

Minutes
Regular Meeting of February 5, 2019
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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 February 5, 2019 at 6:30 p.m. to take action on the following matters of City business.

ROLL CALL

Mayor Smith noted for the record the presence of Aldermen Burke, Richardson, Lafontaine and Piazza, also present City Attorney Rachel Yarborough and Deputy City Clerk Ron Duckworth.

MAYOR'S REPORT

- A pre-construction meeting was held for the MLK Community Center and construction should be underway very soon.
- Mayor Smith said that he, Alderman Burke and Alderman Richardson recently visited the offices at the Mississippi Development Authority where a commitment for additional money was committed for the MLK Community Center.

CITY ATTORNEY'S COMMENTS

Re: Presented with no comments

ALDERMEN'S COMMENTS

Re: Alderman Richardson – Had no Comments

Re: Alderman Lafontaine

- Would like to review the costs of the gas system.

Re: Alderman Piazza

- Requested an update of the construction on Highway 90 and any issues with the upcoming Nereids Mardi Gras Parade. Engineer James Buras was present to discuss the issue.

Re: Alderman Burke -

- Discussed proposals for energy efficiency services, submitted January 8, 2019.
- Addressed cracking Central Avenue sidewalk between Coleman Avenue and Mollere Drive
- Discussed Central Avenue road surface condition and drainage between Lakeside Drive and Waveland-Bay St. Louis city limits.

DOCKET OF CLAIMS

Re: Claims

Alderman Burke moved, seconded by Alderman Lafontaine to approve the Docket of Claims in the amount of \$1,075,058.40 dated February 5, 2019 as submitted. **(EXHIBIT A)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

MINUTES

Re: Minutes January 2, 2019

Alderman Lafontaine moved, seconded by Alderman Piazza to approve the minutes of Regular Meeting of January 2, 2019 as submitted.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

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Voting Nay: None

Absent: None

Re: Minutes of the Recess Meeting of January 2, 2019 (Held on January 16, 2019)

Alderman Burke moved, seconded by Alderman Richardson to approve the Recessed Meeting of January 2, 2019, being held on January 16, 2019, as submitted.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

Re: Minutes of Regular Meeting of January 16, 2019

Alderman Burke moved, seconded by Alderman Piazza to approve the minutes of the Regular Meeting of January 16, 2019, as submitted.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

PLANNING AND ZONING (EXHIBIT B)

Re: Carol Irby & Rhonda Cubbedge, 231 Hillcrest Street

Carol Irby & Rhonda Cubbedge, owners of the property, and represented by Crane Builders, LLC., commonly known as 231 Hillcrest St., Legal Description: Pt of Lot 2 and all of Lot 3, Block 16, Vondrozkowsky's Subdivision, 1st Addition, is requesting a variance from the Minimum Side Yard of 15' as required by the Current Zoning Ordinance, Section 701.4 – 15 feet. The variance request is to allow a 9 foot side yard for the left side yard (from the street) which requires a 6 foot variance for that side yard.

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

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

Mrs. Yarborough said if the Board makes the finding to accept the recommendation of the Planning and Zoning Commission, it is necessarily finding that the requirements under Section 906.3 of the Waveland Planning and Zoning Ordinance have been met.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

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Re: Donald Mosson, 169 Vacation Lane

Donald Mosson, owner of the property commonly known as, 169 Vacation Lane; 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 one thousand and eighty (1,080) square foot accessory building for storage of a classic car collection.

Commissioner Adams made a motion, seconded by Commissioner Harris, to recommend approval of the conditional use as presented.

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 if the Board accepts the recommendation of the Planning and Zoning Commission to approve this conditional use, it is necessarily making the findings have been met under Section 1002.2.6 of the Waveland Planning and Zoning Ordinance.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

PLANNING AND ZONING/WORKSHOP/

Re: Hold a Public Workshop to Amend current Zoning Ordinance

Alderman Burke moved, seconded by Alderman Lafontaine to approve the Planning and Zoning Commission to advertise and hold a workshop on Monday February 25th at 6:00 PM in the Board Chamber Room to consider possible textual amendments to the Current Zoning Ordinance (Ordinance #349). The Sections of the Zoning Ordinance that will be reviewed for possible amendments include the following: Section 409 – Temporary Conditional Use of Recreational Vehicles during active residential construction; Section 408 – General Landscaping Requirements; Section 906.3 – Conditional Uses; and Section 811 – Penalties for Violation. The textual amendments and corrections primarily address fixing errors and propose adding sections and wording from Ordinances and Resolutions that have been passed by the previous and current Board of Alderman but not currently included in the text of the Zoning Ordinance. There is also a proposal to add requirements and related wording to strengthen the application process for removal of a Protected Tree. None of the proposed amendments include any changes to current Zoning District lines or requirements for any zoning district.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

