

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 September 20, 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 and Lafontaine, along with City Clerk Lisa Planchard and City Attorney Rachel P. Yarborough.

Absent from the meeting were Aldermen Richardson and Piazza.

**MAYOR'S REPORT/CONTRACTS/CITYWIDE SIDEWALK STUDY/SIDEWALK STUDY-CITYWIDE**

**Re: Authorize Mayor's Signature on Preliminary Engineering Services Contract with Compton Engineering-Citywide Sidewalk Study**

Alderman Burke moved, seconded by Alderman Lafontaine to authorize Mayor's signature on the Preliminary Contract for Engineering Services between the City of Waveland and Compton Engineering regarding the City of Waveland Citywide Sidewalk Study, Project No. STP-0274-00(010)LPA/107488-711000 for a maximum amount of \$103,301.24. The MDOT received authorization from FHWA (Federal Highway Administration) for the contract on 9/6/17. MDOT hereby recommends that the City may proceed with contract execution for this project. **(EXHIBIT A)**

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine & Smith

Voting Nay: None

Absent: Richardson & Piazza

**MEMORANDUM OF UNDERSTANDING/U.S. MARINE CORPS/MARINE CORPS/POLICE DEPARTMENT**

**Re: Memorandum of Understanding – U.S. Marine Corps Special Operations Command**

Alderman Lafontaine moved, seconded by Alderman Burke to approve Memorandum of Understanding between the U.S. Marine Corps Forces, Special Operations Command and the City of Waveland for MARSOC to conduct training in the City of Waveland; training will not involve direct contact with the public and will be conducted on private property as coordinated with and approved by the property owners involved. **(EXHIBIT B)**

Mrs. Yarborough noted the Agreement "contemplates" that the Police Chief will also sign in addition to the Mayor.

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine & Smith

Voting Nay: None

Absent: Richardson & Piazza

**ATTORNEY'S COMMENTS/ SURPLUS/BIDS/SURF STREET SAILBOAT/AUCTIONS/ PUBLIC AUCTIONS**

**Re: City Attorney Rachel Yarborough updated the Board on the Action Necessary to Declare the Sailboat Abandoned**

Mrs. Yarborough said the following is regarding an abandoned boat in the City right of way near 230 Surf Street. She said the first motion is to declare that it's an abandoned boat, unclaimed and unrecovered after Notice of Abandonment of Property, under §21-39-21 (Miss Code Section Ann.).

**Re: Declare abandoned 32 foot red and black sail boat located on Surf Street as Surplus**

Alderman Lafontaine moved, seconded by Alderman Burke to declare the abandoned 32 foot red and black sail boat located on Surf Street on a City owned right-of-way adjacent to 230 Surf Street unclaimed and unrecovered in accordance with Miss. Code Ann. 21-39-21. This declaration is preceded by the posting of "Notice of Recovery of Abandoned Property" in three public places throughout the City. Such notice is being attached to these minutes. Further, the City attorney sent a letter and copy of said notice to the suspected owners of the abandoned property, Randy and Tammy Price, to their last known address of P.O. Box 177, Foley, AL 36536 and Randy Prices' work address of Boothville-Venice Fire Department, P.O. Box 12, Venice, LA 70091. A copy of said letter is attached to these Minutes. (EXHIBIT C)

A vote was called for with the following results:

Voting Yea: Burke & Lafontaine

Voting Nay: None

Absent: Richardson & Piazza

**SAIL BOAT-SURF STREET/SURF STREET-SAIL BOAT/AUCTIONS/PUBLIC AUCTIONS/BIDS/SURPLUS**

Mrs. Yarborough said that a public auction requires that there be 10 days' notice before the Public Auction is held and said the Board could set the requirements for the allotted time to move the boat thereafter.

**Re: Public Auction to the Highest Bidder for Cash of the Abandoned 32 foot Red and Black Sail Boat Located on Surf Street right of way**

Alderman Lafontaine moved, seconded by Alderman Burke to approve a public auction to the highest bidder for cash of the abandoned 32 foot red and black sail boat located on Surf Street on a City owned right-of-way adjacent to 230 Surf Street, after posting notice of such sale in three public places in the municipality at least 10 days preceding the date of the sale in accordance with Miss. Code Ann. 21-39-21. There shall be no minimum bid and the successful bidder is responsible for moving the boat and shall have no longer than ten calendar days to remove the boat from the City owned right-of-way.

