

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 18, 2014 at 6:30 p.m. to take action on the following matters of City business.

**PUBLIC COMMENTS:**

**Re:** Ms. Bernie Cullen was present to thank the Board and Mayor Garcia for their service to the City of Waveland over the past 4 years and noted that their success will be appreciated in years to come. Ms. Cullen admitted her lack of understanding of some situations when she first started working with blighted properties, but has always supported the Board. She also thanked the Board for their confidence in her and for the various appointments that would help Municipal Beautification and appointing her as Library Trustee.

**Re:** Mr. Alfred Harris said he was here to compliment Ms. Lisa Planchard and her staff; it was a privilege and an honor to work with City Clerk Lisa Planchard and her staff during the recent elections. He said they were very professional and kept everything 'on the upgrade'.

**Re:** Ms. Courtney Thomas, Executive Director of the Bay Waveland Library thanked the Board for their continued support throughout their term and presented Mayor Garcia with a memento to celebrate his retirement.

**ROLL CALL**

Mayor Garcia noted for the record the presence of Aldermen Stahler-Murphy, Geoffrey, Lafontaine and Kidd, along with City Clerk Lisa Planchard and City Attorney Gary Yarborough.

**MAYOR'S REPORT (EXHIBIT A)**

**Re:** Discussed the placement of the new 'Welcome Signs' on Hwy 90 at Hwy 603, and Hwy 603 at the Waveland-Kiln Cutoff Road, as well as Hwy 90 West entering the City.

**Re:** This being the Mayor's last meeting prior to retirement, the Mayor reflected upon his service to the City. The Mayor thanked the Board members, Staff and City Attorney for their support during his tenure as Mayor. He presented Gary Yarborough and Alderman Stahler-Murphy with plaques for their service to the City.

**ATTORNEY'S COMMENTS**

**Re:** Told Board members he will ask for an Executive Session at the end of the agenda and also, on **Agenda Item #17** – The bonding company and the contractor are executing the completion agreement tomorrow (Thursday November 20, 2014) on the Police Station Building. Mr. Yarborough said we've already completed a takeover agreement before which is a contract between the City and the Bonding Company. After that, the procedure was that the Bonding Company has to execute it with whoever the completion contractor is going to be, probably tomorrow and begin work. Following that, he said we do have the litigation pending and we do have a mediation scheduled for Dec. 8 with all parties, including all Architects, Bonding Company, the City and C. Perry so I'll ask for authority for me to execute a mediation agreement; coincidentally again the mediator will be Larry Latham (same as agenda item #17 for Malouf), so I'll ask for that item to be amended to also include a mediation agreement for mediation with the Police Station Building, for an attempt to resolve that litigation.

Mr. Yarborough told Board members it's been a pleasure serving the Board, which has been a very thorough, honest and great Board to work with and it's been a good 4 years working with them all; not always fun, but great.

**ALDERMEN'S COMMENTS**

**Re: Alderman Stahler-Murphy:**

- Thanked everyone employed by the City of Waveland for helping her do her job for the last 8 years. She also thanked the residents of Ward 1 for allowing her to represent them and the residents of Wards 2, 3 and 4 who've have shown her support. Alderman Stahler-Murphy said she leaves the Board but not her work and commitment to the City of Waveland, especially the Ground Zero Hurricane Museum.
- The mosaic mural is set to be unveiled on the wall at City Hall on Monday, December 1, 2014 at 3:00 pm.
- The First Annual Christmas Bazaar will be held this weekend and Alderman Stahler-Murphy announced plans for the upcoming Christmas Holiday and the 10<sup>th</sup> Annual Hurricane Katrina Anniversary.

**Alderman Geoffrey** did not have any comments at this time.

**Alderman Lafontaine**

- Requested a meeting with Mayor Garcia regarding the remainder of the sewer/HCUA issues.
- Asked about a status of the smoke testing results; how much has been fixed so far and how much more is needed to complete work related to the smoke test results.
- Requested Mr. Anderson take a look at Zimmerman Lane; at the end of that street, the road is sinking.
- Thanked the current Board members and said it was an honor working with this Board; he really appreciated all that they have done.

**Alderman Kidd:**

- The last 4 years have been great; there have been problems, but he felt they did what it took to make the City function. Thanked all those that voted for him and said he would be involved throughout the Community and with the City.
- Discussed the concrete drainage project near the Haas property on Highway 90 (near the old Police Department); he feels there may be potential problems of undermining that driveway due to this project, perhaps this small area to prevent future problems.
- Inquired about the street lights in the Sundance Subdivision.
- Christmas lights should be placed in other areas besides Nicholson Avenue. Alderman Kidd suggested Christmas lights be hung along Highway 90.

