

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 December 21, 2016 at 6:30 p.m. to take action on the following matters of City business.

PUBLIC COMMENTS:

- There were no Public Comments

ROLL CALL:

Mayor Smith noted for the record the presence of Aldermen Burke, Richardson and Piazza along with City Attorney Rachel Yarborough and Deputy City Clerk Tammy Fayard.
Absent from the meeting were Alderman Lafontaine and City Clerk Lisa Planchard.

MAYOR'S REPORT/CONTRACTS/CITY HALL

Re: Approve Maintenance Contract Renewal with Hi-Comp for Server

Alderman Piazza moved, seconded by Alderman Burke to approve Maintenance Contract Renewal with Hi-Comp in the amount of \$3,089.39 for the IBM Server/ Power 720 8202 E4C Serial #5E78R for the term of one (1) year from January 8, 2017 through January 7, 2018. **(EXHIBIT A)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson and Piazza

Voting Nay: None

Absent: Lafontaine

CHANGE ORDERS/SOUTH STREET DRAINAGE PROJECT

Re: Approve Change Order No. 1 with Moran Hauling, Inc.

Alderman Piazza moved, seconded by Alderman Richardson to approve Change Order No. 1 with Moran Hauling, Inc. in the amount of \$6,716.64 and 5 additional days to the South Street Drainage Improvements contract. **(EXHIBIT B)**

During discussion Mrs. Yarborough asked Mr. Lagasse to state precisely why the Change Order is required and necessary. Mr. Lagasse said, "It was a change in conditions. Basically, what happened was the contractor called 811 out, had all the lines located, put the road down, compacted it, everything was dry. Once the compaction was complete, they let it sit over the Thanksgiving Holidays; during that time we got some rain. We had a call from a citizen who said that he thought he saw sewer running through the street. Called the County out there, called the City, both crews went out there, didn't see an issue. Well we didn't want to let them pave over the road with there being a pumping issue. We felt like it was an emergency because, had it been a sewer line, if we would have left it, it could have backed up sewer. We didn't, nobody knew the line existed. So we gave the Contractor permission to dig it up and the idea was that it probably was just some kind of little spring because where it was located was on the side of the old pavement. Come to find out when they dug it up, it was actually a grinder line that came from somebody's house a couple hundred yards away. So what we, to the best of our knowledge feel that happened was, while it was dry when the grinder pump would kick on, it would just absorb into the soil. When we got saturated with rain over the Thanksgiving Holidays it no longer absorbed, it took the quickest means to get away to get up to the top. So, the, it's been fixed; the repair has been completed and the dirt has been put back and compacted." Mrs. Yarborough said, "Now in the explanation for the change order, it's the recommendation of Compton Engineering that the time for the contract be suspended. Is that still necessary?" Mr. Lagasse said, "It was more to make sure; we didn't know what we were getting into when we dug into it. If we can give them the five days that they had to repair it because again; they went through the full compaction, it was ready for paving. You know, thank God that they took off for Thanksgiving and we had some rain. So, I don't know if time 'being suspended' is the right word, but giving them the five days to do the repair. And again, I think that they're way on target, as long as we get some dry weather their ready for paving." Mrs. Yarborough said, "In Compton's opinion, was this repair necessary due to the nature of the leak?" Mr. Lagasse said, "Yes, and it actually turned out to be an emergency. We didn't feel it was an emergency originally, because we thought it was a spring that we would have to drain out. But yea, it turned out that it was, it would have been a big problem had they not discovered it." Mrs. Yarborough asked, "Okay, so was it

