

The Board of Mayor and Aldermen of the City of Waveland, Mississippi, met in regular session at the Waveland Civic Center, 335 Coleman Avenue, Waveland, MS on December 6, 2011 at 6:30 p.m., to take action on the following matters of city business.

Present at the meeting were Mayor David A. Garcia and Aldermen Stahler, Geoffrey, Lafontaine and Kidd

Also present at the meeting was Deputy City Clerk Tammy Fayard and City Attorney Gary Yarborough.

Absent from the meeting was City Clerk Lisa B. Planchard due to illness.

**ROLL CALL**

Mayor Garcia said for the record, the presence of Aldermen Stahler, Geoffrey, Lafontaine, Kidd and City Attorney Gary Yarborough, along with Deputy City Clerk Tammy Fayard

**(Tape of meeting for listening available via records request, in Meeting folder)**

**MAYOR'S REPORT – (EXHIBIT A)**

**Re: Mayor Garcia** asked if Mr. William Henry was present. The Mayor said that he had wished to make a presentation to Mr. Henry and was disappointed that he was not present to receive a token of the City's appreciation. The Mayor asked Recovery Manager Brent Anderson to continue to get in touch with Mr. Henry so the City could acknowledge his many years of service.

**Re: Governor Barbour** signed the appointment letter for Mr. Charles Gallagher as Waveland's Representative to the Port and Harbor Commission. This appointment will have to be re-confirmed upon the entry of the new Governor in 2012 and will run concurrently with the governor's term in office. The Mayor thanked Mr. Ashley Edwards for his prompt attention to this matter.

**Re: The Mayor** also thanked American Legion Post 77, Bay-Waveland Main Street Association, Waveland Community Coalition, Waveland Civic Association and Compton Engineering for their kind donations for the Waveland Lighting of the Christmas tree. The Mayor also thanked Carroll, Warren and Parker for the \$1,900.00 donation to assist with the hanging of the snowflakes along Nicholson Avenue.

**Re: Mayor Garcia** announced the public recognition of Mr. Al Showers of *WLOX* and Mr. Dwayne Bremer of *The Sea Coast Echo* for their outstanding media coverage of the 1<sup>st</sup> Annual Waveland Special Fishing Rodeo for Special Needs Children.

**Re: St. Clare's Catholic Church** on Sunday December 11, 2011 will hold mass for the employees and volunteers of the City of Waveland on Sunday, December 11, 2011 at 5:30 p.m.

**Re: The Mayor** discussed his original meeting with Mr. Jon Evans with the Department of Public Safety and announced the City's award of a Justice Assistance Grant (JAG) through the Department of Justice as submitted through the MS. Department of Public Safety. This grant will be used to assist in bringing 5 FT Police Officers back to work.

**ALDERMEN'S COMMENTS:**

**Re: Alderman Stahler** recognized the drawings from the students at Waveland Elementary that are hung around the Civic Center. She also thanked all of the local organizations for their assistance with the recent Christmas Tree Lighting and wished the newer members of the Board a happy first anniversary as they officially had made it one year as an Elected Official.

**Re: Alderman Geoffrey** inquired about Mr. Lacoste's storage of cars on Old Spanish Trail. Mr. Anderson said this would have to go through legal procedures and would suggest discussion related to this issue be in Executive Session.

**Re: Alderman Lafontaine** also thanked those organizations involved with presenting the Christmas Tree Lighting. He inquired about the City's website. Mayor Garcia said that Mr. Kearney Breland had volunteered to create a website for the City and manage it.

**Re: Alderman Kidd** said the tree lighting was a lot of fun and asked the citizens to remember this is the time of year that many need help because they do not have money for food and gifts. He asked if citizens in the annexed area had been given notice to

begin paying their water bills? Mr. Anderson said that billing started this month and they were notified when signing the rights of entry during the connection process. Alderman Kidd said that he stopped to speak to the Asplundh workers (Tree Trimmers) who told him that they would be returning to remove the tree trimmings.

**MINUTES**

**Re: Meeting of November 16, 2011**

Alderman Stahler moved, seconded by Alderman Lafontaine to approve the Minutes of the Meeting of November 16, 2011 as submitted by the City Clerk.