**MINUTES**

**Re: Minutes of the Meeting of November 3, 2014**

Alderman Geoffrey moved, seconded by Alderman Stahler-Murphy to approve the Minutes of the Meeting of November 3, 2014 as submitted.

A vote was called for with the following results:

Voting Yea: Stahler-Murphy, Geoffrey, Lafontaine, and Kidd

Voting Nay: None

Absent: None

**RSVP**

**Re: Claims**

Alderman Stahler-Murphy moved, seconded by Alderman Lafontaine to approve the RSVP Claims as submitted. **(EXHIBIT B)**

A vote was called for with the following results:

Voting Yea: Stahler-Murphy, Lafontaine, and Kidd

Voting Nay: None

Absent: None

**DOCKET OF CLAIMS**

**Re: Claims**

Alderman Lafontaine moved, seconded by Alderman Kidd to approve the Docket of Claims as submitted (except with Transaction #150429; pay all except the Bond payment(s)) until this can be researched. **(EXHIBIT C)**

001 – 215 to 323

101 - 5

103 – 4 to 5

105 – 4 to 5

125 - 3  
126 - 6  
200 - 3  
400 – 73 to 100

A vote was called for with the following results:

Voting Yea: Stahler-Murphy, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

**WAVELAND COMMUNITY COALITION/BEAUTIFICATION AWARDS/AWARDS**  
**Re: Beautification Awards**

Ms. Bernie Cullen was present to announce that the Waveland Community Coalition have reinstated their Spirit of Beautification Awards, and will start adding 1 guest each quarter, in addition to Ms. Cullen this quarter. The Coalition Members responsible for this are Charlie Cornelius, Kearney Breland and Danny Lee. The following are current recipients of the award which are noted for the Fall Selection:

- Treasures of the Bay
- Keith and Stephanie Johnson - Ward 1
- Charlene Black – Ward 2
- Larry and Karen St. Mars – Ward 3
- Bill and PJ Warren – Ward 4

**STREETS DEPARTMENT**

**Re: Consider a Portion of Taranto Street to be Closed due to Dumping**

Alderman Lafontaine moved, seconded by Alderman Geoffrey to approve the closure of a portion of Taranto Street indefinitely to stop the dumping of animal carcasses and household trash. Alderman Kidd discussed.

During discussion Alderman Kidd noted that this road was put in after Hurricane Katrina. He said recently hog and deer carcasses have been dumped at the end of the road. Mr. Yarborough asked if this was a public road, and said the City has the right to close the public street, however the City would have to provide the abutting property owner(s) just compensation (fair market value) for loss of ingress and egress to their property. Alderman Kidd said he did not want to have to do that. Police Chief Allen came forward and said he could set up trail cams to try and find out who was doing this. Mr. Yarborough suggested putting up 'No Dumping' signs. Mayor Garcia said that Geoportal shows that this was a public road.

Alderman Lafontaine moved, seconded by Alderman Geoffrey to **withdraw** motion for the closure of a portion of Taranto Street indefinitely to stop the dumping of animal carcasses and household trash.

A vote was called for with the following results:

Voting Yea: Stahler-Murphy, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

**POLICE DEPARTMENT/CITY HALL/TRAVEL**

**Re: Travel for Investigator Matt Sekinger to Hoover, Alabama**

**Re: Travel for Human Resources Director, April Chevis to Gulfport, Mississippi**

Alderman Geoffrey moved, seconded by Alderman Stahler-Murphy to approve travel for the following as listed: (Items a-b)

- a. Investigator Matt Sekinger to Hoover, Alabama for Basic Investigation of Computer and Electronic Crimes Program from December 1, 2014 thru December 5, 2014. Cost to the City will be use of a City vehicle, all other costs will be paid by the U.S. Secret Service.
- b. Human Resources Director, April Chevis to attend 'Human Resources for Anyone with Newly Assigned HR Responsibilities' class December 10, 2014 in Gulfport, Mississippi. Cost to the City will be a course fee of \$149.00 and use of a City vehicle.

A vote was called for with the following results:

Voting Yea: Stahler-Murphy, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

**HAZARD MITIGATION GRANT PROGRAM (HMGP)/DRAINAGE IMPROVEMENTS PROJECT/DEPOSITORY ACCOUNT/HMGP/BUDGET**

**Re: Transfer Funds from the HMGP Anticipation Note to Depository Bank Account for anticipated draws related to Drainage Project**

Alderman Lafontaine moved, seconded by Alderman Geoffrey to transfer funds from the HMGP Anticipation Note in the amount of \$350,000 to the Depository Bank Account to pay anticipated construction draws on the HMGP Drainage Project 1604-0420 thru December 15, 2015.

