

The Board of Mayor and Aldermen of the City of Waveland, Mississippi, met in regular session at Waveland City Hall Board Room, 301 Coleman Avenue, Waveland, MS. on December 4, 2012 at 6:30 p.m., to take action on the following matters of city business.

**(Tape of meeting for listening available via records request)**

**PUBLIC COMMENTS**

**Re:** There were no public comments

**ROLL CALL**

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

Alderman Geoffrey was absent.

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

**Re: Mayor Garcia commented on the following:**

- a. Thanked everyone who participated in the Festival of Lights Christmas event. The Mayor thanked Mr. & Mrs. Claus and all of those who donated to this event. He received many compliments on the event. Mr. and Mrs. Breland were a highlight taking photographs of all the children with Mr. & Mrs. Claus. Mayor Garcia requested that his secretary prepare thank you notes for those who participated in making this such a success.

**ALDERMEN'S COMMENTS:**

**Alderman Stahler:**

- a. Attended the MML Small Cities Conference with the Mayor and noted for the record that the Mayor received his certification as a Certified Municipal Official. He is the first Mayor of Waveland to ever attain this certification; she offered congratulations to the Mayor for that and all of his hard work.
- b. Alderman Stahler said that she had been asked about the possibility of the City offering tax incentives or something to promote people building back on Coleman Avenue; i.e. promote business growth.
- c. Asked Gary where the City is with the SWAT certification/training. Mr. Yarborough said County Attorney Ronnie Artigues was not aware of an agreement between Bay St. Louis and the County and suggested Mr. Yarborough contact the Sheriff. Chief Hurt contacted the Sheriff and Mr. Yarborough's understanding is that there is no written agreement between the County and Bay St. Louis for a SWAT Team; there is a verbal agreement. There is currently no written agreement. Alderman Stahler asked if the City required a written agreement. Mr. Yarborough said that he would prefer a written agreement because the City's insurance carriers will have to sign off saying that they will cover any people we have on this, whether on a volunteer or paid basis serving on a SWAT team. Chief Hurt, with Alderwoman Stahler's suggestion, asked Mr. Yarborough to prepare a written agreement (to be sent to the City's insurance carriers) to allow our Officers to participate in the training of a SWAT team.

**Alderman Lafontaine:**

- a. Questioned the Grinder Pump issue discussed at the last meeting. Mr. Yarborough said he spoke with the County Attorney Mr. Artigues, who said the county doesn't have any agreement with that. Mr. Yarborough said he had left a message for Mr. Mack Haas' office re: the Hancock County Water & Sewer District issues regarding grinder pumps and whether they've gotten any resolution to these issues. He said one concern with the grinder pumps is that they are currently owned by the citizen's; the concern is improving private property and generally the City has broad discretion under its lease powers to do a number of things. One of those things is to make improvements in the benefit of the public health and safety of the general community, and I'll draft an ordinance to that affect, but you'll have to have a finding that it's more cost effective to, and

- because and until such time as you can provide these people lines and sewer, that you'll have a.... I'll just have to write it... Mr. Yarborough said.
- b. Expressed concerns about the police scanners available via download on cell phones. Alderman Lafontaine said he felt this is a safety issue. Chief Hurt said he is working on this with Bay St. Louis and the County and noted that all the frequencies will have to be changed, but they are working on this issue.
  - c. Does the Court Department accept cash for fines? Court Clerk Rhonda Cummings said no, they currently accept check and debit or credit card. The Mayor said he prefers it this way to keep a better record, instead of receiving cash. Chief Hurt said he suggested the court stop taking cash because of the lack of security in the trailer. He said the County is using this same policy. Ms. Cummings said it is a safety issue and she has collected a lot of money and it is not safe to keep cash at the trailer even though she has a safe. Mrs. Planchard added that it is not a secure setting to handle cash. Ms. Cummings said they book people in right next to her desk. Chief Hurt agreed. Ms. Cummings added that not collecting cash at Court has not been a problem because she brings the Debit/Credit card machine. Mayor Garcia asked Chief Hurt to discuss the scanner issue with the Association of Chiefs of Police to pre-file a bill this legislative session to address the issue with scanners. With regard to collections at court, Alderman Kidd suggested perhaps looking at the issue of accepting cash once the Police and Court departments have moved into a more secure setting.
  - d. The Christmas Festival was really nice, he thought everyone had a great time, and it was so nice to see such a good turnout. It is great to have something that brings families out. Alderman Lafontaine thanked everyone.

**Alderman Kidd:**

- a. Discussed grass cutting around the City. He would like to bring the County in to cut grass City wide, just 1 sweep would be great; Ward 1 around Acadian Bay is bad and is in need of a cutting, along with areas throughout the whole City. Alderman Kidd said he realized the workers have been working hard, but with the 1 arm on the tractor, they're still only hitting one side of the ditch; the back side of the ditch still looks bad. Mayor Garcia said he and Brent Anderson were going to meet some people tomorrow and will stop by the County to see if they can give the City a ballpark estimate of cost to do this. Alderman Lafontaine asked how many employees are in this (Streets) Department. Mayor Garcia said 5 currently, but 1 is out with a broken foot. Alderman Lafontaine asked if the Streets Dept. will be able to keep up with the grass come Spring time with 5 people. Mayor Garcia said, "Let's be realistic, it's going to be hard." Alderman Lafontaine asked if the City could look at the budget to consider hiring some people designated just for cutting grass. Mayor Garcia said he, Mrs. Planchard and Mrs. Fayard visited the new Grocery store today, and he is hoping that with the influx of sales taxes, perhaps the City could hire some seasonal employees to come in specifically to cut grass. Mayor Garcia said maybe the City can, through savings and increased sales tax, get some more seasonal employees. He said there's no way 2 employees can stay on top of the grass with the annexed area.
- b. Inquired about the Sign Ordinance and what can the City do to get our highways cleaned of illegal signage. Citizens are placing banners out, which are being left out for months. Alderman Kidd asked if city employees could remove the signs that are placed in the medians or with no permits. Mayor Garcia said that he agrees with Alderman Kidd's concerns and would like to review the sign ordinance with Mr. Yarborough and would also like to speak with Mr. Tom King from MDOT. Alderman Kidd said he spoke with the Building Inspector in Gulfport who said that as he rides through Gulfport working, if he or his employees see an illegal sign or banner, they pick them up. Mr. Yarborough said he would look at the sign ordinance about removing signage.