**(EXHIBIT B)**

A vote was called for with the following results:

Yea: Stahler, Geoffrey, Lafontaine, and Kidd

Nay: None

Absent: None

**RSVP**

**Re: Claims**

Alderman Geoffrey moved, seconded by Alderman Lafontaine to approve the R.S.V.P. Claims. **(EXHIBIT C)**

A vote was called for with the following results:

Yea: Stahler, Geoffrey, Lafontaine, and Kidd

Nay: None

Absent: None

**DOCKET OF CLAIMS**

**Re: Claims Nos. 69607-69683**

Spread on the Minutes the Docket of Claims approved by the Board at their November 16, 2011 meeting, being numbered 69607-69683

**(EXHIBIT D)**

**Re: Approval to Pay Highlighted Invoices on Proposed 11/01/2011 Spreadsheet Docket Schedule**

Alderman Kidd moved, seconded by Alderman Geoffrey to approve payment of highlighted invoices (yellow with letter 'D') listed on the proposed 12/06/2011 Docket spreadsheet schedule, as submitted by the City Clerk.

**(EXHIBIT E)**

A vote was called for with the following results:

Yea: Stahler, Geoffrey, Lafontaine, and Kidd

Nay: None

Absent: None

**PLANNING AND ZONING (EXHIBIT F)**

**Re: Robert Swanson, 400 Sears Avenue**

**Robert Swanson appeared before the commission** with a request for a conditional use in order to build a detached accessory building on an existing 25' x 44' slab and a variance from the required height for an accessory building located on his property at 400 Sears Avenue. Legal description: Block 6 lots 22-29, corner, Anchorage Subdivision, City of Waveland, Hancock County, Mississippi.

Steve Hand moved, seconded by Clarence Harris that the Planning & Zoning Commission recommend that the Board of Mayor and Aldermen approve a conditional use to allow the applicant to construct a 1,100 square foot accessory storage/garage on an existing slab and to further allow a height variance of three feet to permit the structure to be not more than eighteen feet high, provided that no plumbing shall be allowed within the structure.

Alderman Stahler moved, seconded by Alderman Kidd to approve the motion and follow the recommendation of the Planning and Zoning Board.

A vote was called for with the following results:

Yea: Stahler, Geoffrey, Lafontaine, and Kidd

Nay: None

Absent: None

**Re: Dorian M. Bennett, 403 N. Beach Boulevard**

**Herbert Dubuission representing Dorian M. Bennett appeared before the commission** with a tabled request to remove three live oak trees on his property located at 403 N. Beach Boulevard. Legal description: Part of lot 23 A, 2<sup>nd</sup> Ward, City of Waveland, Hancock County, Mississippi.

Steve Hand moved, seconded by Tish Ortiz the following: Having reviewed the report of the Building official with respect to the three Live Oak trees that the Applicant wishes to remove, and having designated such trees as A, B and C on a plot plan and in photographs available in the office of the Building Official, the Planning and Zoning Commission advises that: Tree A should not be considered for removal; Tree B is marginally capable of surviving; and that Tree C is beyond remediation. Consequently, the Planning and Zoning Commission recommends that for a six month period beginning upon the Board of Mayor and Aldermen approving the following course of action, the current or subsequent owner of the property at 403 North Beach Boulevard may be issued permits for the following work as described and subject to the terms and conditions set forth.

1. A permit to remove Tree C may be issued only after a Mississippi Arborist certifies to the City of Waveland that measures necessary to preserve all other Live Oaks on the property, including Tree A and the Live Oak on the Eastern property line, have been satisfactorily completed. However Tree B may be excepted from such treatment if its removal is to be sought pursuant to Section 2.

2. If Owner wishes to remove Tree B, a permit for such removal shall be issued only upon the City of Waveland's satisfaction that a Live Oak tree with a trunk diameter not less than nine (9) inches and measured three feet above the ground has been planted in a manner approved in writing by a Mississippi Arborist and at a site on the property jointly agreed to by the owner and the City of Waveland.

No extension of the above-noted six month permitting period will be granted except by the Board of Mayor and Aldermen pursuant to a recommendation of the Planning and Zoning Commission.