A vote was called for with the following results:

Voting Yea: Stahler-Murphy, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

**TIDELANDS/MISSISSIPPI DEPARTMENT OF MARINE RESOURCES/OPEN AIR PAVILLION/SPLASH PAD**

**Re: Tidelands Grant Award Agreements – FY 2015**

Alderman Stahler-Murphy moved, seconded by Alderman Lafontaine to accept and approve, with Mayor's signature, the two following Mississippi Department of Marine Resources Tidelands Grant Award Agreements FY 2015: **(EXHIBIT D)**

- a. Open Air Pavilion in the amount of \$90,000, FY2015-P501-24WV.
- b. Splash Pad Interactive Play in the amount of \$160,000, FY2015-P501-23WV

A vote was called for with the following results:

Voting Yea: Stahler-Murphy, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

**MEMORANDUM OF UNDERSTANDING/DEPARTMENT OF PUBLIC SAFETY/PUBLIC SAFETY/POLICE DEPARTMENT/COURT DEPARTMENT**

**Re: Memorandum of Understanding for the Development and Implementation of Electronic Citation Tracking Services (E-tickets)**

Alderman Geoffrey moved, seconded by Alderman Lafontaine to approve a Memorandum of Understanding between the City of Waveland Police Department and the Mississippi Department of Public Safety for the development and implementation of electronic citation tracking services (E-Tickets) for a period of one (1) year, with automatic renewal for subsequent one-year terms. There is currently no cost to the City. **(EXHIBIT E)**

City Attorney said he has no problem with the language of the contract.

A vote was called for with the following results:

Voting Yea: Stahler-Murphy, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

**GARFIELD LADNER MEMORIAL PIER/PIER/LEGAL DEPARTMENT  
Re: City Attorney Authorized to Execute Mediation Agreements related to Pier and Police  
Station Building Projects**

Alderman Lafontaine moved, seconded by Alderman Geoffrey to authorize the City Attorney to execute Mediation Agreements for mediation through Attorney Larry Latham concerning 1) Malouf Construction for issues related to the Garfield Ladner Memorial Pier and 2) concerning C. Perry, Ohio Casualty Insurance Company, and Nofie Alfonso regarding the Police Station building construction litigation. **(EXHIBITS F1 AND F2)**

Mr. Yarborough said they are set for November 21st and December 8th, respectively.

A vote was called for with the following results:

Voting Yea: Stahler-Murphy, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

**JEFF DAVIS AND GULFSIDE PROJECTS/EAST JEFF DAVIS SEWER SYTEM  
IMPROVEMENTS PROJECT/WEST JEFF DAVIS SEWER IMPROVEMENTS  
PROJECT/AGREEMENTS  
Re: Authorize required Signatures on Amendments No.1 to Agreement with Department of the  
U.S. Army Corps of Engineers: East Jeff Davis & W. Jeff Davis Sewer Improvements Projects**

Alderman Geoffrey moved, seconded by Alderman Lafontaine to approve and authorize required signatures on the following Amendments No. 1 to the Agreement between the Department of the U.S. Army Corps of Engineers and the City of Waveland for the Design and Construction Assistance for the following Projects: **(EXHIBIT G)**

- a. East Jeff Avenue Sewer System Improvements Projects.
- b. West Jeff Davis Avenue Sewer System Improvements Projects.

A vote was called for with the following results:

Voting Yea: Stahler-Murphy, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

**SUB-GRANT AGREEMENT/MISSISSIPPI STATE DEPARTMENT OF HEALTH/HEALTH  
DEPARTMENT – STATE OF MISSISSIPPI/FLUORIDE/UTILITY DEPARTMENT/PUBLIC  
WORKS  
Re: Ratify Sub-Grant Agreement with Mississippi State Department of Health to Provide  
Fluoride from 7/1/14 to 6/30/15**

Alderman Kidd moved, seconded by Alderman Stahler-Murphy to ratify the Sub-Grant Agreement between Mississippi State Department of Health and the City of Waveland to provide fluoride to the City of Waveland Public Water System for the period from July 1, 2014 thru June 30, 2015, at a cost of \$8,064.00, 100% reimbursable. **(EXHIBIT H)**

A vote was called for with the following results:

Voting Yea: Stahler-Murphy, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

**INVOICES/WATER SYSTEM EXTENSION ANNEXED AREA-MASTER METER CONNECTION/W. JEFF DAVIS SEWER SYSTEM IMPROVEMENTS PROJECT/E. JEFF DAVIS SEWER SYSTEM IMPROVEMENTS PROJECT/JEFF DAVIS CONNECTOR SEWER AND PAVING PROJECT/GULFSIDE SEWER AND PAVING PROJECT**  
**Re: Payment of Invoices Submitted by Various Contractors & Vendors**

