

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 5, 2017 at 6:30 p.m. to take action on the following matters of City business.

PUBLIC COMMENTS:

- Mr. Fred Butterfield

ROLL CALL:

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

Absent from the Meeting were City Clerk Lisa Planchard and Alderman Charles Piazza.

MAYOR'S REPORT

- The Mayor expressed thanks to the Krewe of Real People-Next Generation and Mr. Laronne Lewis for their work at the MLK Park.
- Thanked the City Hall, and other employees for their hard work with a successful Destination Waveland Fourth of July event.
- The Mayor attended the Mayor's Forum in Starkville, MS. about 2 weeks prior. There were 3 other Mayor's throughout the State that had been invited and were present. Mayor Smith said there were professionals there who offered suggestions re: our proposed Coleman Avenue development plans; he will be receiving a written report and upon receipt he will share with Board members.
- The Mayor mentioned that Public Works Director Brent Anderson met with Mississippi Department of Transportation (MDOT) last week regarding an MDOT Safety Grant. MDOT is currently working on a large project improving the 4 major intersection turning lanes along Hwy 90 where there are red lights. Mr. Anderson said that they will be upgrading the 19 lights currently along Hwy 90 and adding an additional 10 lights for a total of 29 new LED lighted poles; any costs that the City will have to incur to accommodate MDOT will be reimbursed 100% by MDOT. He added that there will be all new poles and they will be implementing their camera system at the intersections, with work to tentatively begin sometime after November 2017. Every major intersection light from the Bay Bridge to Waveland Avenue will be replaced/upgraded. Mr. Anderson said he had Geoff (Compton Engineering) prepare a set of bid specs in anticipation of the work the City will have to do to accommodate MDOT, including surveying services, boring lines under Hwy 90, lowering a gas line, etc... It is estimated to cost the City about \$150,000 to \$200,000, which will be reimbursed 100% by MDOT according to Mr. Anderson.

ORDINANCES/STREETS

Re: Ordinance Re: No Through Truck Traffic on Certain Municipal Streets – Motion Failed

Alderman Burke moved, seconded by Alderman Richardson to approve Ordinance No. 372 Prohibiting through Truck Traffic on Certain Municipal Streets Providing a Fine for Violation thereof.

During discussion, Alderman Richardson said he would like more research and input done regarding this ordinance before he approves this. Alderman Lafontaine said he would like this revisited at a later time, but with a different format.

A vote was called for with the following results:

Voting Yea: Burke

Voting Nay: Richardson, Lafontaine

Absent: Piazza

(Motion Failed)

ATTORNEY'S COMMENTS

Re: No Comments at this time.

ALDERMEN'S COMMENTS

Re: Alderman Burke – No comments at this time; cleared all questions prior to the meeting.

Re: Alderman Richardson

- Discussed issues regarding holiday revelers using empty/vacant lots to shoot fireworks. Alderman Richardson expressed concern about the potential for fire.
- Requested signage at the Veterans Memorial letting visitors know that it is an area to be respected, and children and visitors alike should not climb on any part of the monument area. Alderman Richardson also discussed the lack of American Flags at the Veterans Memorial during the Fourth of July holiday. Mayor Smith said the American Legion did not put flags out because of fireworks and fear the flags would get burned.
- Requested Litter Control employee, Don Siebenkittel, do something with the car storage from Lacoste property now being stored at Port of Call Store on Old Spanish Trail. Mayor Smith said in addition to this getting addressed, the old Days Frontier building will also be addressed even if he has to do it himself.

During discussion, Attorney Rachel Yarborough said that under the agreed order that the City entered with Mr. Lacoste, he was supposed to submit for a business license for that building and that he was only to use his parking spaces for what that building was licensed for and so last she heard was that Don (Siebenkittel) was supposed to confirm that it was being used as a used car lot of some sort. She said that it has been way too much time; every time she passes by it, it gets worse. Ms. Yarborough said he's not heeded the warnings and not doing anything to make this property come into compliance, it is her opinion that he is not in compliance with the agreed order. Alderman Lafontaine said we've been talking about this property for 7 years.

