

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 July 19, 2017 at 6:30 p.m. to take action on the following matters of City business.

**PUBLIC COMMENTS:**

- Ron Thorp- Follow up report on School Administration Consolidation.
- Mrs. Lana Noonan discussed consolidation of schools in Hancock County

**ROLL CALL:**

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

Absent from the meeting was Alderman Charles Piazza.

**MAYOR'S REPORT/MISSISSIPPI MUNICIPAL LEAGUE/VOTING DELEGATES/DELEGATES-VOTING, MML/RESOLUTIONS**

**Re: Name Mayor Mike Smith and Alderman Jeremy Burke as Voting Delegates representing the City of Waveland for 2017 MML Elections**

Alderman Lafontaine moved, seconded by Alderman Richardson to approve Resolution appointing Mayor Mike Smith as first voting delegate and Alderman Jeremy Burke as the first alternate voting delegate representing the City of Waveland for 2017 MML elections at the Annual MML Conference later this month. **(EXHIBIT A)**

During discussion, Alderman Lafontaine noted that he will not be at this year's MML and recommended that the Mayor appoint Alderman Burke as first alternate voting delegate.

A vote was called for with the following results:

Voting Yea: Burke, Richardson and Lafontaine

Voting Nay: None

Absent: Alderman Piazza

**MAYOR'S REPORT**

Re: Mayor Smith mentioned that he and the City Attorney met prior to this meeting about some blighted property issues that have been a problem for years; the City does have funds budgeted for blighted property cleanups. Mrs. Yarborough said that she had not necessarily reviewed all of the blighted property files, but said that with regard to the property that she and the Mayor were discussing prior to this meeting, the last letter sent was in 2016 and she did not know that the City had made any findings of fact or given notice to those property owners, but she would assume it would be stale at this point in time. Mrs. Yarborough added that under MS. Code Section 21-19-11, the City has to make the finding that at the time the Board is going to propose the demolition, the property is also declared a nuisance. Mrs. Yarborough said if there's been a lag of time between any Board action and this new process, she recommended that we start the process over. Mayor Smith said the City has leaned on the property owners to clean their own properties, but that the process has been dragging.

**ATTORNEY'S COMMENTS/STREETS DEPARTMENT/LEGAL/FLOODING**

**Re: BIENVILLE DRIVE DRAINAGE PROBLEMS/STREET FLOODING**

Mrs. Yarborough said the following motions are in regard to flooding on Bienville Drive and the basis of these motions would be to start the process formally of getting an appraiser and beginning negotiations. If those are unsuccessful, the appraisal and negotiations are required before the City files any Court action to pursue this formally.

**Re: Authorize City Attorney to Retain Appraiser regarding 114 Bienville Drive**

Alderman Lafontaine moved, seconded by Alderman Richardson to authorize City Attorney to retain a qualified appraiser to determine just compensation/fair market value amount regarding the proposed drainage improvements on parcel No. 161A-2-01-043.000, located in Waveland, MS, with a physical address of 114 Bienville Drive to address Bienville Street flooding.

A vote was called for with the following results:

Voting Yea: Burke, Richardson and Lafontaine

Voting Nay: None

Absent: Alderman Piazza

**Re: Authorize City Attorney to Negotiate with Property Owners @114 Bienville Drive**

Alderman Lafontaine moved, seconded by Alderman Richardson to authorize City Attorney to negotiate with property owners of 114 Bienville Drive within the just compensation/fair market value amount determined by the appraiser regarding the proposed drainage improvements on parcel No. 161A-2-01-043.000.

A vote was called for with the following results:

Voting Yea: Burke, Richardson and Lafontaine

Voting Nay: None

Absent: Alderman Piazza

**PUBLIC WORKS/CITY HALL/POWER OF ATTORNEY/ATTORNEY'S COMMENTS/  
LEGAL/INSURANCE**

Mrs. Yarborough discussed the need for the subsequent motions to receive compensation for the Public Works Truck (Ford F250) that had been stolen at the time of the Nereids Parade from the 'Our Shopping Center' parking lot. She added that the truck has never been recovered, a police report was filed, and the truck was registered under NCIC as stolen. The insurance company has requested a power of attorney in order to endorse the certificate of title so that the City could be refunded for any loss that we've experienced.

