

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 November 17, 2010 at 6:30 p.m. to take action on the following matters of city business.

Present at the meeting Aldermen Stahler, Geoffrey, Schmitt, and Piazza

Also present was City Attorney Gary Yarborough, City Clerk Lisa Planchard and Court Reporter, Norma Jean Soroe.

Court Reporter Transcribed Minutes EXHIBIT A

MAYOR'S REPORT

Re: Mayor Longo thanked all of the Employees, Election Commissioners, Bailiffs and Registrars for a job well done for the Ward 2 Run-off Election.

Re: He announced that City Hall will be open two Saturday's prior to the General Election for absentee voting from 8 a.m. to 12 noon, beginning November 27, 2010.

Re: On November 27, 2010 the Lighting of the Snowflakes will be held at 5:30 p.m. on Nicholson Avenue.

ALDERMEN'S COMMENTS:

Re: Alderman Geoffrey said that there are some concerned citizens who wish to have Public Comments moved to the top of the agenda from this point forward. The Board verbally agreed.

Re: Alderman Geoffrey reminded the Board of the ribbon cutting this Friday at 3:00 p.m. at the newly constructed Waveland Library.

Re: Alderman Schmitt thanked the citizens, "for the opportunity to serve them and putting up with my offbeat sense of humor. "It's been a real journey; I've learned a lot, made of good friends". Alderman Schmitt also thanked Mr. Steve Hand of Planning and Zoning. Alderman Schmitt noted that Mr. Hand little recognized for all of his hard work.

Re: Alderman Piazza asked whether the Housing Authority or the City of Waveland owns the property on Waveland Avenue where the old low income housing was. Mayor Longo said the Housing Authority owns the property and they have no plans to sell it, as of the last time he spoke with Ms. Karen Ladner. Alderman Piazza thanked the residents of Ward 4 for giving him the opportunity to serve them. He said, "It's been fun. I know I might have upset a lot of people over 4 years, but I was elected to do a job and I did this job to the best of my ability. It's been a hell of a ride. Thank you."

There were no comments by Alderman, Lili Staler, Ward 1.

See Exhibit A (Meeting Transcript)

PUBLIC COMMENTS

Re: Ms. Brenda McComb

Ms. McComb passed re: public comments.

MINUTES

Re: Meeting of November 3, 2010

Alderman Piazza moved, seconded by Alderman Geoffrey to approve the minutes of the meeting of November 3, 2010 and to include the transcript of the Court Reporter, as presented by the City Clerk.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Schmitt and Piazza

Voting Nay: None

Absent: None

RSVP

Re: Claims

Alderman Schmitt moved, seconded by Alderman Stahler to approve the RSVP Claims.
(EXHIBIT B)

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Schmitt and Piazza

Voting Nay: None

Absent: None

DOCKET OF CLAIMS

Re: Claims Numbers 67091-67282

Alderman Schmitt moved, seconded by Alderman Geoffrey to approve the Docket of Claims as submitted by the City Clerk, being numbered **67091-67282. (EXHIBIT C)**

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Schmitt and Piazza

Voting Nay: None

Absent: None

REVENUES AND EXPENDITURES

Re: The Month of October, 2010

Spread on the minutes the Statements of Revenues and Expenditures for the month of October, 2010 at this the second meeting of November, 2010, as presented by Comptroller Tom Worrel.
(EXHIBIT D)

ELECTION 2010

Re: Certified Election Results of the Primary Election held on November 2, 2010

Spread on the minute's the certified results of the Primary Election held Tuesday, November 2, 2010, as presented by the City Clerk/Registrar of Voters, Lisa Planchard. **(EXHIBIT E)**

EVENTS/SNOWFLAKES LIGHTING

Re: Mr. Charles Cornelius with the Waveland Community Coalition was present to answer questions related to the Snowflake Lighting Event, which will begin at 5:30 p.m. through 8:00 p.m. on Nicholson Avenue. Mr. Cornelius said much of this year's event will be on Ted and Amy Longo's property because the WCC will meet there, but the street will be open to the general public and the WCC people who want to go out and be underneath the snowflakes can do so. Mayor Longo said the City never brought in Police for this, but they may have stopped by. West End Café will be serving some signature dishes to the community and the WCC will provide portolets. Alderman Piazza asked if the party under the Longo's home would be private or open to the Public? Mr. Cornelius said since it's on the Longo property; they only wanted to open it up to the WCC. Cornelius said it's just a gesture as members of the Coalition to have the Coalition members get together that evening. Mr. Gary Yarborough, City Attorney said that for the record, anything on the Longo's property would not be a public or a City of Waveland sponsored event.

