

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 August 19, 2015 at 6:30 p.m. to take action on the following matters of City business.

PUBLIC COMMENTS:

- Brian Frater

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 P. Yarborough.

MAYOR'S REPORT/RSVP (EXHIBIT A)

Re: RSVP Claims

Alderman Piazza moved, seconded by Alderman Burke to approve the RSVP Claims as submitted.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

GARFIELD LADNER MEMORIAL PIER/PIER/INVOICES

Re: Pay Application No. 5 from Coastal Marine Construction and all Closeout Documents as listed

Alderman Burke moved, seconded by Alderman Lafontaine to approve Pay Application No. 5 from Coastal Marine Construction in the amount of \$173,697.74 and all Closeout Documents attached as listed, (Items 1-11). **(EXHIBIT B)**

1. Certificate of Substantial Completion
2. Final Payment Application and Certificate Signature Page
3. Pay Application No. 5 Final
4. Contract Completion Certificate
5. Recommendation for Final Acceptance of Contract
6. Final Completion Inspection Report
7. Final Waiver of Lien
8. Change Order No. 4 (Summary Change Order)
9. Consent of Surety to Final Payment
10. Contractor's Affidavit of Release of Liens
11. Concrete Repairs Spreadsheet

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

PUBLIC HEARING/MILLAGE/BUDGET FYE 2016

Re: Public Hearing for Tax Millage increase set for 9/3/2015

Spread on the minutes The Public Hearing and Tax Millage increase is scheduled for Thursday September 3, 2015 at 6 p.m.

PUBLIC APPEARANCE/COMPREHENSIVE PLAN UPDATE

Re: Mr. Mike Slaughter was present and updated the Board on a Comprehensive Plan done in 2010 and possible preparation of a Comprehensive Plan update.

PUBLIC COMMENTS (CONT.)

- Mr. Mickey Lagasse

**CITY ATTORNEY'S COMMENTS/ CITYWIDE DRAINAGE IMPROVEMENTS PROJECT/
DRAINAGE PROJECT/LEGAL DEPARTMENT/TASK ORDERS/AGREEMENTS/
CONTRACTS**

City Attorney Rachel Yarborough mentioned that, with regard to the Citywide Drainage Improvements Project, there is an issue with obtaining a Right of Entry from one land owner that owns several lots and has apparently refused to sign the right of entry which is holding up progress. Mrs. Yarborough requested authority to negotiate, whether it be the terms of the right of entry, or at some stipulated price for right of entry in order to get that right of entry endorsed by the property owner.

Re: Authorize City Attorney to enter into negotiations with Property Owner re: Citywide Drainage Improvements Project Right of Entry Issue

Alderman Lafontaine moved seconded by Alderman Richardson to authorize City Attorney to enter into negotiations with property owner related to the Citywide Drainage Improvements Project and resolve the right of entry issue.

During discussion, Alderman Lafontaine asked whether the City has an easement to this property. Ms. Yarborough said that apparently the contractor is only sending rights of entry request letters to properties where the City does not have an easement. Ms. Yarborough said the appraisal would be the largest cost if the City should have to pay for the right of entry. She also said this would qualify for potential litigation to take this issue into executive session.

***No vote taken, postponed until Executive Session**

Re: Authorize Mayor to Sign Contract Agreement and Task Order No. 1 with Waggoner Engineering regarding the potential litigation with Kappa Development.

Alderman Lafontaine moved, seconded by Alderman Piazza for Mayor to sign the Agreement and Task Order No. 1 with Waggoner Engineering regarding the HMGP Citywide Drainage Project.
(EXHIBIT C)

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

ALDERMEN'S COMMENTS

Re: Alderman Burke

- No comments; he has spoken with Department Heads prior to the meeting and cleared all of his questions.

Re: Alderman Richardson

- Discussed the 'Lacoste' property on Old Spanish Trail, which has continued to present a junk yard problem; it's getting to be a real ugly sight. He requested action be taken to clean property and remove vehicles. Mr. Siebenkittel said he has spoken with Mr. Lacoste about the problem; Mr. Lacoste told Don (Siebenkittel) he would clean it up.
- Addressed concerns about Ms. Lele, the "Shrimp Lady", at the corner of McLaurin and Highway 90 who is dumping discarded shrimp water into sewer and causing a foul smell right at the intersection where cars are stopped for red lights. Mr. Siebenkittel, Litter control officer, said he spoke with all of the people selling shrimp and told them they cannot dump that tainted water in the sewer system.

Re: Alderman Lafontaine

- Inquired from Brent Anderson about pavilion being built at the Elwood Bourgeois Park on Central Avenue.

PARKS AND RECREATION/PAVILION/QUOTES/PURCHASES

Re: Pavilion Construction at Elwood Bourgeois Park

Alderman Lafontaine moved, seconded by Alderman Richardson to approve quote from David Rush Construction at \$31,800.00 and agree to pay out of cash reserves, amending the budget as necessary.