**Re: Authorize Mayor Smith to Endorse Power of Attorney for payment on the Stolen Vehicle**

Alderman Lafontaine moved, seconded by Alderman Richardson to authorize Mayor Mike Smith to endorse the limited Power of Attorney to EMC Insurance Company's in order to short title, and to receive payment on stolen vehicle (Public Works Ford F250). **(EXHIBIT B)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson and Lafontaine

Voting Nay: None

Absent: Alderman Piazza

**Re: Police Reports for Stolen Public Works Vehicle (Ford F250)**

Spread on the minutes the Police Report of February 20, 2017 and 4 page follow up report dated February 21, 2017 with Board recognition that this truck was never recovered or returned to the City. **(EXHIBIT B)**

**GARDEN LANE PAVING PROJECT/BIDS**

**Re: City Attorney Discussed Rejecting bids related to Garden Lane Paving Project**

Mrs. Yarborough said upon review of the bids, it was determined that the lowest actual bidder, Warren Paving had failed to recognize Addendum No. 1 to the bid documents, which actually changed a quantity number, which would affect the bid price so there is a bid irregularity in their documentation. Mrs. Yarborough said the Addendum was 9 pages and actually a whole new bid form. Mr. Lagasse with Compton Engineering concurred saying it basically redid the bid form; he noted the improper bid submission. Mrs. Yarborough read a letter submitted by Compton Engineering stating the following:

*“After review of bid documents and consultation with City Attorney, we recommend rejection of all bids”.* (EXHIBIT C)

Mrs. Yarborough then said that if we review the case, Yates and Sons vs. City of Waveland, she noted following into the record from that case:

*Paragraph 44, A Governing Authority may waive a bid irregularity, if the intended correction is evident on the face of the bid. Waivers of bid irregularities are also permissible where mandatory statutory provision are not violated, irregularity does not in any way destroy the competitive nature, character of the bid, the irregularity has no effect as to the amount of the bid, and does not give one bidder an advantage or benefit over the other bidder.*

Mrs. Yarborough said in her review and her opinion this certainly affects price and if the Board looks at the elements of the bids, there are really only 2 bidders bidding on different projects because if they don't recognize the addendum, they're not agreeing to be bound by those quantities. Mr. Lagasse further recommended, on behalf of Compton Engineering, that the City throw out the bids and instead seek quotes (cost will decrease with revised scope of work) for Garden Lane/Gladstone Street paving without the Waveland Avenue resurfacing as part of the project. Mrs. Yarborough said if the Board considered doing Alternate 1 & 2, they would require bidding. Mr. Lagasse said the Base bid plus Alternate 1 would be Garden Lane & Gladstone Street paving; Alternate 2 was the Waveland Avenue milling which was expected to be a little high, but he did not expect the numbers they received in the bid. Ms. Yarborough recommended that the Board reject all bids, but whether the City goes out for quotes or rebid would be at the discretion of the Board.

#### **BIDS/GARDEN LANE PAVING PROJECT**

##### **Re: Reject all bids Related to Garden Lane Paving Project**

Alderman Burke moved, seconded by Alderman Richardson to reject all bids related to the Garden Lane Paving Project.

A vote was called for with the following results:

Voting Yea: Burke, Richardson and Lafontaine

Voting Nay: None

Absent: Alderman Piazza

#### **ALDERMEN'S COMMENTS**

##### **Re: Alderman Burke**

- Discussed Solid Waste Authority, the Consumer Price Index (CPI) and whether the City's fee charged to customers will cover the cost charged by Solid Waste Authority. Alderman Burke said the collection fee from Team Waste will increase from \$9.34 to \$9.67. At \$9.34, the City does receive enough revenue each month to cover the invoice cost from Solid Waste. Alderman Burke noted there has not been a house count in 5 years and asked if the City would have to increase collection fees to residents, would that require an Ordinance change. Ms. Yarborough said she thought the \$ amount in the Ordinance is specific and would require an Ordinance change if needed.
- Noted recent discussion by the Hancock County Board of Supervisors to dissolve the Hancock County Solid Waste Authority. Alderman Burke said the program works, and he is concerned that the dissolution would cause Waveland to lose its voice on that Board. Alderman Lafontaine said before he could comment on this he would need more information to review before a decision is made.