under Compton's directive that the Contractor made that repair that was necessary?" Mr. Lagasse said, "Yes Ma'am." Mrs. Yarborough asked, "And, with the price change that is recommended, how is that marketably reasonable, commercially reasonable?" Mr. Lagasse said, "John Studstill took the quote from the Contractor from looking at the other things that we bid recently and all of them were within, you know real, real close to what was there. The other thing is we also looked at a total cost of the job and they are actually under running on a couple items. So the actual costs of the contract's probably still going to go down at the end of the project." Mrs. Yarborough said "But that's based on quantity in the estimate, so there's still the additional request for monies on top of the estimate." Mr. Lagasse "That's correct". Alderman Burke clarified that with paying this change order for \$6,700, the contractor is underrunning, so the \$99,000.00; it won't even be that much. Mr. Lagasse said that at this point, that is correct. Mrs. Yarborough said, "Now what's common practice, is because it is a quantities contract, at the end, there will be a final adjustment, which will basically take into account all the quantities used times the bid price submitted and then you would make those adjustments. So there could be overages on others and..." Mr. Lagasse said "Were collecting trip tickets on everything that they've done, every bit of dirt removed or that they've brought in, every bit of rock. So every time something is delivered to the site or utilized, we have a ticket for". Alderman Piazza asked about the dirt that was removed from the site. Mr. Lagasse said he thought it had just been hauled off, a removal per the contract, and some of the dirt was wetlands dirt, and was not anything that we wanted to put back. Mrs. Yarborough said "Now, and I will say this, when we had our pre-construction meeting, I found it, as a matter of good housekeeping, to kind of address those rain days as those pay applications come. And this is a short project so it might not be an issue, however when we have these very large projects and they come with you know 300 rain days, that's, you know, you try to go back and look at their logs. So I found it just a matter of housekeeping that if you address it for each pay app, its fresh in your mind and you know, okay, well December was a rainy month and there were 10 actual rain days. It just seems to me easier to me to address, although you have the right to withhold that." Mr. Lagasse said, "It's supposed to be in their pay apps, so whether y'all approve them or not, you know, we check the amount of rain days, we approve them based upon Guy being out there every day checking the amount of rain, and then make that recommendation. So we are making the recommendation on them, so if y'all choose to hold them at this point; you know, I think the only thing we're waiting on right now is to dry up a little bit and get the paving going. I means its..." Mrs. Yarborough added, "So far they've been a contractor that's been pretty easy". Mr. Lagasse said, "Very responsible, you know we, they haven't done a whole lot of work in the last couple of years in the area; they've been very responsible. Like I said, honestly, if the man wouldn't have caught it and we wouldn't have had the rain, they would have paved it the week after Thanksgiving. They were finished with it right before Thanksgiving." Mrs. Yarborough said, "So if they would have paved it, we would have been digging up that pavement that's fixing the grinder pump?" Mr. Lagasse answered, "Yes Ma'am, eventually because it would have eventually, like I said, it had to back up somewhere so it would have either come out the side of the road or would have backed up in the man's yard. It was a grinder pump, so it was pressure it wasn't just gravity." Mrs. Yarborough said, "Now, also under under MS. Code Section 31-7-13(g), if the Board approves this Change Order regarding price and days, the Board is necessarily making the finding that the proposed work is necessary and incidental to the scope of the contract as originally bid, is not a considered a new undertaking outside the original scope of the contract, the change price in cost is commercially reasonable, and the Change Order is not made to circumvent public purchasing statutes." Alderman Burke said because the rain days were actually documented, he agreed to let them have it.

A vote was called for with the following results:

Voting Yea: Burke, Richardson and Piazza

Voting Nay: None

Absent: Lafontaine

MAYOR'S COMMENTS (Cont.)

Re: Mayor Smith said on behalf of the Board, he wished everyone a safe and happy Christmas and New Year.

ATTORNEY'S COMMENTS LEGAL DEPARTMENT/BRITISH PETROLEUM (BP)/DEEPWATER HORIZON/SECRETARY OF STATE LEASE/BEACHFRONT/LEGAL ISSUES

Re: Request for motion to ratify Yarborough Law Firm's filing of BP Claim on behalf of the City of Waveland

Mrs. Yarborough said that BP has opened a new round of claims and the Yarborough Law Firm submitted a Claim on behalf of the City for the Secretary of State Lease on the Beach. She said this round of claims is for Beach Front Property Loss of use, so in order to preserve that claim, we went ahead and filed that.

Re: Ratify Yarborough Law Firm Submitting a BP Claim for the City Waveland for Loss of Use, Secretary of State Lease

Alderman Piazza moved, seconded by Alderman Burke ratify Yarborough Law Firm submitting a BP Claim for the City of Waveland regarding loss of use for the Secretary of State Lease.

