

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 May 17, 2017 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 Lafontaine along with City Attorney Rachel P. Yarborough and City Clerk Lisa Planchard.

Absent from the meeting was Alderman Piazza.

CITY HALL/BUILDING DEPARTMENT/PERSONNEL

Re: Discuss and bring to Board's attention that the new part-time position (Ms. Marcia Christmas hired 5/2/17) in the Mayor's offices is not currently budgeted and the full-time position (Mr. David Draz hired 5/2/17) in the Building Department as office manager is not budgeted during his training period.

Alderman Richardson asked how many hours a week would Ms. Christmas be working. Ms. Planchard said, "30, 6 hours per day, 5 days per week @ \$8.00/hour". Alderman Lafontaine asked what that department looks like, current, today. Mr. Duckworth said that for now through the end of the year it will be \$4,800 plus benefits. Ms. Planchard said that her budget will be increased by that much plus payroll taxes on that amount through the end of the fiscal year. Alderman Lafontaine asked how the 'City Clerk Department' overall budget is looking at this time. Mrs. Planchard said she thought the budget was right on target at this point in the year; she said her departmental salaries budget (according to the April 2017 Revenues & Expenditures Report is at 57.6% and we're at 58.33% right now through the year (7/12ths of the year has passed), so it's just about right on target. With regard to the Building Department, their line item salaries budget is at 57.6% and we're at 58.33% right now through the year so they're running right on target. Alderman Lafontaine asked if that was line item or departmental budget. Ms. Planchard said it was line item; he then asked what is the departmental total to date. Ms. Planchard said that department is at 50.3%, but we're at 58.33% through the year (7 months out of 12) at this point in time so we're about 8% under budget for salaries.

UTILITY DEPARTMENT/BUILDING DEPARTMENT/PERSONNEL

Re: Transfer Ms. Jeanne Conrad from Utility Department to Building Department Clerk Position

Alderman Richardson moved, seconded by Alderman Lafontaine to transfer Jeanne Conrad from Utility Department to Building Department, Clerk position (to replace Ms. Belinda Thomas) at \$23,450 annual salary (same as Utility current salary/same as B. Thomas salary).

A vote was called for with the following results:

Voting Yea: Burke, Richardson & Lafontaine

Voting Nay: None

Absent: Piazza

STREETS DEPARTMENT/PERSONNEL

Re: Hire one Streets Department Employee at \$10.00 per hour

Alderman Lafontaine moved, seconded by Alderman Burke to hire one Streets Department employee at \$10.00 per hour pending passage of drug test (to replace recent resignation).

Mrs. Yarborough said this position is not creating a position and when you select a person, they are not an employee until that person is approved by the Board. Alderman Lafontaine said he would not be opposed to the Board holding a Special Meeting to hire the new employees.

A vote was called for with the following results:

Voting Yea: Burke, Richardson & Lafontaine

Voting Nay: None

Absent: Piazza

BIDS/LIGHTHOUSE AND PUBLIC PAVILION PROJECT/TIDELANDS

Re: Revise Bid Receipt Deadline and Opening Date/Time related Lighthouse and Public Pavilion Project

Alderman Lafontaine moved, seconded by Alderman Burke to Revise the Bid Receipt deadline and opening date/time related to the Waveland Lighthouse and Public Pavilion Project from May 17, 2017 at 4:00 pm to Tuesday, June 6, 2017 at 4:00 pm. for the receipt deadline and bids will be opened Tuesday, June 6, 2017 at 6:00 pm in the Board Room at City Hall, 301 Coleman Avenue, Waveland, MS. (Addendum No. 4) **(EXHIBIT A)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson & Lafontaine

Voting Nay: None

Absent: Piazza

MAYOR'S COMMENTS

Re: Attended a meeting today hosted by MDA for companies seeking to locate on the Gulf Coast. The Mayor said they would be coming to Waveland, as well as an MML Representative's arrival to look at the City's current issues regarding Coleman Avenue.

ATTORNEY'S COMMENTS

Mrs. Yarborough said she had an issue for discussion, one with Brent Anderson regarding property located at 412 Chadwick Street for possible drainage and nuisance issues under MS. Code Section 21-19-11. Ms. Yarborough said it has come to her attention that there are adjacent property owner complaints about the 1) state of the property and 2) a culvert under a driveway that is allegedly dilapidated and causing the drainage ditches to retain water. She asked Mr. Anderson, "Have you had the opportunity to review that situation"?

Mr. Anderson: "Yes, I have".

Mrs. Yarborough: "And, what is the status of the, disregarding any drainage issues, the property itself. Would it qualify as a nuisance in any way under 21-19-11, is the grass high, or is there a pest issue, cesspool, anything of that nature"?

Mr. Anderson: "The grass is high, the property itself is pretty sound, the home that's located on it is sound, is livable".

Mayor Smith: "That's the one next to Mr. Oscar".

Alderman Burke: "Yes"

Mr. Anderson: "It's a weekend, summer home whatever you want to call it. The grass is a little bit over grown, it's not wild over grown, but it's over grown."