CITY HALL/PERSONNEL

Re: New Hire Mr. Mickey Lagasse as City Clerk at a Salary of 60,000.00 per year

Alderman Burke moved, seconded by Alderman Lafontaine to approve hiring Mickey Lagasse as City Clerk at a salary of \$60,000.00 per year, pending passage of drug test.

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A vote was called for with the following results:

Voting Yea: Burke, Richardson, & Lafontaine

Voting Nay: Piazza

Absent: None

CITY HALL/STORMWATER PROGRAM

Re: Add Stormwater Coordination to the duties of City of Clerk at an increase of \$15,000.00 per year

Alderman Burke moved, seconded by Alderman Richardson to add Stormwater Coordinator to the duties of the City Clerk at an additional \$15,000.00 per year for those duties.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, & Lafontaine

Voting Nay: Piazza

Absent: None

CONTRACTS/STORMWATER PROGRAM

Re: Cancel Stormwater Contract with Compton Engineering

Alderman Lafontaine moved, seconded by Alderman Burke to cancel current Stormwater Contract with Compton Engineering, effective February 5, 2019.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

POLICE DEPARTMENT/PURCHASING/AMEND AGENDA

Re: Police Chief Mike Prendergast was present to discuss the purchase of a new Police vehicle to replace the vehicle totaled from an accident on October 11, 2018.

Re: To Amend Agenda to add a motion to approve to replace the vehicle involved in an accident in October of 2018

Alderman Lafontaine moved, seconded by Alderman Richardson to amend the agenda replace the damaged vehicle with a 2019 Ford Explorer, using the insurance proceeds and offset the remaining \$11,000.00 with cash from the reserve fund.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

Re: Motion to approve to replace the vehicle involved in an accident in October of 2018 with a 2019 Ford Explorer using insurance proceeds

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Alderman Lafontaine moved, seconded by Alderman Burke replace the damaged vehicle with a 2019 Ford Explorer, using the insurance proceeds and offset the remaining \$11,000.00 with cash from the reserve fund.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

HUMAN RESOURCES/PERSONNEL

Re: Human Resources employee Pamela Lafontaine enrollment in Think HR Program

Alderman Burke moved, seconded by Alderman Piazza to approve a request from Human Resources employee Pamela Lafontaine to enroll in the Think HR Program, in the amount \$50.00 annually payable to BSX Insurance. **(EXHIBIT C)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

HUMAN RESOURCES/PERSONNEL/HANDBOOK

Re: TABLE amendment to Handbook regarding FMLA Military Family Leave

Alderman Burke moved, seconded by Alderman Richardson to TABLE an amendment to the Employee Handbook, to include FMLA Military Family Leave.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

CITY HALL/TRAVEL

Re: City Clerk Mickey Lagasse to Southaven, Mississippi and Hattiesburg, Mississippi for Training

Alderman Burke moved, seconded by Alderman Richardson to approve the following travel for (Incoming) City Clerk Mickey Lagasse:

- a) Spring Conference of the Mississippi Municipal Clerks and Collectors Association, March 20-22, 2019, in Southaven, Mississippi. Cost to the City will be a registration fee in the amount of \$165.00, lodging for 3 nights, 4 days per diem and use of a City vehicle.
- b) Municipal Clerk's 2019 Spring Academy Program, April 8-10, 2019 in Hattiesburg, Mississippi. Cost to the City will be \$200.00 registration fee, lodging 2 nights, 3 days per diem and use of a City vehicle.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

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Voting Nay: None

Absent: None

RESOLUTIONS/BUSINESS CENTER/INCUBATOR-BUSINESS CENTER
Re: Resolution for the 12 year Lease of Waveland Business Center/Incubator

Alderman Lafontaine moved, seconded by Alderman Piazza to approve a Resolution related to 12 year lease for the Waveland Business Center/Incubator. **(EXHIBIT D)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

CHANGE ORDERS/HIGHWAY 90 UTILITY PROJECT
Re: Change Order No. 5 for Hydro Excavation-Highway 90 Utility Project

Alderman Burke moved, seconded by Alderman Lafontaine to approve Change Order No. 5 as submitted by Lamey Electric, Inc. and recommended by Compton Engineering, in the amount of \$37,087.50 to be added to the existing contract due to unforeseen conditions and utility conflicts, 15 lighting foundations in the south ROW of Highway 90 will require hydro-Excavation. **(EXHIBIT E)**

Mrs. Yarborough: Is Compton recommending the Change Order?

