

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 September 1, 2015 at 6:30 p.m. to take action on the following matters of City business.

PUBLIC COMMENTS:

ROLL CALL:

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

Absent from the meeting was Alderman Charles Piazza.

PUBLIC COMMENTS:

- Chad Whitney
- Bryan Frater
- Sydney Lewis – Mr. Lewis withdrew his Planning & Zoning Request from this agenda; he will submit a new request to Planning & Zoning with his requested changes.
- John Pung

MAYOR'S REPORT

Re: Hurricane Katrina 10th Anniversary is “behind us” and it’s time to move forward. The Mayor quoted former Mayor Johnny Longo as he was recovering from Hurricane Camille, “Much more has yet to be done, but one thing is definite- Waveland is on the march.”

MAYORS REPORT/SURPLUS/CITY HALL

Re: Additional Surplus items from ‘Large Storage Room’ in City Hall

Alderman Lafontaine moved, seconded by Alderman Richardson to declare the following old assets as surplus property as listed (Items 1-21), currently stored on the second floor of City Hall. These assets are not and will not be used for Municipal purposes.

City Attorney Yarborough said, “For the record, if the Board votes to approve this motion it will be under the authority of MS. Code Section 17-25-25 and there will be the necessary finding that each of the listed assets have ceased to be used for municipal purposes and that the sale of each item would promote the best interest of the City.”

1. Table
2. 2 Brown Desks
3. Brown Printer Table
4. Brown Table
5. Small Brown Printer Table
6. Desktop Cabinet Cherry wood
7. White Erasable Board
8. L Shaped Desk Cherry wood
9. Cream Colored Table
10. Brown Desk
11. Fellowes White Multi-Media Drawer 093020
12. Gray Metal Desk
13. Metal Shelf-Gray
14. Cherry wood Desk top
15. Gray Metal Mirror
16. L Shaped Cherry wood desk
17. Gray and White Desk
18. 2 Cherry wood desks
19. L Shaped Cherry wood desk
20. Chair
21. Brown Metal Desk

A vote was called for with the following results:

Voting Yea: Burke, Richardson, and Lafontaine

Voting Nay: None

Absent: Piazza

ATTORNEY'S COMMENTS/AMEND AGENDA/EXECUTIVE SESSION

Re: Requested Agenda Item #15 be considered in Executive Session for Potential Litigation regarding the Police Department Building Project; regarding Digital Engineering Amendment No. 2

Alderman Lafontaine moved, seconded by Alderman Burke to amend the agenda for item #15 (Digital Engineering Amendment No. 2) to be consider in Executive Session regarding potential litigation regarding the Police Department Building Project; Digital Engineering Contract Amendment #2.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, and Lafontaine

Voting Nay: None

Absent: Piazza

ALDERMEN'S COMMENTS

Re: Alderman Burke

- Would like to recommend going to a consent agenda to allow time for more detailed discussion. Met with all of the department heads before the meeting who answered all of his questions.

Re: Alderman Richardson

- Consider acquiring donated playground equipment for the MLK Park. Mayor Smith told Alderman Richardson that the City has budgeted \$10,000 for playground equipment for MLK for FY 2016.

Re: Alderman Lafontaine:

- The Drainage Improvements Project contractors are using the ditches as trash receptacles. Asked that this be addressed again. Mayor Smith said absolutely yes.

RSVP

Re: Claims

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

A vote was called for with the following results:

Voting Yea: Burke, Richardson, and Lafontaine

Voting Nay: None

Absent: Piazza

MINUTES

Re: Minutes of Special Meeting for Blighted Property dated August 4, 2015 and the Regular Meeting dated August 4, 2015

Alderman Burke, moved, seconded by Alderman Richardson to approve the minutes of the Special Meeting for Blighted Property of August 4, 2015 and the Regular Meeting of August 4, 2015, as submitted.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, and Lafontaine

Voting Nay: None

Absent: Piazza

DOCKET OF CLAIMS

Re: Claims

Alderman Burke moved, seconded by Alderman Richardson to approve the Docket of Claims (less the Streets Payroll portion) in the amount of \$486,150.63 dated September 1, 2015 as submitted. **(EXHIBIT B)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, and Lafontaine

