

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 March 19, 2013 at 6:30 p.m. to take action on the following matters of City business.

#### **ROLL CALL**

Mayor Garcia noted for the record the presence of Aldermen Stahler, Geoffrey, Lafontaine and Kidd along with City Clerk Lisa Planchard and City Attorney Gary Yarborough.

#### **PUBLIC COMMENTS**

**Ms. Bernie Cullen** updated the Board members on progress with Relay for Life which is 38 days away and the events she has planned for the staff team to earn money on weekends for this donation.

**Mr. Alfred Harris** invited Board members to the Fishing Rodeo for Special Needs Children scheduled for April 5, 2014 from 10:00 to 1:00 pm. at the Pleasant Street Pier.

**Ms. Raquel Lafontaine** advised the Board of a Neighborhood Assist Program which is offering a \$25,000 grant, however the deadline is Sunday, March 23, 2014. She said anyone can apply via that State Farm website, with a very short application submittal. She read the three stipulations and noted that the grant causes are limited to safety, community development or education. Each individual may submit up to three applications.

**Mr. Jeremy Burke** asked the Board to please consider positively the agenda item dealing with economic development, the '*Urban Development Toolbox*' contract. He noted that the City does not have the finances or structure to hire someone of the caliber of Mr. Ashley Edwards, who recently spoke before the Board about this topic, but this agenda item is a golden opportunity to improve many roadblocks re: Economic Development needs in the City.

#### **MAYOR'S REPORT: (EXHIBIT A)**

- Waveland Civic Association's 50 th Anniversary St. Patrick's Day parade was a great success and well attended. Thanked Police, Fire, Public Works staff and Waveland Community Coalition for their assistance and hard work.
- MS. Dept. of Archives & History will consider the Old Waveland Elementary School for nomination to the National Register of Historic Places.

#### **ALDERMEN'S COMMENTS:**

**Re: Alderman Stahler** told audience members that Saturday, a week ago, was the Bay Waveland Garden Club Pilgrimage where the Old Waveland School/Ground Zero Museum was one of the stops. It was very well attended with many positive comments.

**Re: Alderman Geoffrey** had no comments.

**Re: Alderman Lafontaine** had no comments.

**Re: Alderman Kidd** announced that on March 14, 2014 he completed his Statement of Economic Interest online (MS. Ethics Commission website).

**ATTORNEY'S REPORT:** Mr. Yarborough announced that about a week ago the City submitted all documentation on the Pier and FEMA has received it. He said that he checked with Eric Church, MEMA Representative, today and the City still has no response but hopes to hear something soon. Another issue on the agenda is a request for Certificate of Substantial Completion as recommended by Compton Engineering on Dixon Contracting related to the Beach Volleyball Facility. He said we do have a final pay application #2 from Dixon with the request for Substantial Completion; he asks that the Board consider that on the agenda also, so it would be a motion to approve Pay Application #2 from Dixon Contracting Group, LLC. in the amount of \$7,624.25 on the Beach Volleyball Facility, subject to them providing consent and release of surety.

#### **MINUTES**

**Re: Minutes of the Regular Meeting of March 4, 2014.**

Alderman Geoffrey moved, seconded by Alderman Kidd to approve the Minutes of the Meeting of March 4, 2014 as submitted.

A vote was called for with the following results:

Voting Yea: Stahler Geoffrey, and Kidd

Abstain: Lafontaine

Voting Nay: None

Absent: None

**RSVP**

**Re: Claims**

Alderman Geoffrey moved, seconded by Alderman Lafontaine to approve the RSVP Claims as submitted. **(EXHIBIT B)**

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine, and Kidd

Voting Nay: None

Absent: None

**DOCKET OF CLAIMS**

**Re: Claims**

Alderman Kidd moved, seconded by Alderman Lafontaine to approve the Docket of Claims dated March 19, 2014. **(EXHIBIT C)**

