

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 November 3, 2015 at 6:30 p.m. to take action on the following matters of City business.

**PUBLIC COMMENTS**

- Raquel Lafontaine

**ROLL CALL:**

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

Absent from the meeting were Aldermen Lafontaine and Piazza. There being a quorum, the meeting proceeded.

**MAYOR'S REPORT:**

- Reminded the audience of the Bid Openings and Blighted Property Update Special Meeting set for tomorrow night (Wednesday November 4, 2015).
- Congratulated Fire Chief Mallini for his and 5 other Fire Department employees' completion of the aerial apparatus class.
- Parks and Recreation Director Willie Moody asked the Mayor to thank Public Works Director Brent Anderson and his staff for their assistance at the Elwood Bourgeois Park.

**MAYOR'S REPORT/PLANNING AND ZONING (EXHIBIT A)**

**Re: Sidney F. Lewis, Third Street, Fourth Street**

**Sidney F. Lewis, executor of his family estate, appeared before the commission** with a request for a division of their property into four parcels. The four parcels would meet or exceed the required lot frontage and lot square footage. Parcel 1: lots 9-12 and lot 38, 100' street frontage on Third Street, lot size is 13,750 square feet. Parcel 2: lots 33-37, 125' street frontage on Fourth Street, lot size is 13,750 square feet. Parcel 3: lots 28-32, 125' street frontage on Fourth Street, lot size is 13,750 square feet. Parcel 4: lots 39-46, 208.78' street frontage on Fourth Street, lot size is 22,965 square feet. Legal description: Block 8, lots 9-12 & 28-46, Anchorage Subdivision, City of Waveland, Hancock County, Mississippi.

Commissioner Clarence Harris moved, seconded by Mike Kopke to recommend that the Board of Mayor and Alderman approve the applicant's request to divide their property into four parcels. The four parcels would meet or exceed the required lot frontage and lot square footage. Parcel 1: lots 9-12 and lot 38, 100' street frontage on Third Street, lot size is 13,750 square feet. Parcel 2: lots 33-37, 125' street frontage on Fourth Street, lot size is 13,750 square feet. Parcel 3: lots 28-32, 125' street frontage on Fourth Street, lot size is 13,750 square feet. Parcel 4: lots 39-46, 208.78' street frontage on Fourth Street, lot size is 22,965 square feet.

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 Smith

Voting Nay: None

Absent: Lafontaine and Piazza

**ATTORNEY'S COMMENTS**

No Comments were presented by City Attorney Rachel Yarborough.

**ALDERMEN'S COMMENTS**

**Re: Alderman Burke**

- Expressed his request for conditions to be included in the culvert Ordinance; citizens purchase culvert(s), come to Bldg. Dept. for permit, City staff to shoot grade, install the culverts and backfill only the dirt originally dug out... the citizen would be responsible for the rest. Currently the citizen installs their own culvert, which we hope will be installed correctly. Mayor said he foresees a cost issue of personnel and equipment (3 people to install the culvert plus backhoe and dirt to backfill). Alderman Richardson agreed with the Mayor, but time wise he added, we have so many other things going on in the City; it would have to be on an "as we could do it" basis; personnel is the issue. If we took this on, how many could we get to with our current personnel? We could not take a crew off another job to do a culvert job. Mayor Smith said if we had more personnel it would not be an issue, and as we can eventually add personnel, it would make it better. The Mayor said he would ask Mr. Anderson to offer his insight and feasibility of this proposal.

**Re: Alderman Richardson**

- Thanked Raquel (Lafontaine) for her work with the team she had for the successful Halloween Bash.

**RSVP**

**Re: Claims**

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

A vote was called for with the following results:

Voting Yea: Burke, Richardson and Smith

Voting Nay: None

Absent: Lafontaine and Piazza

**DOCKET OF CLAIMS**

**Re: Claims**

Alderman Burke moved, seconded by Alderman Richardson to approve the Docket of Claims dated November 3, 2015 as submitted. **(EXHIBIT C)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson and Smith

Voting Nay: None

Absent: Lafontaine and Piazza

**MINUTES**

**Re: Meeting of October 19, 2015**

Alderman Burke moved, seconded by Alderman Richardson to approve the Minutes of the Regular Meeting of October 19, 2015 as submitted.