Mrs. Yarborough: "Would it, in your opinion, would it be, would the length or the height of the grass be a health, safety or welfare issue? Would it lend to like pest or wildlife or ..."

Mr. Anderson: "It could become that way, if it's not addressed at this point".

Mrs. Yarborough: "Now to the drainage and the culvert issue. I'm not (inaudible) myself, if you would express to the Board what you've observed as to the state of the culvert and any drainage issues surrounding through that culvert".

Mr. Anderson: "It's an older metal culvert in pretty bad shape. Water does get through it. It may, you know, (inaudible) yard ditches don't drain out in ten minutes and be dry". The culvert 's in pretty bad shape, but it's not creating a backup of water up stream, it's getting out and getting through there".

Mrs. Yarborough: "Is it standing for a length of time that it becomes stagnate or..."

Mr. Anderson: "It's, I mean yea, it takes it a period of time. It can, sometimes a week or maybe two weeks to finally get out, were talking maybe 2 to 3 inches of water in front of that house. It doesn't pull back up stream. It all comes to that lower point in front of that house".

Mrs. Yarborough: "That house, being the house on this property".

Mr. Anderson: "The house on this property, yes".

Mayor Smith: "And I've been out there several times too, at the request of Mr. Oscar, and if you look on the south end of that culvert you can see where the metal is actually rusted and it is hanging down creating that blockage".

Mrs. Yarborough: "Well, and here's really the possible remedy to that is, as the Board knows, you have to first give the property owner an opportunity to review what evidence you have that the property is a nuisance, and then allow them to disagree and address the Board if they so choose. But, even if assuming we make all the findings, 1) that the property is a nuisance and that this dilapidated culvert is causing a health safety hazard within the City and that it qualifies, we would only then be allowed to remove the culvert. We wouldn't be allowed to replace it and then pour a new drive-way. So it would be just like any other nuisance property, you really just abate the nuisance and then kind of go from there after you've fulfilled all those notice requirements. So I guess the ultimate question would be Brent, "If we remove the culvert would that in any way address the stagnation of water and any other issues with the drainage issue".

Mr. Anderson: "It would probably give it a better opportunity to get out a little quicker due to the collapsing of the culvert; probably help and increase that ditch line. We've dug the back side, as the City, down to the railroad tracks which helps tremendously. You know a lot of that was clogged up from our sewer project that went down that street, but, I mean the culvert could use some tending to and some addressing".

Mrs. Yarborough: "Is there any way to somewhat manipulate the culvert where it becomes more passable".

Mr. Anderson: "We, we (I say as the City) we went out there and did as much as we could with it without getting into a financial aspect from the City. So that's when I sort of backed off the project and really referred it to you (City Attorney) because I don't want to spend tax dollars of the City on this".

Mayor Smith: "Yea, because y'all jetted it, y'all have done all those things".

Mr. Anderson: "Yea, we jetted it, we've bent it up, and we've dug. It's just a slow process".

Mrs. Yarborough: "Well, is it the slope of the ditch or is it really the culvert or is it a combination".

Mr. Anderson: "It's really flat to try to get from Jeff Davis to the railroad tracks, to get one ditch to meet another, you don't, it's not much elevation change; so that's why the whole thing's slow, it's just not a, you know you're only talking four to five hundred feet you can't get much elevation change in the ditch because of the existing culverts. Sort of what goes along in any other place around the City. And you know like I said, the reason I brought it to Rachel or you guys; I don't want to illegally spend tax dollars on something I'm not supposed to. So I wanted a lot of clarification on that".

Alderman Lafontaine: "Just like you were saying, it's the problem that were having because I've got one in my ward that's the exact same way. It's a culvert that's really causing issues further up the line, I mean".

Mr. Anderson: "The problem is, you start changing one, and then you gotta change two, and then you gotta change three, and then you go down the line because, I mean we've had this discussion for years, the elevation changes and it's basically what's happened on this one. The downward side of even her culvert, it changes elevation again on the next culvert, so you can only do so much and I don't think just changing the culvert is going to solve the whole entire issue because the next driveway is actually a little bit lower than the one that's there. So they're all sagging, one's holding the top side. So it's..."

Alderman Lafontaine: "You've got another one on Jeff Davis in your Ward too that's got a culvert issue. Back over there by..."

Alderman Richardson: "Full of them".

Mr. Anderson: "I could give you a list of two hundred of them".

Alderman Burke: "And it's not flooding the road, so..."

Mr. Anderson: "Right now, so if we could get back to Chadwick. Were' not having any road damage caused by it. About the only effect that were having is a neighbor, you know were holding, it's holding two to three, maybe four, inches of water for a period of time before it either evaporates or slowly gets out of there. So that's why I want some real clarification on what, as public works, what we need to do with these issues. It sounds like we need to handle them on a one on one basis".

Mrs. Yarborough: "That's right".

Mayor Smith: "They're all different".