DOCKET OF CLAIMS

Re: Claims

Alderman Burke moved, seconded by Alderman Richardson to approve the Docket of Claims in the amount of \$276,796.19 dated July 5, 2017 as submitted. **(EXHIBIT A)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson & Lafontaine

Voting Nay: None

Absent: Piazza

MINUTES

Re: Minutes of June 22, 2017 and Special Meeting (COG Meeting) of June 22, 2017

Alderman Burke moved, seconded by Alderman Richardson to approve the Minutes of the Meeting of June 22, 2017 (i.e. the 6/21/17 Agenda- meeting postponed to 6/22 due to bad weather) and the Special Meeting (COG Meeting) of June 22, 2017, as submitted.

A vote was called for with the following results:

Voting Yea: Burke, Richardson & Lafontaine

Voting Nay: None

Absent: Piazza

HANCOCK COUNTY LIBRARY SYSTEM/LIBRARY/BOARD OF SUPERVISORS

Re: Response to Hancock County Board of Supervisors regarding Proposed Changes to Library Agreement

Alderman Burke moved, seconded by Alderman Richardson to respond (in written form) to the Hancock County Board of Supervisors regarding the proposed Interlocal Agreement with the Bay St. Louis - Waveland, Hancock County Library, with outline of response as dictated by City Attorney.

Alderman Burke said that currently the Hancock County Board of Supervisors wants to have a 7 member board with the following representation: Hancock County Board of Trustees -4, City of Waveland-1, Bay St. Louis-1, and Diamondhead-1. He said he would like us to respond in writing to Hancock County Board of Supervisors re: the Interlocal recommending that the Hancock County Board of Supervisors appoint 3 trustees, Waveland -1, Bay St. Louis – 1, and Diamondhead -0, but add in the letter if a municipality does not dedicate at least 1 mill to the Library, they receive no vote or a seat on the Board of Trustees. He added that as of now it seems like Diamondhead gets the ‘best of both worlds’. Mayor Smith said his concern is that the City of Waveland will lose our voice in this Library Interlocal Agreement because we give the full 3 mills; we also pay, through our County taxes, so that our Library is pretty much self-funded. Alderman Lafontaine said the City of Waveland collects \$176,000+ through City taxes that we put toward the Library system. The County collects \$164,000+ through County millage that they collect from Waveland residents; this comes to a total of \$341,000 and the Library budget is \$349,000. He said that they do have grants and different things that also brings that down so we do have a surplus of funds there that goes back into the Library system, from the way that he understands and the way he reads it. Mrs. Yarborough said that when we finish with the conversation, she can define what will be in the meat of the letter so that we have a majority agreement of what the response will be. She added, “Are we going to respond to the offer that they’ve made or are we going to make our own offer. There are certain avenues that you can go down”. Alderman Lafontaine said that his question is what is Waveland going to see out of it; is it a 1.2 mill reduction, or 1.3 mill reduction was the answer and they flat out said if you want to pay less on your portion then feel free to cut the budget from the City’s side. It’s up to us, what is our mill going to be; are we going to put in the full 3 mills.” Alderman Lafontaine explained that the County Board of Supervisors is going to pay 70% of the total cost regardless. He added that the County is trying to reduce the Library’s budget (with in kind services). Alderman Burke said, “As for the response can we agree that Diamondhead, how things are handled now, they should not have a seat on the Board of Trustees”. Alderman Richardson said, “No, no seat”. Alderman Lafontaine said, “I agree”. Alderman Burke recommends they stay at a 5 member Board and the Agreement state that Bay St. Louis have 1 Board member, Waveland will have 1 Board member, and the County have 3 members. Alderman Lafontaine agreed with that. Ms. Yarborough said she thought it was safe to assume that Diamondhead is not going to participate; she felt sure enough to make that part of our response that that portion of the Interlocal Proposal Agreement is going to be amended. She recommended that it may be wise to still put the required 1 mill for a Trustee because if you go under, it gives you incentive to remain a contributor. If Diamondhead were to elect to become part of the agreement, it would have to be a whole new Interlocal Agreement entered into. Alderman Lafontaine asked at what point in time are we going to negotiate the percentages, is that part of this. Ms. Yarborough said that you could, yes, time is of the essence. Alderman Lafontaine added that it’s the City of Bay St. Louis and the City of Waveland that will be splitting the remaining 30% of the Libraries’ budget. Currently the City of Waveland pays 9.939% of the Libraries’ budget and Bay St. Louis’s is 17.193%. Ms. Yarborough said that she thinks the point of the proposal in general is that even if you plan to contribute the same percentage, you will still see a reduction because the expenses of the Library are going to decrease because their budget will decrease. Ms. Yarborough said to frame this discussion she will send a response to the Board of Supervisors that we are in agreement to participate in the Interlocal Agreement, however we would propose a 5 person Board of Trustees: the County would have 3, Bay St. Louis have 1, City of Waveland would have 1 and that we are still considering what minimum percentage we would like to contribute to the expenses; otherwise we are in agreement and support of the Interlocal ideas.