A vote was called for with the following results:

Voting Yea: Burke, Richardson and Smith

Voting Nay: None

Absent: Lafontaine and Piazza

**INSURANCE/PUBLIC APPEARANCE/PERSONNEL/HUMAN RESOURCES**

**Re: Approve Medical, Dental, Vision, and Life Insurance Renewal with HUB International**

Alderman Richardson moved, seconded by Alderman Burke to approve the Medical, Dental, Vision and Life renewal insurance plans for the 12/1/15-12/1/16 term, including required signatures by the Mayor or City Clerk as needed. Representatives of HUB International (formerly Fox Everett) were present to answer questions.

Mrs. Dianne Moore, Mr. Jim Casadiban, Ms. Bobbi Kittle and Ms. Robin DiGiacomo with HUB International discussed HUB International's broker/agent services they provide to the City. Alderman Burke asked about getting quotes from other Insurance agencies. City Clerk Planchard explained that shopping for insurance is not like getting quotes other commodities, for example a copy machine or a computer; once you select an agent/broker, they go to the entire market of your behalf and shop all of the Insurance provider companies and will get the same quote/rate that would be given to any other agent; the rates and the commissions would be identical to any agent/broker.. those are set by law according to Ms. Moore. Ms. Kittle further discussed the process of "shopping" for the various health insurance benefits saying she could go to up to 10 different insurance agencies and she would bring the same proposal that anyone else would bring; in MS. they all have to abide by the same rules and they will all make the same commissions. Alderman Burke asked to note for the record that he does not want a sole source and wants to give everyone and equal chance.

Alderman Burke withdrew his second on the motion.

Alderman Richardson moved, seconded by Mayor Smith to approve the Medical, Dental, Vision and Life renewal insurance plans for the 12/1/15-12/1/16 term, including required signatures by the Mayor or City Clerk as needed. Representatives of HUB International (formerly Fox Everett) were present to answer questions. **(EXHIBIT D)**

A vote was called for with the following results:

Voting Yea: Richardson and Smith

Voting Nay: Burke

Absent: Lafontaine and Piazza

**BUSINESS ASSOCIATE AGREEMENT (BAA)/HUB INTERNATIONAL/AGREEMENTS/  
CONTRACTS**

**Re: Agreement with HUB International Gulf South**

Alderman Burke moved, seconded by Alderman Richardson to approve and authorize City Clerk's signature on the Business Associate Agreement (BAA) with HUB International Gulf South for the use, disclosure, transmission, maintenance and/or creation of Protected Health Information.

Mrs. Yarborough requested the correction of the contract date at the top from 9/1/15, and requested change in verbiage noting the Choice of Law language from Louisiana to Mississippi. Ms. Moore said she would have these items changed.

**(EXHIBIT E)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson and Smith

Voting Nay: None

Absent: Lafontaine and Piazza

**UTILITY DEPARTMENT/HEALTHCARE FINANCIAL SERVICES**

**Re: Agreement with Healthcare Financial Services**

Alderman Burke moved, seconded by Alderman Richardson to approve an agreement with (HFS) Healthcare Financial Services, LLC. for collection of delinquent Utility Bills (City Attorney negotiated and provided a revised contract with HFS), tabled from 10/6/15 and 10/19/2015 meetings.

During discussion Mrs. Yarborough said the contract looked fine and told the Board of her concerns she had with the original contract and items she requested changed.

A vote was called for with the following results:

Voting Yea: Burke, Richardson and Smith

Voting Nay: None

Absent: Lafontaine and Piazza

**AGREEMENTS/LETTER OF UNDERSTANDING/DRUG TESTING**

**Re: Terminate Service Agreement with CMT Drug Testing and TABLE Letter of Understanding/Agreement with MEA Drug Testing Consortium**

Alderman Richardson moved, seconded by Alderman Burke to **terminate service agreement** with CMT immediately, and **TABLE** approval of the Agreement/Letter of Understanding, including signatures, with MEA Drug Testing Consortium.

Mrs. Yarborough requested changes in the Letter of Understanding to read ‘payment is due 45 days after the invoice is submitted’ and ‘she needs clarification of Exhibit A to the Letter of Understanding’.

A vote was called for with the following results:

Voting Yea: Burke, Richardson and Smith

Voting Nay: None

Absent: Lafontaine and Piazza

**HANCOCK COUNTY UTILITY AUTHORITY/AGREEMENTS**

**Re: Service Agreement with HCUA**

Alderman Richardson moved, seconded by Alderman Burke to **TABLE** the Service Agreement with the City of Waveland and the Hancock County Utility Authority.