001 Fund – 536 to 587

099 Fund – None

100 Fund – 18 to 19

101 Fund – None

102 Fund – 11 to 15

103 Fund – 15

104 Fund – None

105 Fund – None

124 Fund – 19

125 Fund – 18 to 19

126 Fund – 16 to 19

127 Fund – 7 to 8

200 Fund – None

313 Fund – 10 to 11

400 Fund – 244 to 264

601 Fund – None

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine, and Kidd

Voting Nay: None

Absent: None

**PUBLIC APPEARANCE/WiFi/INTERNET CONNECTION/PIER/ BEACH VOLLEYBALL FACILITY/ VETERANS MEMORIAL**

**Re: Mr. Joe Miller, CEO of *DSL by Air***

Mr. Joe Miller, CEO of *DSL by Air* was present to discuss bringing WIFI (High Speed Broadband) to the area of the Pier, Beach Volleyball Facility and Veterans Memorial area. Mr. Wes Griffin (IT Director – Hancock Medical) was also present to offer credibility to this proposal and explain this opportunity available to the Board at little to no cost to the City. He noted they are currently in discussions with Bay St. Louis for the same, along with putting IP (wireless) Video Cameras in high crime areas and their new Marina at a \$0 cost and will feed the data back to the Police Department. Their goal is to leverage infrastructure and technology to provide communications service at a reduced cost. He said that if the City is paying for internet services at the lift station sites to assist with reading electronic meters, this could be leveraged by the IT infrastructure on this to deliver those services back to the central collection points at a \$0 cost. Wes said they have the capability of installing transmitters throughout the City to provide ease and reduced cost in reading electronic meters by not having to drive the streets to pick up the meter radio signals, but still deliver the data back to the central office. Mr. Miller is asking for a one-time equipment setup cost (not retail cost) for the actual equipment; thereafter the recurring internet costs would be \$0. Wes said Mr. Miller is willing to do this for the City free of charge for vertical access to the City's water towers. Wes told Board members this would give a marketing advantage to the City by providing internet access along the Beach area from the Veterans Memorial to the Beach Volleyball facility. Mayor Garcia said the Board would also be interested in cameras at the Veterans Monument, the Pier and the Beach Volleyball Facility areas because of potential vandalism problems as evidenced in the past. Mr. Griffin noted in closing that around each water tower site there is approximately a 3 mile serviceable radius area providing WiFi. The Board asked Mr. Miller to submit a contract for the next Board meeting. Mr. Miller said that the cameras he uses cost approximately \$400 each, are wireless and can perhaps be viewed via DVR at the Police Station by monitor. Mr. Griffin recommended bringing Chief David Allen in on the design phase. Alderman Lafontaine asked for more information on wireless meter reading.

#### **PROCLAMATIONS/CHILD ABUSE PREVENTION MONTH**

##### **Re: Declare April 2014 as National Child Abuse Prevention Month**

Alderman Stahler moved, seconded by Alderman Kidd to approve Proclamation declaring April 2014 as Child Abuse Prevention Month to support all efforts to reduce the incidence of child abuse and neglect and adequately care for children who have suffered from abuse or neglect. **(EXHIBIT D)**

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine, and Kidd

Voting Nay: None

Absent: None

#### **PROCLAMATION/SAFE DIGGING MONTH**

##### **Re: Declare April 2014 as Safe Digging Month**

Alderman Stahler moved, seconded by Alderman Geoffrey to approve Proclamation declaring April 2014 as Safe Digging Month, encouraging homeowners and excavators throughout the City of Waveland to always call 811 before digging. **(EXHIBIT E)**

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine, and Kidd

Voting Nay: None

Absent: None

#### **AGREEMENTS/CONTRACTS**

##### **Re: Agreement with Urban Development Toolbox, LLC (Mr. Laurence Leyens)**

Alderman Kidd moved, seconded by Alderman Stahler to approve agreement with Urban Development Toolbox, LLC. (Mr. Laurence Leyens) engaged as an independent contractor to render services with the

City of Waveland to assist with future planning, review of zoning laws, assessment of code enforcement practices, assistance with the creation of marketing initiatives and assistance in the development and adoption of economic development incentive tools necessary to attract private sector investment dollars; pending review by City Attorney. (As Tabled March 4, 2014)

During discussion Board members raised numerous questions as to what the \$15,000 would provide the City. Alderman Stahler recommended that Board members call Mr. Leyens to get the answers to their questions answered. She said he's met with the Board twice and has explained what he can do and that he has an extensive positive history with other MS. municipalities re: economic development. She said she had spoken with many Mayors at MML who have used Mr. Leyens and she believes if you want someone with credentials who can do the job you will have to pay for it. Alderman Stahler offered to give other Board members the phone numbers of those Mayors who have hired Mr. Leyens so they can get some of their questions answered. Mayor Garcia would like to know how far Mr. Leyens feels he can take the City for \$15,000. Mr. Lafontaine said he did not feel \$15,000 was a lot of money considering we could get a hotel here; he said the problem is, "If this is for \$15,000, are we going to get that far along. How far are we going to get." Mayor Garcia and Alderman Lafontaine said they would be calling Mr. Leyens tomorrow.