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine & Smith

Voting Nay: None

Absent: Richardson & Piazza

**ATTORNEY'S COMMENTS/CORR SUBDIVISION/BUILDING DEPARTMENT**

**Re: City Attorney Rachel Yarborough updated the Board on the Meeting re: Mr. Rodney Corr and Corr Subdivision**

Mrs. Yarborough discussed the following motion. She said that she and Mayor Smith had a meeting with Mr. Rodney Corr to discuss the continuing defects of Corr Subdivision and the issues with it not being properly accepted by the City. Mrs. Yarborough said the meeting conclusion and plan of action would be the following noting that there were two defects letters issued to Mr. Corr on this subdivision and its various infrastructure problems. Mr. Corr has agreed to correct those deficiencies conditioned on an outside third party doing a review, using the letters of deficiencies because they are old, from 2008 and 2013. Mr. Corr's position is that these letters are dated, how is he supposed to be responsible for all the defects; he had not been responsible had it been accepted back in 2013. Upon ending the meeting, Mr. Corr said he would like to correct these deficiencies, that he wants to be in good standing with the City and he agreed to have a 3<sup>rd</sup> party engineer review the work, review the letters from 2008 and 2013, and from those notice of deficiencies go from there as of today to review what the subdivision, as it sits today and if those conditions have worsened since 2013 and those conditions are due to those defects, that he will consider it for them from there. The plan of action at this time is to have the Board allow

and pay for a 3<sup>rd</sup> party engineer to review the defects as they exist today based on those 2 letters and put in place a plan of action to correct those defects. Ms. Yarborough said that at the completion of the meeting he agreed to accept some responsibility and wanted to be in good standing with the City. Ms. Yarborough added that if the defects have become a bigger issue in the past 7 years because of inaction, then he should be responsible for those issues also.

**Re: Authorize City Attorney to Hire an Engineer to review the Deficiencies with Corr Subdivision**

Alderman Lafontaine moved, seconded by Alderman Burke to grant authority to the City Attorney to hire an Engineer to review deficiencies with Corr Subdivision.

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine & Smith

Voting Nay: None

Absent: Richardson & Piazza

**CITYWIDE SEWER IMPROVEMENTS PROJECT/SEWER IMPROVEMENTS PROJECT/  
SRF LOAN/LOAN-SRF**

**Re: City Attorney Rachel Yarborough updated the Board re: 2 Endorsements Needed for the  
SRF Loan/Citywide Sewer Improvements Project**

Mrs. Yarborough discussed the SRF Loan and explained that the Mayor must endorse a Clear Site Certification and a Limited Site Certification for Project No. SRF-C280788-01-Citywide Sewer Improvements Project.

**Re: Authorize Mayor's Signature on Clear Site Certification and Limited Site Certification on  
SRF Loan-Citywide Sewer Improvements Project**

Alderman Lafontaine moved, seconded by Alderman Burke to approve a motion to authorize the Mayor's signature on the *Clear Site Certification* and the *Limited Site Certification* for Project #SRF-C280788-01 conditioned upon Attorney authorization and review. **(EXHIBIT D)**

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine & Smith

Voting Nay: None

Absent: Richardson & Piazza

**ALDERMEN'S COMMENTS**

**Re: Alderman Burke**

- Hazardous Disposal Day for Hancock County is Saturday September 30<sup>th</sup> from 8 a.m. to 1 p.m. at Coast Electric in Kiln, Mississippi.

**Re: Alderman Lafontaine**

- Asked if the Stop sign at the Corner at Edna and Sycamore Streets could be put back up after being hit earlier in the evening.
- Requested a handicapped portable bathroom be placed at the Park at the Elwood Bourgeois Park.
- Asked if the City could build a permanent bathroom at the Elwood Bourgeois Park using the proceeds from the sale of the mobile homes to pay for the costs.