Mrs. Yarborough said she sent the Board’s position to HCUA Board Attorney Heather Ladner who said she would present it to the HCUA Board, Ms. Yarborough has not heard back from her as yet.

A vote was called for with the following results:

Voting Yea: Burke, Richardson and Smith

Voting Nay: None

Absent: Lafontaine and Piazza

**LEASE AGREEMENTS/UTILITY DEPARTMENT/CONTRACTS**

**Re: Contract Lease Agreement with South Mississippi Business Machines for Utility Department Copier**

Alderman Burke moved, seconded by Alderman Richardson to approve state contract lease agreement and required signatures with South MS. Business Machines for one Sharp B/W (MX314N) copier for the Utility Department at \$130.00/month as budgeted. Note: The current Utility color copier is being moved upstairs to the newly opened Building Department; Utilities does not require color copies.

**(EXHIBIT F)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson and Smith

Voting Nay: None

Absent: Lafontaine and Piazza

**ORDINANCES/BEACH FRONT/FIRE DEPARTMENT**

**Re: Ordinance No. 366 Allowing Bon Fires on Beach**

Alderman Burke moved, seconded by Alderman Richardson to approve Ordinance 366, amending Ordinance No. 152 allowing bon fires on the beach in Waveland. **(EXHIBIT G)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson and Smith

Voting Nay: None

Absent: Lafontaine and Piazza

**POLICE DEPARTMENT/PERSONNEL**

**Re: Pay Increase of \$1.00 per hour for Officers Hursey and Larson**

Alderman Burke moved, seconded by Alderman Richardson to approve a \$1.00 per hour wage increase, as budgeted, for Officers Eddie Hursey and Ian Larson after successfully completing the Law Enforcement Academy.

A vote was called for with the following results:

Voting Yea: Burke, Richardson and Smith

Voting Nay: None

Absent: Lafontaine and Piazza

**POLICE DEPARTMENT/TRAVEL**

**Re: Investigator Buckley and Lt. Cowand to Behavior Analysis & Interviewing Techniques, Investigator Ory and Sgt. Castro to Advanced Burglary/Robbery Investigative Techniques course, Investigator Sekinger to the Select Fire Instructor National Rifle Association Training Course**

Alderman Burke moved, seconded by Alderman Richardson to approve travel for the following as listed (Items a-c):

- a) Investigator David Buckley and Lieutenant Mac Cowand to Pearl, Mississippi, November 12-13, 2015 for the "Behavior Analysis & Interviewing Techniques" course. Cost to the City will be a Course fee of \$250.00 each, \$20.00 lodging fee each, and use of a City vehicle.
- b) Investigator Chris Ory and Sergeant Erik Castro to Pearl, Mississippi, November 30-December 1 for the "Advanced Burglary/Robbery Investigative Techniques" course. Cost to the City will be a Course fee of \$250.00 each, \$20.00 lodging fee each, and use of a City vehicle.
- c) Investigator Matt Sekinger to Florence, AL., December 6-11, 2015 for the "Select Fire Instructor" training course by the National Rifle Association. Cost to the City will be a tuition fee of \$595.00, five days per diem, five nights lodging, a \$45.00 range fee, and use of a City vehicle.

A vote was called for with the following results:

Voting Yea: Burke, Richardson and Smith

Voting Nay: None

Absent: Lafontaine and Piazza

**CITYWIDE DRAINAGE IMPROVEMENTS PROJECT/DRAINAGE IMPROVEMENTS PROJECT/BANK TRANSFER**

**Re: Transfer of funds to Depository Account in the amount of \$214,500.00**

Alderman Burke moved, seconded by Alderman Richardson to approve transfer of funds from the HMGP Anticipation Note in the amount of \$214,500.00 to the Depository Bank Account to pay Kappa Development Invoice No. 11 related to the HMGP Citywide Drainage Improvements Project #1604-0420.

A vote was called for with the following results:

Voting Yea: Burke, Richardson and Smith

Voting Nay: None

Absent: Lafontaine and Piazza

**INVOICES/CITYWIDE DRAINAGE PROJECT/DRAINAGE PROJECT**

**Re: Pay Application No. 11 from Kappa Development for Drainage Project**

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 (Item a):

- a) Pay Application No. 11 from Kappa Development in the amount of \$214,474.48 for the HMGP Citywide Drainage Improvements Project.