During discussion, Attorney Yarborough noted that if the department's 2015 budget would be exceeded by 10%, a public hearing would have to be held and then the budget amended.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

Re: Aldermen Piazza

- Cleared all of his questions prior to the meeting and noted that everything was good.

DOCKET OF CLAIMS

Re: Claims

Alderman Burke moved, seconded by Alderman Piazza to approve the Docket of Claims (less the Streets Payroll portion) in the amount of \$744,756.50 dated August 19, 2015 as submitted, except to remove Transaction Number 153265 payable in the amount of \$2390.00 to Digital Engineering, which single item is removed by the Board. **(EXHIBIT D)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

MINUTES

Re: Meeting of July 22, 2015, and the Special Meetings of July 28, 2015 and July 30, 2015

Alderman Richardson moved, seconded by Alderman Burke to approve the Minutes of the Meeting of July 22, 2015 and the Special Meetings of July 28, 2015 and July 30, 2015 as presented.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

AGREEMENTS/CONTRACTS/PUBLIC WORKS/UTILITY

Re: Approve Pest Control Service with Mayley's Pest Control for the Public Works Building

Alderman Burke moved, seconded by Alderman Piazza to approve Pest Control Service Agreement with Mayley's Pest Control, LLC for exterminator services at the Public Works Building. **(EXHIBIT E)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

PUBLIC WORKS/UTILITIES/PERSONNEL/UTILITY DEPARTMENT/HUMAN RESOURCES/PERSONNEL

Re: Richard Thompson as Public Works/Utility Supervisor

Alderman Burke moved, seconded by Alderman Lafontaine to approve Richard Thompson as Public Works/Utility Supervisor. There will be no pay increase for this job title change.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

TRAVEL/CITY HALL

Re: Board of Mayor and Aldermen to attend MML Small Town Conference October 14-15, 2015

Alderman Burke moved, seconded by Alderman Lafontaine to approve travel for the Board of Mayor and Aldermen to the 2015 MML Small Town Conference in Starkville, Mississippi October 14-15, 2015. Cost to the City will be for each, a registration fee of \$75.00, lodging for 2 nights, 2 days per diem and use of a City vehicle (or mileage reimbursement for travel).

Aldermen said they would email Ms. Tammy Fayard to let her know if they will be attending.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

NATIONAL GUARD RECRUITMENT/CENTRAL FIRE STATION

Re: National Guard to use a portion of the Fire Department for doing paperwork related to Recruitment efforts

Alderman Piazza moved, seconded by Alderman Burke to authorize use of available office space at the Central Fire Station to be used 2-3 days per week by the National Guard for doing paperwork related to recruitment efforts.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

BUDGET MODIFICATION/CENTRAL FIRE STATION/POLICE STATION/POLICE BUILDING PROJECT

Re: Budget Modification #9; Move funds from Central Fire Station Project to Police Building Project (02-HCCR)

Alderman Burke moved, seconded by Alderman Piazza to approve budget Modification #9, including required signatures, (R-118-379-02-HCCR) to move unobligated funds from the Central Fire Station Project (01-HCCR) to the Police Building Project (02-HCCR). **(EXHIBIT F)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

**POLICE DEPARTMENT/GRANTS/DEPARTMENT OF PUBLIC SAFETY
GRANTS/IMPAIRED DRIVER GRANT (DUI)/OCCUPANT PROTECTION GRANT
(SEATBELT)/PUBLIC SAFETY GRANTS**

Re: Acceptance to two Grants from Mississippi Department of Public Safety

Alderman Piazza moved, seconded by Alderman Burke to approve the acceptance of two (2) grants from Mississippi Department of Public Safety, previously applied for. Both grants are Federally funded: Occupant Protection Grant in the amount of \$23,110.00, and Impaired Driver Grant (DUI) in the amount of \$20,000.00, both have been budgeted for. **(EXHIBIT G)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

**INVOICES/GARFIELD LADNER MEMORIAL PIER/PIER/POLICE STATION-
BUILDING/GROUND ZERO HURRICANE MUSEUM/MUSEUM/CIVIC CENTER**

Re: Invoices submitted by various Contractors

Alderman Burke moved, seconded by Alderman Piazza to approve the following invoices submitted by various contractors and recommended to be placed in line for payment consideration, as listed (Items a-c): **(EXHIBIT H)**

- a) Pay Application No. 5 (FINAL) in the amount of \$170,572.74 from Coastal Marine Contractors, Inc. related to the Garfield Ladner Memorial Pier Repairs Project. Will be uploaded to DropBox once received by Compton. (As Tabled from the August 4, 2015 Meeting).
- b) Pay Application No. 1 from J.O. Collins Contractor, Inc. in the amount of \$111,294.52 – Waveland Police Building Project.
- c) Invoice No. 01 from Unabridged Architecture in the amount of \$9,600.00 – Ground Zero Hurricane Museum Project, Civic Center), Funded by MDA grant.