Voting Nay: None

Absent: Piazza

HALLOWEEN BASH/EVENTS/PUBLIC APPEARANCE

Re: Mrs. Raquel Lafontaine was present and discussed the upcoming Halloween Bash on Saturday October 31, 2015. Ms. Lafontaine asked for use of the Board Room for meetings and permission for a section of Coleman Avenue from the Fire Station south, to be blocked that afternoon/evening. She also recommended the event begin at 4:00 pm to accommodate the younger children that come to participate.

APPOINTMENTS/TOURISM/HANCOCK COUNTY TOURISM

Re: Mayor Smith's appointment of Charlie Cornelius to Hancock County Tourism

Spread on the minutes Mayor Smith's appointment of Charlie Cornelius to the Hancock County Tourism Board.

PLANNING AND ZONING (EXHIBIT C)

Re: Request Withdrawn by Mr. Lewis during Public Comments

~~Sidney L Lewis, executor of his family estate, appeared before the commission with a request to divide their property into three parcels. The three parcels would meet or exceed the required lot frontage and square footage. Lots 28-46 front in the 400 block of Fourth Street and lots 9-12 fronts in the 300 block of Third Street. Legal description: Lot 9-12 & 28-46, Anchorage Subdivision City of Waveland, Hancock County, Mississippi.~~

~~Commissioner Jay Fountain moved, seconded by Charlotte Watson to recommend that the Board of Mayor and Aldermen approve the applicant's request for a division of property into three parcels since they all will meet or exceed the lot frontage and required lot square footage. Parcel #1 would consist of lots 28-34. Parcel #2 would consist of lots 9-12 and lots 35-38. Parcel #3 would consist of lots 39-46.~~

No motion needed or made by the Board.

Re: John Pung, 1715 Henderson Street

John Pung appeared before the commission with a request for a variance of thirteen feet from the required front yard setback for a covered patio he constructed on his property located at 1715 Henderson Street. Legal description: Block 179 N.84.6' of 21-24. BSL Land & Improvement Co., City of Waveland, Hancock County, Mississippi.

Commissioner Charlotte Watson moved, seconded by Jay Fountain to recommend that the Board of Mayor and Aldermen approve the applicant's request for variance of thirteen feet from the front yard setback. Also applicant must get a building permit and meet all applicable building codes and inspections.

Alderman Burke moved, seconded by Alderman Richardson to follow the recommendation of the Planning and Zoning Board and approve the request as submitted.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, and Lafontaine

Voting Nay: None

Absent: Piazza

BLIGHTED PROPERTY/PUBLIC HEARING
Re: Blighted Properties Hearing set for 9/16/2015

Alderman Burke moved, seconded by Alderman Richardson to approve Blighted Properties Public Hearing to be held 9/16/2015 at 6:00 p.m. for the following properties being listed: (Items a-f)

- a) 410 Wainwright and owner Mary C. Allen
- b) Parcel #: 161F-0-02.354.000 and owner Conchita Garcia Hartel
- c) 127 Lafitte Drive, Owner Kathleen Jones
- d) 325 Favre Street, Owner Carol DeRose
- e) 603 DuFour Road, Owner Salaina Gates
- f) 4096 Atlantic, Owner Vo Nhan TM

A vote was called for with the following results:

Voting Yea: Burke, Richardson, and Lafontaine

Voting Nay: None

Absent: Piazza

***THE FOLLOWING ITEM MOVED TO EXECUTIVE SESSION BY VOTE OF THE BOARD
AT BEGINNING OF MEETING**

Motion to approve Amendment No. 2 to the Agreement with Digital Engineering for Project Management Services for Buildings and Facilities as related to construction of Police Department Building.

