

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 January 20, 2016 at 6:30 p.m. to take action on the following matters of City business.

PUBLIC COMMENTS:

- Oscar Crespo
- Bernie Cullen
- Ben Christmas
- Lana Noonan
- Mikelle Williamson

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 was Alderman Piazza and City Clerk Lisa Planchard.

MAYOR'S REPORT

Re: Mayor Smith introduced two of the newly elected County Board of Supervisors: Board President Blaine Lafontaine and Board member Scottie Adam.

Re: Had first Ward Town Hall meeting last evening (Ward 1 with Alderman Burke) which was very positive.

Re: Ms. Nikki Moon – Hancock County Tourism said they would be involved in marketing coast wide. Currently 2% occupancy tax is assessed in Hancock, 2.25% in Harrison County and 2.0% in Jackson County. This should bring in approximately \$4,000,000 for marketing tourism, of which 80% of that will be spent in sales and marketing. She mentioned that they have a full time staff of 18. Mayor Smith pointed out that the City is working very hard to try to get people to build and live here and we have a lot of marketable land in the City; he asked them how does the City get that marketed, what are Tourism's ideas to market this.

ATTORNEY'S COMMENTS:

City Attorney Rachel Yarborough had no comments at this time.

ROAD AND BRIDGE FUNDS/REQUESTS/HANCOCK COUNTY BOARD OF SUPERVISORS/BOARD OF SUPERVISORS/AMEND AGENDA/AGENDA/STREETS/BUDGET/

Re: Authorize Brent Anderson to attend Supervisors Meeting to Request Annual Road & Bridge Funds from County

Alderman Lafontaine moved, seconded by Alderman Richardson to amend agenda and also approve Public Works Director Brent Anderson attend the February 2016 meeting of the Hancock County Board of Supervisors to request Road & Bridge Funds for the City of Waveland.

A vote was called for with the following results:

Voting Yea: Burke, Richardson & Lafontaine

Voting Nay: None

Absent: Piazza

ALDERMEN'S COMMENTS:

Ward 1: Alderman Burke

- Thanked constituents who attended the Ward 1 Town Hall meeting
- Sign Ordinance draft – Ms. Yarborough said she had not received any information from the citizen's group or Tish Williams providing a draft to present to the Board. Requested Planning & Zoning to develop an ordinance to present to the Board. Mayor said he would check with the group the get their recommendations.
- Requested motion to advertise for property insurance RFQ's

**AGENDA/AMEND AGENDA/INSURANCE/REQUESTS FOR QUALIFICATIONS/
ADVERTISEMENTS**

RE: Amend Agenda to Advertise for RFQ's for Insurance Company to provide property insurance

Alderman Burke moved, seconded by Alderman Richardson to amend the agenda to approve advertising for RFQ's for Company to provide property insurance.

**During discussion, Ms. Fayard confirmed with City Attorney Yarborough that she would write the RFQ for advertising.

A vote was called for with the following results:

Voting Yea: Burke, Richardson & Lafontaine

Voting Nay: None

Absent: Piazza

Re: Advertise for RFQ's for Insurance Company to provide property insurance

Alderman Burke moved, seconded by Alderman Lafontaine to approve advertising for RFQ's for Company to provide property insurance.

** See above discussion notation.

A vote was called for with the following results:

Voting Yea: Burke, Richardson & Lafontaine

Voting Nay: None

Absent: Piazza

ALDERMEN'S COMMENTS: (continued)

Ward 1: Alderman Burke

- Last week went to Jackson with Mayor and Alderman Richardson who all made some good contacts

Ward 2: Alderman Richardson

- 501 Dicks Street turned over to Ms. Bernie Cullen, Blighted Property. She will get with Mr. Carrigee; this will be a zoning issue.
- Request to meet with representative from either Pickering or Kappa Development re: Edna/Tabor area; they have pulled out of this area and left it in shambles. City Attorney Rachel Yarborough said things will be discussed at the Board meeting tomorrow with consideration of the 5 change orders, which in her opinion there are large contract deficiencies on Kappa's part. She noted that with regard to the grading issue, Pickering is supposed to sign off on the grading before Kappa replants (grass). She said she is anxious to see a punch list, which has been discussed for about 3 months; hopefully the Board will get some answers or a preliminary punch list tomorrow.
- Thursday, 1/28/16 will be the second Town Hall meeting, for Ward 2.