During discussion, City Attorney Yarborough noted for the record that Digital Engineering did not submit a letter of recommendation, but it is endorsed by Mr. Nofie Alfonso, Architect on the project. She said the information was submitted to Digital Engineering for review, they just never responded.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

**CONTRACTS/AGREEMENTS/LIGHTHOUSE-PAVILION-OUTDOOR RECREATIONAL
FACILITY ON BEACH/BEACH FACILITY IMPROVEMENTS PROJECT**

Re: Agreement/Contract with Compton Engineering for Professional Services related to the Waveland Beach Facility Improvements Project

Alderman Lafontaine moved, seconded by Alderman Piazza to approve Contract/Agreement, including required signatures, between City of Waveland and Compton Engineering for professional services related to the Waveland Beach Facility Improvements Project (lighthouse, pavilion and outdoor recreational facility on the beach). **(EXHIBIT I)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

LEASE AGREEMENTS/BUSINESS CENTER/INCUBATOR/OBE PORT OF CALL/CONTRACTS

Re: Lease Agreement with Mr. Gary Geoffrey for lease space at Business Incubator

Alderman Lafontaine moved, seconded by Alderman Burke to approve Lease Agreement, including the amendments recommended by Alderman Burke, with Mr. Gary Geoffrey for lease space at the Business Center (Incubator), specifically Units A7 & A8 at a monthly cost of \$513.00, as bid, plus utilities for one year and authorize Mayor's signature thereon. **(EXHIBIT J)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

POLICE DEPARTMENT/TRAVEL

Re: Investigator Matt Sekinger to Jackson, MS for NRA Law Enforcement Handgun/Shotgun Instructor School

Alderman Richardson moved, seconded by Alderman Burke to approve travel for Investigator Matt Sekinger to Jackson, MS. for NRA Law Enforcement Handgun/Shotgun Instructor School from October 11-16, 2015. Cost to the City will be \$595.00 registration fee and \$300 for lodging and meals. A City vehicle will provide transportation. **(EXHIBIT K)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

REVENUES AND EXPENDITURES

Re: The Month of July, 2015

Spread on the minutes the following as listed, (Item a):

- a) Revenues and Expenditures report for July 31, 2015 at this, the second meeting in August 2015. **(EXHIBIT L)**

EXECUTIVE SESSION

Re: Potential Litigation, HMGP Citywide Drainage Project, Personnel Issues-Mayors' office and Potential Litigation re: Engineering/Project Management with the Police Building Construction

Alderman Burke moved, seconded by Alderman Piazza to consider Executive Session to prompt a closed discussion regarding personnel issues City Hall-Mayor's office, potential litigation regarding Real Estate negotiations (HMGP Citywide Drainage Project), and potential litigation regarding Engineering/Project Management with the Police Building.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

Alderman

Alderman Lafontaine moved, seconded by Alderman Piazza to enter Executive Session regarding potential litigation Real Estate negotiations (HMGP Citywide Drainage Project), and Potential Litigation regarding Engineering/Program Management with the Police Building. (Personnel Issues-Mayor's office did not qualify for executive session)

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

Alderman Burke moved, seconded by Alderman Piazza 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

HMGP CITYWIDE DRAINAGE IMPROVEMENTS PROJECT/CITYWIDE DRAINAGE IMPROVEMENTS PROJECT/DRAINAGE PROJECT/LEGAL DEPARTMENT

Re: Authorize City Attorney to negotiate Right of Entry, with no monetary benefit, for Citywide Drainage Improvements Project

Alderman Piazza moved, seconded by Alderman Burke to authorize the City Attorney to negotiate the terms of a Right of Entry with no monetary benefit regarding a property owner, as related to the HMGP Citywide Drainage Improvements Project.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

Alderman Piazza exited the Board Room at this time.

DOCKET OF CLAIMS

Re: Streets Payroll Portion only in the amount of \$15,828.69

Alderman Richardson moved, seconded by Alderman Burke to approve the Docket of Claims, Streets Payroll portion only, in the amount of \$15,828.69 as submitted. **(EXHIBIT D)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and

Voting Nay: None

Recused: Piazza

Absent: None

ADJOURN

Re: Adjourn Meeting at 8:03 p.m.

Alderman Burke moved, seconded by Alderman Richardson to adjourn the meeting at 8:03 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 September 18, 2015.

Lisa Planchard
City Clerk

The Minutes of August 19, 2015 have been read and approved by me on this day the 18th of September, 2015.

Mike Smith
Mayor

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