**Re: Withdraw Motion related to Approving Agreement with Urban Development Toolbox, LLC.**

Alderman Kidd moved, seconded by Alderman Stahler to withdraw motion to approve agreement with Urban Development Toolbox, LLC. (Mr. Laurence Leyens) engaged as an independent contractor to render services with the City of Waveland to assist with future planning, review of zoning laws, assessment of code enforcement practices, assistance with the creation of marketing initiatives and assistance in the development and adoption of economic development incentive tools necessary to attract private sector investment dollars.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine, and Kidd

Voting Nay: None

Absent: None

**Re: Table Agreement with Urban Development Toolbox, LLC.**

Alderman Kidd moved, seconded by Alderman Stahler to **TABLE** agreement with Urban Development Toolbox, LLC. (Mr. Laurence Leyens) engaged as an independent contractor to render services with the City of Waveland to assist with future planning, review of zoning laws, assessment of code enforcement practices, assistance with the creation of marketing initiatives and assistance in the development and adoption of economic development incentive tools necessary to attract private sector investment dollars; pending review by City Attorney. Motion has been tabled to provide Board members an opportunity to call Mr. Leyens and have some of their questions answered.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine, and Kidd

Voting Nay: None

Absent: None

**CASA OF HANCOCK COUNTY/DONATIONS**

**Re: Payment to CASA of Hancock County**

Alderman Lafontaine moved, seconded by Alderman Kidd to approve payment to CASA of Hancock County in the amount of \$1,000 (originally verbally requested within Public Comments by Ms. Jennifer Kopke at the 9/3/13 meeting, and Mayor & Board indicated approval). (On Current Docket)

During discussion, City Attorney Gary Yarborough noted that MS. Code Section 21-19-45 allows donations to Court Appointed Special Advocates.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine, and Kidd

Voting Nay: None

Absent: None

**VOLLEYBALL/BEACH VOLLEYBALL FACILITY/SUBSTANTIAL COMPLETION  
CERTIFICATE/INVOICES**

**Re: Substantial Completion Certificate & Pay Application #2 from Dixon Contracting Group, LLC.**

Alderman Geoffrey moved, seconded by Alderman Lafontaine to approve Substantial Completion Certificate from Dixon Contracting Group, LLC. - Beach Volleyball Facility and approval of final Pay Application #2 in the amount of \$7,624.25, subject to Dixon providing consent and release of surety.

During discussion, City Attorney Yarborough said that the request for Certificate of Substantial Completion is recommended by Compton Engineering; Mickey Lagasse is here to speak on behalf of them if need be. He said that Pay Application #2 is for payment which will be closeout payment. Compton Engineering has submitted that balance of \$7,624.25; they have, in that, recommended zero rain days. There is a provision allowing for liquidated damages. Mr. Lagasse does not have that number for us, but it would frankly be in excess of what the contract price was, so if you are approving the invoice you can do it and waive liquidated damages or you can assess liquidated damages. Additional engineering fees by Compton in excess of the contract will not be charged by Compton, according to Mickey Lagasse. Mr. Yarborough said, "Let the record reflect that Mr. Lagasse indicates that the purpose of liquidated damages is in lieu of proving actual losses and cost in a contract, but that is within your discretion whether to waive those or to assess liquidated damages."

Alderman Lafontaine requested to enter Executive Session to discuss these contractual issues.

**EXECUTIVE SESSION**

**Re: Contractual Issues: Dixon Contracting Group, LLC. - Beach Volleyball Facility**

Alderman Lafontaine moved, seconded by Alderman Kidd to consider entering Executive Session to prompt a closed discussion regarding contractual issues related to Dixon Contracting Group, LLC.- Beach Volleyball Facility.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine, and Kidd

Voting Nay: None

Absent: None

Alderman Geoffrey moved, seconded by Alderman Lafontaine to enter Executive Session regarding contractual issues related to Dixon Contracting Group, LLC.-Beach Volleyball Facility.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine, and Kidd

Voting Nay: None

Absent: None

Alderman Stahler moved, seconded by Alderman Geoffrey to exit Executive Session with no action taken.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine, and Kidd