Mr (James) Buras (Compton Engineering) – Yes

Mrs. Yarborough: so in order for the Board to approve the Change Order, it's necessary that their be evidence presented that 1), the change Order is necessary and incidental to the original scope of the Contract, How is this Change Order necessary and incidental to the original scope of the contract.

Mr. Buras: this is going to allow the contractor do hydro-excavating, which will prevent them from nicking or breaking any utilites that are present right now.

Mrs. Yarborough: What was contemplated under the original Scope.

Mr. Buras: we thought under the original scope that he would be able to drill and bore and just dig out with a mini excavators and stuff like that. He hit one of MDOT's utility lines.

Mrs. Yarborough: So basically there are utility lines that weren't disclosed in the original utility liens that are causing these conflicts.

Mr. Buras: Correct they didn't have any type of locate wires.

Mrs. Yarborough: Okay, so in your opinion and Compton's opinion this Change Order is necessary and incidental to the original scope? The amount that has been prospered by the contractor, how is that commercially reasonable, how did they arrive at their figures?

Mr. Buras: they quoted it out to different subcontractors to see how much this was going to costs.

Mrs. Yarborough: Okay, and in Compton's opinion is this cost reason able compared to the work that is being don.

Mr. Buras: Yes

Mrs. Yarborough: As suggested by the Change Order?

Mr. Buras: yes.

Mrs. Yarborough: Are any, I guess that cost was just not included in the original bid process.

Mr. Buras: Correct, we didn't know that there were utilities there, because they weren't located, they didn't have any locate wires on top of them or attached to them. So whenever they started digging , they hit one and MDOT would rather us do this instead of taking a chance and hitting another. Because they're move expensive to repair.

Mrs. Yarborough: And due to that these changes in modification to the original contract are necessary.

Mr. Buras: Yes

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Mrs. Yarborough: And they would better serve the City of Waveland and it's residents.

Mr. Buras: Absolutely.

Mr. Duckworth: And they are all reimbursable by MDOT, is that correct?

Mr. Buras: Yes.

Mrs. Yarborough: So if the Board approves the change Order, it is making the necessary findings, on that the modification are necessary and would better serve the purpose of the City of Waveland and that the costs provided. By the Contractor are commercially reasonable and they are not made to circumvent the public purchasing statues, and that the changes are necessary and incidental to the original scope of the contract. All under 31-7 subsection g

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

BLIGHTED PROPERTY

614 Nicholson Avenue, Property Owner Matthew Adam, was present to discuss the issues related to his property

INVOICES/ROADWAY LIGHT UTILITY PROJECT/HIGHWAY 90 UTILITY PROJECT/CITYWIDE SIDEWALK STUDY/COMMUNITY CENTER-MLK/MLK COMMUNITY CENTER/LIGHTHOUSE AND PAVILION PROJECT/SANITARY SEWER IMPROVEMENTS PROJECT/MISSISSIPPI DEPARTMENT OF TRANSPORTATION/STORMWATER PROGRAM/TIDELANDS FUNDING/6TH STREET-GLADSTONE STREET-WAVELAND AVENUE

Re: Invoices submitted by various contracts

Alderman Piazza 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 **on subsection (l) that the City reserves all rights and waives nothing by the pay application considering that the contractual date of substantial completion has passed.** (if required), as listed (Items a-m):

