

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 December 6, 2016 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, Lafontaine and Piazza along with City Attorney Rachel P. Yarborough and Deputy City Clerk Tammy Fayard.

Absent from the Meeting was Alderman Richardson and City Clerk Lisa Planchard.

**MAYOR'S REPORT**

**Re:** Announced that the Board has been in discussions with the Hancock County Board of Supervisors and now have a good working relationship, which he feels has been lacking in the past; the City has decided to stand down from pursuing the Annexation of Clermont Harbor/Lakeshore/Silver Slipper area. The City voluntarily dismissed the Court case.

**CIVIC CENTER/INVOICES/MUSEUM**

**Re: Invoice to Mr. Jesse Loya for Repair of Doors/Windows at Civic Center**

Alderman Burke moved, seconded by Alderman Piazza to approve Invoice #000101 to Jesse R. Loya for doors/windows repair at Civic Center in the amount of \$4,550.00. **(EXHIBIT A)**

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine and Piazza

Voting Nay: None

Absent: Richardson

**TIDELANDS/DEPARATMENT OF MARINE RESOURCES (DMR)/PARKS AND RECREATION**

**Re: Authorize Signatures on Tidelands Request for Reallocation of Funds to Parks and Piers (Recreation) Department**

Alderman Burke moved, seconded by Alderman Piazza to approve and authorize signatures on the Tidelands (DMR) Request for Reallocation of Funds in the amount of \$314.68. This \$314.68 was left over after closeout of FY2011-P111 and is being reallocated to FY2014-P401-4WV, Waveland Parks & Leisure. **(EXHIBIT B)**

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine and Piazza

Voting Nay: None

Absent: Richardson

**AMEND AGENDA/HOLIDAY SCHEDULE/CITY HALL/PURCHASING/PERSONNEL/UTILITY DEPARTMENT/PERMITS DEPARTMENT/FIRE DEPARTMENT/POLICE DEPARTMENT/RSVP**

**Re: Amend Agenda to Add December 23, 2016 to Holiday Schedule**

Alderman Burke moved, seconded by Alderman Piazza to amend the agenda to add December 23, 2016, as proclaimed by the Governor, to the City Holiday Schedule. **(EXHIBIT C)**

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine and Piazza

Voting Nay: None

Absent: Richardson

**Re: Addition of December 23, 2016 to the Holiday Schedule, as Proclaimed by the Governor**

Alderman Burke moved, seconded by Alderman Piazza to approve the addition of December 23<sup>rd</sup>, 2016, as proclaimed today by the Governor, to the City Holiday Schedule.

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine and Piazza

Voting Nay: None

Absent: Richardson

**ATTORNEY'S COMMENTS**

**Re:** There were no comments by the City Attorney at this time.

**ALDERMEN'S COMMENTS**

**Re: Alderman Burke**

- Spoke with Department Heads and cleared all questions prior to the Meeting

**Re: Alderman Lafontaine**

- Requested a Spread on the Minutes appointing Ms. Judy Boudoin as the Ward 3 Representative for Planning and Zoning Commission
- Inquired about the parking lot lights behind City Hall, requested those outages be repaired
- Asked about the status of the Waveland Avenue Sidewalk Project. Alderman Burke said he was under the impression that all of the survey work and rights of way work had been completed. Mayor Smith said he understands that it all fits within the rights of way.
- Asked about the status of the Lighthouse Design. Mr. Lagasse provided answers to Alderman Lafontaine (inaudible).

**Re: Alderman Piazza**

- No comments or questions at this time.

**DOCKET OF CLAIMS**

**Re: Claims**

Alderman Burke moved, seconded by Alderman Lafontaine to approve the Docket of Claims (excluding the Streets Payroll portion) in the amount of \$465,087.99 dated December 6, 2016 as submitted.

**(EXHIBIT D)**

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine and Piazza

Voting Nay: None

Absent: Richardson

**MINUTES**

**Re: Minutes of the Regular Meeting of November 16, 2016 and the Special Meeting of November 22, 2016**

Alderman Lafontaine moved, seconded by Alderman Burke to approve the minutes of the Regular Meeting of November 16, 2016 and the Special Meeting of November 22, 2016 as submitted.