Ward 3: Alderman Lafontaine

- Getting close with water rates ordinance
- Billing for rental properties, can City bill the property owner (deed holder) on residential side because renters come and go; let the owners deal with the renters. City Attorney Yarborough said there is actually a Supreme Court case on this exact issue which states that the City only allowed to bill the person who receives the service, not the underlying owner, and there would be a difference in deposits between the homeowner and the renter. If it's a rental property, you cannot hold the property owner responsible for services received by the renter and you can't necessarily charge a higher rate for a deposit than you could a homeowner vs. a renter. She added that the suggestion by the Supreme Court was you need to charge a higher service charge or deposit fee if you're falling behind or not collecting the money, but it would have to be across the board; you can't differentiate between a homeowner vs. a renter.

- Delta software for Budgetary, Court & Utilities, told Delta Utilities is not compatible with budgetary software. City Attorney Yarborough said if the Board liked, she would pull the contract and do a memo.
- When will Bourgeois Park be finished? Brent Anderson to find out; said it's very close.
- Ward 3 Town Hall meeting will be 1/26/16 at the American Legion Hall at 6:00 pm.

DOCKET OF CLAIMS

Re: Claims dated 1/20/16

Alderman Richardson moved, seconded by Alderman Burke to approve the Docket of Claims in the amount of \$210,672.98 dated January 20, 2016 as submitted. **(EXHIBIT A)**

Note to Minutes: See Correction to Claims amount by Board later in this meeting.

A vote was called for with the following results:

Voting Yea: Burke, Richardson

Voting Nay: Lafontaine

Absent: Piazza

MINUTES

Re: Minutes of Regular Meeting of December 16, 2016

Alderman Burke moved, seconded by Alderman Lafontaine to approve the Minutes of the Regular meeting of December 16, 2016 as submitted.

A vote was called for with the following results:

Voting Yea: Burke, Richardson & Lafontaine

Voting Nay: None

Absent: Piazza

RSVP

Re: Claims

Alderman Burke moved, seconded by Alderman Lafontaine to approve the RSVP Claims as submitted. **(EXHIBIT B)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson & Lafontaine

Voting Nay: None

Absent: Piazza

BLIGHTED PROPERTIES/LEGAL ISSUES

Re: 148 Sarah's Lane, Mr. Michael Carson

Discuss and consider Board Action regarding 148 Sarah's Lane. Property Owner Mr. Michael Carson to appear and share his long term plans for the pool and property. **(EXHIBIT C)**

Ms. Becky Farrell, Attorney for Mr. Michael Carson approached the Board and provided them with updated photos of the property/pool.

Alderman Lafontaine said that one picture looks like a cover (over the pool) and the other picture looks like it's filled in. Ms. Farrell said, "Yes, it's filled in". Mr. Carson said that to address the long term plan and in adjudication, he filled in the pool. He said that essentially he secured drinking water filter

sand which he had access to, filled it to about 95% with a liner inside to hold that to preserve the structure of the pool. He paused and said he put visquine on the bottom of the pool wrapped around filter sand and sealed at the top with masonry sand on top of that with a wrapping (a sort of road material) on top of that with pea gravel on the top of that. He said it's certainly safe; the fence is secure and marked and locked, the lawn is under contract to be maintained and will continue to be under contract by *Acadian*, which is a local vendor in the area. His immediate plan is to keep the property up for sale and perhaps long range plans to build, but at this time has no plans to build on the property. Ms. Yarborough said she recalls that what has been done was Mr. Bill Carrigee's recommendation for the property.

Alderman Lafontaine moved, seconded by Alderman Richardson that in the adjudication of the property at 148 Sarah's Lane be considered a non-nuisance; all safety recommendations have been met at the recommendation of Building Inspector, Bill Carrigee.

A vote was called for with the following results:

Voting Yea: Richardson & Lafontaine

Voting Nay: None

Absent: Piazza

Abstain: Burke

**FINANCIAL MATTERS/CONTINUING DISCLOSURE/BUDGET/LEGAL ISSUES/
ENGAGEMENT LETTER/AGREEMENTS**

Re: Continuing Disclosure Statement with Butler Snow LLP – Preparation of Annual SEC instruments complying with SEC Rule 15c2-12

Alderman Burke moved, seconded by Alderman Richardson to approve and authorize signatures on the annual Continuing Disclosure filing and Engagement Letter at a cost of \$3,000, presented by Butler Snow LLP for preparation of annual financial securities instruments compliance reporting, pursuant to SEC Rule 15c2-12. **(EXHIBIT D)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson & Lafontaine

Voting Nay: None

Absent: Piazza

**MUSEUM/GROUND ZERO HURRICANE MUSEUM IMPROVEMENTS-REPAIRS/CIVIC
CENTER/SUBSTANTIAL COMPLETION/GRANTS/**

Re: Certificate of Substantial Completion, Authorize Signatures

Alderman Lafontaine moved, seconded by Alderman Richardson to **TABLE** the Certificate of Substantial Completion and authorize signatures thereon for the Ground Zero Museum Improvements and Repairs Project.