Mrs. Yarborough: "They are, it's a very fact intensive review when you review these culvert issues, one, because with the cornerstone of governance is that you're not allowed to spend public funds for the benefit of private property, so were not allowed to go and just replace peoples culverts and you know fix their driveways, pour a new driveway with public money. So, there are a couples of ways to skin a cat, it depends on say, it's effecting or undermining the road, then that's a safety issue and we are statutorily required to maintain passable streets. So that would require us to fix the drainage and make it passable".

Alderman Lafontaine: "Let me ask this, would the drainage be considered just like it would if we went down through there and run a new sewer line or a new water line and we had to remove those driveways".

Mrs. Yarborough: "It could be, and the premise of that; say we do the sidewalk project and we effect people's driveways, we have an obligation to fix any damage that we create. So that's, you know, or we manipulate our right of way or our easement and it affects the private property owners' in some way, we have an obligation to put it back to where it was, not improve it".

Mr. Anderson: "So, so if we manipulate it".

Mrs. Yarborough: "So, if we manipulate it".

Mr. Anderson: "So, if they just call and say 'hey my culvert's messed up', it's a different ballgame".

Mrs. Yarborough: "Right, right then that would be, and if everybody called and said, "Look my, you know, I've put this culvert in twenty years ago and its smushed and I want a new culvert and a new driveway", we're not allowed to do that".

Alderman Lafontaine: "What if a culvert downstream is effecting residents up stream and that guy doesn't want to change because he can't afford to replace a driveway and all that, what do you do".

Mrs. Yarborough: "I think you probably pursue him under 21-19-11 as a nuisance, and I would also, which I've started kind of very pre-maturely kind of looked at our Culvert Ordinance, but we need a better mechanism to address dilapidated culverts because what we have is a mechanism to address culverts that are put in contrary to our culvert ordinance, but nothing to address culverts that don't belong to the City and that are deteriorating over time. Now there are, our Ordinance does say that we can remove some body's culvert and driveway and replace it and charge them the money. But there's no mechanism for an appeal process or a hearing process, so I don't know that it's actually enforceable. I think we can create a better Ordinance to address these issues, either criminally and through a hearing process, similar to 21-19-11, where the person has an opportunity to come in here and say "Well look my culvert's fine, and here's why, and it's not contrary to the Ordinance". We have to give them an opportunity to disagree with us basically, before we destroy their culvert and their driveway. So I think really what we do is, we address those ones that are an immediate issue under 21-19-11, and it's really kind of a case by case analysis because some of them, if their culvert is causing a safety hazard...".

Alderman Burke: "Like Bienville".

Mrs. Yarborough: "Like Bienville, then you can take action. But in every action takes a Board finding. Anytime that we remove or replace a culvert, it's going to have to be by Board motion and action. Because you have to make specific findings based on those specific facts. But I think that really overall, the way to really make it a moot issue and to handle them each because, you know, the city's going to be... I know that we have two hundred cases of dilapidated culverts with driveways over them. I think the way to handle it uniformly is to create an Ordinance that addresses that issue and then everybody is treated equally. It's not this really fact intensive scenario where were trying to kind of to manipulate the law to fit those circumstances. I think you say here's our Ordinance, your culverts dilapidated, you need to remove it. You have ten days to appeal to the Board if you disagree, if not, were going to, the city will be by in 30 days, you have 30 days to correct it or we come to remove it. That's kind of how I would advise that we would adopt a more toothsome Ordinance and go from there. But, until then, I think 21-19-11 kind of gets us where we need to go with some of those.

Mayor Smith: "Shane (Alderman Lafontaine) were you referring to that one on Carroll Street".

Alderman Lafontaine: "Yes".

Mayor Smith: "Yea, I went by there two weeks ago and their whole front yard is culverted all the way across. You (Mr. Anderson) know which one I'm talking about".

Mr. Anderson: "I do, and it shouldn't have been like, we're going to leave it like that cause that was way before that other Ordinance was created (inaudible). So, I'm sort of on a learning basis with all of this, since talking to Rachel (Yarborough). So, I hope y'all agree with the fact that I don't want to put us or the City in jeopardy of spending funding that I'm not allowed to first, and then secondly, I have budgeted no culvert repairs or driveway pours".

Alderman Lafontaine: "You don't need it according to Rachel (Yarborough)".

Mr. Anderson: "Well no, I don't, but I'm just saying if it were to become a case; this was prior, this is what led me to the conversation because I was just going to do it, but I found out I was wrong".

Mrs. Yarborough: "Well, like Bienville is one of those special circumstances where the Board actually made a finding that it creates a safety hazard on the street which then allowed the Board to use public funds to make "improvements" to a lot that's not owned by the City. However, the benefit would be Citywide and the improvements are secondary to the benefits of the City as a whole, so it's not just for the sake of the property owner, it's for the benefit of the whole drainage of the City. Or at least more than that one property owner; it has to affect citywide drainage, not as a whole, but it should affect more than that property owner for one. And then the Board has to make that finding, that it's appropriate and that it's not necessarily just for the benefit of that one property owner".