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine and Smith

Abstain: Piazza

Voting Nay: None

Absent: Richardson

**PLANNING AND ZONING (EXHIBIT E)**

**Re: Sean Henton, 839 Daniel Street**

**Sean Henton appeared before the commission** with a request for a variance from the number of accessory buildings allowed in order to construct a 12' x 16' accessory building on his property located at 839 Daniel Street. Currently the property has one garage/carport attached by a breezeway to his residence. There is also four additional accessory structures that were not permitted at this location. His intention is to remove one of the smaller structures and replace it with the 12' x 16' accessory building. Legal description: Block 77, Lots 29-34 BSL Land and Improvement Co., City of Waveland, Hancock County, Mississippi.

Commissioner John Becker said that he would like to make a motion to **TABLE** the applicant's request until the applicant addresses the letter from Bill Carrigee saying that the property must be brought into compliance. Once the applicant has satisfied the building department, such as permitting the pavilion and the Carolina carport meets the specifications by Bill Carrigee, and the removal of the two smaller structures. Once this is accomplished then applicant's tabled request will be addressed by the commission. Commissioner John Becker told Sean Henton to meet with Bill Carrigee to discuss the carport and what has to be done to permit the existing pavilion because it has to be approved by him. Commissioner Charlotte Watson seconded the motion.

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

Commissioner John Becker discussed the issues related to the request noting in particular the inaccuracies presented by Mr. Henton. Mr. Becker also relayed the message that Mr. Henton said he would be moving forward on the construction of the shed anyway. Mrs. Yarborough said she suspected the City would have to pursue the formal avenues because of Mr. Henton's comments.

Voting Yea: Burke, Lafontaine and Piazza

Voting Nay: None

Absent: Richardson

**Re: Henry L. Deville, III, 1055 Amar Street**

**Henry L. Deville III appeared before the commission** with a request for a conditional use in order to construct an accessory structure 30' x 30' that will replace the 12' x 12' accessory structure that is currently on his property located at 1055 Amar Street. Legal description: Block 20, Lots 36-44 Highland Park Subdivision, City of Waveland, Hancock County, Mississippi.

Commissioner Charlotte Watson moved, seconded by Commissioner Clarence Harris to recommend that the Board of Mayor and Aldermen approve the applicant's request to construct an accessory structure 30' x 30' that will replace the 12' x 12' accessory structure that is currently on his property located at 1055 Amar Street provided that the current 12' x 12' structure is torn down and removed, water faucet(s) on the outside or inside and to allow his well pump as long as there are no sinks or other plumbing in the building, seconded by Commissioner Clarence Harris.

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

Mrs. Yarborough said for the record (from Planning and Zoning Ordinance) "that if the Board is going to follow the recommendation of the Planning and Zoning Commission it is necessarily finding, in accordance with Section 906.3 of the Planning and Zoning Ordinance, that the requested variance will not substantially increase traffic hazards or congestion, substantially increase fire hazards, adversely affect the character of the neighborhood, adversely affect the general welfare of the City, overtax Public

Utilities or Community Facilities, or be in conflict with the Comprehensive Plan. Further, such variance proposed would benefit the City and the minimum variance that will make possible the legal use of the land, building, or structure and the variance is not a request to permit a use of land, building or structure, which is not permitted by right of conditional use in the district involved”.

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine and Piazza

Voting Nay: None

Absent: Richardson

**TRAVEL/PERSONNEL/HR DEPARTMENT**

**Re: Personnel Director, April Chevis to attend the Payroll Law Seminar in Gulfport**

Alderman Burke moved, seconded by Alderman Piazza to approve travel for Personnel Director April Chevis to attend the Payroll Law Seminar to be held in Gulfport, Mississippi on January 18, 2017. Cost to the City would be \$199.00 registration fee and use of a City vehicle.