**Alderman Lafontaine (continued):**

**Re:** Alderman Lafontaine asked to schedule a budget workshop in January. Comptroller Janet Dudding said yes.

**MINUTES**

**Re: Meeting of November 21, 2012**

Alderman Kidd moved, seconded by Alderman Stahler to approve the Minutes of the meeting of November 21, 2012, as submitted by the City Clerk.  
**(EXHIBIT B)**

A vote was called for with the following results:

Yea: Lafontaine, and Kidd

Abstain: Stahler

Nay: None

Absent: Geoffrey

**AGREEMENTS/CONTRACTS/DIGITAL ENGINEERING/EAST JEFF DAVIS SEWER IMPROVEMENTS/WEST JEFF DAVIS AVENUE SEWER IMPROVEMENTS PROJECT/JEFF DAVIS AVENUE CONNECTOR SEWERS AND PAVING PROJECT/GULFSIDE STREET SEWER IMPROVEMENTS PROJECT**

**Re: Agreements with Digital Engineering for Work Associated with the Jeff Davis/Gulfside Improvements Projects**

Alderman Kidd moved, seconded by Alderman Stahler to approve the following engineering agreements between the City of Waveland and Digital Engineering, contingent upon review by City Attorney as listed (Items a-d):

- a. Professional Services for the East Jeff Davis Avenue Sewer Improvements Project No. 702-37-JDGS at a cost of \$86,275.00. **(EXHIBIT C)**
- b. Professional Services West Jeff Davis Avenue Sewer Improvements Project No. 702-36-JDGS at a cost of \$107,183.00. **(EXHIBIT D)**
- c. Professional Services for Jeff Davis Avenue Connector Sewers and Paving Project; Project No. 702-38-JDGS at a cost of \$119,661.00. **(EXHIBIT E)**
- d. Professional Services for the Gulfside Street Sewer Improvements Project; Project No. 70239-JDGS at a cost of \$81,381.00. **(EXHIBIT F)**

During discussion Mr. Yarborough said he discussed with Mr. Newton before the meeting that he would have a few suggested changes to the contracts; other than that, his only concern is there is no cap. He said the agreements are similar to the agreements with the Corps of Engineers from 2008. Mr. Yarborough said the MOU (Memorandum of Understanding) with the County has been executed by all parties. These are the 4 agreements. Originally this was one Grant Agreement (same areas) through the Corps and part of it through MDA. MDA stated at that time they would not provide more than \$250,000.00 worth of funding per project, so it was divided from one \$4,000,000.00 project into 4 separate contracts encompassing the same area. Mr. Bruce Newton with Digital Engineering said, "Same scope". Mr. Yarborough said the City had previously approved an allotment of roughly \$22,000.00+ that the City would pay out of pocket depending upon what the bids came in at. Mrs. Planchard said something had come through from Gouras and Associates stating an increase in those fees. Mrs. Planchard said she needs to speak with Mr. Yarborough or Ms. Michele Moore with Gouras and Associates. Mr. Newton said, "The bottom line is, we can talk about estimates all day long, but once we put it on the street and open the bids we'll get the real numbers, so". Mr. Yarborough said let the record reflect there is a December 3, 2012 letter from Mr. Chris Gouras who's handling the MDA portion through the County indicating the receipt of the grant on these 4 projects. Mr. Yarborough said originally this had become before the previous Administration in 2008 which was when the original contract or the scope was discussed. Alderman Lafontaine asked about when this project will get started. Mayor Garcia said he hoped soon, because the project roadways are steadily caving in. Alderman Kidd asked Mr. Newton about his company's position. Mr. Newton said, "What our plan would be if you guys would move forward with this tonight, I talked to my staff today; were gonna get some plans and specifications up to the Corps of

Engineers in Vicksburg. They're gonna review the plans and specs; they have to approve them before we move forward with the bidding, the bid process. So we wanna get something in their hands so they can start their review, is what we need to do. The guy told us that they would push it forward and move it quickly. You know, I don't know exactly what that means with those guys, but we wanna get it into their hands so we can start their reviewing it and send us their comments. We'll have to address their comments." Alderman Stahler reminded Bruce that he did say he was ready to go. Mr. Newton said, "All the Jeff Davis stuff is ready to go; Gulfside is probably in that 75% range, but the Jeff Davis, which is 3 projects, it's ready to roll. We wanna get it up there before the Christmas break. Um, you know I doubt we'll hear from them until January, but, we wanna get it up there and let them start reviewing it. You'll have a lot of folks that won't be around there for the last week or two of December, of course. We'll lose a little bit of time for the Holidays". Mayor Garcia asked if Mr. Newton could tell them (State Officials) in your report that it's getting to the point where Gulfside and Jeff Davis both will end up in an emergency situation. Mr. Newton said, "We send them update photographs". Mayor Garcia added the City has had to fill in Gulfside at the corner because it has gone down. Mr. Newton said, "We go and take pictures when stuff like that happens, and we send it to them. But to be honest with you, the Corps has been waiting on us, and they've been waiting on MDA". Alderman Stahler asked for clarification about getting the information to them (State). Mr. Newton said, "Right, they've been ready to go for 4 years. That's really not the problem. Now that we are where we are, you know we need to get the project plans and specs into their hands to review and they'll go through a review process with their engineers and they'll send us comments, then we'll address those comments, and move forward". Mayor Garcia asked about the Corp's Project Manager. Mr. Newton said, "Yea, they (The Corp. of Engineers) have somebody that comes to the site, they visit the site, inspect the construction periodically; so, yes they do. That's part of the Administrative fees that they get paid with this project also." Alderman Lafontaine asked about this Engineering agreement between Digital Engineering and the City. He stated his concerns about problems with another road and reminded Mr. Newton about his comment re: his not being able to tell the contractor that some of the construction was incorrect. Alderman Lafontaine said the response from Mr. Newton was that he couldn't tell them how to do their job, and asked if this is the same situation? Mr. Newton said, "No, I mean uh, procedurally, contractually we have a guy that's gonna be watching the work. If there's something wrong that guy issues a speed memo and he lets the owner know. You're gonna have a contract with the contractor. You'll have the authority to stop the project anytime you want to. I mean there are provisions in the contract that, you know that you follow, but we'll be communicating between us and your designated representative, if that's Brent or whoever that is. If there's an issue then we'll communicate it and decide if it's worth stopping the project or whatever. And, of course, there's weekly progress meetings that will be scheduled and the Corps...." Alderman Stahler asked about the Corps. Mr. Newton said, "Yes ma'am, they'll attend the meetings, they'll visit, they won't be here every day, but probably once a week". Alderman Kidd said the main issue is they want to make sure that this is not like "Waveland Avenue" again; we want to make sure there are no manhole issues and not have to worry about compaction and making sure that is correct. Mr. Newton said, "Sure, that's right". Alderman Stahler asked about the costs (in the motion) being part of the grant. Mr. Newton said that they are reimbursable through the Grant. Mr. Newton said, "Yes ma'am, in the estimated budget that showed that you were gonna put up the \$26,000.00 or whatever, all of that's in there." Mayor Garcia asked Mr. Newton if he could chase all of that down (about the increase from approx. \$26,000 City portion to about \$40,000+ City portion) and see why the amounts increased. Mr. Newton said, "I can, yeah I'll have to talk to Michele, because I didn't know anything about it." Mrs. Planchard told Mr. Newton that she would forward the email to him. Mr. Newton said, "And Mayor's it's an estimate, it doesn't really matter \$40, \$26; we don't know what the real number is until we open a bid. If I was you guys, I wouldn't stress. I mean if we open the bids and its a hundred thousand dollars over budget, we'll have some decisions to make. You know re-bid, modify the scope, come up with the money. There will be options and that will be your decision before we move forward. Nothing will get missed from that standpoint". Alderman Lafontaine asked if the plans had been drawn? Mr. Newton said, "Yes sir". Alderman Kidd asked about the completion of the 4<sup>th</sup> set of plans

that is at 75%. Mr. Newton responded, "We're gonna try and get that wrapped up on January". Mr. Newton said, "We don't wanna hold the others up, were gonna give them something to do right away, so it will take them a little while to go through the other 3 sets and while they're doing that, we'll try to wrap up Gulfside and send that up.