During discussion, Alderman Richardson asked when the City will require Kappa to start going back and cleaning the concrete ditches; he's concerned when they finish they will pull out without cleaning them. Ms. Yarborough said, "We could always call on their bonding company if they do that because that's going to be part of their, what I would assume, although I don't want to speak for the engineers on the project or Pickering. I would assume that it would be part of their punch list, which I had a meeting with Pickering and AMEC Monday and that was part of the discussion was starting their punch list items so that that can be addressed in a timely manner."

A vote was called for with the following results:

Voting Yea: Burke, Richardson and Smith

Voting Nay: None

Absent: Lafontaine and Piazza

**PLANNING AND DEVELOPMENT/DOWNTOWN REVITALIZATION PROJECT/ORION PLANNING GROUP**

**Re: Invoices #1 in the amount of \$3,510.00 from Orion Planning Group**

Alderman Richardson moved, seconded by Alderman Burke to approve Invoice #1 from Orion Planning Group in the amount of \$3,510.00 for the creation of downtown revitalization project scope and proposal for Waveland, Mississippi.

During discussion, Alderman Burke said he recalled them coming down here, but did we ever decide exactly what they wanted to do. Alderman Richardson said no, and my opinion with the Orion Group; the Mayor has established an economic development committee, which is basically going to entail doing hopefully something similar to what this group is doing. I say we pay this and let our committee take over for a little while and see where they can take it. Alderman Burke said "So this is to approve the invoice for the work that we have gotten. Ok, so we're just approving it, but let's ask them to hold off

and we'll put it in the hands of our people first." Mayor Smith recommended that since Orion has already created this project scope and proposal we should have them come down and present it. Ms. Yarborough said she would like to review the contract, she believed this invoice may be an installment payment. City Clerk Planchard said she would put the contracts on DropBox for the Board to review.

A vote was called for with the following results:

Voting Yea: Burke, Richardson and Smith

Voting Nay: None

Absent: Lafontaine and Piazza

#### **EXECUTIVE SESSION**

##### **Re: Potential Litigation**

Alderman Burke moved, seconded by Alderman Richardson to consider Executive Session to prompt a closed discussion regarding 1. Potential litigation regarding the HMGP Citywide Drainage Improvements project, refusal to grant temporary right of entry and 2. Pending litigation regarding the case of Carmichael Living Trust versus the City of Waveland.

A vote was called for with the following results:

Voting Yea: Burke, Richardson and Smith

Voting Nay: None

Absent: Lafontaine and Piazza

##### **Re: Enter Executive Session**

Alderman Burke moved, seconded by Alderman Richardson to enter Executive Session to discuss 1. Potential litigation regarding the HMGP Citywide Drainage Improvements project, refusal to grant temporary right of entry and 2. Pending litigation regarding the case of Carmichael Living Trust versus the City of Waveland.

A vote was called for with the following results:

Voting Yea: Burke, Richardson and Smith

Voting Nay: None

Absent: Lafontaine and Piazza

#### **CITYWIDE DRAINAGE PROJECT/DRAINAGE PROJECT/RIGHTS OF ENTRY/PROJECTS/LEGAL ISSUES**

##### **Re: Authorize City Attorney to take action on Unresponsive Rights of Entry – Citywide Drainage Improvements Project**

Alderman Richardson moved, seconded by Alderman Burk to authorize City Attorney to take action on outstanding or no response Rights of Entries, to pull deeds and do legal research regarding right of entry for the Kappa Citywide Drainage Improvements Project.

A vote was called for with the following results:

Voting Yea: Burke, Richardson and Smith

Voting Nay: None

Absent: Lafontaine and Piazza

**Re: Exit Executive Session**

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

A vote was called for with the following results:

Voting Yea: Burke, Richardson and Smith

Voting Nay: None

Absent: Lafontaine and Piazza

**ADJOURN**

**Re: Adjourn Meeting at 7:44 p.m.**

Alderman Burke moved, seconded by Alderman Richardson to adjourn the meeting at 7:44 p.m.

A vote was called for with the following results:

Voting Yea: Burke, Richardson and Smith

Voting Nay: None

Absent: Lafontaine and Piazza

The foregoing minutes were presented to Mayor Smith on November 20, 2015.

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Lisa Planchard  
City Clerk

The Minutes of November 3, 2015 have been read and approved by me on this day the 20<sup>th</sup> day of November, 2015.

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Mike Smith  
Mayor

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