MEETINGS

Re: Change the first meeting of December from December 7th, 2010 to December 9th, 2010

6:30 P.M.

Alderman Geoffrey moved, seconded by Alderman Piazza to approve changing the first meeting of December 2010 from Tuesday December 7th to Thursday, December 9th to accommodate the General Election and the swearing in of newly elected officials on Wednesday, December 8th.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Schmitt and Piazza

Voting Nay: None

Absent: None

AGREEMENTS/HURRICANE KATRINA

Re: Letter of Support, USM to partner with City in Researching Social Networks on the Gulf Coast as they relate to Hurricane Katrina

Alderman Stahler moved, seconded by Alderman Geoffrey to approve Letter of Support to Mr. Mike Webb of the University of Southern Mississippi (USM) to partner with the City of Waveland in researching social networks on the Mississippi Gulf Coast as they relate to Hurricane Katrina, before and after the event. **(EXHIBIT F)**

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Schmitt and Piazza

Voting Nay: None

Absent: None

TRAVEL/ANIMAL SHELTER

Re: Travel for Animal Shelter Director, Dina Allen and Animal Control Officer, Colin Freeman to attend the Disaster Preparedness for First Responders and Veterinarians workshop

Alderman Piazza moved, seconded by Alderman Stahler to approve travel for Animal Shelter Director, Dina Allen and Animal Control Officer, Colin Freeman to attend the Disaster Preparedness for First Responders and Veterinarians Workshop in Hattiesburg, MS, December 13th and 14th, 2010. Cost to the City will be per diem in the amount of \$20.00 per person and use of the City Vehicle. Lodging and Registration fees are not required.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Schmitt and Piazza

Voting Nay: None

Absent: None

PERSONNEL/INSURANCE/AGREEMENTS/CONTRACTS

Re: Agreement with American United Life Insurance Company for renewal of employee Life Insurance

Alderman Schmitt moved, seconded by Alderman Stahler to approve an agreement with American United Life Insurance Company for renewal of employee life insurance benefit in the amount of \$15,000.00 of coverage, for an annual city wide savings of \$1,400.00. **(EXHIBIT G)**

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Schmitt and Piazza

Voting Nay: None

Absent: None

AUDIT - FY 2008

Re: Ms. Jennifer Bell, CPA. with Wright, Ward, Hatten and Guel presented the Board with an explanation of the 9/30/08 audit findings.

Presentation and discussion of 2008 FY Audit submitted by Wright, Ward Hatten and Guel. Audit presented by Mr. Michael Guel and Ms. Jennifer Bell, C.P.A.'s. **(EXHIBIT H) See Transcript for Audit discussion.**

EXECUTIVE SESSION

Re: Personnel Issue regarding Litigation - Hemphill Construction and the 08-11 portion of the 9/30/2008 Audit – Federal Allowable Cost

Alderman Schmitt moved, seconded by Alderman Piazza to consider going into Executive Session to discuss Litigation - Hemphill Construction and the 08-11 portion of the 9/30/2008 Audit – Federal Allowable Cost.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Schmitt and Piazza

Voting Nay: None

Absent: None

Alderman Schmitt moved, seconded by Alderman Piazza to approve going into Executive session to discuss Litigation - Hemphill Construction and the 08-11 portion of the 9/30/2008 Audit – Federal Allowable Cost.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Schmitt and Piazza

Voting Nay: None

Absent: None

With no positive or negative action taken, Alderman Geoffrey moved seconded by Alderman Stahler to come out of Executive session.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Schmitt and Piazza