Voting Nay: None

Absent: None

**VOLLEYBALL/BEACH VOLLEYBALL FACILITY/SUBSTANTIAL COMPLETION  
CERTIFICATE/INVOICES**

**Re: Substantial Completion Certificate & Pay Application #2 from Dixon Contracting Group, LLC.**

Alderman Geoffrey moved, seconded by Alderman Lafontaine to approve Substantial Completion Certificate from Dixon Contracting Group, LLC - Beach Volleyball Facility and approval of final Pay Application #2 in the amount of \$7,624.25, contingent upon Dixon Contracting Group, LLC. submitting all closeout documentation and providing consent and release of surety. **(EXHIBIT F)**

During discussion, City Attorney Yarborough said, "It is my recommendation, 1) Liquidated damages are intended to be assessed to cure for actual losses sustained by the owner; in the project here, Compton is waiving any additional fees they had that would have been in excess of the contract so that the City does not have those losses. State Law also requires that liquidated damages correlate to the amount of the contract; here they would exceed the contract so I think we would probably be violating State Law as concerns the amount of liquidated damages and also anything that would be collected. 1) You would have cost of litigation as well as payment and likely to the Engineer, so my recommendation is that you waive the liquidated damages assessment.

A vote was called for (including waiving the liquidated damages) with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine, and Kidd

Voting Nay: None

Absent: None

**RESTRICTED FUNDS/DONATIONS/KEEP WAVELAND BEAUTIFUL**

**Re: Restricted Funds Donated by Keep Waveland Beautiful**

Alderman Geoffrey moved, seconded by Alderman Lafontaine to accept 'in the Minutes' the Restricted Funds Donation from Keep Waveland Beautiful in the amount of \$433.43. Actual funds were received 2/21/2014. **(EXHIBIT G)**

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine, and Kidd

Voting Nay: None

Absent: None

**BIDS/RESIDENTIAL DEMOLITION AND DEBRIS REMOVAL/HMGP PROPERTY  
ACQUISITION PROJECT/DEMOLITION**

**Re: Morreale Construction, LLC as Lowest, Best and Most Responsive Bidder for Residential Demolition & Debris Removal for the HMGP Property Acquisition Project**

Alderman Kidd moved, seconded by Alderman Geoffrey to approve Morreale Construction LLC. as the lowest, best and most responsive bidder for the Residential Demolition & Debris Removal /HMGP Property Acquisition Project, in the total amount of \$11,877.00 for a total of 3 properties; namely 200 Venus Street- \$3,400; 11036 Garfield St. - \$5,108.00 and 4265 Pacific St.- \$3,369.00 pending review by City Attorney Gary Yarborough. **(EXHIBIT H)**

City Attorney Yarborough said he has reviewed the bids and they are in order.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine, and Kidd

Voting Nay: None

Absent: None

**CONTRACTS/HMGP PROPERTY ACQUISITION PROJECT/RESIDENTIAL DEMOLITION  
& DEBRIS REMOVAL/DEMOLITION**

**Re: Contracts with Morreale Construction, LLC for Property Demolition**

Alderman Kidd moved, seconded by Alderman Lafontaine to approve the following demolition contracts between Morreale Construction LLC. and the City of Waveland for the Residential Demolition and Debris Removal/HMGP Property Acquisition Project for the following properties being listed (a-c), pending review by City Attorney Gary Yarborough: (Items a-c) **(EXHIBIT I)**

- a. 200 Venus Street, Waveland, MS/Contract Price of \$3,400.00
- b. 4265 Pacific Street, Waveland, MS/Contract Price of \$3,369.00
- c. 11036 Garfield Street, Waveland MS/Contract Price of \$5,108.00

During discussion, City Attorney Yarborough said he has reviewed the contracts and has no changes.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine, and Kidd

Voting Nay: None

Absent: None

**POLICE DEPARTMENT/GRANTS/STOP VIOLENCE AGAINST WOMEN/MISSISSIPPI  
DEPARTMENT OF PUBLIC SAFETY**

**Re: Application for Stop Violence Against Women Grant**

Alderman Lafontaine moved, seconded by Alderman Geoffrey to apply for a Stop Violence Against Women (Investigator David Buckley) Grant from the Mississippi Department of Public Safety in the amount of \$54,701.52. The grant will cover the period July 1, 2014 through June 30, 2015 and the application is due March 28, 2014. This is a 75/25 grant, with the City's match in the amount of \$13,675.38. **(EXHIBIT J)**

