

The Board of Mayor and Aldermen of the City of Waveland, Mississippi, met in Regular session at the Waveland City Hall Boardroom, 301 Coleman Avenue, Waveland, MS. on January 2, 2019 at 6:30 p.m. to take action on the following matters of City business.

PUBLIC COMMENTS

Re: Bryan Therolf

ROLL CALL

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

MAYOR'S REPORT

- The Mayor wished everyone a Happy New Year and expressed his gratitude for the Board being seated together again for the next term.
- Senator Phillip Moran was present to provide the Board with a Legislative update.

MAYOR'S REPORT/PERSONNEL

Re: New Hire Mrs. Pamela Lafontaine as Human Resources Director

Alderman Burke moved, seconded by Alderman Richardson to hire Mrs. Pamela Lafontaine as Human Resources Personnel at a salary of \$27,000.00 per year, pending passage of drug test. **(EXHIBIT A)**

The Mayor noted for the record an Attorney General's opinion regarding Alderman Lafontaine's relationship to Mrs. Pam Lafontaine. Mrs. Yarborough stated that her understanding is that the relationship of Mrs. Pam Lafontaine to Alderman Lafontaine is that she is married to Alderman Lafontaine's uncle; bringing the relationship within the 3rd degree according to the State Nepotism Statute. Mrs. Yarborough stated that Mrs. Lafontaine is in a separate household and that Mrs. Lafontaine is financially independent from Alderman Lafontaine. Mrs. Yarborough said the City is required to review the job position under the Nepotism and Conflict Statutes due to the relative relationship between Alderman Lafontaine and Pamela Lafontaine.

Mrs. Yarborough read from the Conflicts of Interest statute, MCA §25-4-105, which prohibits a Public Servant from receiving a pecuniary benefit for himself or a relative due to their position in office. Mrs. Yarborough read the following designations of the term "relative" for purposes of the Conflict Statute being defined under MCA 25-4-104(q) as a spouse, child, parent, sibling of the Public Servant or any spouse of those listed. Mrs. Yarborough said in her opinion the restrictions and prohibitions of the Conflicts of Interest statutes do not apply in this fact scenario because Mrs. Pam Lafontaine is not in the required degree of a relative as defined under §25-4-104 (q) and Mrs. Lafontaine is financially independent from Alderman Lafontaine.

Mrs. Yarborough further stated that nepotism is addressed under MCA §25-1-53, which prohibits employment of a person related by blood or marriage in the 3rd degree to the appointing authority. She stated the prohibition applies only to specific positions including Officer, Clerk, Stenographer, Deputy or Assistant. It was further stated that the Nepotism statute requires a three part analysis to determine whether an appointment or hiring violates the Nepotism Statute: 1) Are the parties related within the third degree, 2) Is the relative who is the public official the appointing authority, and 3) Is the job being hired for included in the list of prohibited positions? In this fact scenario Attorney Yarborough stated that the parties are related within the third degree and Alderman Lafontaine is an appointing authority as the Board of Aldermen exercise the power to hire.

It was stated by Attorney Yarborough that the third analysis for this fact scenario is to determine if the position of "Human Resources Personnel" is one of the specific positions prohibited by the Nepotism statute. Attorney Yarborough stated that ultimately the analysis of whether the position is within the purview of the Nepotism Statute is a factual determination to be made by the Board.

Mrs. Yarborough said if the Board does hire Mrs. Lafontaine it is necessarily making the determination and findings that the position and duties associated with the Human Resources Personnel position do not qualify as a position of a Clerk, Officer, Stenographer, Deputy or Assistant. She said the duties of a Human Resources Personnel would include managing employee health insurance, payroll duties, payroll taxation, managing employee benefits generally, workers compensation communication and reviews, FMLA review, ADA analysis, review of Labor and Standards and collection of daily receipts and other duties associated with Human Resources Management.