During discussion, Alderman Burke learned that there was never an inspection performed by Mr. Bill Carrigee and said he would find it hard to accept the work without approval by the building official. Ms. Yarborough said by contract, the contractor is to pull the building permit and usually the fee is waived by the City.

A vote was called for with the following results:

Voting Yea: Burke, Richardson & Lafontaine

Voting Nay: None

Absent: Piazza

**MUSEUM/CIVIC CENTER/HVAC SYSTEM- GROUND ZERO MUSEUM/AGREEMENTS/
CONTRACTS/MAINTENANCE AGREEMENTS**

**Re: Proposal from Ray Weaver Mechanical Contractors- HVAC Equipment Preventative
Maintenance & Inspection**

Alderman Richardson moved, seconded by Alderman Lafontaine to deny a proposal from Ray Weaver for quarterly maintenance and equipment inspection on 5 HVAC units at the Ground Zero Museum (Civic Center/Old Waveland School) for an annual fee of \$1,940.00. **(EXHIBIT E)**

During discussion, Alderman Burke said the contractor actually recommended this service to keep the system in good working condition. Mayor Smith said that the contractor also mentioned that not having a maintenance plan was part of the problem that the City had before these new improvements to the building. Board members would like to see a second quote and reconsider after that time.

A vote was called for with the following results:

Voting Yea: Burke, Richardson & Lafontaine

Voting Nay: None

Absent: Piazza

**EVENTS/POLICE DEPARTMENT/STREETS CLOSINGS/ANNUAL CRAWFISH COOKOFF
Re: 9th Annual Crawfish Cook-off Saturday, April 9, 2016 until 5:00 pm**

Alderman Lafontaine moved, seconded by Alderman Burke to approve request from Ms. Nadine Brown to block Coleman Avenue from Digital Engineering to South Bourgeois Street for the 9th Annual Crawfish Cook-off from 5:00 pm Friday 4/8/16 to 5:00 pm Saturday 4/9/16, allowing for an additional 1.5 hours to clean up afterward. The event will be held Saturday.

A vote was called for with the following results:

Voting Yea: Burke, Richardson & Lafontaine

Voting Nay: None

Absent: Piazza

**POLICE DEPARTMENT/POLICE BUILDING PROJECT/GENERATOR-POLICE
BUILDING/AGREEMENTS/PROPOSALS/CONTRACTS**

Re: Service Inspection Proposal from TAW Power Systems, as Related to the Generator

Alderman Burke moved, seconded by Alderman Lafontaine to discuss Service Inspection Proposal from TAW Power Systems in the amount of \$11,435.29 to replace hoses, belts, thermostat, water pump, block heater Change oil filter fuel filters, air filter and batter, conditioned on Attorney review of Terms and Conditions & Warranty once received from TAW. (Tabled from the 1/5/2016 Meeting, City Attorney asked to have time to make some proposal amendments and review the Terms & Conditions & Warranty).

During discussion, Comptroller Ron Duckworth came forward to explain this proposal and that this will actually now fall under the 'umbrella' of the construction contract with J.O. Collins.

No Vote needed or Taken.

DOCKET

Re: Claims: Reconsider Motion for Agenda Item No. 8 – Docket of Claims

Alderman Burke moved, seconded by Alderman Richardson to reconsider Docket of Claims agenda item No.8 near beginning of meeting.

A vote was called for with the following results:

Voting Yea: Burke, Richardson & Lafontaine

Voting Nay: None

Absent: Piazza

AMEND AGENDA ITEM/DOCKET OF CLAIMS/CORRECT MINUTES ABOVE- DOCKET OF CLAIMS/CLAIMS

Re: Amend Agenda No. 8 to Approve the Total Amount of Docket of Claims

Alderman Burke moved, seconded by Alderman Lafontaine to amend agenda Item No. 8 (Docket of Claims) to approve the total amount of \$641,414.79 for Docket of Claims dated 1/20/16.