**AMEND AGENDA/MOBILE HOMES PROCEEDS/PARKS AND RECREATION/  
BATHROOMS/RESTRICTED FUND**

**Re: Amend Agenda to add a Motion to Restrict Proceeds from Sale of 3 Mobile Homes for  
Construction of Bathroom Facility at Elwood Bourgeois Park**

Alderman Lafontaine moved, seconded by Alderman Burke to amend the agenda to add a motion to restrict and allocate proceeds from sale of 3 mobile homes to construct a bathroom facility at the Elwood Bourgeois Park.

Note: Alderman Lafontaine proposed to use cinder blocks already obtained for structure of building.

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine & Smith

Voting Nay: None

Absent: Richardson & Piazza

**Re: Restrict Proceeds from Sale of 3 Mobile Homes for Construction of Bathroom Facility at Elwood Bourgeois Park**

Alderman Lafontaine moved, seconded by Alderman Burke to restrict and allocate proceeds from sale of 3 mobile homes to construct a bathroom facility at the Elwood Bourgeois Park.

Note: Alderman Lafontaine proposed to use cinder blocks already obtained for structure of building.

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine & Smith

Voting Nay: None

Absent: Richardson & Piazza

**ALDERMEN'S COMMENTS**

**Re: Alderman Lafontaine**

- Asked if Coleman Avenue would be blocked for the Halloween Festival. Mrs. Raquel Lafontaine said yes, and requested a smaller portion of the road in front of the Business Center be blocked all day to allow the Barnett Family the opportunity to construct a haunted house, with the remainder of Coleman Ave. to be blocked about 3:00pm.
- Discussed his challenges as Waveland's representative on the Hancock County Utility Authority regarding the Pearlinton and Kiln participation of costs in maintaining their systems "that they received for free". Alderman Lafontaine said that the whole deal is that they are wanting the City to purchase water and with the City having the fluoride he explained to them that we can't purchase the water. He said that now they have met with the State and the State has said that they will allow the fluoride to be removed so we can purchase water. He said his position is that they won't even budge on maintaining a completely free system. Currently there's over \$260,000 a year, at least, from this South treatment plant in Waveland, Bay St. Louis and the County pumps into that goes to these other plants to support these other systems; the least that they can do is maintain their own lift stations. He said he thinks the Kiln has less than 10 and Pearlinton has less than 5. He added that (the City) maintains 52; his point of view is that if we can maintain lift stations for other entities off of our dollar, he would like the Utility Authority maintain all 52 of our lift stations for free as well. Alderman Lafontaine said that were going to have to sit down and start working out some issues here because he feels they should maintain their system. He said that their position is that they want the City to purchase water; at some point all this is going to have to come to a head because it's a knock down drag out at every (HCUA) meeting. Mrs. Yarborough said their position to us regarding the water is that they feel the City is obligated because some past Board member signed a contract without authority and that we verbally agreed to buy water from HCUA. She said the City is not required to buy water and the other question is, are they required to maintain the assets that are within their jurisdiction. Mrs. Yarborough said she would say yes, and then how would the City enforce this; the action has to be with that Board, not this Board. Alderman Lafontaine said he had, to this point, not seen an agreement where either Pearlinton or the Kiln accepting the system that was put in for; the Utility Authority maintains the meters, the lift stations. His opinion is that if someone came in to the City and gave us a free sewer system, the least we could do is maintain it. Mayor Smith added that they could do it for an additional \$18.00 a year per customer; their systems would be self-supporting. Alderman Lafontaine said that when the City changed from formula to flow billing computation, our bill jumped up \$20 overnight and sitting on that Utility Authority and sitting around a group of people whose bills are all less than ours and knowing that we're paying money that is leaving from here to go maintain the Pearlinton & Kiln systems; he