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine and Piazza

Voting Nay: None

Absent: Richardson

**PURCHASING/SIDEWALK STUDY/MISSISSIPPI DEPARTMENT OF TRANSPORTATION (MDOT)/STREETS DEPARTMENT**

**Re: Correspondence to MDOT requesting Permission to use Small Purchase Procedures to Select Compton Engineering as the Professional Services Consultant for Citywide Waveland Sidewalk Study**

Alderman Burke moved, seconded by Alderman Lafontaine to approve the Mayor’s correspondence to MDOT requesting permission to use Small Purchase Procedures to select Compton Engineering as the Professional Services Consultant for project number STP-0274-00(010)LPA, City of Waveland Sidewalk Study. The City of Waveland reserves the right to negotiate the terms and conditions of a professional services contract and grants no rights to Compton by seeking this permission from MDOT. **(EXHIBIT F)**

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine and Piazza

Voting Nay: None

Absent: Richardson

**CONTRACTS/CIVIC CENTER/OLD WAVELAND SCHOOL/MUSEUM/AGREEMENTS**

**Re: Ray Weaver for Annual HVAC Equipment Preventative Maintenance at Civic Center**

Alderman Burke moved, seconded by Alderman Piazza to approve a proposal from Ray Weaver for annual HVAC Equipment Preventative Maintenance and Inspection on 5 HVAC units at the Ground Zero Museum (Civic Center/Old Waveland School) for an annual fee of \$1,940.00. (Note: two quotes were obtained) **(EXHIBIT G)**

Mrs. Yarborough said the only issue that she had with the proposal was that the Contract called for an automatic renewal annually which she opposes. Alderman Lafontaine asked if this contract could have the renewal language removed.

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine and Piazza

Voting Nay: None

Absent: Richardson

**POLICE DEPARTMENT/CONTRACTS/AGREEMENTS**

**Re: Enrollment/Agreement with CARFAX**

Alderman Piazza moved, seconded by Alderman Burke to **TABLE** an Enrollment/Agreement with CARFAX Police Crash Assistance Program which allows the Police Department access to the CARFAX Vehicle History Service, the CARFAX E-Commerce Program and such other programs that CARFAX may offer participants of the Program from time-to-time during the Term in exchange for motor vehicle accident reports data created or collected by Agency.

Mrs. Yarborough said she has prepared a red-lined version of a counter proposal because there were many terms in the user agreement that she disagrees with. Mrs. Yarborough said that, by law accident reports are confidential, except there's a caveat that allows you to, in mass, give them to either a company or corporation that uses this information to report to buyers; that information can only be used for that purpose. She added, from what she could tell from the user agreement, there are some terms that she doesn't know that we'll be able to do by law due to the confidentiality of accident reports, but she wanted to get with the Police Department Chief or Asst. Chief and learn more about what these programs are.

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine and Piazza

Voting Nay: None

Absent: Richardson

**AUDIT/AGREEMENTS/ENGAGEMENT LETTER**

**Re: Approve Audit Engagement Letter with Windham & Lacey PLLC for FY2016**

Alderman Burke moved, seconded by Alderman Lafontaine to approve and authorize signatures on the Engagement Letter with Windham & Lacey, PLLC. CPA's for the annual Audit of FY2016.

**(EXHIBIT H)**

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine and Piazza

Voting Nay: None

Absent: Richardson

**BIDS/REJECT BIDS/UTILITIES DEPARTMENT/ADVERTISEMENTS**

**Re: Reject Bids for Backhoe and Re-Advertise**

Alderman Piazza moved, seconded by Alderman Burke to reject all bids for the backhoe and re-advertise for the same.

During discussion, Mrs. Yarborough said to make the record clear, there was, in the specifications that were advertised, an additional specification for a 'buy-back' that really wasn't associated with the purchase of the backhoe. She said in her opinion, and based on research of past AG opinions and the requirements of the public bids, your specifications have to be at least somewhat accurate and that you can't accept a bid that doesn't reflect the specifications as advertised. Ms. Yarborough added that by amending the specifications and accepting the one bid received that disregarded the buyback, you

somewhat restrict others who might have put in a bid had that specification not been in the advertisement.