ALDERMEN'S COMMENTS

Re: Alderman Burke

- Discussed the restricted funds (\$18,124) related to donations given to the City long ago for the Civic Center Kitchen. He has noticed more use of, and events held at, the Ground Zero Museum. Alderman Burke said the City should move forward with completion of the kitchen using the donated funds. Mayor Smith said he met with the Health Department in November to see what we needed to do to get that room ready to be used as a functional catering kitchen. Alderman Burke said that MS. Department of Archives & History did approve the use of a gas stove in the kitchen. Mayor Smith said there are plans to make a locking pantry. Alderman Richardson mentioned that there will need to be a hood for the stove.
- On Monday the Hancock County Board of Supervisors awarded two beach vendors, one to be located at Coleman Avenue... 'The Pineapple', which will be a beach concession, food, and rental business. From their letter they will start rental services to include kayaks, paddleboards, bikes and umbrellas. Their intentions are to add jet skis. Mayor Smith said they will be renting the Jet Skis down by Nicholson Avenue where is it allowed because it's not allowed by the Pier. Ms. Yarborough said the County has been advertising for bids in the past, but this is the first year someone has bid as vendors on the beach. Alderman Burke said this company leased Coleman Avenue and Washington; they did not lease Nicholson Avenue, do they get business licenses from Waveland? Ms. Yarborough said, "Yes, it's within the City limits of Waveland. It's actually consent jurisdiction by Waveland. It's kind of a, I think that we really gave consent because, although the beach is County maintained, it's not necessarily County jurisdiction. So what we did was we consented to the Ordinance and said yes we want to be a part, and yes we'll allow you to go through this process of public bid and letting out and so they pretty much enforce the Ordinance. So, if this bidder sets up shop on Nicholson and didn't bid or pay the County for that then the County would enforce it." Alderman Lafontaine asked where sales tax will go for beach rentals/purchasing from this vendor. Ms. Yarborough said that she would assume it would go to Waveland; it's within Waveland's city limits because Waveland's city limits begin at the mean high tide line.
- Mr. Mickey Lagasse discussed the Lighthouse construction that is set to begin soon. He said that between July 1 and July 15, 2017 they should be mobilizing and breaking ground for the lighthouse; they will be taking up the parking lot, so unless the Board will allow them (the vendor) to go on the Pier.... Mr. Lagasse said he did notify the Board of Supervisors of this, but the vendor was not present at that time. Alderman Lafontaine recommended to move the vendor to the opposite of the Pier.

Re: Alderman Richardson

- Discussed the furniture liquidator on Highway 90 and the fact that now the storage trailers are all painted purple; where does that stand. Mayor Smith said he thought the owner did that in response to Don Siebenkittel (Litter Control) asking him to move the trailers. Mrs. Yarborough said that she would get with Mr. Siebenkittel, Litter Control to discuss what enforcement action he's taken. Alderman Lafontaine said the tires are sunk in the mud and there are no tags on them (trailers); they don't get moved, they're full time storage there. He said he called Rachel (Yarborough) the first day they painted them and asked her to come look at them.

- Discussed the issue with Tabor and Edna Streets saying that we're down to a 10' path on Tabor Street where Kappa has a 'cliff' on the corner there. He is afraid we are going to lose a vehicle there; we're close to the point that the road will have to be barricaded there. Mrs. Yarborough said the status with Kappa is that they're kind of 'fallen off the earth' and we've gotten one or two requests for their payment funds from sub-contractors, although they have counsel. We're still trying to, and not through any fault of Kappa, Pickering's counsel moved firms and said they had to switch cases to a different attorney, so our 'all hands on deck' meeting which is 20 people keeps being moved and trying to schedule; we're still working on a comprehensive date for everybody and that will certainly be one of the issues. She added that if the City needed to take action we need to make sure that life, health and safety are not put at risk there. Mayor Smith said it looks like it's undermining that road. Ms. Yarborough said it might be something we need to discuss in Executive Session. Alderman Burke asked that it be added to Executive Session.

Re: Alderman Lafontaine

- Have had another Interlocal (Council of Government (COG)) meeting with the County, Diamondhead, Waveland and other local entities. Alderman Lafontaine mentioned that Tideland's funds were discussed; the County has \$1 million to spend on the beach; they're looking at putting parking bays where the walking track is at in certain areas. We told them that Waveland had actually designated the end of some streets... end of Bienville, Nicholson, Waveland Avenue and Sears Avenue, so if they would consider putting the parking in those areas... What they would be doing is moving the walking track out and put the parking on the south side of Beach Blvd., also doing the pavilions, which was one of the things we had talked about several times. Alderman Lafontaine said he did talk to them about lighting because the walking track is dark, you can't hardly walk it at night, even if it's solar. We're (City of Waveland) going to be getting our bids back on the lighthouse, bathrooms, public pavilions project so it will interesting to see how those bids come back.
- Alderman Lafontaine said that he and the Mayor attended a B.R.E. meeting, which is where the Chamber and Port and Harbor Commission interviewed a number of residents and businesses, and Waveland's name was mentioned a couple of times for some of the things we are doing. One of the studies was the Utilities and Waveland's tax abatement ordinance. The Mayor mentioned Pascagoula has the model program right now as far as tax abatements for residential and commercial. He said he met with that group from the Chamber today and that information from Pascagoula is in his possession; one thing that we can implement sooner rather than later is an incentive program to where if your house is valued, at say, \$150,000 then you could legally waive the tap fees as an incentive, and have our tax abatements as a part of that. It's encouraging for people looking to build a house. Mayor Smith said he would get Board members copies of what he received to look over.