INVOICES/MISCELLANEOUS WATER AND SEWER WORK
Re: Invoice 702-41-01 from Digital Engineering (Denied)

Alderman Burke moved, seconded by Alderman Lafontaine to pay Invoice No. 702-41-01 from Digital Engineering in the amount of \$2,390.00 for services from 04/2014 related to miscellaneous water and sewer work. (Tabled on 8/19/15 docket)

A vote was called for with the following results:

Voting Yea: None

Voting Nay: Burke, Richardson, Lafontaine

Absent: Piazza

INVOICES/POLICE DEPARTMENT BUILDING/PURCHASING
Re: Pay Application No. 1 from J.O. Collins for Police Department

Alderman Lafontaine moved, seconded by Alderman Richardson make payment to J.O. Collins on 9/2/15, as approved at the 8/19/15 Board meeting, the amount of \$111,294.52 (Pay Application No. 1).
(EXHIBIT D)

A vote was called for with the following results:

Voting Yea: Burke, Richardson, and Lafontaine

Voting Nay: None

Absent: Piazza

**AGREEMENTS/CONTRACTS/FIBER-OPTIC RING FOR HIGH SPEED INTERNET/
INTERNET/INTERLOCAL AGREEMENTS**

Re: TABLE approval of Interlocal Governmental Cooperation Agreement with all Coastal Counties and Municipalities for Development of a Fiber Optic ring for Ultra High Speed Internet

Alderman Burke moved, seconded by Alderman Lafontaine to **TABLE** an Interlocal Governmental Cooperation Agreement between certain Mississippi Coast Municipalities and Counties (Bay St. Louis, Biloxi, Diamondhead, D'Iberville, Gautier, Gulfport, Long Beach, Moss Point, Ocean Springs, Pascagoula, Pass Christian, and Waveland, Boards of Supervisors for Hancock, Harrison and Jackson Counties) for development of a fiber optic ring for ultra-high-speed broadband, digital data infrastructure for internet service and for related purposes, all to be known as the "Silicon Coast Public Internet".

During discussion, Mrs. Yarborough said she has reviewed the agreement and noted that it is labeled 'draft' contract; she does not know if they intended that this is the agreement to be adopted. She conveyed her concerns saying that it will operate as basically a public utility. She said one of the requirements to enter the MOU will be that expenditures by this agency will ultimately be partially the liabilities of the City. She said that when this agency establishes and maintains a budget, they are expecting that the municipality that joins the agreement will somehow contribute; or say, if they get a large grant and they are deobligated some amount, then the City will also be partially liable for that. She continued saying that the approval majority will be 2/3rds of the majority vote of all the members, which it will be all the coastal cities and counties, but that it will only pass if Gulfport and Biloxi agree also.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, and Lafontaine

Voting Nay: None

Absent: Piazza

POLICE DEPARTMENT/TRAVEL/RESCIND MOTION

Re: Rescind motion for Travel for Investigator Matt Sekinger originally approved 8/19/2015

Alderman Richardson moved, seconded by Alderman Burke to rescind approval of motion of 8/19/15 for Investigator Matt Sekinger to travel to Jackson, MS. for NRA Law Enforcement Handgun/Shotgun Instructor School from October 11- 16, 2015. Classes had already filled when Investigator Sekinger tried to apply.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, and Lafontaine

Voting Nay: None

Absent: Piazza

TRAVEL/PUBLIC WORKS/UTILITIES/POLICE DEPARTMENT

Re: Travel for Dwight Haskell to Pearl, MS for MGNA Gas Operator Seminar

Re: Sgt. Ronald Storey and Sgt. Edward Richardson to FTO Training Class in Gulfport, MS

**Re: Sgt. Ronald Storey to attend Taser Instructor Certification Training Course
Re: Investigator Matt Sekinger to Alabama or Georgia for NRA Law Enforcement
Handgun/Shotgun Instructor School**

Alderman Burke moved, seconded by Alderman Richardson to approve the follow employee travel/training, as listed (Items a-d):