A vote was called for with the following results:

Voting Yea: Burke, Richardson & Lafontaine

Voting Nay: None

Absent: Piazza

CONTRACTS/BUSINESS CENTER/INCUBATOR BUILDING

Re: Termination of Services with Clean Conceptz for Cleaning of Business Center Bathrooms

Alderman Lafontaine moved, seconded by Alderman Richardson to approve notice of termination of services with Clean Conceptz for cleaning of bathrooms at the Waveland Business Center; it was \$50.00 per week for once per week cleaning.

A vote was called for with the following results:

Voting Yea: Richardson, Lafontaine & Mayor Smith

Voting Nay: None

Abstain: Burke

Absent: Piazza

CONTRACTS/AGREEMENTS/BUSINESS CENTER/INCUBATOR BUILDING

Re: Agreement with Mr. Louis Dunklin, Dunk's Southern Style Buffet and Catering to clean Bathroom Facilities at Business Center

Alderman Richardson moved, seconded by Alderman Lafontaine to approve a proposal from Mr. Louis Dunklin, Dunk's Southern Style Buffet and Catering to clean the men's and ladies bathrooms at the Waveland Business Incubator three to four, or more as needed, times a week at a cost of \$50.00 per week. **(EXHIBIT B)**

A vote was called for with the following results:

Voting Yea: Richardson, Lafontaine & Mayor Smith

Voting Nay: None

Abstain: Burke

Absent: Piazza

EVENTS/HALLOWEEN

Re: Request to hold Halloween Event on Coleman Avenue (Motion Failed)

Alderman Lafontaine moved, seconded by Alderman Richardson to approve a request from Ms. Tammy Devin of Gulf Coast Filmworks to hold a Halloween Event on Coleman Avenue Saturday and Sunday prior to Halloween. Cost to the City would be use of the Business Center for a haunted house and Police to block Coleman Avenue for the Festival and hayride. (Tabled from the June 22, 2017 Meeting).

During discussion, Aldermen Lafontaine & Burke said they thought there would be an issue with our current event that the City has. Mayor Smith and Richardson also agreed.

A vote was called for with the following results:

Voting Yea: None

Voting Nay: Burke, Richardson & Lafontaine

Absent: Piazza

PLANNING AND ZONING

Re: Asa Haynes, representing Jacob's Well Ministries, 721 Herlihy Street (TABLED-Remanded back to Planning and Zoning)

Asa Haynes, representing Jacob's Well Ministries requested a Zoning Change from R-1 (Single Family Residential) to R-3 (Single, Two Family & Multi-Family Residential District) and if recommended for approval, a Conditional Use – Transitional Home as listed in Section 603.2 – Conditional Uses R-3 (Single, Two Family & Multi-Family Residential District) in order to allow a Transitional Home as a Conditional Use at the property commonly known as 721 Herlihy Street. Legal Description: Lots 40-44, Block 23 and Lots 44 & 45, Block 23, Waveland Highland Subdivision, City of Waveland, Hancock County, Mississippi.

Commissioner Watson made a motion to **TABLE** the Jacob's Well Ministries request a Zoning Change from R-1 (Single Family Residential) to R-3 (Single-, Two Family & Multi-Family Residential District)

and if recommended for approval a Conditional use – Transitional Home as listed in Section 603.2 – Conditional Uses R-3 (Single-, Two-Family & Multi-Family Residential District) in order to allow a Transitional until the next regularly scheduled meeting of the Commission on July 24th so that the correct application and processing procedures could be completed. Commissioner Boudoin seconded the motion. **(EXHIBIT C)**

Alderman Burke moved, seconded by Alderman Lafontaine to follow the recommendation of the Planning and Zoning Board and **TABLE** the request as submitted.