A vote was called for with the following results:

Voting Yea: Burke, Richardson and Piazza

Voting Nay: None

Absent: Lafontaine

ALDERMEN'S COMMENTS

Re: Alderman Burke

- Distributed a letter of Resignation from Ms. Kathy Pinn as the Ground Zero Museum Director. Alderman Burke noted his contact with visitors to the area and recommended finding a Director for the Museum and provide a salary for 30 hours a week. Mayor Smith said he agreed with Alderman Burke's recommendation. Alderman Richardson asked if any volunteers with RSVP are capable of doing this. Mayor Smith explained that RSVP can provide volunteers, but they may not serve as Director. Alderman Burke said he recognizes that it's not budgeted for, but we always amend the budget.

Re: Alderman Richardson

- Discussed his visit to the Garfield Ladner Memorial Pier where he noticed a visitor trying to use the port-o-let and would not because it was not clean. Alderman Richardson asked if it is possible to get a nicer comfort station out there.
- Noticed that many of the work orders he receives are related to Meter Reading issues.

Re: Alderman Piazza

- Asked about the port-o-let's at the Pier not being cleaned on a regular basis. Purchasing Agent Rachel Cullen told Board members that Boudin's is supposed to come clean then every week on Friday's, but does not believe it's being done weekly. She does not have anyone to actually go out there and check for her weekly, however. Alderman Piazza asked if Mrs. Cullen could go out for quotes for another service. Mayor Smith agreed she should.

DOCKET OF CLAIMS

Re: Claims

Alderman Burke moved, seconded by Alderman Piazza to approve the Docket of Claims (excluding Streets payroll) in the amount of \$328,138.45 dated December 21, 2016 as submitted. **(EXHIBIT C)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson and Piazza

Voting Nay: None

Absent: Lafontaine

MINUTES

Re: Regular Meeting of December 6, 2016 and the Special Meetings of December 5, 2016 and December 7, 2016

Alderman Piazza moved, seconded by Alderman Burke to approve the Minutes of the Regular Meeting of December 6, 2016, the Special Meetings of December 5, 2016 and December 7, 2016 as submitted.

A vote was called for with the following results:

Voting Yea: Burke, Richardson and Piazza

Voting Nay: None

Absent: Lafontaine

MEETINGS/COUNTYWIDE PARTNERSHIP MEETINGS/STENNIS AIRPORT

Re: Discuss recommendations to present at the January 19, 2016 County-Wide Meeting - Stennis Airport in Kiln, Mississippi.

Alderman Burke asked if the Board is agreeable to seeking full support from the Board of Supervisors and other County municipalities to assist in getting Coleman Avenue developed via use of the BP money mentioned by the Lt. Governor for economic development to build the State's coffers, whether it be for artists renditions to "shop" Coleman Avenue in Jackson. Mr. Lagasse mentioned that businesses on Coleman Avenue would bring jobs to Waveland. Mayor Smith also said he would like to see a multiple slip boat launch at the foot of Coleman Avenue and handicapped access to the water's edge. Alderman Burke said he thought a marina would economically impact our City, but did not know about a boat ramp. He further suggested sitting down with SMPDD to have their planners develop renditions and numbers of how much money this may generate for the City. Mr. Lagasse said this is the first time all of the Municipalities and the County have come together for a common goal. The Board agreed to move forward with their request at the January 19, 2017 countywide meeting.

COURT DEPARTMENT

Re: Implementation of \$50.00 Administrative Fee pertaining to all Expungements

Alderman Burke moved, seconded by Alderman Richardson on the Minutes implementation of a \$50.00 Administrative Fee pertaining to all Expungements vested by Miss. Code Ann. **(EXHIBIT D)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson and Piazza

Voting Nay: None

Absent: Lafontaine

FIRE DEPARTMENT/PERSONNEL

Re: Transfer Firefighter Brian Webb from full-time to part-time; Transfer Firefighter Eric Janssen from part-time to full-time; New Hire Tyler Slocum as part-time Firefighter

Alderman Piazza moved, seconded by Alderman Burke to approve the following changes within the Waveland Fire Department as listed, (Items a-c):

- a) Transfer of Firefighter Brian Webb from full-time to part-time at \$9.00 per hour.
- b) Transfer Firefighter Eric Janssen from part-time to full time at \$11.97 per hour (Replace Webb).
- c) Hire Firefighter Tyler Slocum as a part-time Firefighter, at \$9.00 per hour, pending passage of drug test. (Firefighter Slocum will be used to backfill shifts during vacations, sick leave and for special events).