said he just can't deal with that. He said that he told them to raise the cost to their customers; it happened to Waveland not because we wanted to, but because we had to. He said about 30% of the total cost, about \$80,000 a year that goes out, is unaccounted for for Waveland; that's \$80,000 that we could put toward our system. He added that the Utility Authority is not working the way it was set up. Alderman Lafontaine said that when Pearlinton & Kiln were brought online, they entered into an agreement saying that they would pay their portion of the HCUA SRF loan; one of them pays about \$2,000 a year, nothing of what they should be paying and now they're saying that they just won't pay that anymore. Mayor Smith said back in 2015 DEQ came down and kind of strong-armed the City to buy the water and he told them then that we didn't need their water, we were at 26% capacity at the time and their reply was that Waveland stands to pay back a huge part of the SRF loan and when he was adamant about not buying the water they said they would not approve any wells going forward. Alderman Lafontaine said, "What did Waveland get out of this whole \$100,000,000+ system that was put into here.... We got a water line that runs through the middle of the City that we don't even need. We didn't get entire new systems or anything else, we didn't pick up any new customers off of it. The whole concept was well we'll run that line all the way down there from the Kiln, that way if we ever get another hurricane, we'll just open the valve and supply you water. I hate to tell them, but I was here and if you would have opened up a valve the day after Katrina, you'd of flooded us again because all of the water lines were broke south of the railroad tracks. We need to look out for our best interests; I would like to have Rachel (Yarborough) start looking into the legal issues: do they have contracts, do we have contracts because I've heard yes and I've heard no. I have not seen the contract". Mrs. Yarborough said that the only contract we have in place is a wastewater contract with the prior utility authority, i.e. 'Southern Regional and when HCUA was created by law, it was required that they assume all their contracts and liabilities. Mayor Smith said he's seen the contract that was signed by a former Mayor (unauthorized by the Board). Ms. Yarborough said that it's an understanding between she and Heather Ladner (HCUA Attorney) that it's not necessarily worth the paper it's signed on. Mrs. Yarborough said she will research the legalities and said that the overall issue will be the joint liabilities. She said that if the various entities start refusing to pay their share and the Utility Authority folds, and then it deobligates, then it's just going to be... I guess we'll have to file bankruptcy, I don't know, because I assume that nobody can pay back whatever is invested in the system.

## **DOCKET OF CLAIMS**

### **Re: Claims**

Alderman Burke moved, seconded by Alderman Lafontaine to approve the Docket of Claims in the amount of \$389,370.06 dated September 20, 2017 as submitted. **(EXHIBIT E)**

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine & Smith

Voting Nay: None

Absent: Richardson & Piazza

## **MINUTES**

### **Re: Minutes of the Regular Meeting of September 5, 2017 and the Special Meetings of August 31, 2017 and September 8, 2017**

Alderman Burke moved, seconded by Alderman Lafontaine to approve the Minutes of Regular Meeting of September 5, 2017 and the Special Meetings of August 31, 2017 and September 8, 2017 as submitted.

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine & Smith

Voting Nay: None

Absent: Richardson & Piazza

**WAVELAND AVENUE SIDEWALKS PROJECT/MDOT SIDEWALK PROJECT-WAVELAND AVENUE/GRPC PROJECT**

Engineer Jason Chiniche was present and updated the Board on the Waveland Avenue Sidewalks Project

**BUDGETED SALARIES-FY18/CITY HALL/FIRE DEPARTMENT/POLICE DEPARTMENT/PARKS AND RECREATION/RSVP/PERSONNEL/PUBLIC WORKS/UTILITY DEPARTMENT**

**Re: Approve the FY18 Salary Schedule (Part of the Budget) as adopted by Board of Mayor and Aldermen on September 8, 2017**

Alderman Lafontaine moved, seconded by Alderman Burke to approve the FY18 Salary Schedule (part of the Budget) as adopted by the Board of Mayor and Aldermen on September 8, 2017, excepting that no raises will be given at this time. **(EXHIBIT F)**

A vote was called for with the following results:

Voting Yea: Burke & Smith

Voting Nay: Lafontaine

Absent: Richardson & Piazza

**APPOINTMENTS/HANCOCK COUNTY LIBRARY SYSTEM/LIBRARY BOARD OF TRUSTEES**

**Re: Mrs. Bernie Cullen as the City's Waveland Representative on the Hancock County Library Board of Trustees**

Alderman Burke moved, seconded by Alderman Lafontaine to approve Mrs. Bernie Cullen as the City of Waveland representative to the Hancock County Library System Board of Trustees for a 5 year Term, 10/1/17 through 9/30/2022.

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine & Smith

Voting Nay: None

Absent: Richardson & Piazza

**HANCOCK COUNTY TOURISM BOARD/APPOINTMENTS**

**Re: Appoint Ms. Sarah Clark as the Aldermen's Appointee to the Hancock County Tourism Board of Directors**

Alderman Burke moved, seconded by Alderman Lafontaine to appoint Sarah Clark as the City of Waveland Aldermen's Appointment to the Hancock County Tourism Board of Directors.