Alderman Lafontaine moved, seconded by Alderman Geoffrey to approve the following invoices submitted by various contractors and vendors and recommended to be placed in line for payment consideration contingent upon receiving funding from grant source, as listed, (Items a-e): **(EXHIBIT D)**

- a. Invoice No. 702-40-14 from Digital Engineering in the amount of \$1,375.00 – Water System Extension Annexed Area Master Meter Connection Project.
- b. Invoice No. 702-36-17A from Digital Engineering from Digital Engineering in the amount of \$1,901.89 – W. Jeff Davis Sewer System Improvements Project. P.O. #1135
- c. Invoice No. 702-37-16A from Digital Engineering in the amount of \$2,093.88 – E. Jeff Davis Sewer System Improvements Project. P.O. #1136
- d. Invoice No. 702-38-16A from Digital Engineering in the amount of \$7,326.69 – Jeff Davis Connector Sewer and Paving Project. P.O. #1137
- e. Invoice No. 702-39-10A from Digital Engineering in the amount of \$11,820.08 – Gulfside Sewer and Paving Project. P.O. #1138

A vote was called for with the following results:

Voting Yea: Stahler-Murphy, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

**GARFIELD LADNER MEMORIAL PIER REPAIRS PROJECT/PIER/ELECTION 2014/ PERSONNEL/FIRE DEPARTMENT/REQUEST FOR QUALIFICATIONS FOR PROFESSIONAL SERVICES/REVENUE AND EXPENSE REPORT**

Spread on the Minutes the following as listed, (Items a-e):

- a. Contract with Coastal Marine Contractors, LLC. for the Garfield Ladner Memorial Pier Repairs Project. (Approved by Board at Meeting of 10/7/14). **(EXHIBIT J)**
- b. Results of the November 4, 2014 Primary Election as presented by the Democratic and Republican Executive Committees, Registrar of Voters and City of Waveland Election Commissioners. **(EXHIBIT K)**
- c. Resignation of Firefighter Louis Edward (Eddie) Bourgeois effective October 31, 2014.
- d. Requests for Qualifications for Professional Engineering Services to conduct soil borings related to the Citywide Drainage Infrastructure Project were to be received and taken under advisement immediately prior to this meeting, however no RFQ's were received.
- e. Revenue and Expenditure Report for the month of October 2014, presented at this the second meeting of November 2014. **(EXHIBIT L)**

**EXECUTIVE SESSION**

**Re: Litigation related to Hemphill and Digital Engineering**

Alderman Geoffrey moved, seconded by Alderman Stahler-Murphy to consider Executive Session to prompt a closed discussion regarding litigation related to Hemphill Construction and Digital Engineering.

A vote was called for with the following results:

Voting Yea: Stahler-Murphy, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

Alderman Geoffrey moved, seconded by Alderman Lafontaine to enter Executive Session regarding litigation related to Hemphill Construction and Digital Engineering.

A vote was called for with the following results:

Voting Yea: Stahler-Murphy, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

**PENDING LITIGATION/CONTRACTS/PROJECTS/LEGAL/LITIGATION/PIER/GARFIELD  
LADNER MEMORIAL PIER REPAIRS PROJECT/SEWER & WATER CONSTRUCTION  
SOUTH PROJECT/FEMA/ MEMA/HEMPHILL CONSTRUCTION CO./DIGITAL  
ENGINEERING**

**Re: Authorize City Attorney to file suit against Digital Engineering & Hemphill Construction related to the Sewer & Water Construction South Project and the Garfield Ladner Memorial Pier Repairs**

Alderman Lafontaine moved, seconded by Alderman Geoffrey to authorize the City Attorney to file suit against Digital Engineering and Hemphill Construction Co. Inc. and any jurisdictions within its discretions for causes of actions related to Sewer South Project disallowance and authorize the City Attorney to send a \$2,000,000 demand offer to Digital Engineering to resolve Pier litigation and Sewer South litigation.

A vote was called for with the following results:

Voting Yea: Stahler-Murphy, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

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

A vote was called for with the following results:

Voting Yea: Stahler-Murphy, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

**ADJOURN**

**Re: Adjourn Meeting at 7:53 p.m.**

Alderman Geoffrey moved, seconded by Alderman Lafontaine to adjourn the meeting at 7:53 p.m.

A vote was called for with the following results:

Voting Yea: Stahler-Murphy, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

The foregoing minutes were presented to Mayor Smith on December 19, 2014.

Note: Mayor Garcia has retired as of 12/3/14.

\_\_\_\_\_  
Lisa Planchard  
City Clerk

The Minutes of November 19, 2014 have been read and approved by me on this day the 19<sup>th</sup> day of December, 2014.

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Mike Smith  
Mayor

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