Attorney Yarborough said if the Board does vote to hire Mrs. Pamela Lafontaine they are making the following findings of fact: 1) the Human Resources Personnel position would not be included in one of the enumerated positions that would be prohibited by the Nepotism Statue, 2) the position of Human Resources Personnel requires a specific knowledge, is not secretarial in nature, does not require general duties or the keeping of accounts, is not an assisting position and therefor does not qualify as a clerk, deputy or assistant position, and 3) that the hiring of Mrs. Pamela Lafontaine does not violate Code Section §25-1-53 or §25-4-101. Alderman Lafontaine requested to recuse himself. (Alderman Lafontaine exited the room)

A vote was called for with the following results:

Voting Yea: Burke, Richardson, & Piazza

Voting Nay: None

Absent: Lafontaine

OATHS OF OFFICE/ELECTION

Re: Oaths of Office for the Term of 2018 thru

Alderman Burke moved, seconded by Alderman Piazza to spread on the Minutes, the Oaths of Office for the Board of Mayor and Aldermen for the term of 2018-2022.

(EXHIBIT B)

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

CONTRACTS/HUMAN RESOURCES

Re: Contract Human Resources Consulting Services with Donna Henry to train Mrs. Pamela Henry

Alderman Burke moved, seconded by Alderman Richardson to approve an Independent Contractor Agreement between Donna Henry and the City of Waveland for professional services regarding Human Resource consulting services at a rate of \$45.00 per hour.

(EXHIBIT C)

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

INVOICES/TIDELANDS/LIGHTHOUSE AND PUBLIC PAVILION PROJECT

Re: Partial Payment Request #2 requested by Department of Marine Resources

Alderman Burke moved, seconded by Alderman Lafontaine to approve Partial Payment Request #2 in the amount of \$233,574.13 as requested by Department of Marine Resources Tidelands Program and submitted by Compton Engineering for construction of the Lighthouse Project, for FY2017-646-01, and approve the Mayor's signature thereon. **(EXHIBIT D)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

MAYOR'S REPORT

- The Mayor said that he was contacted at the later part of the prior week, noting the approval of a Grant in the amount of \$17,000.00 for the creation of a Dog Park.

CITY ATTORNEY'S COMMENTS

Re: Had no comments

ALDERMEN'S COMMENTS

Re: Alderman Burke had no comments

Re: Alderman Richardson

- Wished everyone a Happy New Year
- Answered to the comments presented during the Public Comments, related to the MLK Community Center bids.

Re: Alderman Lafontaine

- Addressed the issues related to the MLK Community Center bid opening pertaining to comments allegedly made by Alderman Lafontaine. Alderman Lafontaine reminded everyone that he worked late that day and was not in attendance.
- Discussed the gas system that had been discussed during the previous terms. Alderman Lafontaine said because it appears the gas system is costing the City money, and would like to see about putting the system out for purchase.
- Discussed the palm tree purchases and recognized Keep Waveland Beautiful Representative Mr. Jim Meggett.

PURCHASING/KEEP WAVELAND BEAUTIFUL/AMEND AGENDA

Re: Amend Agenda to discuss purchase and installation of Palm Trees

Alderman Lafontaine moved, seconded by Alderman Piazza to amend the agenda to allow for discussion of the Palm Trees (Purchase and Installation) with Keep Waveland Beautiful.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

Re: Approve Purchase and installation of palm trees in the amount of \$13,150.00

Alderman Lafontaine moved, seconded by Alderman Burke to purchase and install palm trees for a total cost of \$13,150.00.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

ALDERMEN'S COMMENTS (Cont.)

Re: Alderman Piazza

- Requested a commemoration of the 50th Anniversary of Hurricane Camille.

DOCKET OF CLAIMS

Re: Claims

Alderman Lafontaine moved, seconded by Alderman Lafontaine to approve the Docket of Claims in the amount of \$451,790.18 dated January 2, 2019 as submitted.