A vote was called for with the following results:

Voting Yea: Burke, Richardson and Piazza

Voting Nay: None

Absent: Lafontaine

CONTRACTS/AGREEMENTS/POLICE DEPARTMENT

Re: Approve Agreement with CARFAX Police Crash Assistance Program

Alderman Burke moved, seconded by Alderman Richardson to approve an Enrollment/Agreement with CARFAX Police Crash Assistance Program which allows the Police Department access to the CARFAX Vehicle History Service, the CARFAX E-Commerce Program and such other programs that CARFAX may offer participants of the Program from time-to-time during the Term in exchange for motor vehicle accident reports data created or collected by Agency. (As TABLED from the December 6, 2016 Meeting). **(EXHIBIT E)**

Mrs. Yarborough said that she spoke with Chief David Allen and Investigator David Buckley the day before and determined the Agreement was fine; she relieved questions she had by deleting from the contract '*any services related to the Carfax E Commerce Program*'. Chief Allen said there is no cost to the City for this service.

A vote was called for with the following results:

Voting Yea: Burke, Richardson and Piazza

Voting Nay: None

Absent: Lafontaine

INSURANCE/CITY HALL/BUILDINGS-PROPERTY/WIND

Re: Mr. John Rosetti (Betz and Rosetti Insurance) to provide services for Property/Wind Insurance Quotes

Alderman Piazza moved, seconded by Alderman Burke to approve Mr. John Rosetti (Betz and Rosetti Insurance) to provide services related to Property & Wind Insurance Quotes. **(EXHIBIT F)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson and Piazza

Voting Nay: None

Absent: Lafontaine

AGREEMENTS/CONTRACTS/CSPIRE/CITY HALL

Re: Agreement with CSpire to Provide Internet Service for City Hall

Alderman Burke moved, seconded by Alderman Piazza to approve Telecommunications Service Agreement/Contract and Addendum, including required signatures, between the City of Waveland and CSpire Business solutions to provide internet service for City Hall in the amount of \$580.00 per month for a term of 60 months. (Last meeting Board actually approved the quote; this is the actual Agreement/Contract with CSpire). **(EXHIBIT G)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson and Piazza

Voting Nay: None

Absent: Lafontaine

INVOICES/POLICE DEPARTMENT/LEGAL SERVICES/CITYWIDE DRAINAGE IMPROVEMENTS PROJECT/DRAINAGE PROJECT/TIDELANDS FUNDS/STORMWATER MANAGEMENT/SOUTH STREET DRAINAGE IMPROVEMENTS PROJECT/LIGHTHOUSE/TIDELANDS/DRAINAGE IMPROVEMENTS PROJECT

Re: Payment of invoices submitted by various Contractors

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

- a) Invoice No. 33056 from Waggoner Engineering, Inc. in the amount of \$10,828.44 – Police Department Litigation – Expert Witness
- b) Invoice #215-065-22 from Compton Engineering in the amount of \$2,219.69 – Facilities Plan and related Services, Citywide Drainage Improvements Project.
- c) Invoice #215-068-17 from Compton Engineering in the amount of \$1,880.00 – Lighthouse, Outdoor Recreation – Tidelands Funds.
- d) Invoice #216-021-9 from Compton Engineering in the amount of \$4,180.00 – Phase II Stormwater Program, Stormwater Management Plan
- e) Invoice 215-069-5 from Compton Engineering in the amount of \$10,500.00 – South Street Drainage Improvements Project.
- f) Pay Application No.1 payable to Moran Hauling, Inc. in the amount of \$53,264.81 related to the South Street Drainage Improvements.