A vote was called for with the following results:

Voting Yea: Burke, Richardson & Lafontaine

Voting Nay: None

Absent: Piazza

AMENDMENTS/TASK ORDERS/CONTRACTS/AGREEMENTS/CITYWIDE DRAINAGE IMPROVEMENTS PROJECT/ENGINEERING

Re: Amendment No. 1 to Task Order No. 2 submitted by Pickering Firm for Citywide Drainage Improvements Project

Alderman Burke moved, seconded by Alderman Richardson to **TABLE** Amendment 1 to Task Order No. 2 (Task Order #2 originally approved 4/18/12 by Board), as submitted by Pickering Firm, Inc., being listed (Item a):

- a) **Amendment 1** – Extends Construction Inspection Services for the Citywide Drainage Improvements Project for four (4) additional months, in the amount of \$57,470.00. (Tabled at the 1/5/2016 Meeting).

A vote was called for with the following results:

Voting Yea: Burke, Richardson & Lafontaine

Voting Nay: None

Absent: Piazza

TRAVEL/PUBLIC WORKS/MAYOR'S OFFICE/POLICE DEPARTMENT/FIRE DEPARTMENT/HURRICANE CONFERENCE/WATER DEPARTMENT

Re: Public Works Director to 29th Annual Water Supply & Pollution Control Short Course

Re: Mayor, Public Works Director, and Fire Chief to 2016 Hurricane Conference

Re: Investigator Matt Sekinger to Online Social Networking Investigations class, National Computer Forensics Institute

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

- a) Public Works Director Brent Anderson to attend the 29th Annual Water Supply & Pollution Control (MWPCOA)-Short Course February 15-19, 2016 at Clyde C. Muse Center, Hines, Community College –Rankin Campus. Cost to the City will be a registration fee of \$250.00, \$40.00 Test Fee, 5 days lodging at \$79.99 per night, 5 days per diem and use of a City vehicle.
- b) Travel for Mayor Mike Smith, Public Works Director Brent Anderson and Fire Chief Tony Mallini to attend the 2016 Hurricane Conference in Orlando, Florida. Cost to the City for each will be a Registration fee of \$350.00, 4 nights lodging, 4 days per diem and use of a City vehicle.
- c) Travel for Investigator Matt Sekinger to Hoover, AL. February 22-26, 2016 to attend Online Social Networking Investigations class at the National Computer Forensics

Institute. Tuition, per diem and lodging are paid by the U.S. Secret Service. A City vehicle will provide transportation.

A vote was called for with the following results:

Voting Yea: Burke, Richardson & Lafontaine

Voting Nay: None

Absent: Piazza

POLICE DEPARTMENT/SOFTWARE/PURCHASING/MAINTENANCE/ANNUAL LICENSING/LICENSING/CELLPHONES/RADAR SIGN/SIGNS/NTF FUND

Re: X-Ways Computer Forensic Software Purchase – Police Department

Alderman Burke moved, seconded by Alderman Lafontaine to approve the purchase of X-Ways Computer Forensic Software for the Police Department in the amount of \$2,339.00 (as budgeted). This will replace ILook Software, which has been used for long period of time, and is no longer being maintained.

A vote was called for with the following results:

Voting Yea: Burke, Richardson & Lafontaine

Voting Nay: None

Absent: Piazza

Re: Licensing – Cellebrite UFED Cellphone/GPS Forensic Extraction Device

Alderman Lafontaine moved, seconded by Alderman Burke to approve yearly licensing for Cellebrite UFED Cellphone Forensic Extraction device in the amount of \$3,098.99, as budgeted for.

A vote was called for with the following results:

Voting Yea: Burke, Richardson & Lafontaine

Voting Nay: None

Absent: Piazza

Re: Purchase Radar Sign to be paid with NTF Funds

Alderman Lafontaine moved, seconded by Alderman Richardson to approve the purchase of a Radar Sign in the amount of \$3,485.00 to be paid for out of the NTF Funds.