Lt. Cowand explained that this is a continuation grant... from the prior year.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine, and Kidd

Voting Nay: None

Absent: None

**POLICE DEPARTMENT/LAW ENFORCEMENT TRAINING ACADEMY/TRAVEL**

**Re: Officers Benjamin Bowden and William Cotter to attend the Harrison County Law Enforcement Training Academy**

Alderman Geoffrey moved, seconded by Alderman Stahler to approve Officer Benjamin Bowden and Officer William Cotter attending the Harrison County Law Enforcement Training Academy beginning April 27, 2014 and ending July 11, 2014 with graduation. Cost of the academy is \$3,600 each; total of \$7,200; which will be reimbursed 100% by the State of Mississippi after successful completion.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine, and Kidd

Voting Nay: None

Absent: None

**PROPOSALS/WEBSITE & SOCIAL MEDIA CONSULTANT/PERSONNEL/PUBLIC WORKS DEPARTMENT/STREETS DEPARTMENT/STATEMENT OF ECONOMIC INTEREST 2013/CITY HALL/REVENUES AND EXPENDITURES REPORT**

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

- a. Proposals for website and social media consultant for the City of Waveland were received prior to this meeting and have been taken under advisement.
- b. Hire of Maconnelly Piazza as Streets Laborer at \$9.00 per hour effective March 11, 2014 at the recommendation of Mr. Brent Anderson, Public Works Director; as approved by the Board at their regular meeting of 3/4/14.
- c. Mayor David Garcia's Statement of Economic Interest for year 2013 filed 2/12/2014. **(EXHIBIT K)**
- d. Alderman Shane Lafontaine's Statement of Economic Interest for year 2013 filed 3/12/2014. **(EXHIBIT K)**
- e. Alderman Ricky Geoffrey's Statement of Economic Interest for year 2013 filed 3/13/2014 **(EXHIBIT K)**
- f. The Revenues and Expenditures Report for the month of February 28, 2014, presented at this the second meeting of March, 2014, by Comptroller Linda Elias. **(EXHIBIT L)**

**TRAVEL/CITY HALL/FIRE DEPARTMENT**

**Re: Travel for Mayor Garcia & Fire Chief Mike Smith to attend the AFMM 2014 Conference**

**Re: Travel for Fire Fighters Cuevas, Butcher, Carver, Burchett, Monju, and Piazza to attend Aerial Operators Course for Ladder Truck Certification**

**Re: City Clerk Lisa Planchard to attend the Municipal Clerks Certification Program in Hattiesburg, MS.**

Alderman Lafontaine moved, seconded by Alderman Stahler to approve the following travel as listed: (Items a - c):

- a. Mayor Garcia & Fire Chief Mike Smith to attend the AFMM (Association of Floodplain Managers of Mississippi) 2014 Spring Conference at the Hard Rock Hotel in Biloxi, MS. from April 29 through May 2, 2014. Cost to the City will be Registration fee of \$100 each and use of a City vehicle.
- b. Fire Department Shift Supervisors Lt. Kent Cuevas, Lt. James Butcher and Lt. Tommy Carver, along with Firefighters Tim Burchett, Mike Monju and Casey Piazza to attend an Aerial Operators course at the St. Tammany Training Center for certification on the recently purchased ladder truck. Cost to the City will be a book fee of \$50.00 each and testing fee of \$80.00 each for a total cost for the six students of \$780.00. A City vehicle will provide transportation. This is a savings to the City of over \$19,000.00 for the opportunity to attend the St. Tammany facility rather than the MS. State Fire Academy.
- c. Motion to approve travel for City Clerk Lisa Planchard to attend the Certification Program for Municipal Clerks, Tax Collectors and Deputies in Hattiesburg, April 9-11, 2014. (This course had been previously approved for February attendance but was cancelled and was rescheduled due to serious winter weather conditions). Cost to the City will be lodging for 2 nights, 2 days per diem and use of a City vehicle.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine, and Kidd

Voting Nay: None

Absent: None

**AGREEMENTS/CONTRACTS/CONTRACT EXHIBITS/HANCOCK COUNTY UTILITY AUTHORITY**

**Re: Service Agreement/Exhibit 'A' with Hancock County Utility Authority**

Alderman Stahler moved, seconded by Alderman Lafontaine to approve Exhibit "A" to the Service Agreement between the City of Waveland and the Hancock County Utility Authority; the wholesale water rate schedule for fiscal year 2013-2014. **(EXHIBIT M)**

