

The Board of Mayor and Aldermen of the City of Waveland, Mississippi, met in Special session at the Waveland City Hall Board Room 301 Coleman Avenue, Waveland, MS. on November 21, 2017 at 6:30 p.m. (Rescheduled from November 22, 2017 to November 21, 2017) to take action on the following matters of City business.

PUBLIC COMMENTS: Phillip Mollere, 704 Birch Street, Waveland

ROLL CALL:

Mayor Smith noted for the record the presence of Aldermen Burke, Richardson, Lafontaine and Piazza along with City Attorney Rachel P. Yarborough and Deputy City Clerk Tammy Fayard.

Absent from the meeting was City Clerk Lisa Planchard

MEETINGS/ADENDAS/NOTICES

Spread on the Minutes the Notice of this Special Rescheduled Meeting (from 11/22/17 to 11/21/17)
(EXHIBIT A)

MAYOR'S REPORT/TRAVEL/BUILDING DEPARTMENT

Re: Travel for Building Inspector Josh Hayes's to attend Association of Floodplain Managers of MS. Conference

Alderman Burke moved, seconded by Alderman Piazza to approve travel for Josh Hayes to attend the AFMM (Association of Floodplain Managers of MS.) 2017 Fall Conference November 29-December 1, 2017 at the Pearl River Resort, Philadelphia, MS. Cost to the City will be a registration fee of \$175.00, 3 nights lodging, per diem for 3 days and use of a City vehicle.

During discussion, Mayor Smith said that he would like to have Inspector Hayes perform CRS Coordinator services and April Chevis, HR Director, and Jeanne Conrad as Assistant CRS Coordinators. Mayor Smith said there is currently \$6,000.00 in that budget. Mayor will come back to next Board meeting with specifics.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

MAYOR'S REPORT (Cont.)

Re: The Mayor said he participated in the 'Five Course Feast with the 5 Coast Mayors' Event for charity at the Beau Rivage this past Thursday, where Chef Chappy of the *Rum Kitchen* assisted Mayor Smith in representing the City of Waveland.

ATTORNEY'S COMMENTS

Re: Ms. Yarborough had no public comments at this time.

ALDERMEN'S COMMENTS

Re: Alderman Burke

- Inquired about the Sign Ordinance, noting there has been little action in its updating and had not heard an update in a while; is there an update? He noted the Mayor had sent out 2 drafts for Aldermen's comments/edits, but was not aware of action after that. The Mayor commented saying the newly created Ordinance that he received back from the business leaders was heavily in favor of the businesses, which would actually increase the number of banners that is currently allowed. The Mayor said that he would suggest going back to the original ordinance and he spoke with Building Inspector Josh Hayes who he told to begin enforcing the current Sign Ordinance; Mayor Smith said he will support Mr. Hayes in this enforcement.

Re: Alderman Richardson – There were no comments at this time.

Re: Alderman Lafontaine

- End of Margie Street, both sides, please have Streets fill turns in with asphalt. Also requested the Board consider changing the Charter re: setting salaries of Board members and City Clerk after one year in office. Gives Board members time to evaluate the budget and availability of funds, and evaluate the performance of staff.

Re: Alderman Piazza - There were no comments at this time.

DOCKET OF CLAIMS

Re: Claims

Alderman Burke moved, seconded by Alderman Piazza to approve the Docket of Claims in the amount of \$385,298.86 dated November 21, 2017 as submitted. **(EXHIBIT B)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

**PURCHASING/SERVER/CITY HALL/BUILDING DEPARTMENT/UTILITY DEPARTMENT/
COURT DEPARTMENT**

Re: Ratify Purchase of New Server from Universal ComOne

Alderman Burke moved, seconded by Alderman Piazza to ratify purchase of new Server from Universal ComOne at a cost of \$4,708.00. City Hall's server has gone out; it was 6 years old and needed immediate replacement in order for work functions to continue at City Hall. *(not currently budgeted)*
(EXHIBIT C)

During discussion City Attorney Rachel Yarborough said this is not necessarily to ratify, but will be a Budget Amendment.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, & Piazza