DOCKET OF CLAIMS

Re: Claims

Alderman Burke moved, seconded by Alderman Richardson to approve the Docket of Claims (including the Streets payroll portion) in the amount of \$323,547.42 dated May 17, 2017 as submitted.

(EXHIBIT B)

During discussion, a question about having to advertise a special meeting involving teleconferencing came up. City Attorney Yarborough said it's not required that it be advertised; it's just an election of the City. Our special meetings don't have to be advertised in the paper. Alderman Lafontaine said, "Even if you do a teleconference in and you're going to vote". Ms. Yarborough said, "That's right, yes it just needs to be posted in 3 City locations, but we've always, in the past, publicized our Special meetings". Ms. Planchard said, "So we don't have to advertise." Ms. Yarborough, "No".

A vote was called for with the following results:

Voting Yea: Burke, Richardson & Lafontaine

Voting Nay: None

Absent: Piazza

MINUTES

Re: Minutes of the Special Meeting of April 28, 2017 and Regular Meeting of May 2, 2017

Alderman Richardson moved, seconded by Alderman Burke to approve the Minutes of the Special Meeting of April 28, 2017 and the minutes of the Regular Meeting of May 2, 2017 as submitted.

A vote was called for with the following results:

Voting Yea: Burke, Richardson & Lafontaine

Voting Nay: None

Absent: Piazza

STREETS DEPARTMENT/PUBLIC WORKS/PERSONNEL/AMEND AGENDA

Re: Mr. Brent Anderson, Public Works Director to discuss the possibility of one additional position for Streets Department. He said he currently has approximately \$30,000 of surplus funds in his Streets payroll/benefits budget which can absorb this cost. Because of such a high turnover in this department, employees have not become eligible to elect hospitalization, which has saved the City these costs.

Mr. Anderson requested to hire one additional employee in the Streets Department at least through September 30, 2017 and said then we can see where the budget goes from there going into the 2018 fiscal year. Alderman Lafontaine said we have more area now than we've ever had due to the annexation; we used to have about 25 people pre-Katrina. He thought we're now doing it with about 12 people. Mr. Anderson said it used to be 22 employees on the Streets side. Alderman Lafontaine said he can understand them being shorthanded, but we're facing that in every department. Mr. Anderson said that being with the excess that we have, at this point due to everything that has occurred employee wise throughout the year, it's a pretty good addition that we're making. Alderman Lafontaine asked Mr. Anderson if he had run the numbers and keep it within budget. Mr. Anderson said, "We can do the \$10.00 an hour, that's our usual rate, because they don't start receiving benefits until 90 days and they don't receive vacation benefits until a year after so I figured if I could do it now and re-address to see where we're at at budget time to see if we can keep that one additional person on. One thing I spoke to the Mayor about, in June Mr. Howard (O'Gwynn) can go to a part-time basis. I can work him 4 days a week, 6 hours a day; that allows him to still go around picking up the limbs/branches and doing his street signs and I don't have to pull a full-time worker." Alderman Lafontaine asked, "So you need a full-time position or a part-time position?" Mr. Anderson said he's asking for the full-time position to run out so when Howard retires, I can come back and ask him if we can keep him on in a part-time capacity starting June 30th, and that way I don't have to pull anyone to run the grappling truck. He can come in 4 days a week and maintain the City as he does now and that gives me this additional extra employee. I guess I'm asking for this additional extra employee now until June 30, 2017, and then I'd like to move Howard O'Gwynn to part-time. Aldermen Lafontaine said, "But you're going to keep the full-time additional employee".

Mr. Anderson: "I'm going to keep this full-time position".

Alderman Burke: "So we're going to gain 1 ½ employees come June 30th".

Mr. Anderson: "Really 4 days a week I'm gaining..."

Re: Amend the Agenda to Approve Hiring 1 Additional Full-Time Street's Employee

Alderman Lafontaine moved, seconded by Alderman Richardson to amend the agenda to approve hiring one additional Street's employee at \$10.00/hour pending passage of drug test.

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 approve hiring one additional Street's employee at \$10.00/hour pending passage of drug test.

A vote was called for with the following results:

Voting Yea: Burke, Richardson & Lafontaine

Voting Nay: None

Absent: Piazza

**DESTINATION WAVELAND/FOURTH OF JULY EVENT/EVENTS/CONTRACTS/
AGREEMENTS**

Re: Discussion regarding Fourth of July Event

Discuss the Destination Waveland Fourth of July Event to be held July 1, 2017 from 5 p.m. to 9 p.m. and the following costs related to the event as listed, (Items b-f, 'a' was removed): (All issues were voted individually).