(EXHIBIT E)

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

PLANNING AND ZONING (EXHIBIT F)

Re: Darryl Matranga, 901 Rue de Lasalle

Darryl Matranga, owner of the property commonly known as 901 Rue De LaSalle., Legal Description: Pt.1 & 2, Blk. 16, Vondrozkowsky's Subdivision, 1st Addition, is requesting a Conditional Use for an accessory building containing more than five hundred (500) square feet as provided for in Section 601.2 (F) in the current Zoning Ordinance. The purpose of the request is to allow the construction of a one thousand and eight (1008) square foot accessory building (storage for boat, and RV). The accessory building will be located on an adjacent lot he has purchased which has contiguous frontage.

Commissioner Harris made a motion, seconded by Commissioner Watson to recommend approval of the Conditional Use as requested.

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

Mrs. Yarborough suggested if the Board does approve use, that the conditions should be added that the property must sold together, and the lot with the accessory building can not be sold separately from the primary structure. Alderman Burke said that he wanted the property to be listed as 1 parcel. Mrs. Yarborough said this would require a subdivision plat amendment under §17-1-23.

A vote was called for with the following results:

Voting Yea: Richardson, Lafontaine & Piazza

Voting Nay: Burke

Absent: None

Re: William Beechwood, 1803 Henderson Street

William Beechwood, current owner of property commonly known as 1803 Henderson St., Legal Description: Lots 25 – 31, Block 81, BSL Land & Improvement Subdivision and Part of Abandoned New York Street, is requesting a variance from the City of Waveland Zoning Ordinance, Section 701.5 – Minimum Rear Yard for R-1 Single Family Residential District required twenty-five (25) feet. The variance request is to allow a six (6) foot rear yard requiring a variance of nineteen (19) feet from the required rear yard. The purpose of the variance request is to allow the owner to build an accessory structure that would be parallel to an existing small accessory structure, **the property must be sold together; the separate lot must not be sold separately.**

Commissioner Watson made a motion, seconded by Commissioner Adams to recommend approval of the Variance as requested.

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

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

Re: William Beechwood, 1803 Henderson Street

William Beechwood, owner of the property commonly known as, 1803 Henderson St., Legal Description: Lots 25 – 31, Block 81, BSL Land & Improvement Subdivision and Part of Abandoned New York Street, is requesting a Conditional Use for an accessory building containing more than five hundred (500) square feet as provided for in Section 601.2 (F) in the current Zoning Ordinance. The purpose of the request is to allow the construction of a five hundred and twelve (512) square foot accessory building for a wood working shop and storage.

Commissioner Watson made a motion, seconded by Commissioner Harris to recommend approval of the Conditional Use as requested.

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

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

Re: Donald Mosson, 169 Vacation Lane

Donald Mosson, owner of the property commonly known as, 169 Vacation; Legal Description: Lot 28 & East ½ of Lot 29, Holiday Hills Subdivision is requesting a Conditional Use for an accessory building containing more than five hundred (500) square feet as provided for in Section 601.2 (F) in the current Zoning Ordinance. The

purpose of the request is to allow the construction of a nine hundred (900) square foot accessory building for storage of a classic car collection.

Commissioner Harris made a motion, seconded by Commissioner Harris to recommend approval of the Conditional Use for an accessory structure of 1,080 square feet based on a request by the applicant to consider a larger structure than was originally requested to allow double parking of his classic cars in the building.

Alderman Lafontaine moved, seconded by Alderman Piazza to TABLE and remand to Planning and Zoning Commission.

Mrs. Yarborough expressed her concern regarding the request for the addition of square footage not being provided by notice to the surrounding property owners. Mrs. Yarborough explained that the notice would have provided a description of the size of the building. She said the said the building size can be decreased and not increased without proper notice to the public.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

***The following moved to the Recessed Meeting of January 16, 2019**

Motion to spread on the minutes the following appointments by Mayor Mike Smith in accordance with the Charter of the City of Waveland, as listed, (Items a-h).