Voting Nay: Lafontaine

Absent: None

QUOTES/COMPTROLLER/CITY HALL/PUBLIC WORKS/PURCHASING

Re: Hancock Bank as Lowest, Best and Most Responsive Quote- Tractors Purchase

Alderman Burke moved, seconded by Alderman Richardson to **TABLE** approval of Hancock Bank as lowest, best and most responsive quote (at a 3 year interest rate of 2.62%) for financing of (1 or both) tractors as requested by Public Works Director Brent Anderson. Board to discuss and determine financing and/or paying cash on the following items to be purchased to include Items (a-c): (Total cost of \$172,452.78) *(Not currently budgeted)*

- a) New Holland TS6.110,ROPS, (non-cab) 4WD, with a Tiger TM-60-c side mower w/60" Flat deck for a cost of \$74,086.24 (complete mounted to tractor)(State Contract price)
- b) Tiger 2 spool valve \$1,918.54 (Frees up your rear remotes on the tractor)
- c) New Holland TS6.110, ROPS, 4WD, with a Tiger TRB-50C Bengal Boom Mower w/50" HD head for a cost of \$96,448.00 (complete mounted to tractor).

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

POLICE DEPARTMENT/PURCHASING

Purchasing 4 New Vehicles for the Waveland Police Department

Alderman Burke moved, seconded by Alderman Piazza to **TABLE** discussion of the purchase of 4 Police Vehicles in the amount of \$33,575.00 each (State contract price-Ford Explorer) and an estimated

interest rate of 2.62% with an estimated monthly payment in the amount of \$3,883.16, beginning January 01, 2018. Loan total of 4 vehicles to be financed would be \$134,300.00. (*Not currently budgeted*)

During discussion, Investigator Matt Sekinger explained that many of the cars are 2006 and some 2009; they're just old. He said, "It's just an aging fleet." If they were purchased, the only thing that the Police Department would have to put in them is radios, radars and decals on the outside.

City Attorney Yarborough said she would interject one more time, "My concern, everything that is in parenthesis that says 'not currently budgeted' could be perceived by the auditor's office or any other outside administrative review authority that we are spending outside of the budget; our expenditures exceeding our revenues. So, I would strongly suggest that if we're going to spend \$300,000 in excess of what we've budgeted on equipment, that we set up our Reserve Fund formally and follow those procedures that are required by law to make those expenditures, so it's clear; 1) That we're operating within our adopted budget and 2) that these expenditures are coming out of our Reserve Fund instead of our General Fund and our adopted budget, so that way it's clear upon review and upon audit where the source of the funds are coming and that we are not necessarily; our General Fund expenditures aren't exceeding our Revenues".

Alderman Lafontaine asked Mr. Duckworth how quickly he could get a Reserve fund set up. Mr. Duckworth came forward and said that based on Revenues exceeding Expenditures after amending to actual at 9/30/17, he is prepared to recommend to the Board to transfer approximately \$475,000 that showed on that report. City Attorney Ms. Yarborough said it would have to be a motion by and Resolution of the Board. Mr. Duckworth said he thought at a minimum we could take what we did not spend in the budget last year and that would be our starting point in Reserves. He added that if we keep 3 months expenditures on hand in the General Fund portion of the Depository Bank account, we would start with \$474,918.47, based on his calculations, which is based on what the actual results of revenues over expenditures were at 9/30/17; we could start by putting this \$474,918.47 in the Reserve Fund. Alderman Lafontaine asked Mr. Duckworth when he puts all of these numbers together to please show all of the reserve funds the City has, including all obligated and non-obligated funds. Mr. Duckworth said that he would.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

RSVP/DEPOSITORY

Re: Transfer of \$12,561.63 from RSVP Bank Account to Depository (General Fund) Bank Account

Alderman Richardson moved, seconded by Alderman Piazza to transfer \$12,561.63 from the RSVP bank account to the Depository bank account to reimburse the General fund for RSVP expenses paid by the General fund for the time period from 7/7/17 through 9/30/17. **(EXHIBIT D)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