Alderman Stahler moved, seconded by Alderman Geoffrey to approve the motion and follow the recommendation of the Planning and Zoning Board.

A vote was called for with the following results:

Yea: Stahler, Geoffrey, Lafontaine, and Kidd

Nay: None

Absent: None

**COMPTROLLER/TAX ANTICIPATION NOTE**

**Re: Update on status of Tax Anticipation Note, as presented by Comptroller Janet Dudding.** (Discussion available on tape)

**PROCUREMENT/ SOFTWARE/PURCHASING**

**Re: Remove additional restrictions for procurement of software**

Alderman Stahler moved, seconded by Alderman Lafontaine to remove additional restrictions set by the board for procuring software for the next agenda item, and follow requirements of §31-7-13 Miss. Code Ann..

A vote was called for with the following results:

Yea: Stahler, Geoffrey, Lafontaine, and Kidd

Nay: None

Absent: None

**PROCUREMENT/ SOFTWARE/PURCHASING**

**Re: Purchase of Fund Accounting Software**

Alderman Lafontaine moved, seconded by Alderman Geoffrey to approve purchase of Fund Accounting Software (Cash Receipts, Cash Disbursements, General Journal, General Ledger, Bank Reconciliations, Financial Reporting), Payroll System, Payroll Direct Deposit, Business License, GASB Fixed (Capital) Assets, Bond and Capital Lease, Purchase Order System, PaperLink Imaging, Image Enable Accounting System, Board Minute Indexing/Imaging, and Scanning Workstation License from Delta Computer Systems, Inc. of Biloxi, Mississippi. Accounting software runs on an IBM server (see next agenda item). IBM server and accounting software is part of equipping city hall and will be financed by FEMA Public Assistance. **(EXHIBIT G)**

A vote was called for with the following results:

Yea: Stahler, Geoffrey, Lafontaine, and Kidd

Nay: None

Absent: None

**HARDWARE/PROCUREMENT/ PURCHASING**

**Re: Remove additional restrictions for procuring computer hardware**

Alderman Stahler moved, seconded by Alderman Kidd to remove additional restrictions set by the board for procuring computer hardware for the next agenda item, and follow requirements of §31-7-13 Miss. Code Ann.

A vote was called for with the following results:

Yea: Stahler, Geoffrey, Lafontaine, and Kidd

Nay: None

Absent: None

**HARDWARE/SERVER/PROCUREMENT/ PURCHASING**  
**Re: Equip 301 Coleman Avenue City Hall with IBM 8202 Server**

Alderman Lafontaine moved, seconded by Alderman Kidd to approve purchase of IBM 8202 server, uninterrupted power supply, cabinet mounting and IBM server operating software from Premise, Inc. The IBM server and accounting software (see previous agenda item) is part of equipping city hall and will be financed by FEMA Public Assistance. **(EXHIBIT H)**

A vote was called for with the following results:

Yea: Stahler, Geoffrey, Lafontaine, and Kidd

Nay: None

Absent: None

**POLICE DEPARTMENT/JAG AARA GRANT/PERSONNEL**  
**Re: Ratify submission of the U.S. Department of Justice JAG Grant for Police Salaries**

Alderman Lafontaine moved, seconded by Alderman Kidd to ratify submission of the US. Department of Justice JAG ARRA grant and authorize the Comptroller to establish ARRA fund to account for salaries paid by Recovery Funds. **(EXHIBIT I)**

A vote was called for with the following results:

Yea: Stahler, Geoffrey, Lafontaine, and Kidd

Nay: None

Absent: None

**TASK ORDER/AMEC EARTH AND ENVIRONEMTAL/SEA GRANT/CLIMATE CHANGE ADAPTION PLANNING**  
**Re: Task Order No. 13 with AMEC Earth and Environmental**

Alderman Kidd moved, seconded by Alderman Lafontaine to approve Task Order No. 13 (Climate Change Adaptation Planning) between AMEC Environment and Infrastructure, Inc. and City of Waveland at a fixed fee of \$30,600.00 (to be funded through Sea Grant). **(EXHIBIT J)**

A vote was called for with the following results:

Yea: Stahler, Geoffrey, Lafontaine, and Kidd

Nay: None

Absent: None

**SEA GRANT/MITIGATION PLAN**  
**Re: Application, Mississippi – Alabama Sea Grant**

Alderman Geoffrey moved, seconded by Alderman Stahler to approve the \$34,000 Mississippi – Alabama Sea Grant Application through the Mississippi - Alabama Sea Grant Consortium; grant entitled “City of Waveland; Review and Update the City’s

Mitigation Plan”, which will expand the mitigation plan to include sea level rise, climate change, and storm surge. (EXHIBIT K)

A vote was called for with the following results:

Yea: Stahler, Geoffrey, Lafontaine, and Kidd

Nay: None

Absent: None

**CITY HALL/TELEPHONES/CONTRACTS**

**Re: Contract with Universal Tel-Com for Voice-Over Internet Protocol Phones**

Alderman Kidd moved, seconded by Alderman Geoffrey to approve Voice-Over Internet Protocol hosted telephone system with Universal Tel-Com., pending contract review by City Attorney Gary Yarborough. (EXHIBIT L)

A vote was called for with the following results:

Yea: Stahler, Geoffrey, Lafontaine, and Kidd

Nay: None

Absent: None

**DOWNTOWN WATERFRONT PROJECT/HARBOR, LIGHTHOUSE, BOAT LAUNCH AND BOAT LAUNCH**

**Re: Closeout Package for the Downtown Waterfront Project**

Alderman Lafontaine moved, seconded by Alderman Kidd to approve the closeout package for the Downtown Waterfront Project (Harbor, Lighthouse, Boat launch project, R-118-379-04-HCCR) as submitted by Michele Moore, Gouras Urban Planning Consultants, Inc. (EXHIBIT M)

A vote was called for with the following results:

Yea: Stahler, Geoffrey, Lafontaine, and Kidd

Nay: None

Absent: None

**AUDIT/WRIGHT, WARD, HATTEN & GUEL/AUDIT ENGAGEMENT LETTER/AGREEMENTS**

**Re: Approve the Audit Engagement Letter for the Fiscal Year ending September 30, 2011**

Alderman Lafontaine moved, seconded by Alderman Geoffrey to approve the Audit Engagement Letter with Wright, Ward, Hatten and Guel for the fiscal year ending September 30, 2011. (EXHIBIT N)

A vote was called for with the following results:

Yea: Stahler, Geoffrey, Lafontaine, and Kidd

Nay: None

Absent: None

**HAZARD MITIGATION GRANT PROGRAM/AGREEMENTS/DRAINAGE IMPROVEMENTS PROJECT**

**Re: Approve the Hazard Mitigation Grant Program Agreement with MDA in the amount of \$6,980,100.00**

Alderman Geoffrey moved, seconded by Alderman Lafontaine to approve the Hazard Mitigation Grant Program Agreement with MDA for natural drainage improvements in the amount of \$6,980,100.00. **(EXHIBIT O)**

A vote was called for with the following results:

Yea: Stahler, Geoffrey, Lafontaine, and Kidd

Nay: None

Absent: None

**APPOINTMENTS/HANCOCK COUNTY PORT AND HARBOR COMMISSION**

**Re: Correspondence received from Governor Haley Barbour's Office noting the appointment of Mr. Charles Gallagher to the Hancock County Port and Harbor Commission**

Spread on the minute's correspondence received by Governor Haley Barbour's office noting the appointment of Mr. Charles Gallagher for the Hancock County Port and Harbor Commission for the unexpired current term effective immediately. This appointment will have to be re-confirmed upon the entry of the new Governor in 2012 and will run concurrently with the governor's term in office. **(EXHIBIT P)**

**DONATIONS/CHRISTMAS LIGHTS**

**Re: Accept \$1,900 donation from Carroll, Warren and Parker for Christmas Lights**

Alderman Stahler moved, seconded by Alderman Lafontaine to accept \$1,900 donation from Carroll, Warren & Parker to assist with City of Waveland Christmas lights."