A vote was called for with the following results:

Voting Yea: Burke, Richardson & Lafontaine

Voting Nay: None

Absent: Piazza

TRAVEL/POLICE DEPARTMENT

Re: Travel for Investigator Matt Sekinger, Officer Jody Richardson and Officer Steven Robin for one day Seminar in Slidell, Louisiana

Alderman Lafontaine moved, seconded by Alderman Richardson to approve travel for Investigator Matt Sekinger, Officer Jody Richardson and Officer Steven Robin to attend a one-day Seminar, ‘Statement Analysis Interviewing Techniques’ being conducted in Slidell, LA, July 10, 2017. Cost to the City will be a total \$345.00 registration fee (\$140 each less a \$75 discount).

A vote was called for with the following results:

Voting Yea: Burke, Richardson & Lafontaine

Voting Nay: None

Absent: Piazza

CONTRACTS/MISSISSIPPI DEPARTMENT OF TRANSPORTATION/MDOT/CITYWIDE SIDEWALKS PROJECT

Re: Preliminary approval of the form of the Proposed Engineering Services Contract with Compton Engineering for City Sidewalk Study

Alderman Burke moved, seconded by Alderman Richardson to preliminarily approve the form of the proposed *Preliminary Engineering Services Contract* with Compton Engineering and approve correspondence to MDOT requesting MDOT review and concurrence of the Preliminary Engineering Services Contract for project number STP-0274-(010)LPA, City of Waveland Sidewalk Study. The City of Waveland reserves the right to negotiate the terms and conditions of a professional services contract and grants no rights to Compton Engineering by seeking this review and concurrence from MDOT. **(EXHIBIT C)**

During discussion, City Attorney Yarborough explained that this is the procedure that is required by MDOT to procure professional services. If you recall we requested their permission to use the small purchase procedures, and this would now be the contract review. What they do is review the form and content of the contract before it is awarded so all we’re doing is reviewing the contract as proposed to perform and then we request MDOT to review for form and concurrence. They then will send it back down to us and we will execute the contract.

A vote was called for with the following results:

Voting Yea: Burke, Richardson & Lafontaine

Voting Nay: None

Absent: Piazza

CONTRACTS/UTILITY DEPARTMENT/WATER SYSTEM

Re: Contract with Coast Chlorinator and Pump Co, Inc. to Perform Services for Water System

Alderman Burke moved, seconded by Alderman Richardson to approve contract with Coast Chlorinator and Pump Co, Inc. to perform services related to the City of Waveland Water System, Public Water Supply ID #0230002, in the amount of \$3,000.00 per month for twice weekly services. **(EXHIBIT D)**

During discussion, City Attorney Yarborough said that on this proposal her only comments are that under Section 1(d), 1(e) and 1(h), that those parts of this proposal contemplate expenditures outside of the proposal for weekly and monthly maintenance and they would anticipate expenditures for repairs and commodities; she would caution Mr. Anderson (who is well versed in the public bid laws) that if there are purchases of commodities, equipment or construction project repairs, that they be in compliance with public bid laws. Mr. Anderson explained that this is to replace the services that Mr. Dwight Haskell (recently retired) did for the City, including fluoridating, water testing, reports, etc...

A vote was called for with the following results:

Voting Yea: Burke, Richardson and Mayor Smith

Voting Nay: Lafontaine

Absent: Piazza

INVOICES/CITYWIDE SANITARY SEWER IMPROVEMENTS PROJECT/SEWER IMPROVEMENTS PROJECT/SRF

Re: Payment of Invoice from Compton Engineering in the amount of \$3,540.00

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): **(EXHIBIT E)**

- a) Invoice 216-056-10 from Compton Engineering in the amount of \$3,540.00 – Citywide Sanitary Sewer Improvements Project. – SRF

A vote was called for with the following results:

Voting Yea: Burke, Richardson & Lafontaine

Voting Nay: None

Absent: Piazza

UTILITY DEPARTMENT/PUBLIC WORKS/TROPICAL STORM CINDY/CINDY-TROPICAL STORM/BIDS/GARDEN LANE- STREET IMPROVEMENTS PROJECT/STREET IMPROVEMENTS PROJECT-GARDEN LANE/PRIVILEGE LICENSE REPORT/BUILDING DEPARTMENT

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

- a) Certificate of Attendance for Brent Anderson- 2017 MSRWA Summer Training for Water **(EXHIBIT E)**
- b) **MOVED TO next agenda item**
- c) Declaration of Emergency for Tropical Storm Cindy, June 20, 2017 **(EXHIBIT F)**
- d) Bids for Streets Improvements - Garden Lane, were opened prior to the meeting at 6:00 pm and taken under advisement.
- e) Privilege License Report for the Month of June 2017. **(EXHIBIT G)**
- f) Building Permits Report for the Month of June 2017. **(EXHIBIT H)**