Alderman Lafontaine asked who would be doing the Project Management. Mayor Garcia said on the Corps side, would be the Corps themselves, they actually have a new Project Manager. Mayor Garcia asked Mr. Newton about the plans for a Project Manager from the City's side. Mr. Newton said, "Right, there will be CA and RI, but I guess these guys are referring to your kind of day-to-day contact/ coordinator. Historically, it's been your Public Works Director, but if you have somebody that you want to communicate and attend the progress meetings every week; somebody will be representing that is employed by the City of Waveland. In the past it's been your Public Works Director, but obviously it's up to you guys whoever that person is". Mr. Yarborough asked about the 25% that's MDA and the other is contracted with the County. Mr. Newton said, "No, actually the only contract that is with the County would be the Grant Administrator". Mr.

Yarborough said, "So you all don't have a contract with the County." Mr. Newton said "That's right, but we'll be answering; I think ultimately the invoices will get approved twice, by you guys and the County, because of the 25% match, but we'll be answering to you (the City)." Mr. Yarborough stated that he was making sure there was not a duplication of monetary funding. Mr. Newton said, "No, No". Alderman Stahler asked for clarification of the invoicing flow process. Mr. Newton said, "You'll actually approve everything, but they know". Mr. Yarborough said you'll approve everything, but the City will only pay the 75%, they pay the 25% MDA portion, because they're (The Corp of Engineers) is the recipient. The Corps will require proof that the entire amount has been approved said Ms. Dudding; adding that there will have to be a small line of credit with the banks for the 75% portion. Mr. Newton said, "They're strictly a reimbursement agency". The Mayor said they've already spoken with MDA about this as well. Mr. Yarborough added that they've not given the City a definitive time frame on reimbursement either; they only said it would be longer than MDA. Alderman

Lafontaine said the part that he has a hard time grasping is regarding approval of the agreements, but the plans have already been 100% and 75% completed, and this isn't for Project Management; Project Management will be on the City's behalf, so what roll will the Engineering Firm play? Mr. Newton said, "The contracts are for design, construction administration and resident inspection". Mr. Newton said, "So, I will be coming to meetings and reporting to you like I did in the old days on the construction progress, and there will be inspection reports filled out every single day by an inspector fulltime, so that will go on. The Corps of Engineers, I'm not exactly sure what kind of reporting they do, but they won't be out there every day. The guy told me he thought they would be out here once a week to walk the project, and I'm sure they have a reporting that they have to do for their management at their office". Alderman Lafontaine said the only problem that he has are the previous projects; while they were going on, if they saw a problem, it was basically pushed aside and now the projects are completed, well somewhat completed I guess you'd call it, and we have issues. Alderman Lafontaine said, "I just want to know who's going to be held accountable on the City of Waveland side; is this going to be Digital or do we have an allowance in there for a separate project manager"? Mr.

Yarborough said the grant only includes funds for construction and funds for engineering and project management as one. He said the Army Corps will also do project management for their portion of the funds. Mr. Newton said, "Their fee is in there and you have a contract with the Corps of Engineers, between the City of Waveland and the Corps." Mr. Yarborough said this is contemplating the contract with Digital for the services therein, which include design, oversight, preliminary design, final design, bidding, surveying, construction administration, resident inspection, record drawings and materials testing (listing of services on pages 16 & 17 of the contract). The Corps will do some Project Management for the portion of the funds; this is contemplating also Digital to provide those services as well. Mr. Yarborough continued, this will be done for both MDA and Corps funds; all work included under the contract. Mr. Yarborough said Digital would not have a separate agreement with the County; the County is basically acting in this format as a recipient of the MDA portion of the funds to be disbursed to the City for the completion of the work. He said this has been convoluted since the separation of the funding sources, but that's where we are. Mayor Garcia asked if the

Board could entertain a motion for Executive Session to provide clarity of the issue at hand.

**EXECUTIVE SESSION**

**Re: Contractual issues: Jeff Davis/Gulfside Project**

Alderman Lafontaine moved, seconded by Alderman Kidd to consider entering Executive Session to discuss contractual issues, Jeff Davis/Gulfside Project.

A vote was called for with the following results:

Yea: Stahler, Lafontaine, and Kidd

Nay: None

Absent: Geoffrey

Alderman Kidd moved, seconded by Alderman Lafontaine to enter Executive Session to discuss contractual issues, Jeff Davis/Gulfside Project.

A vote was called for with the following results:

A vote was called for with the following results:

Yea: Stahler, Lafontaine, and Kidd

Nay: None

Absent: Geoffrey

Alderman Lafontaine moved, seconded by Alderman Kidd to exit Executive Session with no action taken.

A vote was called for with the following results:

Yea: Stahler, Lafontaine, and Kidd

Nay: None

Absent: Geoffrey

Upon exiting Executive Session, Mayor Garcia said, "There are just a couple things we want to make clear that you understand that ya'll (Digital) will be the Project Manager for the City of Waveland and we really Bruce, expect you all to look out for the interests of the residents of the community and the Board here and if you see anything that's coming up, not being performed or function to the contract; we expect the job to be shut down and brought to compliance, because we don't want to see any work like we did in the past, so you certainly understand that"? Mr. Newton said, "Yes sir. Just so ya'll know, the Inspector that is going to be on the job full time is going to be Ron Vanney, Jr., he's certified through the Highway Department asphalt inspectors, concrete inspector; it costs us a few thousand dollars to make that he happen, but he's going to be all the time, he'll be the one that's out there every day." Mayor Garcia asked, "Representing us, looking out for issues"? Mr. Newton said, "Yes sir, correct". Mayor Garcia said, "So if we have any issues, we can go through you and Ron Jr., then." Mr. Newton said, "That's right, either one, you can". The Mayor said he didn't know him; perhaps Mr. Newton could bring him to the meeting so he could introduce him to the Board.

A vote was called for with the following results:

Yea: Stahler, Lafontaine, and Kidd

Nay: None

Absent: Geoffrey

**CONTRACTS/AMENDMENTS/PROFESSIONAL SERVICES/WATER SYSTEM  
EXTENSION PROJECT – ANNEXED AREA**

**Re: Amendment No. 3 to the Engineering Agreement for the Water System  
Extension Project – Annexed Area**

Alderman Lafontaine moved, seconded by Alderman Kidd to **TABLE** Amendment No. 3 to the Engineering Agreement between the City of Waveland and Digital Engineering for Professional Services related to the Water System Extension Project (Water Tie-In) in the Annexed Area at a total cost of \$29,250.00, pending approval by MDA.

Mr. Yarborough said this is the tie-in project; we've got an agreement with Bay St. Louis and the Authority (Hancock County Utility Authority) for the use of easements and rights-of-way. This has come up before on the agenda and has all been submitted to MDA; you can either approve this contingent upon MDA approval or wait on MDA. He said he did not believe if the City has formally heard from MDA to say that they've formally awarded the funds on this project. They haven't formally either said they were going to do this as a new project and provide the funds, or do it as an extension or modification of the original Water Extension Annexed Area Project. Alderman Lafontaine said if it is not approved as a part of the project and approved as a separate project, the Board would have to go out for a separate bid. Mr. Yarborough said that was correct. Alderman Lafontaine recommended that the Board table this issue until it can be determined that MDA had approved this project.