A vote was called for with the following results:

Yea: Stahler, Geoffrey, Lafontaine, and Kidd

Nay: None

Absent: None

**MINUTES**

**Re: Correction of Minutes from January 9, 2008**

Alderman Stahler moved, seconded by Alderman Lafontaine to acknowledge and correct the minutes of January 9, 2008 to reflect the following motion **(in bold)** (as exhibited by court reporter, Ms. Norma Jean Soroe, in the 1/9/08 minutes): **(EXHIBIT Q)**

Kendal Arnold, Realtor representing Steve Johnson and Bob Hanna, appeared Before the commission with a request for a re-division of property in order to Create four separate parcels located at 1215 Waveland Avenue. These parcels will require a variance of eleven feet from the required lot frontage. Each parcel Would be 89' x 141.5'. They will exceed the required square footage. Legal description: Block 12 lots 1-5 & 11-19, Highland Park Subdivision, City of Waveland, Hancock County, Mississippi. This request was remanded back to Planning and Zoning by the Board the Board of Mayor and Aldermen.

Robert Hincks moved, seconded by Clarence Harris to recommend that the Board of Mayor and Aldermen approve the request as submitted.

Alderman Schmitt moved, seconded by Alderman Stahler to follow the Planning and zoning Board and *approve* the request as submitted.

A vote was called for with the following results:

Yea: Stahler, Geoffrey, Lafontaine, and Kidd

Nay: None

Absent: None

**CHANGE ORDERS/CITYWIDE DRAINAGE IMPROVEMENTS  
PROJECT/CENTRAL FIRE STATION/CITY HALL AND CITY HALL ANNEX  
Re: Approve Change Orders as submitted by various contractors**

Alderman Kidd moved, seconded by Alderman Geoffrey to approve the following Change Orders: **(EXHIBIT R)**

- a. Change Order No. 3 for 44 additional days to the contract time with no change in contract amount to allow for final adjustments in all contract quantities for the purpose of closing out the contract - Citywide Drainage Improvements Project (R-118-379-07-HCCR).
- b. Change Order No. 8 from Benchmark Construction in the amount of \$27,789.37 for adding demising walls, door, electrical, millwork relocation
- c. Change Order No. 6 from GM&R to increase the contract amount \$209,108.00 and the contract time by 112 days in order to complete the 3rd floor architectural, mechanical, plumbing and electrical changes – Central Fire Station, pending MDA approval.
- d. Change Order No. 8 from DNP, Inc. requesting an increase of 35 days in construction time and an additional \$214,275.93 for construction of the new parking lot, involving 108 Bourgeois Street – City Hall and City Hall Annex, pending MDA approval.

A vote was called for with the following results:

Yea: Stahler, Geoffrey, Lafontaine, and Kidd

Nay: None

Absent: None

**CITY HALL AND CITY HALL ANNEX/BUILDER'S RISK INSURANCE  
Re: City Attorney requested private meeting with Architect Walter "Buzzy" Bolton regarding past due payments and work schedules**

Discuss City Hall Municipal Complex Project Past due Payments and Work Schedule delay letter; delayed progress costs related to the City Hall/City Hall Annex Project; specifically \$6667.00 for extended builders risk insurance cost through 12/1/2011 and \$262.78 per day related costs. Architect Buzzy Bolton was present to discuss.

**BUDGET MODIFICATIONS/108 BOURGEOIS STREET/DOWNTOWN  
SIDEWALK IMPROVEMENTS PROJECT/JEFF DAVIS-GULFSIDE STREET  
PROJECT/CITY HALL COMPLEX PROJECT  
Re: Budget Modifications as submitted by Jimmy G. Gouras, Urban Planners**

Alderman Geoffrey moved, seconded by Alderman Lafontaine to approve the following Budget Modifications as submitted by Jimmy G. Gouras Urban Planners (as listed a-c) **(EXHIBIT S)**

- a. Budget Modification No. 12, R-109-379-02-KCR increasing Architectural/Engineering by \$8,690.00 for design fees for the Parking Lot at 108 Bourgeois Street Property - City Hall/City Hall Annex Building.

- b. Budget Modification No. 4, R-118-379-06-HCCR, adjusts the construction budget to coincide with the current contracted amounts and decreases contingency to cover increase – Downtown Sidewalk Improvements Project. (tabled from previous meeting)
- c. Budget Modification No. 8, R-109-379-01-KCR de-obligating contingency funds by \$1,000,000.00 to be used for the Jeff Davis/Gulfside Street project.