QUOTES/RESURFACING OF VARIOUS STREETS

Re: Quotes Received to Resurface Various Streets - Waveland

Alderman Lafontaine moved, seconded by Alderman Piazza to **TABLE** quotes received for the "Resurfacing of Various Streets – Waveland MS". Note: There is a balance of \$25,053.65 remaining to pave with Road & Bridge funds received 2017.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

**AGREEMENTS/STREET REPAIRS/ROAD REPAIRS/PAVING VARIOUS STREETS/
QUOTES**

Re: Agreement with Compton Engineering for Professional Services Related to Repair of Various Streets in Waveland

Alderman Burke moved, seconded by Alderman Richardson to **TABLE** approval of Agreement with Compton Engineering for professional services related to Various Repairs of Central, Villere, Ducre and Auderer Blvd's, for a total cost of \$2,500.00 (would decrease available Road & Bridge Funds to \$22,553.65).

During discussion, Ms. Yarborough said that if we've not defined the scope of work as yet, we should not enter into a contract for those services which set the price for that because it may be more or it may be less depending on how we define our scope; because that proposal is for the current quote which includes those 4 roads (Central @ Coleman, Villere, Ducre & Auderer). Alderman Lafontaine said, "So his next proposal would have to include the current one and any additions or deletions". Ms. Yarborough said they've done a partial of the design; she did not think they've actually done the design of the roads as yet.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

INVOICES/WAVELAND AVENUE SIDEWALK PROJECT/COLEMAN AVENUE DISTRICT AND BEACH FRONT SCHEMATIC/CITYWIDE SIDEWALK STUDY/NICHOLSON AVENUE IMPROVEMENTS PROJECT/CITYWIDE SEWER IMPROVEMENTS PROJECT/SEWER IMPROVEMENTS PROJECT/CRS COORDINATION/LIGHTHOUSE & PUBLIC PAVILION PROJECT/TIDELANDS

Re: Payment of Invoices as Submitted by Various Contractors

Alderman Piazza moved, seconded by Alderman Burke 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-i, excluding c):

- a) Invoice #16-0105 from James J. Chiniche, PA, Inc. in the amount of \$9,263.13 - Waveland Avenue Sidewalk Project. **(EXHIBIT E)** Mr. Chiniche provided the Board with an update of the project.
- b) Invoice No. 2017-012-02 from Edward H. Wikoff, AIA in the amount of \$1,912.00 - Schematic Design and Planning for the Coleman Avenue District and Beachfront. **(EXHIBIT F)**
- e) ~~Invoice #N20124033 from AMEC Foster Wheeler in the amount of \$3,288.70 - Citywide Drainage Improvements Project. REMOVED~~
- d) Invoice #216-060-1 from Compton Engineering, Inc. in the amount of \$1,033.96 - Citywide Sidewalk Study (STP-0274-00(010) LPA/107488-711000). **(EXHIBIT G)**
- e) Invoice #217-043-1 from Compton Engineering, Inc. in the amount of \$855.26 - Nicholson Avenue Improvements Project (STP-9136-00(004) LPA/107516-701000). **(EXHIBIT H)**
- f) Invoice #216-056-16 from Compton Engineering, Inc. in the amount of \$2,085.00 - Citywide Sewer Improvements Project. **(EXHIBIT I)**
- g) Invoice #216-056-17 from Compton Engineering in the amount of \$105.00 - Citywide Sewer Improvements Project. **(EXHIBIT J)**
- h) Invoice #216-054-12 from Compton Engineering in the amount of \$500.00 - CRS Coordination for October 1-31, 2017 services. **(EXHIBIT K)**

- i) Invoice #217-095-1 from Compton Engineering in the amount of \$400.00 – Waveland Lighthouse and Public Pavilion Project. **(EXHIBIT L)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

SURPLUS PROPERTY/ANIMAL SHELTER/MOBILE HOMES
Re: Surplus Doublewide Mobile Home (Old Animal Shelter)

Alderman Lafontaine moved, seconded by Alderman Piazza to declare Doublewide Mobile Home, Bar Code #1238566/1238567 (Old Animal Shelter) as surplus property and no longer being used for public purpose. The Board unanimously finds the mobile home does not exceed One Thousand Dollars (\$1,000.00) in value due to the failed bidding history, current dilapidated state, and classification as a zone 1 mobile home. The Board further authorizes the sale of the mobile home through a private sale in accordance with MS. Code 17-25-25.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