- a) Dwight Haskell to Pearl, Mississippi for the MNGA Gas Operator Seminar to be held September 22-23, 2015. Cost to the City will be Registration fee of \$125.00, 2 nights lodging, 2 days per diem and use of a City vehicle. (Mr. Haskell will receive 6 hours of continuing education).
- b) Sgt. Ronald Storey and Sgt. Edward Richardson to attend FTO training class to be held 9/8-10/2015 at Gulfport Police Department. Cost to the City is \$95.00 registration each (\$190 total) and use of their City assigned vehicles.
- c) Sgt. Ronald Storey to attend a Taser Instructor Certification Training Course to be held 9/28-29/2015 in Gulfport, MS. Cost to the City is \$390.00 registration fee and use of City assigned vehicle.
- d) Investigator Matt Sekinger to attend the NRA Law Enforcement Handgun/Shotgun Instructor School. Cost to the City will be 5 nights lodging and 5 days per diem. A city vehicle will provide transportation. Investigator Sekinger is trying to attend the Tuscaloosa, AL. class if space is available, otherwise it will be a Georgia location.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, and Lafontaine

Voting Nay: None

Absent: Piazza

**HMGP CITYWIDE DRAINAGE IMPROVEMENTS PROJECT/CITYWIDE
DRAINAGE/DRAINAGE PROJECT/DEBT SERVICE FUND**

Re: Transfer of Funds from HMGP Anticipation Note in the amount of \$289,045.00

Alderman Burke moved, seconded by Alderman Richardson to approve transfer of funds from the HMGP Anticipation Note in the amount of \$289,045.00 to the Depository Bank Account to pay Kappa Development Invoice No. 9 related to the HMGP Citywide Drainage Improvements Project #1604-0420.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, and Lafontaine

Voting Nay: None

Absent: Piazza

**INVOICES/CITYWIDE DRAINAGE PROJECT/GARFIELD LADNER MEMORIAL PIER
REPAIRS PROJECT/PIER/CITYWIDE DRAINAGE PROJECT/DRAINAGE
PROJECT/SEWER DEPARTMENTS/SYCAMORE ST. SEWER REPLACEMENT**

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

- a. Invoice No. 0077275 from Pickering Firm, Inc. in the amount of \$13,792.80 – Citywide Drainage Project.
- b. Invoice No. 213-017-29 from Compton Engineering in the amount of \$6,485.00 – Garfield Ladner Memorial Pier Repairs Project.
- c. Invoice No. 215-045-3 from Compton Engineering in the amount of \$750.00 for the Sycamore Sewer Replacement Project.
- d. Pay Application No. 9 from Kappa Development in the amount of \$289,041.86 –

Citywide Drainage Project.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, and Lafontaine

Voting Nay: None

Absent: Piazza

**BUSINESS CENTER/CONTRACT/INCUBATOR/PRIVILEGE LICENSE REPORT/LEASE/
BIDS**

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

- a) Notice from Mr. Gary Geoffrey of O.B.E. Port of Call informing the City of his move out of the Business Center, Units A7 & A8, by September 5, 2015.
(EXHIBIT F)
- b) Privilege License Report for August 2015 activity, as submitted by Human Resources Director. **(EXHIBIT G)**
- c) Bids to lease City property at the Business Center, Unit A1, A2 & A9, was opened immediately prior to this meeting and have been taken under advisement.
- d) Bids to lease City property at the Business Center, Unit A3, was opened immediately prior to this meeting and have been taken under advisement.

**ADVERTISING/LEASE SPACE/WAVELAND BUSINESS CENTER/BUSINESS
CENTER/INCUBATOR**

Re: Advertise for Lease Space in the Business Center/Incubator: Pod B & Unit A7-A8

Alderman Burke, seconded by Alderman Richardson to approve advertising for lease space for the following units at the Waveland Business Center, as listed (a&b):