A vote was called for with the following results:

Yea: Stahler, Lafontaine, and Kidd

Nay: None

Absent: Geoffrey

**RSVP**

**Re: Claims**

Alderman Stahler moved, seconded by Alderman Lafontaine to approve the R.S.V.P. Claims. **(EXHIBIT G)**

A vote was called for with the following results:

Yea: Stahler, Lafontaine, and Kidd

Nay: None

Absent: Geoffrey

**DOCKET OF CLAIMS**

**Re: Claims Nos.**

Alderman Kidd moved, seconded by Alderman Stahler to approve the Docket of Claims dated 11/4/2012, except to table the payment to Hancock County Utility Authority (transaction #130467), as submitted by the City Clerk. **(EXHIBIT H)**

Alderman Kidd questioned the electric bill for the Civic Center. Mrs. Planchard said she and Ms. Cerami discussed this issue at length, as to why the cost to heat and cool the Civic Center is higher than to heat and cool the City Hall and Annex building; whether it's because of a lack of insulation or leaking windows/doors, they do not have an answer. Alderman Kidd suggested Mrs. Cerami call Mississippi Power and request an

assessment. Alderman Kidd also requested that any employee who is hired and then leaves within a short amount of time be charged back for their drug tests? Mrs. Planchard said yes, that can be done. Aldermen Kidd and Lafontaine asked to table the Hancock Utility Authority payment (Page 18 Transaction No. 130467) until Mr. Pitalo discusses this issue later in this meeting.

001 Fund – 169-575  
100 Fund – NONE  
101 Fund – 9  
102 Fund – NONE  
103 Fund – 4  
124 Fund – 44-45  
125 Fund – NONE  
400 Fund – 86-107

A vote was called for with the following results:

Yea: Stahler, Lafontaine, and Kidd

Nay: None

Absent: Geoffrey

**HANCOCK COUNTY UTILITY AUTHORITY/ HCUA/ WASTERWATER/  
PUBLIC APPEARANCE**

**Re: Mr. David Pitalo was Present to Discuss Issues Regarding an Increase in  
Wastewater Plant Budget and Invoices to City**

The Mayor said that he and Mr. Pitalo met last week to discuss this; the Mayor then gave the floor to Mr. Pitalo to update and provide answers to the Board. Mr. Pitalo said the increase was not just for the City of Waveland, but for all of the entities. The increase is from an overall annual budget increase and for the Utility Authority to have cost increases, they have to put that on their budget and charge for those expenses. Alderman Kidd said the City can't afford this increase in their budget. Alderman Lafontaine asked how much the Utility Authority's budget increased. Mr. Pitalo said it is around \$480,000.00. Alderman Lafontaine reminded Mr. Pitalo of his meetings with the Mayor and himself, plus Alderman Stahler sits on the Board; also how Mr. Pitalo pushed for the flow formula. He said there was to be a decrease in the bill of around 5% as the new plants came online, i.e., Pearlington and Kiln, but now the budget has increased since these plants have come online. Mr. Pitalo said, "The budget increased because we brought a new plant on line, we brought the Kiln plant on line and that's what made our budget go up. We only had it for 7 or 8 months last year, and now we have it full time this year. We're projecting the overall costs based on the previous months that we had. And uh, we're going to have a full year this year to be able to better get an idea of what the costs are". Alderman Kidd said it seems like we're subsidizing the Kiln. Why should the City have to pay more for them (Kiln, MS) to have sewerage. Alderman Stahler said she had spoken with Alderman Kidd about this and said that at our last meeting she brought up the fact that we increased the budget because there were going to be more customers because there were two more plants coming online, and now we have more but they don't have the customers. She said at that meeting, she feels we are subsidizing the plants that don't have the customer base; so the increase was based on these new plants and yet the new plants are not carrying their weight. Alderman Lafontaine said the flow formula was supposed to decrease this plant's operation by so much because it was going to be so much more efficient, including less testing, etc., What the City was paying should have been sufficient to run this plant with us all going to the flow formula now, which is pumping into this plant. I agree with you 100%, I feel as if our's is going up due to the fact that Pearlington doesn't have enough residents paying for their sewer plant and the Kiln doesn't have enough for theirs; there is no reason the City of Waveland's bills should go up to help fund these. Another issue is that there are several buyouts being done in Pearlington, which is steadily reducing the number of houses that will come online. Are the City's bills constantly going to go up, he asked? Alderman Stahler said,



“It would seem so because their flow rate is not going to go up if they don’t have anybody there or customers online. The flow formula is skewed if we use Pearlington and Kiln as part of the flow.” Mr. Pitalo said, “Mainly, one of the plants, and we are not finished hooking up people, we still have 475 more customers to hook up in the Kiln, which in turn will make percentages go down. The County is also working on a CIAP Project that will pick up; last I heard is just over 300 customers in the Ansley Area and Bay Lakeshore Area, which would be brought to the Pearlington Plant. That in turn will make percentages go down”. Alderman Kidd asked what kind of time frame this will be. Mr. Pitalo said “I cannot, I cannot speak for the County, as far as the Board of Supervisors, our project should be connected, the 475, by June.” Alderman Kidd said, “The bottom line is that Waveland and Bay St. Louis would have to come out of pocket the lions share; what would the citizens say if we have to raise their bills another \$20.00” Alderman Lafontaine said, “You’re saying the budget was increased by \$400,000.00, just Waveland’s bill alone this month is average \$20,000.00 more, maybe more than that. Our bill usually averages \$35,000 to \$42,000 a month. You’re looking at a \$20,000 increase; if that’s the case, Waveland’s portion of the budget is \$240,000.00 a year increase. How would this be disbursed among Pearlington, Kiln, County and Bay St. Louis; we’re getting the lump sum budget increase; we’re paying \$240,000 of the \$400,000 budget increase. Over half of it is being put on Waveland and we were already meeting our needs for the plant here.” Mayor Garcia said this particular month’s bill (with the \$20,000 increase) is for only a 2.5” rainfall for that month; so should the area experience a greater amount of rain fall, the City is looking at a higher bill. Alderman Lafontaine said he feels the City should continue to pay the same amount we have been paying and let the authority sit down and discuss operating more efficiently, but there is no way the City of Waveland’s residents bill should double because we’re bringing on new plants in the County. Mayor Garcia said just to cover the costs the sewer and waste disposal fees the citizen’s bills would have to increase the fees from about \$6.00 per month to \$33.12 per month. The Mayor said he had expressed his discontent with the way the Bonds are apportioned also; they’re based on the flow; they perhaps should be static amounts per entity. Mr. Pitalo said, “Well I’m proposing to cut; we have a 2004 bond that will be finished being paid off in December of 2013. So I was planning on bringing to the Board to cut the construction contingency, construction reserve fund out until after that bond is paid for. That’s not a lot, it’s about \$55,000 to \$58,000 for the year, but every little bit helps. I was gonna propose that too, now if he had something else, I’m not sure what he was talking about.” Alderman Kidd said until something else is worked out, he would not vote to approve any change in what the City’s been paying annually. Mr. Pitalo said, “I’m just doing what the contract says to do, you know and I’m doing my job as a Director to present this to you all. What ya’ll decide to do is between ya’ll and the Attorneys. Because it’s all in the contract, as Gary knows, he’s probably seen the contract, and everybody is responsible for a portion. Now how that works out, that’s between you guys.” Alderman Lafontaine said, “Wasn’t the City of Waveland taking care of our portion, until these other plants came on line, and now the City’s portion has increased since the other plants are online. How can our portion go up if our residents are taking care of their own, paying their bills, and the Authority builds another plant in the County and now the City of Waveland is expected to pay their portion.” Mr. Pitalo said, “I guess what you have to do is look at the big picture. And I understand ya’ll represent the City of Waveland and you’re responsible for just the City of Waveland, but the Utility Authority is responsible for the County. If in the near future; first of all, Waveland is part of the Utility Authority like everybody else. If in the future the Kiln decides they need a plant or DEQ decides the Kiln needs a plant and we go borrow \$20 million, your gonna pay for that, even though the City of Waveland doesn’t get a benefit, their part of the Utility Authority, they would have to pay on that debt service and twenty million is a large amount to pay every month.” Alderman Stahler said it is her opinion the City brings this to the County as the Kiln and Pearlington are in the un-incorporated parts of the County and the budget increased due to these two plants mentioned, so perhaps the County should pay this difference. Alderman Lafontaine asked how much the County’s portion increased; it appears the City of Waveland is taking the brunt of it. Mr. Pitalo asked, “When you say County, what are you referring to? Alderman Stahler said, “I’m talking about the Board of Supervisors.” Mr. Pitalo said, “Please be aware that the Board of Supervisors already pays the Utility Authority \$270,000.00 annually for operations and maintenance costs and debt service and they’re right on the brink of pulling that. So