A vote was called for with the following results:

Voting Yea: Burke, Richardson and Piazza

Voting Nay: None

Absent: Lafontaine

TIDELANDS/PARKS AND LEISURE/OPEN AIR PAVILION/PUBLIC RESTROOM FACILITY

Re: Bi-Annual Tidelands Trust Fund Reporting

Alderman Piazza moved, seconded by Alderman Burke to approve the Bi-Annual Tidelands Trust Fund Reporting, including required signatures, for the following, as listed (Items 1-4): **(EXHIBIT I)**

1. Waveland – Parks and Leisure – FY2014-P401-4WV
2. Waveland - Parks and Leisure – Splash Pad, FY2015-P501-23WV
3. Waveland –Open Air Pavilion with Lights, FY2015-P501-24WV
4. Waveland – Public Restroom Facility – FY2016-P646-4WV

A vote was called for with the following results:

Voting Yea: Burke, Richardson and Piazza

Voting Nay: None

Absent: Lafontaine

PUBLIC WORKS/CONTINUING EDUCATION/REVENUE AND EXPENSE REPORT/COURT DEPARTMENT/GROUND ZERO MUSEUM/CIVIC CENTER/HOUSING AUTHORITY BOARD/APPOINTMENTS

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

- a) Public Works Director Brent Anderson's completion of 7 Professional Development hours during the Local Public Agency Process Training & Certification with MDOT. **(EXHIBIT J)**
- b) Revenues and Expenditures Report for the Month of November 2016 at this, the second meeting in December 2016. **(EXHIBIT K)**
- c) Court Statistics Report is unavailable; Court Clerk's computer crashed 2 weeks back and she is still having her data re-loaded into the computer. She will have the November and December 2016 reports for the second meeting in January. **(EXHIBIT L)**
- d) Ms. Kathy Pinn's resignation as Museum Director.
- e) Resignation of Ms. Elizabeth Register from the Housing Authority Board.

EXECUTIVE SESSION

Re: Pending Litigation, Police Building

Alderman Piazza moved, seconded by Alderman Burke to consider Executive Session to prompt a closed discussion regarding pending litigation, Police building.

A vote was called for with the following results:

Voting Yea: Burke, Richardson and Piazza

Voting Nay: None

Absent: Lafontaine

Re: Enter Executive Session

Alderman Piazza moved, seconded by Alderman Burke to enter Executive Session regarding pending litigation, Police building.

A vote was called for with the following results:

Voting Yea: Burke, Richardson and Piazza

Voting Nay: None

Absent: Lafontaine

POLICE DEPARTMENT/LEGAL DEPARTMENT

Re: Authorize Attorney Gary Yarborough to Negotiate Settlement Agreement with Ohio Casualty, Nofie Alfonso Architects and Q.B.E. Insurance

Alderman Piazza moved, seconded by Alderman Burke to authorize Attorney Gary Yarborough to negotiate final Resolution of Claims settlement agreement with Ohio Casualty, Nofie Alfonso-Architects and Q.B.E. Insurance regarding the Police building.

A vote was called for with the following results:

Voting Yea: Burke, Richardson and Piazza

Voting Nay: None

Absent: Lafontaine

Re: Authorize Attorney Gary Yarborough to Negotiate Possible Settlement with Digital Engineering

Alderman Piazza moved, seconded by Alderman Burke to authorize Attorney Gary Yarborough to negotiate possible settlement with Digital Engineering.

A vote was called for with the following results:

Voting Yea: Burke, Richardson and Piazza

Voting Nay: None

Absent: Lafontaine

Re: Exit Executive session with Action Taken

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

A vote was called for with the following results:

Voting Yea: Burke, Richardson and Piazza

Voting Nay: None

Absent: Lafontaine

**Note: Alderman Piazza left the building and was absent for the remainder of the meeting.*

DOCKET OF CLAIMS

Re: Claims – Streets Payroll Portion

Alderman Burke moved, seconded by Alderman Richardson to approve the Streets payroll portion of the Docket dated December 21, 2016 in the amount of \$14,281.17.

A vote was called for with the following results:

Voting Yea: Burke, Richardson and Smith

Voting Nay: None

Absent: Lafontaine and Piazza

ADJOURN

Adjourn Meeting at 7:43 pm

Alderman Burke moved, seconded by Alderman Richardson to adjourn the meeting at 7:43 pm.

A vote was called for with the following results:

Voting Yea: Burke, Richardson and Smith

Voting Nay: None

Absent: Lafontaine and Piazza

The foregoing minutes were presented to Mayor Smith on January 20, 2017.

Lisa Planchard
City Clerk

The Minutes of December 21, 2016 have been read and approved by me on this day the 20th day of January 2017.

Mike Smith
Mayor