- a) *City Clerk/Registrar of Voters -*
- b) *City Attorney -*
- c) *Police Chief -*
- d) *Fire Chief -*
- e) *Superintendent of Water and Gas and Utility Department -*
- f) *Municipal Judge -*
- g) *Prosecutor -*
- h) *Mayor pro tem -*

Motion to require and approve bonds, with sufficient surety, for an amount not less than Fifty Thousand Dollars (\$50,000), for the following officials, the premiums to be paid from the municipal general fund:

- a) *City Clerk/Registrar of Voters*
- b) *Police Chief*
- c) *Fire Chief*
- d) *Superintendent of Water and Gas and Utility Department*

Motion to spread on the minutes the following appointments to the Planning and Zoning Commission as submitted by the Mayor and each of the Aldermen for the term of 2018-2022:

- a) Ward 1 – Michael Adams
- b) Ward 2 – Clarence Harris
- c) Ward 3 – (Un-determined)
- d) Ward 4 – Charlotte Watson
- e) Mayor – Jim Meggett

ELECTIONS/APPOINTMENTS

Re: Name Mrs. Brenda McComb, Mr. Al Jeanfreau and Ms. Debbie Mason as Election Commissioners for the Term of 2019-2022

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Regular Meeting of January 2, 2019
6:30 p.m.

Alderman Burke moved, seconded by Alderman Richardson to appoint the following persons as Election Commissioners as submitted by the Mayor, requiring advice and consent of the Aldermen, for the term of 2019-2022:

- a) Brenda McComb
- b) Al Jeanfreau
- c) Debbie Mason

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

***The following moved to the recessed meeting of January 16, 2019**

Motion to approve the following appointments to the Civil Service Board, as submitted by the Board of Mayor and Aldermen, for the term of 2019-2022:

- a) Ward 1 –
- b) Ward 2 –
- c) Ward 3 –
- d) Ward 4 –
- e) Mayor –

FIRE DEPARTMENT/PERSONNEL

Re: Transfer of Firefighter Brandon Lafontaine from full time to part time and transfer Firefighter Joshua Bell from part time to full time

Alderman Burke moved, seconded by Alderman Richardson to approve the following personnel changes in the Fire Department:

- a) Transfer Firefighter Brandon Lafontaine from full-time to part-time, and change pay rate to \$9.00 per hour.
- b) Transfer Firefighter Joshua Bell from part-time to full-time at a rate of \$12.21 per hour. (This will replace Firefighter Lafontaine upon his resignation as a full-time Firefighter with the City of Waveland).

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

STREETS DEPARTMENT/PERSONNEL

Re: New Hire Mr. Michael Ray Linkous as Streets Laborer

Alderman Burke moved, seconded by Alderman Piazza to approve new hire Mr. Michael Ray Linkous as a Street's Laborer at a rate in the amount of \$11.00 per hour, pending passage of drug test.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

CHANGE ORDERS/MEADOW LANE SANITARY SEWER IMPROVEMENTS PROJECT

Re: Approve Change Order #2 from DNA Underground for Meadow Lane Sanitary Sewer Improvements Project increasing contract in the amount of \$63,780.00

Alderman Burke moved, seconded by Alderman Lafontaine to approve Change Order #2 from DNA Underground for the Meadow Lane Sanitary Sewer Improvements Project to increase the original scope of work to include necessary and incidental work for the replacement of existing corrugated metal culverts that are so corroded that the culverts crumble when they are exposed to install the new sewer laterals and clean outs. The requested Change Order #2 increases the contract price by \$63,780.00. Additionally, Change Order #2 is requesting an increase of 30 contract days relating to work already performed under previously approved Change Order #1. No contract days are being requested, at this time, for the additional scope of work contemplated under Change Order 2. **(EXHIBIT G)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