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine and Piazza

Voting Nay: None

Absent: Richardson

**MOBILE HOMES/BIDS/POLICE DEPARTMENT/FIRE DEPARTMENT/ANIMAL SHELTER  
Re: Accept bids received from Artisan Global, LLC for Mobile Homes**

Alderman Lafontaine moved, seconded by Alderman Burke to accept bids received from Artisan Global, LLC for the purchase of the following Mobile Homes currently owned by the City of Waveland being listed: (Items a-c) **(EXHIBIT I)**

- a) Bar Code #1238215 & 1238216 (Old Police Station) in the amount of \$3,000.00.
- b) Bar Code #1238566 & 1238567 (Old Animal Shelter) in the amount of \$3,000.00.
- c) Bar Code #1032858 (Gulfside Fire Station Trailer) in the amount of \$3,000.00.

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine and Piazza

Voting Nay: None

Absent: Richardson

**CITY HALL/INTERNET SERVICE/PURCHASING  
Re: Fiber Internet Quote from CSpire for City Hall in the amount of \$580.00 per month**

Alderman Burke moved, seconded by Alderman Piazza to approve internet service from CSpire for City Hall, increasing the strength and providing more stable hardline internet service as needed to accommodate the City Hall building's internet needs (Fiber Internet) \$580.00 per month, cost to be shared by departments within City Hall. This will eliminate Windstream internet (currently no active contract per Rachel Cullen). **(EXHIBIT J)**

Mrs. Yarborough said she reviewed the C-Spire Contract in June for the Police Department and would recommend we attach those same Addendums/Amendments to this as well.

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine and Piazza

Voting Nay: None

Absent: Richardson

**INVOICES/STORMWATER PROGRAM/LIGHTHOUSE-OUTDOOR RECREATION/  
TIDELANDS/FACILITIES PLAN/CITYWIDE DRAINAGE IMPROVEMENTS PROJECT/  
DRAINAGE IMPROVEMENTS PROJECT/SRF  
Re: Payment of Invoices Submitted by Various Contractors**

Alderman Burke 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-e): **(EXHIBIT K)**

- a) Invoice 216-021-8 from Compton Engineering in the amount of \$1,530.00 – Phase II Stormwater Program.
- b) Invoice 215-068-15 from Compton Engineering in the amount of \$2,425.00 – Geotechnical, Lighthouse Outdoor Recreations (Tidelands)

- c) Invoice 215-068-16 from Compton Engineering in the amount of \$15,040.00 – Design of Lighthouse Outdoor Recreations (Tidelands)
- d) Invoice 215-065-21 from Compton Engineering in the amount of \$2,163.75 – Facilities Plan and Related Services (SRF).
- e) Invoice #N20122422 from AMEC Foster Wheeler in the amount of \$2,539.91 – Citywide Drainage Improvements Project (HMGP)

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine and Piazza

Voting Nay: None

Absent: Richardson

**INVOICES/CITYWIDE DRAINAGE PROJECT/DRAINAGE PROJECT**

**Re: Invoice No. 9040025 in the amount of \$4,221.41 to CSX**

Alderman Lafontaine moved, seconded by Alderman Piazza to approve Invoice No. 9040025 in the amount of \$4,221.41, due 11/24/16, submitted by CSX for work performed during the Citywide Drainage Improvements Project as listed, reserving all rights, contractual or otherwise against Kappa Development. This invoice had not been paid by 12/6/16 a.m., as confirmed by City Clerk. Invoice was sent by City Clerk to Pickering 10/31/16, who forwarded to Kappa also 10/31/16. **(EXHIBIT L)**

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine and Piazza

Voting Nay: None

Absent: Richardson

**CITYWIDE SEWER IMPROVEMENTS PROJECT/SEWER IMPROVEMENTS-CITYWIDE/BIDS/RFQ'S/PURCHASING**

**Re: Interviews Related to the Engineering-Construction Materials Testing for Citywide Sewer Improvements Project**

Alderman Burke moved, seconded by Alderman Lafontaine to select the following five firms for interviews related to Engineering – Construction Materials Testing related to the Citywide Sewer Improvements Project (RFQ's opened 11/16/16 @ 6:00 pm):

1. Quality Engineering Services, Inc.
2. Burns, Cooley, Dennis, Inc.
3. BECC Professional Engineering
4. Eustis Engineering
5. Professional Service Industries, Inc.