During discussion City Attorney Yarborough said, "This is the exhibit, if you remember we have had the issue with 'Exhibit A; not being part of any agreement we have. This is what they're proposing as the 'Exhibit A' to the contract. So that would be a flat fee of a lease that amount irrespective of how much water we use plus \$.35 per gallon over." Alderman Lafontaine said, "Now hasn't this number changed." Mr. Yarborough answered, "It has never been approved on our Board minutes." Alderman Kidd said, "The way I look at it we have plenty of water and to be paying them a monthly rate, I could be paying for something else around the City." Mr. Yarborough said, "They're probably going to charge you a cost. As far as a contract, what we have currently in place is probably not a contract because it was never approved, even though a representative of the Board of the City of Waveland signed it, he did it without Board approval and it's void as a matter of law because it doesn't have terms in it. This is what they're proposing as the terms of the contract. To answer your question, practically, we are a member of the Hancock County Utility Authority and we have an obligation under our other contract to pay a proportion of the cost. Whether we accept water or not, they're probably going to charge us that as a cost. So there are two questions, "Do we have a contract?" "No, we don't have a contract." "Are they going to charge us costs?" "Yes, they're going to charge us costs." If they have costs with whatever the association is, they're going to charge that based on the pro-rata adjustment we have to the contract in place. If there's a cost, one way or another we're probably going to be paying some costs of it. Do we have a contract, "No." This 'Exhibit A' would be to form a contract." He said right now we have a separate contract to pay a flow of our proportionate share, but if this wastewater is a cost to them, that will be included in the costs that are divvied up through the wastewater agreement. Mr. Yarborough said, "So the question is, do you want a contract for water; and that is within your rights." Mr. Brent Anderson entered the room and added that our water quality is completely different from what they have. "Utility Authority wanted to do a test trial on the master meter on Waveland Ave. and I refused it." "I pulled samples on one of their samples coming in and it's nowhere near our quality of water and if you put something in our system like that, it costs the City thousands of dollars in chlorine just to get it back to our standards. Right now, I'm proud to say we're one of the top three water qualities in the State of MS. right now." Alderman Lafontaine said, "Can we get copies of those samples". Mr. Anderson said, "Oh, I've got them don't worry. Every water sample taken in this City is recorded with the State Health Department and filed." Alderman Lafontaine said, "Of their water samples... that way we can bring this to the Utility Authority." Mr. Anderson replied, "I didn't run their sample, I tested on our chlorine machine; I didn't run it through the health department through the lab because it costs." Alderman Stahler said, "I think it would be worth paying for the cost whatever the cost is." Alderman Lafontaine said, "I agree." Mr. Anderson said, "I'll be more than happy to come be the bearer of bad news at your next meeting, but I'll tell you right now: unless you as the Board and the Mayor instruct me, I'm not taking that water... until they do something with the quality of their product. And the problem is that they have so much capacity on that line with such little use that the water's going to stay like that; they'll never meet our standard." Alderman Lafontaine asked, "How quick can you get a sample back?" Anderson replied, "Two days.... and to be honest with you (their water) it had almost a zero quantity of chlorine in it." Board members requested Mr. Anderson attends the next Utility Authority meeting with Alderman Stahler and address the City's concerns. Mr. Anderson said he would pull two different samples from two different locations (theirs) and have them tested. Alderman Stahler said their next meeting is April 8, 2014 at 2:30 pm.

A vote was called for with the following results:

Voting Yea: None

Voting Nay: Geoffrey, Lafontaine, Kidd

Absent: None

Abstain: Stahler

**BEACH FACILITY IMPROVEMENTS PROJECT/VETERANS MEMORIAL/BEACH VOLLEYBALL FACILITY/VOLLEYBALL FACILITY/WEST JEFF DAVIS SEWER SYSTEM IMPROVEMENTS PROJECT/JEFF DAVIS CONNECTOR SEWERS AND PAVING PROJECT/WATER SYSTEM EXTENSION ANNEXED AREA PROJECT/HMGP CITYWIDE DRAINAGE IMPROVEMENTS PROJECT/CITYWIDE DRAINAGE IMPROVEMENTS PROJECT**

Alderman Lafontaine moved, seconded by Alderman Geoffrey to approve the following invoices submitted by various contractors and vendors and recommended to be placed in line for payment consideration contingent upon receiving funding from grant source, as listed (Items a - g):