**AMENDMENTS/SECRETARY OF STATE/AGREEMENTS/LEASE AGREEMENTS/
LIGHTHOUSE AND PUBLIC PAVILION PROJECT/TIDELANDS**
Re: Amendment to SOS Lease Agreement related to Lighthouse Project

Alderman Lafontaine moved, seconded by Alderman Richardson to **REMOVE** the Amendment to Secretary of State Lease Agreement approving construction of the Lighthouse and Public Pavilion project. (Yet to be received) and Notice of Award and Contract with Barnard & Sons Construction, LLC. in the amount of \$1,946,600.00 for construction of the Lighthouse and Public Pavilion Project.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

PERSONNEL/FIRE DEPARTMENT
Re: Transfer Firefighter Michael Jackson from Fulltime Firefighter to Part-Time Firefighter effective November 29, 2017

Alderman Piazza moved, seconded by Alderman Lafontaine to transfer Michael Jackson from fulltime firefighter to part-time firefighter at a rate of \$9.00 per hour effective November 29, 2017.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

PERSONNEL/STREETS DEPARTMENT/COURT DEPARTMENT/AGREEMENTS/LEGAL ISSUES-LETELLIER/LITTER CONTROL/CONTRACTS/LIGHTHOUSE AND PUBLIC PAVILION/REVENUES & EXPENDITURES/SAILBOAT REMOVAL FROM RIGHT OF WAY-SURF STREET

Spread on the Minute's the following as listed, (Items a-g):

- a) Resignation of Mr. Derek Halton from the Streets Department effective November 13, 2017.
- b) Court Statistics Report for the Month of October, 2017. **(EXHIBIT M)**
- c) Temporary Right of Entry and Temporary Construction Easement Agreement between Mr. and Mrs. Rudy Letellier of 114 Bienville Drive and the City of Waveland. **(EXHIBIT N)**
- d) Revenues and Expenditures for the month of October 2017 at this, the second meeting of November 2017. **(EXHIBIT O)**
- e) Resignation of Mr. Don Siebenkittel effective 11/29/17.
- f) Executed contract with Compton Engineering for the Lighthouse and Public Pavilion Project as reviewed by City Attorney. (originally approved by Board 11/7/17)(City Attorney to provide) **(EXHIBIT P)**
- g) Mr. Clarence Green, owner, has removed the 32 foot Red and Black Sailboat from Surf Street as of this past weekend.

EXECUTIVE SESSION

Re: Pending Litigation

Alderman Piazza moved, seconded by Alderman Burke to consider Executive Session to prompt a closed discussion regarding pending litigation related to retention of experts for pending litigation with Gulf Shore Properties, LLC, Oak Park Mississippi Properties, LLC, and Waveland Properties, LLC. vs. Waveland.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

Re: Enter Executive Session

Alderman Lafontaine moved, seconded by Alderman Piazza to enter Executive Session regarding pending litigation related to retention of experts for pending litigation with Gulf Shore Properties, LLC, Oak Park Mississippi Properties, LLC, and Waveland Properties, LLC. vs. Waveland.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

LEGAL ISSUES/LITIGATION/UTILITY DEPARTMENT

Re: City Attorney to Obtain Services of Expert Witnesses for Pending Litigation

Alderman Lafontaine moved, seconded by Alderman Richardson to authorize City Attorney to hire Mr. Eddie Favre and Delta Water, LLC. to act as expert witnesses for pending litigation related to Gulf Shore Properties, LLC, Oak Park Mississippi Properties, LLC, and Waveland Properties, LLC. vs. Waveland.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

Re: Exit Executive Session

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

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

ADJOURN

Adjourn Meeting at 8:11 pm

Alderman Burke moved, seconded by Alderman Lafontaine to adjourn the meeting at 8:11 pm.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

The foregoing minutes were presented to Mayor Smith on December 22, 2017.

Lisa Planchard
City Clerk

The Minutes of November 21, 2017 have been read and approved by me on this day the 22nd day of December, 2017.

Mike Smith
Mayor

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