- a) Pay Application #5 submitted by Lamey Electric in the amount of \$18,712.76 – roadway Lighting Utility Lighting and Utility Relocation at Highway 90. **(EXHIBIT F)**
- b) Invoice 217-05-12 from Compton Engineering, Inc. in the amount of \$11,567.75 – Highway 90 Utility Relocation Project. **(EXHIBIT G)**
- c) Invoice 216-060-15 from Compton Engineering Inc. in the amount of \$7,844.34 – Citywide Sidewalk Study. **(EXHIBIT H)**
- d) Invoice 218-047-5 from Compton Engineering Inc., in the amount of \$1,400.00 – Construction of MLK Community Center. **(EXHIBIT I)**
- e) Invoice 215-068-26 from Compton Engineering Inc., in the amount of \$2,000.00 – Lighthouse and Public Pavilion (Construction Phase) **(EXHIBIT J)**
- f) Invoice 215-068-27 from Compton Engineering, Inc., in the amount of \$5,150.00 – Lighthouse Public Pavilion Project (Construction Phase). **(EXHIBIT K)**
- g) Invoice 216-056-32 from Compton Engineering Inc., in the amount of \$31,598.75 – Sanitary Sewer Improvements project. **(EXHIBIT L)**
- h) Invoice 218-066-2 from Compton Engineering in the amount of \$270.00 – MDOT Permit for Gas Line Highway 603 hear Farm Bureau. **(EXHIBIT L)**
- i) Invoice 216-021-29 from Compton Engineering Inc., in the amount of \$1,560.00 – Phase II Stormwater Program. **(EXHIBIT M)**
- j) Invoice 216-056-33 from Compton Engineering, Inc., in the amount of \$2996.25 – Wanitary Sewer Improvements Project. **(EXHIBIT N)**
- k) Invoice 218-062-2 from Compton Engineering Inc., in the amount of \$1,100.00 – 2018 Tidelands Reporting. **(EXHIBIT O)**
- l) Payment Application #12 from Barnard & sons Construction, LLC in the amount of \$103,875.38 Lighthouse and Public Pavilion Project. **(EXHIBIT P)**

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- m) Pay Application #4 from Gulf Coast Underground, LLC., in the amount of \$387,629.03 – 6th Street Area, Gladstone Street Area and Waveland Cutoff Area Sanitary Sewer Improvements Project. **(EXHIBIT Q)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

ROADWAY LIGHTING PROJECT HIGHWAY 90/INVOICES/CORRESPONDENCE
Re: Correspondence correlating with Invoice submitted by Lamey Electric

Alderman Lafontaine moved, seconded by Alderman Piazza to approve the following Correspondence to Mr. Corando A. Lozano requesting reimbursement for construction costs incurred with MDOT Project in the amount of **\$18,712.76. (Agenda Item 19 a) (EXHIBIT R)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

PERSONNEL/STREETS DEPARTMENT/POLICE DEPARTMENT/CITY HALL

Spread on the minutes the following:

- a) Retirement of Howard O’Gwin from the Street’s Department, effective January 13, 2019.
- b) Resignation of Officer Steven Robin from the Police Department, effective January 18, 2019.
- c) Ron Duckworths resignation as City Clerk, effective immediately.

POLICE DEPARTMENT/APPOINTMENTS/AMEND AGENDA

Re: Appoint Officer Phillip Pavolini as Assistant Police Chief

Alderman Lafontaine moved, seconded by Alderman Richardson to approve appointing Lieutenant Phillip Pavolini as Assistant Police Chief, February 6, 2019.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

Re: Amend Agenda to include salary for Assistant Police Chief in the amount of \$45,890.21

Alderman Lafontaine moved, seconded by Alderman Piazza to amend the agenda to approve the salary for the Assistant Police Chief Phillip Pavolini to the budgeted amount. (\$45,890.21)

A vote was called for with the following results:

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Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

Re: Motion to approve the salary for Assistant Police Chief Phillip Pavolini in the amount of \$45,890.21

Alderman Lafontaine moved, seconded by Alderman Burke to approve the salary for the Assistant Police Chief Phillip Pavolini to the budgeted amount. (\$45,890.21)

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

Re: Name Officer David Allen as Chief of Investigations, effective January 16, 2019

Alderman Richardson moved, seconded by Alderman Piazza to approve naming David Allen as Chief Investigator at a rate of \$18.65, effective January 16, 2019.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

PUBLIC COMMENTS

Re: Mikelle Williamson

ADJOURN

Re: Adjourn the meeting at 7:39 p.m.

Alderman Piazza moved, seconded by Alderman Burke to adjourn the meeting at 7:39 p.m.

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 February 22, 2019.

Tammy Fayard
Deputy City Clerk

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The Minutes of the Regular Meeting of February 5, 2019 have been read and approved by me on this, the 22nd day of February, 2019.

Mike Smith
Mayor