- a. Pod B (Cafe' Pod)
- b. Unit A7 AND A8, approximately 1,700 Square feet

Alderman Burke questioned the viability of selecting one of the bids that came in lower than Mr. Geoffrey's bid when Unit A7-A8 was originally bid June 17, 2015. Mrs. Yarborough said her initial response was yes, they don't necessarily expire except for 60 or 90 days; that's under MS. Code Section 31-7- 13 (public purchases) and the lease of real property falls under MS. Code Section falls under 21-17-1 which does have the requirements of public notice and the bidding requirements, but it's somewhat different and separate from the public purchases. She has called the Attorney General's office for an informal opinion as to whether it be appropriate under 21-17-1 to accept the second highest bidder if the highest and best bidder has withdrawn their bid (Letter from Mr. Geoffrey letting City know he is moving out by 9/5/15 is taken as him withdrawing his bid). She has not heard back from the AG's office as yet.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, and Lafontaine

Voting Nay: None

Absent: Piazza

EXECUTIVE SESSION

**Re: Pending Litigation Carmichael Living Trust v. City of Waveland and Waveland Police
Department Potential Litigation**

Alderman Richardson moved, seconded by Alderman Burke to consider Executive Session to prompt a closed discussion regarding pending litigation, Carmichael Living Trust v. City of Waveland and potential litigation regarding the Waveland Police Department Building Project (Agenda Item #15)

A vote was called for with the following results:

Voting Yea: Burke, Richardson, and Lafontaine

Voting Nay: None

Absent: Piazza

Alderman Burke moved, seconded by Alderman Richardson to enter Executive Session to discuss pending litigation, Carmichael Living Trust v. City of Waveland and potential litigation regarding the Waveland Police Department Building Project (Agenda Item #15).

A vote was called for with the following results:

Voting Yea: Burke, Richardson, and Lafontaine

Voting Nay: None

Absent: Piazza

**LEGAL DEPARTMENT/CARMICHAEL LIVING TRUST V. CITY OF WAVELAND,
PENDING LITIGATION/POLICE DEPARTMENT BUILDING, POTENTIAL LITIGATION
Re: Authorize City Attorney to make Counter offer re: Carmichael Living Trust v. City of
Waveland**

Alderman Lafontaine moved, seconded by Alderman Burke to grant authority for City Attorney to make counter offer regarding Carmichael Living Trust v. City of Waveland.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, and Lafontaine

Voting Nay: None

Absent: Piazza

**CONTRACTS/LEGAL DEPARTMENT/POLICE BUILDING PROJECT/POLICE/PROJECT
MANAGEMENT
Re: Authorize City Attorney to Notify Digital Engineering of Contract Termination related to
Police Building Project**

Alderman Lafontaine moved, seconded by Alderman Richardson to authorize the City Attorney to notify Digital Engineering of termination of their Contract and immediate cessation of all work related to the Police Building Project.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, and Lafontaine

Voting Nay: None

Absent: Piazza

**POLICE BUILDING PROJECT/CONTRACTS/POLICE/PROJECT MANAGEMENT
Re: Contract with Waggoner Engineering for Services related to Program Management, Police
Building Project**

~~Alderman Lafontaine moved, seconded by Alderman Richardson to authorize the Mayor to enter into and sign a contract with Waggoner Engineering, not to exceed \$144,000, for services related to Project Management of the City Police Department Building Project with all terms to be agreeable to the City Attorney.~~ NOTE: MOTION RESCINDED AND REVISED- SEE MINUTES OF 9/16/15

A vote was called for with the following results:

Voting Yea: Burke, Richardson, and Lafontaine

Voting Nay: None

Absent: Piazza

EXECUTIVE SESSION

Re: Exit Executive Session with action taken

Alderman Lafontaine moved, seconded by Alderman Burke to exit Executive Session with action taken.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, and Lafontaine

Voting Nay: None

Absent: Piazza

DOCKET OF CLAIMS

Re: Claims – Streets Payroll portion

Alderman Lafontaine moved, seconded by Alderman Burke to approve the Docket of Claims, Streets Payroll portion only, in the amount of \$15,363.09 as submitted. **(EXHIBIT H)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, and Lafontaine

Voting Nay: None

Absent: Piazza

ADJOURN

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

Alderman Burke moved, seconded by Alderman Richardson to adjourn the meeting at 7:58 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 September 1, 2015 have been read and approved by me on this day the 18th of September, 2015.

Mike Smith
Mayor