if you go asking them or pushing them to do more, might or might not be a good idea, I don't know. The Pearlington Plant was estimated to cost a hundred thirty seven to forty-seven thousand dollars a year to run. I think we're running at somewhere between seventy-five and eighty thousand a year." Alderman Stahler asked how many customers are currently on line. Mr. Pitalo said "Exactly, somewhere between 450 and 500, I'm not sure; I don't keep up with Pearlington's books, but somewhere in that range". Alderman Lafontaine asked how much is Pearlington's bills a month. The Mayor said about \$27.15. Mr. Pitalo said "Are you talking about Pearlington or, I don't know, I don't keep up the individual entities costs. They're actually having an increase this year as well." Alderman Lafontaine asked about the cost per resident/per home. Mr. Pitalo said, "I don't know, I don't know what everybody charges, everybody charges different." Alderman Stahler said, "So, it's the Kiln that's the biggest expense you've got." Mr. Pitalo said, "The Kiln was a \$640,000.00 estimate and I'm hoping to get in somewhere in the \$450 range, I got to keep 2 people out there, we got safety issues, we cannot go with one person and we continue to have minimal electric bills around \$4,000.00 a month. We do have insurance which everybody knows is relatively high, so we are incurring costs, yes." Alderman Lafontaine said, "So at \$80,000 a year to operate the Pearlington facility with 500 customers, there bill is \$13.33; ours would now be \$40.00+ dollars. I really think there needs to be another formula used." Alderman Stahler said, "What's wrong with that picture." The Mayor asked how much flow is coming into the Kiln. Mr. Pitalo said, "At the top of the page we have the northern Regional Plant, 7.1 million was for October and 6.9 million for November. We're estimating again 475 more homes; were going to get probably 9-10 million a month when everything is said and done". Mayor Garcia asked about the remaining \$1.8 million left on the 20 year loan for 2010; what was that bond for". Mr. Pitalo said, "That was for emergency funds right after Katrina, that the Board, at that time, decided they need to go out and get because they didn't have an emergency reserve fund, as well as the combination of that and a belt press that was put into Southern Regional Plant in Waveland. Now as far as going back to your percentages, the percentage is about where we expected it to be at this point in time. Do we expect it to go down? Yes, I think it potentially could go down another percent or two. Uh, to give you an idea, I checked what the flows have been for Waveland itself over the last 5 years. I do have 5 years of flows for the 3 main entities and the other ones are coming on line. '08, Waveland's flows were 41.04, '09 was 40.45, 2010 was 41.48, 2011 was 34.21, and 2012 was 35.93, up until this month. There are benefits coming, and you can see that by the flows." Alderman Lafontaine asked how many customers Hancock County Sewer and Water District have. Mr. Pitalo said, "About 3,100, roughly. I don't know exact numbers, but that was the last that I had heard". Alderman Lafontaine asked how many customers Kiln Utility Fire District has. Mr. Pitalo said, "At this time, probably about 600; were going to be adding another 475 in the next 6 months." Alderman Lafontaine asked how many in Pearlington. Mr. Pitalo said, "Approximately 500". Alderman Kidd asked about the numbers in Waveland. Mr. Pitalo said "I've always used the number of 2200 (customers)." Alderman Lafontaine asked then asked how many customers Bay St. Louis has. Mr. Pitalo said "Um right, about 3,000." Alderman Lafontaine said, "I know the City is on a flow formula, but Hancock County has 3100, Kiln has 600 and Pearlington has 500; you're looking at 4200 customers. Their total payment is \$41,000. Waveland has 2200 customers and our payment is \$59,000. You're looking at roughly, they have double the amount of customers that we have and those three entities combined is \$41,000 and ours is \$60,000 and we have half the amount of customers. Those numbers there alone; you're providing double the amount of customers than we're getting and we're paying \$20,000 more." Mr. Pitalo said, "A lot of that is gonna be contributed to the system. If your system is averaging 427 gallons per household with the amount of repairs that need to be done in the City of Waveland; those systems are brand new or relatively new and have very little infiltration." Alderman Lafontaine said, "Well let's look at the flow; how much flow does Hancock County Water and Sewer District put in per month, in gallons." Mr. Pitalo said, "I don't know if I have those numbers with me, this past month they had 13 million." Alderman Lafontaine said, "What about Pearlington." Mr. Pitalo said, "Pearlington was 1.55 million." Alderman Lafontaine asked about the Kiln, Waveland and Bay St. Louis. Mr. Pitalo said, "The Kiln was 6.97 million, Waveland was 25.34 million, it was actually a very good month. Mr. Pitalo said Bay St. Louis was "28.5 million". Alderman Lafontaine asked how much the water treatment cost per gallon is. Mr. Pitalo, "It's a

