIRE STATION
Re: Budget Modifications as submitted by Gouras Urban Planning Consultants**

Alderman Lafontaine moved, seconded by Alderman Geoffrey to approve the following Budget Modifications, as recommended and submitted by Gouras Urban Planning Consultants: **(EXHIBIT H)**

- a. Budget Modification Number 5, R-118-379-02-HCCR – Police Station.
- b. Budget Modification Number 4, R-118-379-01-HCCR – Central Fire Station

A vote was called for with the following results:

Yea: Stahler, Geoffrey, Lafontaine and Kidd

Nay: None

Absent: None

**BIDS/CENTRAL FIRE STATION/FIRE DEPARTMENT TRAINING FACILITY
AND DRAFTING PIT/ADVERTISING**

Re: Consider bids for the Central Fire Station Training Facility and Drafting Pit

Alderman Kidd moved, seconded by Alderman Geoffrey to **Reject** any and all bids received for the Waveland Fire Department Training Facility and Drafting Pit, and to authorize Compton Engineering to re-advertise for same.

During discussion, the Board noted that it approved, in the prior motion, the submission to the Mississippi Development Authority of the City's request for additional funding and modifications of the police station and central fire stations budgets. Such was necessary because, based on the bids received, the current budget on the drafting pit and training facility project was not sufficient to allow for the funding by MDA of that project. The Board also discussed that previously in the meeting, during the discussion of revenues and expenditures with the Comptroller, the discussion indicated that there are not currently general funds allocated for capital improvements; accordingly, the City's budget does not provide funds sufficient to pay for this project, based on the bids received, unless and until MDA approves the budget amendments discussed above. Accordingly, the Board discussed this motion to reject all bids and rebid the project, such that the funding issue can be resolved in the meantime.

The Board also discussed that it reserved its rights in the invitation to bid to reject any and all bids, and all bidders acknowledged that right in its submissions. The Board also discussed that the invitations to bid also reserved the City's rights to reject bids if the City believed that it would not be in the best interest of the City to make an award to a bidder or bidders. The City discussed that the Mississippi Supreme Court has upheld the City's rights to reject any and all bids in Hemphill Construction v. City of Laurel.

The Board came to the consensus that because of the funding issues and current general fund budget, it did not currently have sufficient funds to secure the proper and timely completion of the proposed project, and that it would be in the best interest of the project to reject any and all bids on the project. The Board also noted and found that it has the freedom of contract, and to decide not to contract, based both on constitutional rights and the bidding instructions. The City made those findings and a vote was called with the following results:

Yea: Stahler, Geoffrey, Lafontaine and Kidd

Nay: None

Absent: None

INVOICES/VETERANS MEMORIAL IMPROVEMENTS PROJECT/CENTRAL FIRE STATION/TRAINING FACILITY AND DRAFTING PIT

Re: Consider Invoices submitted by Compton Engineering.

Alderman Kidd moved, seconded by Alderman Lafontaine to approve the following invoices submitted by Compton Engineering 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-c) **(EXHIBIT I)**

- a. Invoice No. 212-018-1 in the amount of \$29,930.00 – Veterans Memorial Improvements Project.
- b. Invoice No. 212-018-2 in the amount of \$1, 815.00 – Veterans Memorial Improvements Project.
- c. Invoice No. 212-024-2 in the amount of \$18,062.00 – Fire Department Training Facility and Drafting Pit.

A vote was called for with the following results:

Yea: Stahler, Geoffrey, Lafontaine and Kidd

Nay: None

Absent: None

HANCOCK COUNTY SHERIFF'S DEPARTMENT/SURPLUS PROPERTY/POLICE DEPARTMENT/CONTRACTS/INTERGOVERNMENTAL TRANSFER

Re: Transfer of Police Vehicles to the Hancock County Sheriff's Department

Alderman Lafontaine moved, seconded by Alderman Stahler to approve the intergovernmental transfer related to the following items for the Hancock County Sheriff's Department (Items a-b). City Attorney Gary Yarborough has had the opportunity to meet with County Attorney Ronnie Artigues to negotiate an Intergovernmental Transfer prior to the meeting this evening. Note: Declared surplus property at prior meeting of the Board. (Tabled from the June 20, 2012 Meeting) **(EXHIBIT J-Intergovernmental Transfer Contract)**

- a. One 2005 Crown Victoria 2FAFP71W15X169791
- b. One 2005 Crown Victoria 2FAFP71W15X169802

Note for the record: Alderman Geoffrey recused himself and left the room for the vote.

A vote was called for with the following results:

Yea: Stahler, Lafontaine and Kidd

Nay: None

Absent: Geoffrey

**SURPLUS PROPERTY/DIAMONDHEAD, MISSISSIPPI/POLICE
DEPARTMENT/ CONTRACTS/ INTERGOVERNMENTAL TRANSFER
Re: Declare 3 police vehicles surplus property and transfer them to the newly
formed municipality of Diamondhead, Mississippi**

Alderman Lafontaine moved, seconded by Alderman Kidd to declare the following police vehicles as surplus and transfer same to the newly formed Municipality of Diamondhead, Mississippi in Hancock County, Mississippi. City Attorney Gary Yarborough shall negotiate an Intergovernmental Transfer prior to the transfer of these vehicles and is attached herewith as approved and exhibited. **(EXHIBIT K- Vehicle Vin Pictures and Intergovernmental Transfer Contract)**

- a. 2005 Ford Crown Victoria 2FAFP71W35X169803
- b. 2005 Ford Crown Victoria 2FAFP71WX5X169801
- c. 2005 Ford Crown Victoria 2FAFP71W25X169789

A vote was called for with the following results:

Yea: Stahler, Geoffrey, Lafontaine and Kidd

Nay: None

Absent: None

**CITY HALL/CONTINUING EDUCATION/MISSISSIPPI RURAL WATER
ASSOCIATION
Re: Mayor Garcia completed the Mississippi Rural Water Association Training
session**

Spread on the Minutes that Mayor Garcia has completed the Mississippi Rural Water Association Training sessions on June 12, 2012 as required by MS. Statute.

**ADJOURN
Re: Adjourn meeting at 7:50 p.m.**

Alderman Lafontaine moved, seconded by Alderman Kidd to adjourn the meeting at 7:50 p.m.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

The foregoing minutes were presented to Mayor Garcia on July 20, 2012.

Lisa Planchard
City Clerk

The Minutes of July 3, 2012 have been read and approved by me on this day the 20th day of July, 2012.

David A. Garcia
Mayor

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