A vote was called for with the following results:

Voting Yea: Burke, Richardson & Lafontaine

Voting Nay: None

Absent: Piazza

INVOICES/GROUND ZERO MUSEUM IMPROVEMENTS/MUSEUM/CIVIC CENTER/POLICE BUILDING/CITYWIDE DRAINAGE IMPROVEMENTS PROJECT/DRAINAGE/STREETS

Re: Invoices by Various Contractors – Payment Consideration

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 (**APPROVE** Item b & c) and **TABLE** Items a, d & e. (**EXHIBIT F**)

a) Pay Application No. 3 from DCD Construction, Inc. in the amount of \$65,112.00 – Ground Zero Museum Improvements and Repairs. (Civic Center/Museum) **TABLE**

b) Pay Request No. 6 from J.O. Collins Contractor, Inc. in the amount of \$475,729.96 – Waveland Police Building/Station. **APPROVE**

c) Invoice dated December 20, 2015 from Architect Nofie Alfonso in the amount of \$5,035.00 – Waveland Police Building/Station. **APPROVE**

d) Invoice No. 0078153 from Pickering Firm, Inc. in the amount of \$1,724.10 – Citywide Drainage Improvements Project. **TABLE**

e) Invoice #2 from Unabridged Architecture for professional services in the amount of \$2,400.00- Ground Zero Museum Improvements and Repairs. (Civic Center/Museum) **TABLE**

A vote was called for with the following results:

Voting Yea: Burke, Richardson & Lafontaine

Voting Nay: None

Absent: Piazza

**REFUNDS/BUSINESS CENTER/MISSISSIPPI POWER/ACCOUNTS PAYABLE/LEGAL
Re: Pro-Rata Share of MS. Power Refund to Tenants of Business Center**

Alderman Richardson moved, seconded by Alderman Burke to approve the pro-rata share refund of MS. Power (Kemper Rate Adjustment) to tenants of the Business Center as follows: (**EXHIBIT G**)

- a) Lime Pi Digital - \$232.06
- b) Gina Pepe - \$97.16
- c) Bill Laprime - \$390.62
- d) Butler Snow, et al - \$36.11
- e) Gary Geoffrey – 689.63

A vote was called for with the following results:

Voting Yea: Richardson & Lafontaine

Voting Nay: Burke

Absent: Piazza

**SPREAD ON THE MINUTES/REIMBURSEMENTS/TRAVEL/CITY HALL/BIDS/FINANCIAL
INSTITUTIONS/BANKING/REVENUES & EXPENDITURES REPORTS/BUDGET
Re: Spread on the minutes the following as listed (a-d):**

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

- a) Reimburse Alderman Burke for mileage expenses to the Gulf Coast Legislation Reception in Jackson, Mississippi on January 6, 2015. (Not previously approved)
- b) Alderman Burke to be reimbursed for mileage for attendance at the MML Conference in Jackson, Mississippi January 12-14, 2016. (The vehicle at City Hall was unavailable)
- c) Bids for 2 year term for Financial Institutions were opened prior to this meeting and taken under advisement until a decision can be made.
- d) Revenue and Expense report for the month of December, 2015 presented at this the second meeting of January, 2016. (**EXHIBIT H**)

EXECUTIVE SESSION

Re: CONSIDER EXECUTIVE SESSION

Alderman Burke moved, seconded by Alderman Richardson to consider Executive Session to prompt a closed discussion regarding pending litigation with Ghores Realty vs. City of Waveland , prospective litigation against KAPPA Development and General Contracting related to the Citywide Drainage Contract and Mr. Chad Mask to discuss potential litigation.

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 with Ghores Realty vs. City of Waveland , prospective litigation against KAPPA Development and General Contracting related to the Citywide Drainage Contract and Mr. Chad Mask to discuss potential litigation.

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 Richardson to exit Executive Session with no action taken.

A vote was called for with the following results:

Voting Yea: Burke, Richardson & Lafontaine

Voting Nay: None

Absent: Piazza

LEGAL ISSUES/LITIGATION/PENDING LITIGATION/SETTLEMENT OFFERS

Re: Decline Offer from Gohres Realty v. City of Waveland and Authorize City Attorney to Counter Offer

Alderman Lafontaine moved, seconded by Alderman Burke to decline the most recent offer from Gohres Realty vs. City of Waveland Settlement Offer and authorize City Attorney to counter offer with \$5,000 Nuisance Settlement.

A vote was called for with the following results:

Voting Yea: Burke, Richardson & Lafontaine

Voting Nay: None

Absent: Piazza

ADJOURN

Adjourn Meeting at 10:17 pm

Alderman Lafontaine moved, seconded by Alderman Burke to adjourn the meeting at 10:17 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 February 19, 2016.

Lisa Planchard
City Clerk

The Minutes of January 20, 2016 have been read and approved by me on this day the 19th of February, 2016.

Mike Smith
Mayor

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