dollar seventy-four per thousand gallons.” Mayor Garcia asked Mr. Pitalo if they had taken a look at the formula rates. Mr. Pitalo said, “In order to do that, I would have had to do the testing, so I couldn’t give you an accurate reading. Um, I’ve tried, I did try to use, what, as far as an average over the last year in percentages for the PBL and the PTF, which is a biological load and flow, the way the formula was set up, and this particular bill... I’m gonna say it like this. The average for the year would have been approximately \$53,832.00. That’s an average for the year if we would have been on a formula, using all 12 months of information. But that varies up and down, depending on rainfall, cause rainfall dilutes wastewater so your PBL goes down. But like a month like this month where we had very little rain, your PBL would have been way up, probably in the forty something percentile. And so that means your costs go up.” Alderman Stahler said the costs have gone up because the budget went up. She said if the budget would have remained the same, we would have been back in the realm of where we were, i.e. the cost would have been the same, so because of the \$400,000.00 budget increase, the percentages we are paying have that built into it, which is what we were saying originally. She feels the City is subsidizing the new plants. Alderman Kidd said, “We are.” Alderman Kidd asked Mr. Pitalo if he had a way to work this out so that Waveland is not subsidizing Pearlinton or the County. Mr. Pitalo said, “All I can do is go by the contract. If the Board would like me to look into something else, Ms. Lili would have to come forward and maybe make a suggestion on how we want to do it. I just can’t take it upon myself to change bills. Let me just say this. I understand your situation, I really do. Coming into this business 6 years ago, I seen what that plant was like and Mayor you know about the plant, but I don’t know if you know physically what it was like. When you continue to disregard the equipment, it shows and it takes a long time and a lot of costs to get it back to where it was. You start pulling money, even from brand new plants, we are fortunate that those two haven’t caused us any problems. But if you continue to pull money, were gonna end up in a situation where it’s just gonna cost more and more. Sooner or later it’s gonna get us. I’m not saying it’s going to be this year or next year.” Alderman Kidd said, “We can’t even afford to cut the grass right now, we’re already stretched tight.” He said no numbers were ever brought to them that indicated this. Mr. Pitalo explained his budget process and said the budget had been given out in July for approval in September. He said next year he’s going to try and get the budgets out in June instead of July. Alderman Lafontaine cited some more dollar statistics to Mr. Pitalo. Mr. Pitalo said, “The numbers are what they are, they’re not wrong. The costs; the reason I have them compared to both like you see here on the left side and right side is because Mayor Fillingame was trying to convince some people that it was cheaper to go cost per thousand gallons. But it is no difference between percentage and costs per thousands. That’s why I have it broken down like this; we were hoping it was.” Alderman Lafontaine asked Alderman Stahler as the HCUA Board member to reevaluate this; he said he feels they all agree that Waveland’s bill should not increase, and the Board had expectations of a cost decrease, based on the flow formula that was adopted, because of less maintenance and less testing and to get an over \$20,000.00 increase per month which would cause a \$30.00 per month increase for the citizens, he does not think is fair. Alderman Stahler said she would bring this up at the HCUA meeting on Tuesday. The Mayor asked Mr. Pitalo if he would look at the numbers coming in from the Waveland plant, the Kiln plant and the Pearlinton plan separately to determine a payment apportionment instead of currently taking the numbers from all of the entities combined to develop the monthly %’s of flow. Mayor Garcia said he would like to see what each treatment’s plant cost would be based on flow and then develop a budget for that entity based on their flow... as opposed to combining flows of all entities. Alderman Stahler asked if we could have a separate budget for each plant. Alderman Kidd agreed, perhaps the County and Pearlinton could pay for theirs. Mayor Garcia said he felt the bonds also need to be looked at, as they should be looked at subsidizing equally, not based upon flow. Alderman Stahler said she would check on this at the meeting. Mr. Pitalo said, “They will be pumping some wastewater to the Kiln (from Waveland) hopefully in the near future. The thought process behind this whole issue of putting everything together, Ms. Lili you probably heard the statement we made, the Board has always tried to push a postage stamp rate for costs per thousand gallons and a cost per household for wastewater treatment. That’s why they’re all combined like they are.” Mayor Garcia inquired as to which section of the Hancock County Water and Sewer District is being sent north. Mr. Pitalo said, “Just south of Bayou Lacroix and east

of 603. It's about 600 homes. We're gonna reverse the flow of their lift stations and push it back up north. That would take capacity off of this plant, which helps us out and puts more into the northern plant, which again makes the plant flow and operate more efficiently". Mayor Garcia noted if looking at this in reverse, this is increasing Waveland's cost to their customers because it's taking customers out of the Waveland plant. Mr. Pitalo said, "That's true if you go to what you're talking about doing. If you stay with the way we're doing it, it's all going to go into one pot". Alderman Lafontaine questioned dividing up the whole bill equally amongst the entities in the entire County. Mr. Pitalo said that this is a good point you're bringing up because an optimization study is on the table and it possibly could be funded soon where you would consider consolidation for water and sewer services, because when you bring everyone together, everybody's costs go down. Alderman Lafontaine said the bottom line is we're paying more than our share now; we're paying above and beyond what it's costing to operate this facility. He said why not put the cost to operate all of the facilities together and then divide it among all of the residents throughout the entire County; I just know there's no way possible that we can increase our sewer bills by over \$30.00 per month per customer.

#### **EXECUTIVE SESSION**

##### **Re: Contractual issues related to the Hancock County Utility Authority (Wastewater) Contract**

Alderman Lafontaine moved, seconded by Alderman Kidd to consider entering Executive Session to discuss contractual issues related to the Wastewater Contract.

A vote was called for with the following results:

Yea: Stahler, Lafontaine, and Kidd

Nay: None

Absent: Geoffrey

Alderman Kidd moved, seconded by Alderman Lafontaine to enter Executive Session to discuss contractual issues related to the Wastewater Contract.

A vote was called for with the following results:

Yea: Stahler Lafontaine, and Kidd

Nay: None

Absent: Geoffrey

Alderman Kidd moved, seconded by Alderman Lafontaine to exit Executive Session with no action taken.

A vote was called for with the following results:

Yea: Stahler Lafontaine, and Kidd

Nay: None

Absent: Geoffrey

#### **DOCKET OF CLAIMS**

##### **Re: Docket Transaction Number 130467 – Hancock County Utility Authority**

Alderman Lafontaine moved, seconded by Alderman Stahler to pay docket transaction number 130467 to Hancock County Utility Authority the same amount as was paid in the previous month, as opposed to the amount invoiced.

A vote was called for with the following results:

Yea: Stahler Lafontaine, and Kidd

Nay: None

Absent: Geoffrey

#### **COURT DEPARTMENT**

##### **Re: Court Clerk Rhonda Cummings was present to discuss and update the Board with Ticket Fines and Receipt Statistics**

Alderman Kidd asked if this is for two Court Sessions. Ms. Cumming said this is for November statistics. Ms. Cummings said there is no big collection increase; the Judge sets his fines and the people are not paying. She said collections were a slight bit better for November than October, but not a great deal. Alderman Stahler asked if a lot of these people are repeat offenders. Ms. Cummings said yes, a lot of them are from contempt of court, failure to appear, failure to pay fines. She said there were a lot of people that are considered time served (credit their fine for the amount of time served in jail) and the Judge placed quite a number of offenders with ASAP in November which does help. Alderman Lafontaine said the justice system is not working if we steadily have repeat offenders that come before the Court. He noted those repeat offenders are going to jail and they are getting in and out. Ms. Cummings said yes, and the City is stuck with the bill from jail. Alderman Stahler said she knew that some of the repeat offenders are running what is similar to credit card debt, because of their repeat offenses and having to continually appear in court for violations year after year; they keep breaking the law and nothing ever happens. Alderman Kidd said, "We have a broken system." Ms. Cummings said if it were up to her she would put them all in jail, "Bring your toothbrush or bring some money. I'm not the judge though."