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine & Smith

Voting Nay: None

Absent: Richardson & Piazza

**STREETS DEPARTMENT/PERSONNEL**

**Re: Correct the Hourly Rate of Pay for Street's Employee Chris Bennett**

Alderman Burke moved, seconded by Alderman Lafontaine to correct the hourly rate of pay for Street's employee Chris Bennett from \$10.25 (originally approved 9/5/17) to \$10.00 per hour, as requested by Public Works Director Brent Anderson.

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine & Smith

Voting Nay: None

Absent: Richardson & Piazza

**FIRE DEPARTMENT/TRAVEL**

**Re: Travel for Fire Chief Mallini to State Fire Academy for Airport Firefighter Class and Lt. Casey Piazza to State Fire Academy for Fire Inspector Class 1031-II**

Alderman Burke moved, seconded by Alderman Lafontaine to approve travel for the following as listed (a-b):

- a) Fire Chief Tony Mallini to the State Fire Academy for the Airport Firefighter Class, October 16-20, 2017. Cost to the City will be \$790 for class fee, \$50.00 total per diem for evening meals only, 5 nights lodging and use of a City vehicle.
- b) Fire Lt. Casey Piazza to State Fire Academy for the Fire Inspector 1031-II class, October 9-12, 2017. Cost to the City will be \$370.00 (includes lodging, breakfast and lunch), \$40.00 per diem for evening meals, and use of a City vehicle.

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine & Smith

Voting Nay: None

Absent: Richardson & Piazza

**PERSONNEL/GROUND ZERO MUSEUM/MUSEUM/**

**Re: New Hire Ms. Linda Aiavolasiti as Part-Time Employee at Museum**

Alderman Lafontaine moved, seconded by Alderman Burke to approve Ms. Linda Aiavolasiti as part-time Civic Center Liaison/Museum Manager at \$8.00 per hour (15 hours per week) pending passage of drug test, as budgeted. Approval of this motion will terminate her independent contractor agreement with the City.

A vote was called for with the following results:

Voting Yea: Burke & Smith

Voting Nay: Lafontaine

Absent: Richardson & Piazza

**STREET'S DEPARTMENT/PUBLIC WORKS/PERSONNEL**

**Re: New Hire Mr. James Thompson in the Streets Department**

Alderman Burke moved, seconded by Alderman Lafontaine to approve Mr. James Thompson in the Street's Department at \$10.00 per hour. (Replace 1 of the 3 resignations listed below).

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine & Smith

Voting Nay: None

Absent: Richardson & Piazza

**Re: New Hire Mr. Derrick Holton in the Street's Department**

Alderman Burke moved, seconded by Alderman Lafontaine to approve Mr. Derrick Holton in the Streets Department at \$10.00 per hour. (Replace 1 of the 3 resignations listed below).

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine & Smith

Voting Nay: None

Absent: Richardson & Piazza

**INVOICES/FY 2016 AUDIT/AUDIT-FY 2016**

**Re: TABLE Invoice from Windham and Lacey CPA's for Audit Preparation-FY2016**

Alderman Lafontaine moved, seconded by Alderman Burke to **TABLE** Invoice #683 from Windham and Lacey CPA's in the amount of \$35,500 for FY 2016 Audit Preparation services. **(EXHIBIT G)**

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine & Smith

Voting Nay: None

Absent: Richardson & Piazza

**ADVERTISEMENTS**

**Re: Renewal of 24" x 18" Sign/Advertisement for Bay High Hardwood Club –Bay High Gym**

Alderman Lafontaine moved, seconded by Alderman Burke to approve renewal of 24" x 18" sign advertisement in the amount of \$100.00 as requested by the Bay High Hardwood Club to be placed in the Bay High School Gym. **(EXHIBIT H)**

Mrs. Yarborough said this is with the usual finding that under §17-3-3 and §17-3-1 that if the Board approves the advertisement that it would be helpful in advancing the moral, financial and other interests of the City of Waveland, and is for the purpose of advertising and bringing into favorable notice the opportunities, possibilities and resources of the City.