A vote was called for with the following results:

Yea: Stahler, Geoffrey, Lafontaine, and Kidd

Nay: None

Absent: None

**REQUEST FOR CASH REIMBURSEMENTS/CIVIC CENTER, LIBRARY, FIRE STATION, COLEMAN, COLEMAN AVENUE/CENTRAL FIRE STATION/WATER SYSTEM IMPROVEMENTS, ANNEXED AREA/CITYWIDE DRAINAGE IMPROVEMENTS PROJECT/CENTRAL FIRE STATION/BUSINESS INCUBATOR/DOWNTOWN SIDE IMPROVEMENTS**

Spread on the minutes the following Request for Cash Reimbursements, as listed (Items a-i): **(EXHIBIT T)**

- a. R-103-379-01-KCR, match only – Civic Center, Library, Fire Station, and Coleman Avenue.
- b. R-118-379-01-HCCR in the amount of \$10,549.60 – Central Fire Station.
- c. R-118-379-06-HCCR in the amount of \$292,420.78 – Water System Improvements Annexed Area.
- d. R-118-379-07-HCCR in the amount of \$61,655.37 – Citywide Drainage Improvements Project.
- e. R-118-379-01-HCCR in the amount of \$146,469.00 – Central Fire Station.
- f. R-109-379-02-KCR in the amount of \$32,316.82 – City Hall and City Hall Annex
- g. R-103-379-01-KCR in the amount of \$78,909.66 – Civic Center, Library, Fire Station and Coleman Avenue.
- h. R-109-379-04 –KCR in the amount of 102,788.70 – Business Incubator.
- i. R-109-379-03-KCR in the amount of \$12,520.87 – Downtown Sidewalk Improvements

**INVOICES/CITY HALL COMPLEX/ CITYWIDE DRAINAGE IMPROVEMENTS PROJECT/BUSINESS INCUBATOR/HMGP Ap FOR DRAINAGE/CENTRAL FIRE STATION**

**Re: Approve payment of invoices as submitted by various contractors**

Alderman Geoffrey moved, seconded by Alderman Kidd to approve the following Invoices submitted by various contractors and vendors and recommended to be placed in line for payment consideration contingent upon receiving funding from grant sources, as submitted by Recovery Manager, Brent Anderson, (as listed, items a-h) **(EXHIBIT U)**

- a. Pay Application No. 11 from DNP, Inc. in the amount of \$362,629.84- City Hall/City Hall Annex and Fire Station.
- b. Payment Request No. 9 from Jay Bearden Construction, Inc. in the amount of \$61,655.37 – Citywide Drainage Improvements Project.
- c. Invoice No. 13 from BDA, PLLC in the amount of \$8,186.00 – City Hall/City Hall Annex and Fire Station.
- d. Invoice No. 14 from BDA, PLLC in the amount of \$11,706.01 – City Hall/City Hall Annex and Fire Station.
- e. Pay Request No. 15 from Benchmark Construction in the amount of \$27,544.47 – Business Incubator.
- f. Pay Request No. 16 from Benchmark Construction in the amount of \$75,244.23 – Business Incubator.

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**Meeting of December 6, 2011**  
**6:30 P.M.**

- g. Invoice X17326272 from AMEC Earth and Environmental in the amount of \$129.43 – Waveland TO12, HMGP, Ap for Drainage.
- h. Pay Request No. 22 from CDM in the amount of \$3,469.97 – Central Fire Station.

A vote was called for with the following results:

Yea: Stahler, Geoffrey, Lafontaine, and Kidd

Nay: None

Absent: None

**ADJOURN**

**Re: Adjourn meeting at 9:45 p.m.**

Alderman Kidd moved, seconded by Alderman Geoffrey to adjourn the meeting at 9:45 p.m.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

The foregoing minutes were presented to Mayor Garcia on December 23, 2011.

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

The Minutes of December 6, 2011 have been read and approved by me on this day the 23<sup>rd</sup> day of December, 2011.

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David A. Garcia  
Mayor