**Re: Alderman Richardson**

- Inquired about homeless living in the abandoned Hotel across from Walmart. Mayor Smith said he met with a group of people who are interested in developing the property.

**Re: Alderman Lafontaine**

- Alderman Lafontaine said that he and Mayor Smith met with Tax Assessor Jimmie Ladner to discuss the lack of increase in the City's millage value. Alderman Lafontaine noted the various improvements made in the City and expressed concern that the City's millage was not growing in spite of increased real estate development and infrastructure improvements.
- Suggested considering allocating money in the FY18 budget to do some repairs to Waveland and Central Avenues. He said they are 2 of the busiest streets in the City of Waveland.
- Asked Mrs. Yarborough about culvert replacements/driveway repairs in the City. Mrs. Yarborough said if there is destruction by the City to a drive-way, the City is obligated to repair the driveway. He said what is happening is a resident has a metal culvert with a driveway over the top of it, understanding that the City can dig the culvert up, but they can't replace it, (the homeowner is responsible to replace it). He said his issue with this is that the City used to put these metal culverts in years ago, the homeowners then concreted over them and so now we go in and tear up something that the City put in that's no longer functional. At what point can the City at least fix the driveway back. Mrs. Yarborough said that if the City does something that destroys a driveway, the City is obligated to fix it. However, if someone creates a driveway, then that is their subsurface drainage; that's for them to maintain. If it starts collapsing or if their driveway begins to crack or crumble, or if it begins to stop drainage they have the obligation to fix it. The only obligation that the City would have to replace any culverts would be if they City owned, or if the City is the cause of some of the damage to their culvert. Alderman Lafontaine said that his concern is that if it (drainage) is affecting some of the neighbors and that homeowner refuses to fix it, at what point can the City fix it. Ms. Yarborough said we have the law, and every instance is very fact intensive, which we've seen with every case, "Say the drainage and the collapse of the culvert is causing road flooding, which then implicates the City because we have an obligation to maintain passable safe roads and streets. So then the City could, by motion and Board finding, make the finding that it's a safety hazard that affecting the passability of the street, it's causing economic damage, it's eroding the roadway and it's going to be more cost effective to replace this private property (culvert) and abate this nuisance with City funds to keep the City 'whole'. She added that if it is just to the benefit of the private property owner then the City is not necessarily allowed to do that. If the culverts are collapsing and causing a drainage problem, the City can pursue them under 21-19-11, which is the nuisance statute and notify the property owner of the law and it's their responsibility to repair the problem.
- Engineer Jason Chiniche provided the Board with an update on the Waveland Avenue Sidewalks Project.

**DOCKET OF CLAIMS**

**Re: Claims**

Alderman Lafontaine moved, seconded by Alderman Richardson to approve the Docket of Claims in the amount of \$325,190.95 dated July 19, 2017 as submitted. **(EXHIBIT D)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson and Lafontaine

Voting Nay: None

Absent: Alderman Piazza

**FINANCIAL REPORT/BUDGETS**

Re: Comptroller Ron Duckworth provided a financial update for activity through June 2017. Alderman Lafontaine suggested a separate account set aside for our cash. He said he realizes

that we have to have operating money set aside to operate from October 1 to at least the end of February before we start collecting our ad valorem money, so we'd have to have some extra money in our account, but take the rest of that and put it into a cash account. He felt it would be easier to track. Mr. Duckworth said he has no issue with that but wanted to do this more toward the end of the fiscal year. He said he'll have to work on the accounting 'engineering' of doing this and reiterated that the cash balance does ebb and flow; some months we have a plus cash flow effect and some months we do not.

**MINUTES/SPREAD ON THE MINUTES**

**Re: Minutes of Regular Meeting of July 5, 2017**

Alderman Lafontaine moved, seconded by Alderman Burke to approve the Minutes of the Regular Meeting of July 5, 2017.

A vote was called for with the following results:

Voting Yea: Burke, Richardson and Lafontaine

Voting Nay: None

Absent: Alderman Piazza

**Re: Notes of the COG Meeting of July 13, 2017- Spread on the Minutes**

Spread on the minutes Special Meeting (COG Meeting) of July 13, 2017, and the Special Meeting of

During discussion, City Attorney Yarborough said that these are not really Minutes because there is not necessarily a quorum, so it's really just notes of the workshop.