**(EXHIBIT N)**

- a. Payment Application #3 from David Rush Construction, LLC in the amount of \$51,717.87 – Beach Facility Improvements Project, Veterans Memorial Repairs Project.
- b. Payment Application No. 1 from Dixon Contracting Group, LLC in the amount of \$21,360.75 – Beach Volleyball Facility.
- c. Invoice No. 702-36-10A from Digital Engineering in the amount of \$9,595.52 – West Jeff Davis Sewer System Improvements Project.
- d. Invoice No. 702-38-09A from Digital Engineering in the amount of \$3,500.00 – Jeff Davis Connector Sewers and Paving Project.
- e. Invoice No. 702-40-09 from Digital Engineering in the amount of \$1,000.00 – Water System Extension, Annexed Area Project.
- f. Invoice No. X17328590 from AMEC Environment & Infrastructure in the amount of \$1,056.38 – HMGP Citywide Drainage Improvements Project.
- g. Invoice No. 0073429 from Pickering Firm, Inc. in the amount of \$9,933.00 – Citywide Drainage Improvements Project.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine, and Kidd

Voting Nay: None

Absent: None

**VEHICLE DAMAGE/DEWAYNE BENOIT**

**Re: Reimburse Mr. Dewayne Benoit for vehicle damages - TABLED**

Alderman Geoffrey moved, seconded by Alderman Stahler to approve payment to Mr. Dewayne Benoit the amount of \$280.50 to reimburse him for damage to his vehicle. (On Current Docket)

During discussion, Alderman Kidd asked whether this is something the City can even pay for. City Attorney Gary Yarborough said, “You can do this if you accept liability for it and if you do that, I would suggest that you only do it contingent upon a full and final release.” Alderman Kidd asked Mr. Anderson if he was present and saw the holes in the road. Mr. Anderson said, “You don’t want to hear me comment on this. I didn’t see where he was talking about, I’ll leave it at that. I have a city employee that lives on that street and I don’t know what he hit, I wasn’t out there and I didn’t see the report. I went out there personally on the street, but I didn’t see anything... I don’t know what he hit.” Mr. Yarborough said he would suggest that that if there is no employee that can substantiate this, and we can’t substantiate this on our own, we either table it or vote “no”. Alderman Stahler suggested to table and have Officer Richardson at the next meeting.

Alderman Geoffrey moved, seconded by Alderman Stahler to withdraw his motion for payment to Mr. Dewayne Benoit the amount of \$280.50 to reimburse him for damage to his vehicle.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine, and Kidd

Voting Nay: None

Absent: None

Alderman Geoffrey moved, seconded by Alderman Stahler to **TABLE** payment to Mr. Dewayne Benoit the amount of \$280.50 to reimburse him for damage to his vehicle.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine, and Kidd

Voting Nay: None

Absent: None

**PAVING PROJECT/THEATER/MCLAURIN STREET**  
**Re: Rescind Motion Regarding Paving of Street in front of Theater**

Alderman Kidd moved, seconded by Alderman Stahler to rescind motion of 3/4/14 to consider and approve paving the unnamed street in front of the Movie Theater perpendicular to McLaurin Street north of Hwy 90, pending City Attorney review and approval. Subsequent research by Compton Engineering has determined that this street easement is privately owned.

City Attorney Yarborough said, "And I thus, do not give my approval." Mr. Yarborough said he would have to do a title search on this easement.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, and Kidd

Voting Nay: None

Abstain: Lafontaine

Absent: None

**LITTLE LEAGUE BASEBALL/ADVERTISEMENT**  
**Re: Sponsor Little League Team in Bay St. Louis and Purchase a Sign**

Alderman Kidd moved, seconded by Alderman Lafontaine to approve sponsorship of Bay St. Louis Little League team in the amount of \$400.00 and a sign for an additional \$200.00.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine, and Kidd

Voting Nay: None

Absent: None

**ADJOURN**  
**Re: Adjourn Meeting at 8:20 p.m.**

Alderman Kidd moved, seconded by Alderman Geoffrey to adjourn the meeting at 8:20 p.m.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine, and Kidd

Voting Nay: None

Absent: None

The foregoing minutes were presented to Mayor Garcia on April 4, 2014.

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

The Minutes of March 19, 2014 have been read and approved by me on this day the 4<sup>th</sup> day of April, 2014.

\_\_\_\_\_  
David A. Garcia  
Mayor

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