Re: Quote from Big Noise Sound in the amount of \$1,600.00

Alderman Richardson moved, seconded by Alderman Lafontaine to approve the quote from 'Big Noise Sound' in the amount of \$1,600.00; paid upon services rendered. **(EXHIBIT C)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson & Lafontaine

Voting Nay: None

Absent: Piazza

During discussion, Alderman Lafontaine said he really wanted these to be considered individually is because he wanted to discuss the issue: 'Reimburse Hancock County Tourism Bureau for advertising in an amount not to exceed \$800.00 pending receipt of Advertising Grant applied for by Ms. Myrna Green'. He said he did not think anyone was present from Tourism, but his position is that the City has to reimburse \$800.00, but yet Hancock County Tourism puts up \$25,000 to have to have Cruisin' the Coast in Bay St. Louis every year and I just don't understand how they can't give Waveland \$800.00. Mayor Smith said Myrna met with him 2 weeks earlier and never mentioned the City reimbursing, she mentioned that if her grant came through that she was going to pay for all of that out of Tourism. Alderman Lafontaine said, "And if they can't though, they can't put up the \$800.00". City Attorney Yarborough said that it has always been a struggle for her with the event to explain to the volunteers that you can't spend City money without pre-Board approval; the Board has to approve the money before you write the check and so if you deny it they can't get reimbursed. Ms. Fayard told Board members that Ms. Green has not spent the money yet. Alderman Lafontaine asked if Ms. Green had asked to be reimbursed. Ms. Fayard said, "She did, she did Shane. She said that... this was just a conversation that she had with me on the phone the other day (because she couldn't make it to the meeting) and in explaining why she couldn't make it to the meeting she said I've applied for a \$5,000 advertising grant. Of that, I'm going to do the, what is it, the gaming thing, and put our ad in all of the casinos and all of the restaurants up and down the Gulf Coast. But if I don't get the grant, I would need you guys to pay me back, which all I can do is put it on the agenda and ask you guys." Alderman Burke said that we need to advertise regardless. Alderman Lafontaine said, "I guess my thing is it's the principal of it. You're getting a \$5,000 grant to advertise for Hancock County; whose reimbursing the other (if you don't get the grant)... is somebody going to pay for the other \$4,200.00. Who is she advertising for that; are they going to reimburse her? Is it just Waveland that's going to reimburse her if they don't get the \$5,000 grant?" Alderman Burke said he would call her tomorrow and find out. Alderman Lafontaine said he did not want to vote on that. Mayor Smith said he agreed with Alderman Lafontaine. Alderman Lafontaine asked, "Are we the only ones reimbursing her; are all these other municipalities reimbursing the thousands of dollars that are being spent for them". Mayor Smith said, "She never mentioned that to me, she said that they were going to do the advertising for us is what she told me". Ms. Fayard said, "Play Mississippi I think is what it's called, the ad she wants to put in for us".

Re: Hire D.J. "Phat Dog" Piazza to entertain during the 4th of July event

Alderman Richardson moved, seconded by Alderman Lafontaine to approve Ashley "Phat Dog" Piazza in the amount of \$200.00 for D.J. services, pre-band entertainment. **(EXHIBIT D)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson & Lafontaine

Voting Nay: None

Absent: Piazza

Re: Agreement with High Voltage Band to perform during 4th of July Event

Alderman Lafontaine moved, seconded by Alderman Burke to approve an Agreement, including required signatures, with Band 'High Voltage' in the amount of \$1,800.00; \$900.00 due upon approval of contract and the balance of \$900.00 upon completion of the concert, pending Attorney revisions.

(EXHIBIT E)

During discussion, City Attorney Yarborough said there are some amendments that need to be made to this agreement, basically as a counter proposal. Because they are a La. Company, there's a La. choice of forum, a La. Law choice and they also require a full payment if we cancel within 48 hours, and there's nothing in the contract that addresses a weather issue so maybe that's something we need to propose. She said she did know that the City could pay them the whole money legally if they did not provide a service and I don't think it's a fair stipulation basically. There are also cancellation clauses, one is 5 days, if we have to cancel within 5 days, then there's no penalty, but it doesn't necessarily address your down payment. She said she assumes that you get your down payment returned, however if you cancel within 48 hours, you have to pay them the whole \$1800.00. Those are 2 terms that we might want to address. Also the choice of law forum and the choice of venue forum need to be stricken from the agreement and then there's a confidentiality requirement for the agreement that needs to be stricken, but other than that it's pretty standard.

A vote was called for with the following results:

Voting Yea: Burke, Richardson & Lafontaine

Voting Nay: None

Absent: Piazza

Re: Reimburse Hancock County Tourism for Advertising

Alderman Lafontaine moved, seconded by Alderman Richardson to **TABLE** approval to Reimburse Hancock County Tourism Bureau for Advertising in an amount not to exceed \$800.00, pending receipt of Advertising Grant applied for by Ms. Myrna Green.