Voting Nay: None

Absent: None

AGENDA

Re: Amend agenda to take action on issues discussed in Executive Session

Alderman Stahler moved, seconded by Alderman Schmitt to approve amending the agenda to take action on the issues discussed in Executive Session.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Schmitt and Piazza

Voting Nay: None

Absent: None

AUDIT FY 2008

Re: Report Item 08-11 of the FY 2008 Audit report submitted by Wright, Ward, Hatten and Guel

Alderman Schmitt moved, seconded by Alderman Geoffrey to authorize City Attorney Gary Yarborough, on behalf of the current Board of Mayor and Aldermen, to report Item 08-11 of the 2008 Audit report by Wright, Ward, Hatten and Guel, to the Mississippi State Auditor as recommended by City Attorney, Gary Yarborough. **(EXHIBIT I)**

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Schmitt and Piazza

Voting Nay: None

Absent: None

AGREEMENTS/COMPTROLLER/CONTRACTS

Re: Approve Revised Net Solution Agreement with Hancock Bank for automated banking services

Alderman Schmitt moved, seconded by Alderman Geoffrey to approve the Revised Net Solution Agreement with Hancock Bank for automated banking services (including required signatures) to be used by City of Waveland Comptroller and City Clerk for banking needs; contract has been reviewed and approved by City Attorney, Gary Yarborough. **(EXHIBIT J)**

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Schmitt and Piazza

Voting Nay: None

Absent: None

POLICE DEPARTMENT/PURCHASING/TRAVEL

Re: Reimburse Investigator Jeremy Skinner for use of his private vehicle for city business

Alderman Schmitt moved, seconded by Alderman Stahler to approve reimbursing Investigator Jeremy Skinner, for use of his private vehicle for a false Narcotics call, for 30.2 miles at the authorized City reimbursement rate.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Schmitt and Piazza

Voting Nay: None

Absent: None

REQUESTS FOR CASH/CIVIC CENTER/LIBRARY/FIRE STATION/COLEMAN AVENUE IMPROVEMENTS PROJECT/CITY HALL AND CITY HALL ANNEX/DOWNTOWN SIDEWALKS/BUSINESS INCUBATOR/CENTRAL FIRE STATION/POLICE STATION/CDBG SEWER SYSTEM EXTENSION 2009/WATER SYSTEM EXTENSION ANNEXED AREA/CITYWIDE DRAINAGE IMPROVEMENTS/HARBOR, LIGHTHOUSE/BOAT LAUNCH (EXHIBIT K)

Spread on the minutes the following Requests for Cash (as listed Items a-j):

- a. #R-103-379-01-KCR in the amount of \$5,970.00 – Civic Center, Library, Fire Station, Coleman Avenue.
- b. #R-109-379-02-KCR in the amount of \$4,653.66 – City Hall and City Hall Annex.
- c. #R-109-379-09-KCR in the amount of \$8,480.70 – Downtown Sidewalks.

- d. #R-109-379-04-KCR in the amount of \$180,934.10 – Business Incubator.
- e. #R-118-379-01-HCCR in the amount of \$12,500.00 – Central Fire Station.
- f. #R-118-379-02-HCCR in the amount of \$159,174.90 – Police Station.
- g. #R-118-379-03-HCCR in the amount of \$247,407.97 – 2009 CDBG Sewer System Extension.
- h. #R-118-379-06-HCCR in the amount of \$269,291.96 – Water System Extension Annexed Area
- i. #R-118-379-07-HCCR in the amount of \$102,210.48 – Citywide Drainage Improvements.
- j. #R-118-379-04-HCCR in the amount of \$22,662.10 – Harbor, Lighthouse, Boat launch.