During discussion, City Attorney Yarborough said this is like a preliminary scoring of the RFQ's; you must choose a minimum of 3, maximum of 5 to interview. When you determine who the top 3 submittals were, you have to base that on the scale and qualifications that were listed in the advertisement. So this is a preliminary scoring, but not necessarily a very formal scoring because you would do the formal scoring after the interviews and after the recommendation from that interview committee.

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine and Piazza

Voting Nay: None

Absent: Richardson

**COURT DEPARTMENT/POLICE DEPARTMENT/PRIVILEGE LICENSES/BUILDING PERMITS DEPARTMENT/PLANNING AND ZONING COMMISSION/APPOINTMENTS**

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

- a. Officer Phillip Pavolini as Deputy Court Clerk to sign sworn affidavits.
- b. Privilege License Activity Report for the month of November 2016. **(EXHIBIT M)**
- c. Building Permits Activity Report for the month of November 2016. **(EXHIBIT N)**
- d. Resignation of Zoning Commissioner Mike Kopke and the appointment of Mrs. Judy Boudoin as the Ward 3 Representative to replace him.

**EXECUTIVE SESSION**

**Re: Consider Executive Session Regarding Potential and Probable Litigation**

Alderman Burke moved, seconded by Alderman Piazza to consider Executive Session to prompt a closed discussion regarding potential and probable litigation regarding denial of insurance coverage for the lift station located at the corner of Central Ave. and Lakewood Drive with a date of loss occurring on April 22, 2016.

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine and Piazza

Voting Nay: None

Absent: Richardson

**Re: Enter Executive Session**

Alderman Burke moved, seconded by Alderman Lafontaine to approve entering Executive Session regarding potential and probable litigation regarding denial of insurance coverage for the lift station located at the corner of Central Ave. and Lakewood Drive with a date of loss occurring on April 22, 2016.

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine and Piazza

Voting Nay: None

Absent: Richardson

**INSURANCE DENIAL/LIFT STATION CLAIM/LEGAL ISSUES/UTILITY DEPARTMENT**

**Re: City Attorney to Hire Compton Engineering**

Alderman Lafontaine moved, seconded by Alderman Piazza to authorize City Attorney to hire Compton Engineering to review preliminary denial regarding potential and probable litigation regarding denial of insurance coverage for the lift station located at the corner of Central Ave. and Lakewood Drive with a date of loss occurring on April 22, 2016.

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine and Piazza

Voting Nay: None

Absent: Richardson

**EXECUTIVE SESSION**

**Re: Exit Executive Session**

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

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine and Piazza

Voting Nay: None

Absent: Richardson

**\*\* Note: *Alderman Piazza left the meeting at this time.***

**DOCKET OF CLAIMS**

**Re: Claims – Streets Payroll Only**

Alderman Burke moved, seconded by Alderman Lafontaine to approve the 12/06/16 Docket of Claims, Streets Payroll portion only, in the amount of \$16,861.47 as submitted.

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine and Smith

Voting Nay: None

Absent: Richardson and Piazza

**ADJOURN**

**Adjourn Meeting at 7:15 pm**

Alderman Lafontaine moved, seconded by Alderman Burke to adjourn the meeting at 7:15 pm.

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine and Smith

Voting Nay: None

Absent: Richardson and Piazza

The foregoing minutes were presented to Mayor Smith on December 22, 2016.

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

The Minutes of December 6, 2016 have been read and approved by me on this day the 22nd of December, 2016.

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