A vote was called for with the following results:

Voting Yea: Burke, Richardson & Lafontaine

Voting Nay: None

Absent: Piazza

Re: Purchase of City Event Tent not to exceed \$1,300.00

Alderman Richardson moved, seconded by Alderman Burke to approve Purchase of City event tent, not to exceed \$1,300.00

A vote was called for with the following results:

Voting Yea: Burke, Richardson & Lafontaine

Voting Nay: None

Absent: Piazza

PURCHASING/BUSINESS CENTER/INCUBATOR/QUOTES

Re: Quote from Guaranteed Roofing Company Inc. for repairs at Waveland Business Center/Incubator

Alderman Burke moved, seconded by Alderman Richardson to approve quote submitted by Guaranteed Roofing Company Inc., in the amount of \$4,663.06 to have repaired the non-warranted roof repairs at the Waveland Business Center (Business Incubator). They will also be repairing two roofing issues that they warranted. Upon approval, Purchasing Agent shall issue a purchase order to proceed.

(EXHIBIT F)

A vote was called for with the following results:

Voting Yea: Richardson & Lafontaine

Voting Nay: None

Abstain: Burke

Absent: Piazza

REQUESTS FOR PROPOSALS /PRE-STORM DEBRIS REMOVAL/ADVERTISEMENTS

Re: Advertise for Requests for Proposals for Pre-Storm Debris Removal

Alderman Burke moved, seconded by Alderman Lafontaine to advertise for Requests for Proposals for Pre-Storm Debris removal for the period from Board acceptance of the proposal(s) through the term end of the current Board, i.e. December 4, 2018.

A vote was called for with the following results:

Voting Yea: Burke, Richardson & Lafontaine

Voting Nay: None

Absent: Piazza

AGREEMENTS/WEBSITE MANAGEMENT

Re: Modified Agreement with Lime Pi Digital for Website Management

Alderman Burke moved, seconded by Alderman Richardson to approve the Agreement (as modified) with Lime Pi Digital for a) Website Management, updating and building the WordPress site at a cost of \$400.00 per month, i.e. \$4,800/year (plus \$100.00/hr. for additional work needed); and b) an additional \$100.00 per month, i.e. \$1,200/year for website hosting for the WordPress Site. Total base cost per year for a&b is \$6,000.00 plus additional work at \$100.00 per hour for additional website management & updating if required. **(EXHIBIT G)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson & Lafontaine

Voting Nay: None

Absent: Piazza

POLICE DEPARTMENT/PERSONNEL

Re: Officer Chance Seals to Part-Time position and Officer Phillip Pavolini to the rank of Sergeant, effective 6/04/2017

Alderman Burke moved, seconded by Alderman Richardson to approve the following personnel changes in the Waveland Police Department, as listed, (Items a-b):

- a) Officer Chance Seals resignation from his full-time Police officer position and transfer to a part-time officer position effective 06/04/2017.
- b) The promotion of Officer Phillip Pavolini to Sergeant effective 06/04/2017, with an increase in pay of \$.50 cents per hour.

A vote was called for with the following results:

Voting Yea: Burke, Richardson & Lafontaine

Voting Nay: None

Absent: Piazza

**STREETS DEPARTMENT/UTILITY DEPARTMENT/PUBLIC WORKS/PERSONNEL
Re: Transfer Mr. Frank King from Streets Department to Utility Department and Mr. Michael Barr from the Streets Department to the Utility Department**

Alderman Burke moved, seconded by Alderman Lafontaine to transfer the following employees as recommended by Brent Anderson, Public Works Director, as listed (Items a-b):

- c) Mr. Frank King from Utility Department (\$11.50 per hour) to the Streets Department (\$10.30 per hour).
- d) Mr. Michael Barr from the Streets Department (\$10.00 per hour) to the Utility Department (\$11.40 per hour).

A vote was called for with the following results:

Voting Yea: Burke, Richardson & Lafontaine

Voting Nay: None

Absent: Piazza

**DRAINAGE/STREETS/KAPPA DEVELOPMENT/CITYWIDE DRAINAGE IMPROVEMENT PROJECT/DRAINAGE IMPROVEMENTS PROJECT
Re: CSX Invoice No. 9041231 & CSX Invoice No. 9041622**

Alderman Burke moved, seconded by Alderman Richardson to approve Invoice No. 9041231 from CSX Transportation in the amount of \$315.75 – Citywide Drainage Improvements Project; Invoice due 3/29/17. (Note: not paid by Kappa Development as yet) (Tabled from the April 19, 2017 and May 2nd Meetings). * Moved to Executive Session

During discussion City Attorney Yarborough said that Kappa disputes the bill, however they've not given any merit or reason for it; she said she would prefer if the Board discuss this in Executive Session tonight. This would also apply to the next motion listed below re: CSX Invoice No. 9041622

Motion to approve Invoice No. 9041622 from CSX Transportation in the amount of \$539.00 – Citywide Drainage Improvements Project; Invoice due 4/28/17. (Note: not paid by Kappa Development as yet). (Tabled from May 2, 2017 Meeting).
*Moved to Executive Session