ENGINEER'S REPORT

Re: Engineers Bruce Newton and Forrest Forbes came before the Board to present updates of current and future construction projects. (See Transcript)

CITY WIDE DRAINAGE IMPROVEMENTS PROJECT, PHASE II

Re: Jay Bearden Construction, Inc as lowest and most responsive bid

Alderman Geoffrey moved, seconded by Alderman Schmitt to accept and approve bid submitted by Jay Bearden Construction, Inc as the lowest and most responsive bid in the amount of \$1,189,811.75 for the Citywide Drainage Improvements Project, Phase 2/CDBG Project No. R-118-379-07-HCCR. **(EXHIBIT L - Bid Tabulation Letter and Schedule).**

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Schmitt and Piazza

Voting Nay: None

Absent: None

INVOICES/PAY REQUESTS/DIGITAL ENGINEERING/CITY WIDE DRAINAGE IMPROVEMENTS PHASE I/WATER SYSTEM EXTENSION FOR ANNEXED AREA/CDBG SEWER SYSTEM EXTENSION 2009/PROGRAM MANAGEMENT, BUILDINGS AND FACILITIES/COLEMAN AVENUE IMPROVEMENTS PROJECT/WAVELAND EASEMENT COORDINATION/SEWER SYSTEM RECONSTRUCTION NORTH OF THE RAILROAD TRACKS/DOWNTOWN SIDEWALK IMPROVEMENTS (EXHIBIT M)

Re: Approval of Invoices

Alderman Stahler moved, seconded by Alderman Schmitt to approve the following invoices from Digital Engineering, as recommended by Recovery Manager Brent Anderson (as listed Items a-h):

- a. Invoice No. 702-35-10 in the amount of \$3,371.25 – City Wide Drainage Improvements – Phase I.
- b. Invoice No. 702-34-15 in the amount of \$37,240.00 – Water System Extension for Annexed Area.
- c. Invoice No. 702-32-17 in the amount of \$14,723.50 – 2009 CDBG Sewer System Extension.
- d. Invoice No. 702-23-34 in the amount of \$32,214.00 – Program Management Services for Buildings and Facilities.
- e. Invoice No. 702-11-23A in the amount of \$5,970.00 – Reconstruction of Coleman Avenue.
- f. Invoice No. 702-30-17 in the amount of \$420.00 - Waveland Easement Coordination.
- g. Invoice No. 702-17-35 in the amount of \$23,666.46 – Sewer System Reconstruction North of Railroad Tracks.
- h. Invoice No. 702-33-18 in the amount of \$8,480.70 – Downtown Sidewalk Improvements.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Schmitt and Piazza

Voting Nay: None

Absent: None

PAY REQUESTS/SEWER SYSTEM RECONSTRUCTION NORTH OF THE RAILROAD TRACKS/WATER SYSTEM EXTENSION, ANNEXED AREA/FIRE STATION ON HIGHWAY 90/ 2009 CDBG SEWER SYSTEM EXTENSION/ WAVELAND POLICE STATION/106 BOURGEOIS STREET PHASE II ESA/WAVELAND BIKE PATH/CITYWIDE DRAINAGE IMPROVEMENTS/HMGP FOR DRAINAGE APPL./HMGP FOR 18 PARCELS APPL (EXHIBIT N)

Re: Approve pay requests submitted by various contractors

Alderman Schmitt moved, seconded by Alderman Geoffrey to approve the following pay requests submitted by various contractors and recommended for payment by Recovery Manager, Brent Anderson (as listed Item a-l):

- a. Payment Request No. 14 from Reynolds, Inc. in the amount of \$802,663.67 – Sewer System Reconstruction North of Railroad Tracks.
- b. Payment Request No. 6 in the amount of \$219,551.96 – Water System Extension – Annexed Area.
- c. Pay Request No. 11 from CDM in the amount of \$11,674.30 – Fire Station on Highway 90 (Formerly Gulfside)
- d. Pay Request No. 6 from C. Perry Builders in the amount of \$161,333.75 – Waveland Police Station.
- e. Payment Request No. 9 from S. H. Anthony, Inc in the amount of \$229,718.43– 2009 CDBG Sewer System Extension.
- f. Invoice No. 992216 from Neel-Schaffer in the amount of \$8,523.60 – 106 Bourgeois Street/Phase II ESA.
- g. Invoice No. 209-088-.004-7 from Compton Engineering in the amount of \$496.50 – Waveland Bike Path site design.
- h. Invoice No. 209-088.002-8 from Compton Engineering in the amount of \$1,350.00- Waveland Bike Path Permitting/Environmental
- i. Invoice No. X17325288 from AMEC Environmental, Inc in the amount of \$137.50- Waveland Task Order No. 12, HMGP Appl. for Drainage.
- j. Invoice X17325287 from AMEC Environmental, Inc. in the amount of \$3,045.32 – Waveland Task Order No. 11, HMGP Appl. for 18 parcels
- k. Invoice No. 209-088.002-9 from Compton Engineering in the amount of \$615.00 – Waveland Bike Path Permitting/Environmental.
- l. Pay Request No. 6 from Amco Construction Co. LLC in the amount of \$96,700.35 – Citywide Drainage Improvements.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Schmitt and Piazza