#### **PERSONNEL/CITY HALL/PAYROLL/EMPLOYEE HANDBOOK**

##### **Re: Discussion of payroll timing issues**

Alderman Kidd said he had spoken with several people about this and there is no grace period. He knew this would affect people one way or the other, for example if the time period ends on Thursday and you get paid on Friday. He noted that every other job/business, for example, the pay period will end on a Thursday and you don't receive your check until the following Monday; the City does not have any type of grace period like this. He asked if the City could hold one day back per month to eventually build a three (3) day grace period between the pay period end date and the actual pay date. Police Chief Kenny Hurt said he spoke with his staff and they are agreeable to this process. Alderman Stahler said, "The Mayor and Board is the boss, the employee works for the employer and if you work for the City of Waveland, you have certain rules. If the City of Waveland decides that it's in the best interest of the City to have 26 pay periods, or 12 or 100, that's what is followed. I don't think it's up the employee to say, "I don't think I like it that way." When Janet brought it up last year we had nine payrolls a month. To be more efficient if we had 2 payrolls a month, or 26 a year, it's still the same money." The Board discussed putting everyone on the same payrolls as Fire and Police (every 2 weeks). Donna Henry said this would be much easier for her, but it's up to the Board. Alderman Lafontaine said his concern is the fact that if the employee who earns less is switched to 26 pay periods per year, he's receiving less money per check; he does not want this to be a hardship for the employee. Alderman Stahler argued that it is not less because they are getting paid for the number of days they work and will receive 2 extra checks a year. She said however an employee is paid, monthly, bi-weekly, semi-monthly, weekly, whatever... they are paid for the amount of time they work. After discussion, the Board agreed to begin delaying payment one day per month beginning in February, 2013 to accumulate a three (3) day grace period over three months. Ms. Donna Henry, Payroll Clerk, said this would greatly assist her in decrease chance for accounting errors by having several days to prepare checks. Alderman Kidd said his concern is that there is no grace period at all, "What if she gets sick and the City Clerk is sick to back her up, what if the computers go down." Alderman Lafontaine also agreed that there should

be a grace period. Example: By the end of the three months, if a pay period ends on the 15<sup>th</sup> of the month, (the employee currently is paid on the 16<sup>th</sup>), the employee will be paid on the 19<sup>th</sup> of the month; 16+3. Alderman Kidd noted that Bay St. Louis pays bi-weekly and Hancock County payroll departments both hold back 2 weeks between pay period end date and the actual pay date.

**FIRE DEPARTMENT/INTERLOCAL AGREEMENT/CONTRACTS/SURPLUS PROPERTY/INVENTORY**

**Re: Rescind motion of 10/17/12 with the City of Diamondhead and Approve Herewith - Diamondhead Fire District**

Alderman Stahler moved, seconded by Alderman Lafontaine to rescind approval of Interlocal Agreement to transfer fire equipment to the City of Diamondhead, made at the October 17, 2012 meeting and move to approve the same Interlocal Agreement with the Diamondhead Fire District, Mississippi for the transfer of the fire equipment. The City of Diamondhead and the Fire District are separate entities. **(EXHIBIT I)**

A vote was called for with the following results:

Yea: Stahler, Lafontaine, and Kidd

Nay: None

Absent: Geoffrey

**PLANNING AND ZONING**

**Re: 400 S. Beach Blvd, Charles B. Frater**

**Charles B. Frater appeared before the commission** with a tabled request for a variance of one foot from the required side yard setback on each side in order to build a new residence on his property located at 400 S. Beach Boulevard. Legal description: Part of lot 42A, 3<sup>rd</sup> Ward Waveland, City of Waveland, Hancock County, Mississippi. **(EXHIBIT J)**

Steve Hand moved, seconded by Mike Kopke that the Planning and Zoning Commission recommends that the Board of Mayor and Aldermen deny the Applicant's waiver application because the Waveland Floodplain Manager has rejected Applicant's plan to incorporate an existing slab into new construction and thus eliminated Applicant's case for claiming hardship.

Alderman Lafontaine moved, seconded by Alderman Kidd to accept the recommendation submitted by the Planning and Zoning Board and deny the request as submitted.

A vote was called for with the following results:

Yea: Stahler, Lafontaine, and Kidd

Nay: None

Absent: Geoffrey

**HOLIDAY SCHEDULE 2013/PROCLAMATION/PERSONNEL/CITY HALL/FIRE DEPARTMENT/POLICE DEPARTMENT/RSVP/ANIMAL CONTROL/PUBLIC WORKS/BUILDING DEPARTMENT/PERMITS/STREETS DEPARTMENT/UTILITIES**

**Re: Recognize Governor Bryant's Holiday Proclamation**

Alderman Stahler moved, seconded by Alderman Lafontaine to approve and recognize the Governor's Proclamation declaring Friday, November 23, (already passed), Monday, December 24 and Monday, December 31, 2012 as State holidays. **(EXHIBIT K)**

A vote was called for with the following results:

Yea: Stahler, Lafontaine, and Kidd

Nay: None

Absent: Geoffrey

**RESOLUTIONS/MML/CEDA – CITIZENS FOR ECONOMIC DEVELOPMENT ACT**

**Re: Resolution requesting passage of Citizens for Economic Development Act (CEDA) Bill to Propose Allowing Citizens to Vote on Imposition of Local Sales Tax for Special Municipal Projects**

Alderman Stahler moved, seconded by Alderman Kidd to approve a Resolution requesting the introduction and passage of a bill entitled “Citizens for Economic Development Act” (CEDA) allowing citizens of a municipality the option of voting on the imposition of a local sales tax to provide implementation and completion of special projects in the municipality which would enhance the quality of life of local citizens and improve economic development opportunities. **(EXHIBIT L)**

A vote was called for with the following results:

Yea: Stahler, Lafontaine, and Kidd

Nay: None

Absent: Geoffrey

**SETTLEMENT AGREEMENTS/CONTRACTS/SEWER SYSTEM RECONSTRUCTION NORTH OF THE RAILROAD TRACKS/DEBRIS REMOVAL/TCB CONSTRUCTION/R.W. BECK DISASTER AND RECOVERY SERVICES, INC./REQUESTS FOR CASH REIMBURSEMENT/CITY HALL AND CITY HALL ANNEX**

**Re: Settlement Agreement with Reynolds Inc.**

**Re: Settlement Agreement with TCB Construction and RW Beck**

**Re: Request for Cash Reimbursement for City Hall and City Hall Annex**

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

- a) Settlement Agreement and Release between the City of Waveland and Reynolds, Inc. regarding the Sewer System Reconstruction North of the Railroad Tracks project. **(EXHIBIT M)**
- b) Settlement Agreement and Release between T.C.B Construction Company, Inc., the City of Waveland, and Beck Disaster Recovery, Inc., Beck Disaster and Recovery Services, Inc., R.W. Beck, Inc., SAIC Energy, Environment & Infrastructure, LLC., SAIC, Inc., Science Application International Corporation, et al. **(EXHIBIT N)**
- c) Request for Cash Reimbursement #R-103-379-01-KCR in the amount of \$2,635.05 **(EXHIBIT O)**