A vote was called for with the following results:

Voting Yea: Lafontaine & Smith

Voting Nay: Burke

Absent: Richardson & Piazza

**INVOICES/CITYWIDE DRAINAGE PROJECT/GARDEN LANE & GLADSTONE STREET PAVING PROJECT/STREETS PAVING/PAVING PROJECT**

**Re: 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 (Item a-b):

- a) Invoice #N20123442 from AMEC Foster Wheeler in the amount of \$1,141.43 for services through June 9, 20107 – Citywide Drainage Improvements Project.**(EXHIBIT I)**
- b) Payment Application #1 from Land Shaper, Inc., in the amount of \$28,053.65-Resurgace Garden Lane and portion of Gladstone Street. Note: Actual cost came in less than quoted amount. **(EXHIBIT J)**

Mrs. Yarborough asked Mr. Lagasse from Compton Engineering if Item b (Land Shaper) was the final invoice. Mr. Lagasse said, "Yes". Ms. Yarborough said, "So Compton has accepted the work and it's up to contract documents". Mr. Lagasse said, "We're actually very happy with the quickness, the whole 9 yards". Comptroller Ron Duckworth asked to state for the record that the AMEC invoice had just been received last week and was an error on AMEC'S behalf; the City did not delay payment.

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine & Smith

Voting Nay: None

Absent: Richardson & Piazza

**BIDS/MOBILE HOME BIDS/WAVELAND LIBRARY BOARD OF TRUSTEES/LIBRARY/  
APPOINTMENTS/STREETS DEPARTMENT/PUBLIC WORKS/PERSONNEL/COURT  
DEPARTMENT/CONTINUING EDUCATION/REVENUES AND EXPENDITURES REPORT**

Spread on the minute's the following as listed, (Items a-h):

- a) Bids for sale of three Surplused Mobile Homes (same mobile homes as those from October 2016) were opened prior to the meeting and taken under advisement.
- b) The Library Board of Trustees (Board of Mayor and Aldermen) met at 6:15 pm this evening to discuss and take action on issues regarding the Waveland Library Agreement prior to the meeting.
- c) Resignation of Mr. Gerald Christmas from the Street's Department effective 9/11/2017.
- d) Resignation of Mr. Robert Dorsey from the Street's Department effective 9/11/2017.
- e) Resignation of Mr. Williams Harris from the Streets Department, effective September 26, 2017.
- f) Court Clerk Rhonda Cummings Certificate of Attendance at the Municipal Court Clerk conference in Tunica, Mississippi. **(EXHIBIT K)**
- g) Court Statistics Report for the month of August, 2017.
- h) Revenues and Expenditures Report for the month of August, 2017 at this, the second meeting of September 2017. **(EXHIBIT L)**

**EXECUTIVE SESSION**

**Re: Probable and Potential Litigation**

Alderman Burke moved, seconded by Alderman Lafontaine to consider Executive Session to prompt a closed discussion regarding: 1) potential and probable litigation regarding the lease of space in the City's Business Center to Dunk's Southern Buffet and Mississippi Vacation Properties, LLC; 2) pending litigation regarding FEMA appeal of Project Worksheet 4916 and 4917, Sewer Southside Project; 3) potential litigation, Benchmark Construction; 4) potential and probable litigation regarding the Bienville Drive drainage issue concerning Letellier owned parcel No. 161A-2-01-043.000, with a physical address of 114 Bienville Drive and 5) HMGP Drainage Improvements Project, Kappa Construction contractual issues, potential and probable litigation.

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine & Smith

Voting Nay: None

Absent: Richardson & Piazza

Note: City Attorney Yarborough noted that Item 3) potential litigation, Benchmark Construction did not qualify for Executive Session.

**Re: Enter Executive Session**

Alderman Burke moved, seconded by Alderman Lafontaine to enter Executive Session regarding: 1) potential and probable litigation regarding the lease of space in the City's Business Center to Dunk's Southern Buffet and Mississippi Vacation Properties, LLC; 2) pending litigation regarding FEMA appeal of Project Worksheet 4916 and 4917, Sewer Southside Project; 3) Removed; 4) potential and probable litigation regarding the Bienville Drive drainage issue concerning Letellier owned parcel No. 161A-2-01-043.000, with a physical address of 114 Bienville Drive and 5) HMGP Drainage Improvements Project, Kappa Construction contractual issues, potential and probable litigation.