Voting Nay: None

Absent: None

CHANGE ORDERS/CENTRAL FIRE STATION/WATER SYSTEM EXTENSION FOR ANNEXED AREA

Re: Approve Change orders as recommended by Recovery Manager, Brent Anderson

Alderman Schmitt moved, seconded by Alderman Piazza to approve the following Change Orders as submitted by various contractors and recommended by Recovery Manager, Brent Anderson (as listed Items a & b):

- a. Change Order No .2 from G.M. &R. in the amount of \$34,329.00 for mucking and providing select backfill material – Waveland Central Fire Station. (See Transcript, pg 39 for City Attorney Comments).

- b. Change Order No. 2 from Reynolds Inc in the amount of \$17,793.93 due to change in conditions (raise valve boxes on Kiln/Waveland Cutoff; 33 EA, unit price \$539.21 each) and must accommodate and coordinate with the Hancock County MDOT Roadway Project and the Hancock County Utility Authority – Water System Extension for Annexed Area.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Schmitt and Piazza

Voting Nay: None

Absent: None

POLICE DEPARTMENT/STREETS DEPARTMENT/FIXED ASSETS

Re: Transfer of one 2005 silver Dodge Ram 1500 Vin No. 1D7HU18N86J112261

Spread on the minutes the transfer of one silver 2005 Dodge Ram 1500 Vin No. 1D7HU18N86J112261 from the Police Department to the Streets Department.

ELECTION 2010 - RUNOFF

Re: Results of the Ward 2 Democratic Run off Election, held November 16, 2010

Spread on the minute's results of the Ward 2 Democratic Aldermen's Runoff Election held November 16, 2010.

EXECUTIVE SESSION

Re: Litigation related to BP Claim

Alderman Stahler moved, seconded by Alderman Piazza to consider going into Executive Session to discuss litigation related to BP Claim.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Schmitt and Piazza

Voting Nay: None

Absent: None

Alderman Piazza moved, seconded by Alderman Geoffrey to approve going into Executive session to discuss litigation related to BP Claim

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Schmitt and Piazza

Voting Nay: None

Absent: None

With no positive or negative action taken, Alderman Geoffrey moved seconded by Alderman Schmitt to come out of Executive session.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Schmitt and Piazza

Voting Nay: None

Absent: None

BP CLAIMS

Re: Authorize City Clerk, Lisa Planchard to submit BP Claim by deadline

Alderman Geoffrey moved, seconded by Alderman Stahler to authorize City Clerk, Lisa Planchard to submit a BP Claim (with assistance of City Attorney Gary Yarborough) for reimbursement, in order for the City of Waveland to meet the 11/23/2010 claim deadline.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Schmitt and Piazza

Voting Nay: None

Absent: None

ADJOURN

Re: Adjourn meeting at 8:14 p.m.

Alderman Stahler moved, seconded by Alderman Piazza to adjourn the meeting at 8:14 p.m.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Schmitt and Piazza

Voting Nay: None

Absent: None

The foregoing minutes were presented to Mayor Longo on December 10, 2010.

Lisa Planchard
City Clerk

The Minutes of November 17, 2010 have been read and approved by me on this day the 10th day of December, 2010.

David A. Garcia
Mayor

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