**INVOICES/PAY REQUESTS/SEWER SYSTEM RECONSTRUCTION – NORTH OF THE RAILROAD TRACKS**

**Re: Payment of Invoices 17, 18 and 19**

Alderman Kidd moved, seconded by Alderman Stahler to approve the following invoices (#17, #18 and #19) submitted by Reynolds Inc. and recommended to be placed in line for payment consideration contingent upon receiving funding from grant sources, as submitted by Recovery Manager, Brent Anderson. The total amount of the invoices is \$1,039,897.78, less the settlement reduction of \$265,000.00 (agenda item 15a) as noted by City Attorney and listed, (Items a -c). **(EXHIBIT P)**

- a) Pay Request No. 17 from Reynolds, Inc. in the amount of \$549,506.23 – Sewer System Reconstruction North of the Railroad Tracks.
- b) Pay Request No. 18 from Reynolds Inc., in the amount of \$201,565.65 – Sewer System Reconstruction North of the Railroad Tracks.
- c) Payment Request No. 19 from Reynolds Inc. in the amount of \$288,825.90 – Sewer System Reconstruction North of the Railroad

Mr. Yarborough said these were the 3 invoices that were pending the settlement agreement with Reynolds, Inc. There will be a \$265,000.00 reduction that will be held pending the completion of the work with Reynolds to pay the subcontractor to complete Waveland Avenue and Old Spanish Trail portion. He said soon the Board will need to discuss the specific areas the Board would like to have repaired. Alderman Lafontaine asked about Waveland Avenue. He said Jeff Davis and St. Joseph construction is about to begin, however he felt Waveland Avenue should be first and try to work toward St. Joseph and limit the trucks coming in because the area is already bad; he does not want to see work done twice because of heavy trucks. Mr. Yarborough suggested that construction begin at Highway 90 and Waveland Avenue then work south from there and make sure those areas are corrected. He said perhaps the Board could come up with a plan and discuss it at the next meeting. Mr. Yarborough said the only way to resolve all of the problems on Old Spanish Trail is to re-do the whole thing. In some respects it could be making things worse to repair portions of it.

A vote was called for with the following results:

Yea: Stahler, Lafontaine, and Kidd

Nay: None

Absent: Geoffrey

**BUDGET MODIFICATIONS/CIVIC CENTER/LIBRARY/FIRE STATION/COLEMAN AVENUE STREET IMPROVEMENTS PROJECT/CENTRAL FIRE STATION/POLICE STATION WATER SYSTEM IMPROVEMENTS – ANNEXED AREA**

Alderman Lafontaine moved, seconded by Alderman Stahler to approve the following Budget Modifications as listed (Items a-e):

- a) Modification No. 11, #R-103-379-01-KCR– Civic Center/Library/Fire Station/Coleman Avenue Street Improvements.
- b) Modification No. 18, #R-109-379-02-KCR– City Hall and City Hall Annex.
- c) Modification No. 5, #R-118-379-01-HCCR – Central Fire Station.
- d) Modification No. 6, #R-118-379-02-HCCR – Police Station
- e) Modification No. 8, #R-118-379-06-HCCR– Water System Improvements, Annexed Area.

A vote was called for with the following results:

Yea: Stahler, Lafontaine, and Kidd

Nay: None

Absent: Geoffrey

**TRAVEL/CITY HALL**

**Re: Board of Mayor and Aldermen to attend Mid-Winter MML Conference  
Re: City Clerk and Deputy City Clerk to Oxford, Mississippi for the CMCC training in February**

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



- a) The Board of Mayor and Aldermen to attend the 2013 MML Mid-Winter Legislative conference, January 29-31, 2013 in Jackson, Mississippi. Cost to the city for each would be \$135.00 registration fee, lodging for 3 nights, 4 days per diem and travel. (Mayor Garcia will be using a City vehicle)
- b) City Clerk Lisa Planchard and Deputy City Clerk Tammy Fayard to the Spring Certification Program for Municipal Clerks, Tax Collectors and Deputies February 20-22, 2012. Cost to the City for each would be lodging for 3 nights with 4 days per diem for Mrs. Planchard and 1 day for Mrs. Fayard (rec'd per diem and registration was paid for a prior class, but was unable to attend due to workload restrictions), and registration fee for Mrs. Planchard; a City vehicle will provide transportation.

During discussion, Alderman Lafontaine said he would get with his office to determine his work schedule and would let Ms. Fayard know. Alderman Stahler said she would be attending and already had her hotel reservation made, but will need registration. Alderman Kidd said he will be attending, but probably not be staying all three days; he will get with Ms. Fayard to let her know for registration purposes. City Attorney Gary Yarborough said he would try to attend.

A vote was called for with the following results:

Yea: Stahler, Lafontaine, and Kidd

Nay: None

Absent: Geoffrey

#### **STREETS DEPARTMENT/PERSONNEL**

##### **Re: New Hire, Mr. David Gill**

Alderman Stahler moved, seconded by Alderman Kidd to approve David Gill at \$9.00 per hour for the Streets Department pending passage of drug test (replace L. Hawkins), as recommended by Public Works Director, Brent Anderson. (Tabled from the November 21, 2012 meeting)

See vote post Executive Session:

#### **EXECUTIVE SESSION**

Alderman Lafontaine moved, seconded by Alderman Kidd to consider entering Executive Session to discuss personnel issues in the Streets Department and litigation issues regarding Sewer North.

A vote was called for with the following results:

Yea: Stahler, Lafontaine, and Kidd

Nay: None

Absent: Geoffrey

Alderman Lafontaine moved, seconded by Alderman Kidd to enter Executive Session to discuss personnel issues in the Streets Department and litigation issues regarding Sewer North.

A vote was called for with the following results:

Yea: Stahler, Lafontaine, and Kidd

Nay: None

Absent: Geoffrey

Alderman Lafontaine moved, seconded by Alderman Kidd to exit Executive Session with no action taken.

A vote was called for with the following results:

Yea: Stahler, Lafontaine, and Kidd

Nay: None

Absent: Geoffrey

**STREETS DEPARTMENT/PERSONNEL**

**Re: New Hire, Mr. David Gill**

Alderman Kidd moved, seconded by Alderman Lafontaine to approve David Gill at \$9.00 per hour for the Streets Department pending passage of drug test (replace L. Hawkins), as recommended by Public Works Director, Brent Anderson. (Tabled from the November 21, 2012 meeting).

A vote was called for with the following results:

Yea: Stahler, Lafontaine, and Kidd

Nay: None

Absent: Geoffrey

**ADJOURN**

**Re: Adjourn meeting at 9:26 p.m.**

Alderman Lafontaine moved, seconded by Alderman Kidd to adjourn the meeting at 9:26 p.m.

A vote was called for with the following results:

Yea: Stahler, Lafontaine, and Kidd

Nay: None

Absent: Geoffrey

The foregoing minutes were presented to Mayor Garcia on December 21, 2012.

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Lisa Planchard  
City Clerk

The Minutes of December 4, 2012 have been read and approved by me on this day the 21<sup>st</sup> day of December, 2012.

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David A. Garcia  
Mayor