**TRAVEL/CITY HALL/POLICE DEPARTMENT
Re: Deputy City Clerks to attend MML Conference in July
Re: Police Chief David Allen and Assistant Chief Mike Prendergast to the Police Chief's Conference**

Alderman Burke moved, seconded by Alderman Richardson to approve travel for the following as listed, Items (a&b):

- a) City Hall Deputy City Clerks April Chevis, Rachel Cullen and Ron Duckworth to attend the MML Conference & Classes in July as guests of the Board of Mayor and Aldermen at a cost of \$50.00 per Clerk and use of a City vehicle. (Staff attendance will be staggered to ensure coverage at City Hall)

b) Asst. Chief Mike Prendergast and Police Chief Dave Allen to attend the Police Chief's Conference June 20-23, 2107 in Biloxi at the Golden Nugget Casino. Cost to the city will be a registration fee for Chief Allen in the amount of \$325.00 and Assistant Chief Prendergast in the amount of \$425.00, along with the use of a City vehicle.

A vote was called for with the following results:

Voting Yea: Burke, Richardson & Lafontaine

Voting Nay: None

Absent: Piazza

INVOICES/CITYWIDE DRAINAGE IMPROVEMENTS PROJECT/DRAINAGE IMPROVEMENTS PROJECT/WAVELAND AVENUE SIDEWALKS PROJECT
Re: Payment of Invoices Submitted by Various Contractors

Alderman Richardson moved, seconded by Alderman Lafontaine 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-b): **(EXHIBIT H)**

- a) Invoice #N20123125 from AMEC Foster Wheeler in the amount of \$1,121.26 – Citywide Drainage Improvements Project.
- b) Invoice #16-0103 from James J. Chiniche, PA, Inc. in the amount of \$11,384.67 – Waveland Avenue Sidewalks Project.

A vote was called for with the following results:

Voting Yea: Burke, Richardson & Lafontaine

Voting Nay: None

Absent: Piazza

KEEP WAVELAND BEAUTIFUL/BUILDING DEPARTMENT/PERSONNEL

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

- c) Keep Waveland Beautiful Clean-up Event to be held on May 20, 2017 from 10 a.m. to 3 p.m.
- d) Resignation of Ms. Belinda Thomas from Building Department May 8, 2017.

ALDERMEN'S COMMENTS:

Alderman Lafontaine said he would like to mention one other thing that was discussed at the Interlocal meeting (COG) was that the City's drainage project for dredging out the Jackson Marsh, actually both of our drainage projects, from what it's looking like will be a top priority. He added that from the way it sounds, it looks like it may be one of the first projects to get awarded.

EXECUTIVE SESSION

Re: Consider Executive Session

Alderman Richardson moved, seconded by Alderman Burke to consider Executive Session to prompt a closed discussion regarding the Citywide Drainage Improvements Project contract with Kappa Development for probable litigation, and Agenda Item #'s 18 & 19 (CSX Invoice No. 9041231 & No. 9041622).

A vote was called for with the following results:

Voting Yea: Burke, Richardson & Lafontaine

Voting Nay: None

Absent: Piazza

Re: Enter Executive Session

Alderman Burke moved, seconded by Alderman Lafontaine to approve entering Executive Session regarding the Citywide Drainage Improvements Project contract with Kappa Development for probable litigation, and Agenda Item #'s 18 & 19 (CSX Invoice No. 9041231 & No. 9041622).

A vote was called for with the following results:

Voting Yea: Burke, Richardson & Lafontaine

Voting Nay: None

Absent: Piazza

INVOICES/CITYWIDE DRAINAGE IMPROVEMENTS PROJECT/DRAINAGE IMPROVEMENTS PROJECT

Re: Payment of Invoices 9041231 and 9041622 as submitted by CSX Transportation

Alderman Lafontaine moved, seconded by Alderman Richardson to approve Invoice No. 9041231 from CSX Transportation in the amount of \$315.75 – Citywide Drainage Improvements Project; Invoice due 3/29/17. (Note: not paid by Kappa Development as yet) (Tabled from the April 19, 2017 and May 2nd Meetings) and Invoice No. 9041622 from CSX Transportation in the amount of \$539.00 – Citywide Drainage Improvements Project; Invoice due 4/28/17. (Note: not paid by Kappa Development as yet). (Tabled from May 2, 2017 Meeting). **(EXHIBIT I)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson & Lafontaine

Voting Nay: None

Absent: Piazza

Re: Exit Executive Session

Alderman Lafontaine moved, seconded by Alderman Burke 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

ADJOURN

Adjourn Meeting at 8:06 pm

Alderman Burke moved, seconded by Alderman Lafontaine to adjourn the meeting at 8:06 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 June 10th, 2017.

Page _____
Meeting of May 17, 2017
6:30 P.M.

Lisa Planchard
City Clerk

The Minutes of May 17, 2017 have been read and approved by me on this day the 10th day of June, 2017.

Mike Smith
Mayor