DONATIONS/DESTINATION WAVELAND/FOURTH OF JULY EVENT/EVENTS

Re: Accept Donation from Southgroup Insurance Company for Destination Waveland Event

Alderman Burke moved, seconded by Alderman Richardson to accept a donation check in the amount of \$250 from Southgroup Insurance Company for Destination Waveland Fourth of July Event. **(EXHIBIT I)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson & Lafontaine

Voting Nay: None

Absent: Piazza

EXECUTIVE SESSION

Re: Probable Litigation

Alderman Burke moved, seconded by Alderman Richardson to consider Executive Session to prompt a closed discussion regarding pending litigation - Kappa Development, Citywide Drainage Improvements Project, and probable litigation – Artisan Global, mobile home bids.

A vote was called for with the following results:

Voting Yea: Burke, Richardson & Lafontaine

Voting Nay: None

Absent: Piazza

Re: Enter Executive Session

Alderman Richardson moved, seconded by Alderman Burke to enter Executive Session regarding pending litigation-Kappa Development, Citywide Drainage Improvements Project, and probable litigation-Artisan Global, mobile home bids.

A vote was called for with the following results:

Voting Yea: Burke, Richardson & Lafontaine

Voting Nay: None

Absent: Piazza

LEGAL DEPARTMENT/CITYWIDE DRAINAGE IMPROVEMENTS PROJECT/DRAINAGE PROJECT/FEMA/CONTRACTS

Re: Authorize Mayor to Submit a Request to FEMA to remove Remaining Portions of Phase III-Citywide Drainage Improvements Project

Alderman Burke moved, seconded by Alderman Richardson to authorize the Mayor to submit a request to FEMA to remove the remaining portions of Phase III of the Citywide Drainage Improvements Project.

A vote was called for with the following results:

Voting Yea: Burke, Richardson & Lafontaine

Voting Nay: None

Absent: Piazza

Alderman Lafontaine moved, seconded by Alderman Burke to authorize Attorney Gary Yarborough to negotiate a Resolution of the contract with Kappa Development and Pickering Engineering.

A vote was called for with the following results:

Voting Yea: Burke, Richardson & Lafontaine

Voting Nay: None

Absent: Piazza

Re: Exit Executive Session

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

A vote was called for with the following results:

Voting Yea: Burke, Richardson & Lafontaine

Voting Nay: None

Absent: Piazza

**MISSISSIPPI DEPARTMENT OF TRANSPORTATION/MDOT/STREETS/ENGINEERING/
RFQ'S/BIDS/GRANTS**

**Re: Advertise for Requests for Qualifications-Engineering Services, if required, for the MDOT
Hwy 90 Intersection Lighting Project**

Alderman Lafontaine moved, seconded by Alderman Richardson to approve advertising for Request for Qualifications for Engineering Services, if required, for the MDOT Hwy 90 Intersection Lighting project.

During discussion, Ms. Yarborough said that the way she reads the information sent from MDOT is that it is Federal Highway Administration funds so it's going to be federally funded, which means that we'll have to follow all the Federal procurement requirements and for any preliminary Engineering services we have to follow the Brooks Act which requires, it depends on how much the engineering contract is anticipated to be for, whether you can use the Small Purchase Procedures or whether you have to go out for RFQ's. She added that, in short, what she is requesting is authority *IF WE NEED TO*, to advertise for RFQ's for engineering services on the MDOT contract. This is all related to an MDOT Safety Grant discussed earlier in the Meeting by Public Works Director Brent Anderson.

A vote was called for with the following results:

Voting Yea: Burke, Richardson & Lafontaine

Voting Nay: None

Absent: Piazza

ADJOURN

Adjourn Meeting at 8:29 pm

Alderman Lafontaine moved, seconded by Alderman Richardson to adjourn the meeting at 8:29 pm.

A vote was called for with the following results:

Voting Yea: Burke, Richardson & Lafontaine

Voting Nay: None

Absent: Piazza

The foregoing minutes were presented to Mayor Smith on July 21, 2017.

Lisa Planchard
City Clerk

The Minutes of July 5, 2017 have been read and approved by me on this day the 21st day of July, 2017.

Mike Smith, Mayor