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine & Smith

Voting Nay: None

Absent: Richardson & Piazza

*NOTE: Mr. Mickey Lagasse entered Executive Session at this time to discuss the next topic.*

**LEGAL DEPARTMENT/BIENVILLE AVENUE PROPERTY-LETELLIER**

**Re: Authorize City Attorney to File Injunctive Relief – 114 Bienville**

Alderman Lafontaine moved, seconded by Mayor Smith to authorize the City Attorney to file injunctive relief against Letellier, 114 Bienville Drive, owned parcel #161A-2-01-043.000.

A vote was called for with the following results:

Voting Yea: Lafontaine & Smith

Voting Nay: Burke

Absent: Richardson & Piazza

*NOTE: Mr. Mickey Lagasse left Executive Session at this time.*

**LEGAL DEPARTMENT/HURRICANE KATRINA/PROJECT WORKSHEETS/PW'S/UTILITY DEPARTMENT/HURRICANE KATRINA/KATRINA-HURRICANE**

**Re: Authorize Filing of Appeal of Denial by City Personnel – PW 4916/4917**

Alderman Lafontaine moved, seconded by Alderman Burke to authorize filing of Appeal of Denial on PW 4916/4917 to Washington D.C. by City Personnel.

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine & Smith

Voting Nay: None

Absent: Richardson & Piazza

**LEGAL DEPARTMENT/CITYWIDE DRAINAGE IMPROVEMENTS PROJECT/DRAINAGE IMPROVEMENTS PROJECT/KAPPA DEVELOPMENT/CONTRACTS/BANKRUPTCY**

**Re: Attorney Gary Yarborough to File Claim - Kappa Development**

Alderman Lafontaine moved, seconded by Alderman Burke to authorize Attorney Gary Yarborough to file claim and seek relief from automatic stay in Bankruptcy Court to modify the rights of Kappa Development under the Contract and to allow Waveland, within its discretion to otherwise complete the work and/or terminate the contract also authorizing request for an adversary proceeding against Kappa Development and to oppose their request for arbitration.

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine & Smith

Voting Nay: None

Absent: Richardson & Piazza

**LEGAL DEPARTMENT/CONSULTANT-BANKRUPTCY ATTY/CITYWIDE DRAINAGE IMPROVEMENTS PROJECT LITIGATION/DRAINAGE IMPROVEMENTS PROJECT LITIGATION/KAPPA DEVELOPMENT/BANKRUPTCY**

**Re: Attorney Gary Yarborough to Retain Paul Decambre, Bankruptcy Attorney – Citywide Drainage Improvements Litigation**

Alderman Lafontaine moved, seconded by Alderman Burke to retain Paul Decambre as consulting bankruptcy attorney to assist with procedural matters @ a rate of \$200/hour.

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine & Smith

Voting Nay: None

Absent: Richardson & Piazza

**LEGAL DEPARTMENT/CITYWIDE DRAINAGE IMPROVEMENTS PROJECT  
LITIGATION/DRAINAGE IMPROVEMENTS PROJECT LITIGATION/KAPPA  
DEVELOPMENT**

**Re: Authority for Attorney G. Yarborough to File Claim against Hanover Insurance**

Alderman Lafontaine moved, seconded by Alderman Burke to grant authority to Attorney Gary Yarborough to file claim against Hanover Insurance within his discretion.

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine & Smith

Voting Nay: None

Absent: Richardson & Piazza

**EXECUTIVE SESSION**

**Re: Exit Executive Session**

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

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine & Smith

Voting Nay: None

Absent: Richardson & Piazza

**ADJOURN**

**Adjourn Meeting at 8:32 pm**

Alderman Lafontaine moved, seconded by Alderman Burke to adjourn the meeting at 8:32 pm.

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine & Smith

Voting Nay: None

Absent: Richardson & Piazza

The foregoing minutes were presented to Mayor Smith on October 6, 2017.

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Lisa Planchard  
City Clerk

The Minutes of September 20, 2017 have been read and approved by me on this day the 6<sup>th</sup> day of October, 2017.

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