**Re: Minutes of July 14, 2017 (Motion Failed for Lack of Majority Vote)**

Alderman Burke moved, seconded by Alderman Richardson to approve the Minutes of the Special Meeting of July 14, 2017 as submitted. (**Failed for lack of a majority vote**, Minutes carried to next Board meeting for approval).

A vote was called for with the following results:

Voting Yea: Burke

Abstain: Richardson and Lafontaine

Voting Nay: None

Absent: Alderman Piazza

**INSURANCE/CITY HALL/RSVP/POLICE DEPARTMENT/FIRE DEPARTMENT/  
PERSONNEL/PUBLIC WORKS DEPARTMENT/PARKS AND RECREATION/HUMAN  
RESOURCES/RSVP**

**Re: Agent of Record letters for Bancorp South Insurance Services to pursue Health  
Insurance quotes for Employee Benefits**

Alderman Lafontaine moved, seconded by Alderman Richardson to approve Agent of Record Letter(s) for Bancorp South Insurance Services (formerly Stewart, Sneed & Hughes) to pursue quotes for employee benefits (Health, Life, Dental, Vision) for the upcoming fall renewal. **(EXHIBIT E)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson and Lafontaine

Voting Nay: None

Absent: Alderman Piazza

**MISSISSIPPI DEPARTMENT OF PUBLIC SAFETY GRANT/PUBLIC SAFETY GRANTS/POLICE DEPARTMENT/SEAT BELT GRANT/AGREEMENTS/CONTRACTS**

**Re: Mississippi Department of Public Safety FY-2018 Grant Agreement – 402 Police Traffic Services Seat Belt Grant**

Alderman Lafontaine moved, seconded by Alderman Richardson to approve and submit the Mississippi Department of Public Safety Grant Agreement, including the Mayor's signature, in the amount of \$16,068.00 for 402 Police Traffic Services - FY2018. This grant shall be pending final approval by NHTSA in the FY18 Highway Safety Plan. **(EXHIBIT F)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson and Lafontaine

Voting Nay: None

Absent: Alderman Piazza

**EVENTS/CHAMBER OF COMMERCE /HANCOCK COUNTY CHAMBER OF COMMERCE/TEACHER APPRECIATION DINNER**

**Re: Sponsorship Fee in the amount of \$250.00 for Annual Teacher Appreciation Dinner**

Alderman Burke moved, seconded by Alderman Lafontaine to approve sponsorship fee in the amount of \$250 to Hancock Chamber Education Committee for event sponsorship advertisement regarding the 11<sup>th</sup> Annual Teacher Appreciation Dinner.

Mrs. Yarborough said if the Board agrees to approve the sponsorship fee, it would be in agreement with the findings of fact with MS. Code Sections 17-3-1 and 17-3-3 that the advertisement would be helpful in advancing the moral, financial and other interests of the City of Waveland and that the advertising will bring into favorable notice the opportunities, possibilities and resources of the City of Waveland.

A vote was called for with the following results:

Voting Yea: Burke, Richardson and Lafontaine

Voting Nay: None

Absent: Alderman Piazza

**TIDELANDS FUND/PARKS AND LEISURE-TIDELANDS/PARKS AND LEISURE SPLASH- PAD/OPEN AIR PAVILION –TIDELANDS/PUBLIC RESTROOM FACILITY-TIDELANDS/LIGHTHOUSE AND PAVILION-TIDELANDS/COMFORT STATIONS/ANNUAL REPORTING/REVISED APPLICATIONS-FY17**

**Re: Tidelands Trust Fund Biannual Reports for Proposed Projects**

Alderman Burke moved, seconded by Alderman Richardson to approve the Tidelands Trust Fund Biannual Reports, including Mayor's signature, for the following projects as listed, (Items a-f): **(EXHIBIT G)**

- a) Parks and Leisure –FY2014-P401-4WV
- b) Parks and Leisure, Splash Pad –FY2015-P501-23WV
- c) Open Air Pavilion with Lights –FY2015-P501-24WV
- d) Public Restroom Facility –FY2016-P646-4WV
- e) Lighthouse and Pavilion – FY2017-P646-01

f) Comfort Stations – FY17-P646-03

A vote was called for with the following results:

Voting Yea: Burke, Richardson and Lafontaine

Voting Nay: None

Absent: Alderman Piazza

**Re: Revised Tidelands Applications for Lighthouse & Pavilion, and Comfort Stations**

Alderman Burke moved, seconded by Alderman Richardson to approve the two revised Tidelands Trust Fund Program Applications (to match the approved allocation) for FY2017 as listed, (Item a & b): **(EXHIBIT H)**

- a) Lighthouse and Pavilion – FY2017-P646-01
- b) Comfort Stations – FY2017-P646-03

A vote was called for with the following results:

Voting Yea: Burke, Richardson and Lafontaine

Voting Nay: None

Absent: Alderman Piazza

**INVOICES/WAVELAND AVENUE SIDEWALK PROJECT**

**Re: Invoice 16-0104 from James J. Chiniche, PA, Inc. for Waveland Ave. Sidewalk Project**

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

- a) Invoice 16-0104 from James J. Chiniche, PA, Inc. in the amount of \$3,044.00 – Waveland Avenue Sidewalk Project. **(EXHIBIT I)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson and Lafontaine

Voting Nay: None

Absent: Alderman Piazza

**AGREEMENTS/SOFTWARE AGREEMENT/CONTRACTS**

**Re: Delta Computer Systems, Inc. Software Support Agreement**

Alderman Burke moved, seconded by Alderman Richardson to approve Delta Computer Systems, Inc. Software Support Agreement Addendum, including required signatures, for the period 10/1/17 through 9/30/18. **(EXHIBIT J)**

Mrs. Yarborough said the agreement on its face appears to be acceptable. She said there are terms that she would not necessarily say are in our favor, however the only terms that she would necessarily disagree with is that it automatically renews yearly without Board action to terminate. So any approval of the agreement would be based on the acknowledgment from Delta Computer Systems, Inc. that this Board cannot bind a future Board to a contract.

A vote was called for with the following results:

Voting Yea: Burke, Richardson and Lafontaine

Voting Nay: None

Absent: Alderman Piazza

**TIDELANDS/RFC'S/PAYMENT REQUESTS/REVENUES AND EXPENDITURES  
REPORTS/COURT DEPARTMENT/LIGHTHOUSE AND PUBLIC  
PAVILION/BIDS/HANCOCK COUNTY LIBRARY SERVICES/PERSONNEL**

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

- a. Amended Tidelands Request for Cash Reimbursement (RFC), Payment Request #1, in the amount of \$97,320.00(was on the 7/5/17 agenda, but backup cost schedule & cover page had an error (highlighted in yellow; this is to correct) Note: Total RFC did not change. **(EXHIBIT K)**
- b. Revenues and Expenditures Report for the month of June 2017, at this the second meeting of July 2017. **(EXHIBIT L)**
- c. Court Collections report for the month of June, 2017. **(EXHIBIT M)**
- d. Bids for Pre-Storm Debris Removal were opened immediately prior to the Regular Meeting and taken under advisement.
- e. Bids for the Waveland Lighthouse & Public Pavilion were opened immediately prior to the Regular Meeting and taken under advisement.
- f. City of Waveland response letter to Hancock County Board of Supervisors re: Proposed Interlocal Agreement for Library Services **(EXHIBIT N)**
- g. Resignation of Public Defender Zach Butterworth effective 7/12/17. **(EXHIBIT O)**

**HANCOCK COUNTY LIBRARY/LIBRARY**

**Re: The Board briefly participated in discussion regarding the Interlocal Agreement for the Library.** Ms. Lana Noonan also came to the podium to offer comments and suggestions on this topic.

**ADJOURN**

**Adjourn Meeting at 8:03 pm**

Alderman Richardson moved, seconded by Alderman Burke to adjourn the meeting at 8:03 pm.

A vote was called for with the following results:

Voting Yea: Richardson & Lafontaine

Voting Nay: None

Absent: Burke & Piazza

The foregoing minutes were presented to Mayor Smith on August 4, 2017.

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

The Minutes of July 19, 2017 have been read and approved by me on this day the 4<sup>th</sup> day of August, 2017.

\_\_\_\_\_  
Mike Smith,  
Mayor