INVOICES/LIGHTHOUSE AND PUBLIC PAVILION/SANITARY SEWER IMPROVEMENTS PROJECT/MDOT PERMIT FOR GAS LINE FOR HIGHWAY 90 NEAR FARM BUREAU/COMMUNITY CENTER AT MLK PARK/MLK PARK COMMUNITY CENTER/CITYWIDE SIDEWALK STUDY/HIGHWAY 90 STREET LIGHT PROJECT/NICHOLSON AVENUE IMPROVEMENTS PROJECT

Re: Payment of Invoices submitted by various Contractors

Alderman Lafontaine 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

- a) Invoice No. 16325 from Eustis Engineering, LLC in the amount of \$818.25 for Geotechnical Professional Services – Lighthouse and Public Pavilion. **(EXHIBIT H)**
- b) Invoice 216-056-31 from Compton Engineering in the amount of \$47,208.00 – Sanitary Sewer Improvements Project. **(EXHIBIT I)**
- c) Invoice 215-068-24 from Compton Engineering in the amount of \$4,000.00 – Lighthouse and Public Pavilion-Construction Administration Phase. **(EXHIBIT J)**
- d) Invoice 215-068-25 from Compton Engineering in the amount of \$6,755.00 – Lighthouse and Public Pavilion- Construction Administration Phase - Environmental and Resident Project Representative. **(EXHIBIT K)**
- e) Invoice 218-066-1 from Compton Engineering in the amount of \$420.00 – Professional Fees for MDOT Permit for Gas Line Highway 90 near Farm Bureau. **(EXHIBIT L)**
- f) Invoice 216-021-28 from Compton Engineering in the amount of \$3,120.00 – Phase II Stormwater Program.
- g) Invoice 218-047-4 from Compton Engineering in the amount of \$5,675.00 – Community Center MLK Park. **(EXHIBIT M)**
- h) Invoice 216-060-14 from Compton Engineering in the amount of \$12,608.66- Citywide Sidewalk Study- Proj. No. STP-0274-00(010)LPA/107488-711000. **(EXHIBIT N)**

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6:30 p.m.

- i) Invoice 217-059-11 from Compton Engineering in the amount of \$7,105.67 – Highway 90 Street Light Relocation - Proj. No. HSIP-0003-01(192)/107127-201500. **(EXHIBIT P)**
- j) Invoice 217-043-13 from Compton Engineering in the amount of \$967.98- Nicholson Avenue Improvements Project - Proj. No. STP-9136-00(004)LPA/107516-701000. **(EXHIBIT Q)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

INVOICES/LIGHTHOUSE AND PUBLIC PAVILION PROJECT
Re: Payment Application #11 from Barnard & Sons Construction, LLC

Alderman Piazza moved, seconded by Alderman Lafontaine to approve Payment Application #11 from Barnard & Sons Construction, LLC, in the amount of \$170,897.40 for the Lighthouse and Public Pavilion Project. The substantial completion date for the project was December 10, 2018. The City reserves all rights and waives nothing regarding liquidated damages issues. **(EXHIBIT r)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

ELECTION/CHARTER
Re: Results of the December 4, 2018 Election

Alderman Piazza moved, seconded by Alderman Richardson to spread and record in the minutes the results of the December 4, 2018 election as required by Section 16 of the Charter of the City of Waveland. **(EXHIBIT S)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

RECESS MEETING
Re: Recess Meeting at 8:11 p.m.

Alderman Piazza moved, seconded by Alderman to recess this regular meeting until January 16, 2019 @ 6:30 p.m., as determined by the Board of Mayor and Aldermen.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

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Regular Meeting of January 2, 2019
6:30 p.m.

The foregoing minutes were presented to Mayor Smith on February 7, 2019.

Tammy Fayard
Deputy City Clerk

The Minutes of the Regular Meeting of January 2, 2019 have been read and approved by me on this, the 7th of February 2019.

Mike Smith
Mayor

