

The Board of Mayor and Aldermen of the City of Waveland, Mississippi, met in regular session at the Waveland City Hall Board Room 301 Coleman Avenue, Waveland, MS. on September 16, 2015 at 6:30 p.m. to take action on the following matters of City business.

PUBLIC COMMENTS:

- Chad Whitney
- Jerry West
- Mikelle Williamson
- Al Jensen

ROLL CALL

Mayor Smith noted for the record the presence of Aldermen Burke, Richardson, and Lafontaine along with City Clerk Lisa Planchard and City Attorney Rachel P. Yarborough. Absent from the meeting Alderman Piazza.

MAYOR'S COMMENTS: (EXHIBIT A)

RSVP CLAIMS

Re: Claims

Alderman Burke 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: Burke, Richardson, and Lafontaine

Voting Nay: None

Absent: Piazza

CITY ATTORNEY COMMENTS:

Ms. Yarborough asked for a motion to rescind the 9/1/15 Waggoner Engineering approved contract, followed by a request for motion to approve and authorize a reimbursement agreement between the City and MDA for use of Waggoner Engineering for construction engineering and management of the Police Department Building.

MINUTES/CONTRACTS

Re: Rescind Motion of 9/1/15 regarding to Waggoner Engineering Contract

Alderman Burke moved, seconded by Alderman Richardson to rescind the motion of 9/1/2015 regarding Waggoner Engineering Contract with the City of Waveland.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, and Lafontaine

Voting Nay: None

Absent: Piazza

AGREEMENTS/CONTRACTS/PROJECTS/POLICE DEPARTMENT BUILDING

Re: Reimbursement Agreement with MDA for Construction Engineering and Management

Alderman Burke moved, seconded by Alderman Lafontaine to approve and authorize a Reimbursement Agreement between the City and MDA for use of Waggoner Engineering for construction engineering and management of the Police Department Building, with that agreement being subject to City Attorney Review. **(EXHIBIT C)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, and Lafontaine

Voting Nay: None

Absent: Piazza

MAYOR'S REPORT/AWARDS

Re: Present the following with 'Employee of the Month' award.

- Investigator David Buckley – June, 2015
- Public Works Department – July, 2015 for their assistance with the 4th of July event
- April Chevis – Personnel Director, August, 2015

Re: Discussed recent meetings with potential business owners that are interested in property on Coleman Avenue.

ALDERMEN'S COMMENTS

Re: Alderman Burke

- Noted concern for the citizens not being notified when a Boil Water Notice had been lifted.
- Expressed concern about Emergency vehicles or Garbage Service being able to travel on Grosvenor Place due to the Street being closed re: the Citywide Drainage Improvements Project.

Re: Alderman Richardson

- Provided an update from his visit to the Police Department Construction site.
- Nails from repair work done at the Gex Park were found in the playground area; asked that they be picked up so children won't step on them.

Re: Alderman Lafontaine

- Requested Department Head be present to answer various questions re: Water, Sewer, Meters, and Drainage issues.
- Provided the Board with flyers related to Mr. Willie Lepine's neighborhood celebration of the Cruisin' the Coast © event. Alderman Lafontaine asked if Edna Street could be made a one-way street for the day of the event.
- The Hancock County Utility Authority has adopted their Annual Budget. He said the Utility Authority Board has decided to sell water to the City of Waveland based on flow; with the flow formula the City would be paying from \$1300 to \$1500 per month to HCUA for the annexed area. Mr. David Pitalo was present, who told Municipal Board members that HCUA is looking for a commitment of \$3,000/month from Waveland and \$3,000 from the City of Bay St. Louis.

City Attorney Rachel Yarborough said she spoke with Heather Ladner of the Utility Authority, and it was determined that the City would put together a small committee to draft a document together with the Utility Authority to then present to the Board of Mayor and Aldermen after Ms. Yarborough's review. As a starting point, the City and HCUA would define the areas where water will be provided and include all those terms that the City would like and that the HCUA would like and then go from there. We still have the outstanding MOU on the Master Meter because we have that piping out there that's waiting; that would also be included in that agreement. Mr. Pitalo did say that the water cost may be \$2,800 one month and \$3,200 the next month, but should average \$3,000 over the long term. Ms. Yarborough said the City has committed \$5,000 per month up to 9/30/15. Mr. Pitalo said, "You may have committed, but you haven't been paying anything." Mr. Pitalo said he had a 2-3 page agreement that he could give to Ms. Yarborough for her to review and revise, along with the MOU that she will draft.

DOCKET OF CLAIMS

Re: Claims

Alderman Burke moved, seconded by Alderman Lafontaine to approve the Docket of Claims (less the Streets Payroll portion) in the amount of \$549,797.21 dated September 16, 2015 as submitted.

(EXHIBIT D)

A vote was called for with the following results:

Voting Yea: Burke, Richardson, and Lafontaine

Voting Nay: None

Absent: Piazza

MINUTES

Re: Minutes of the Regular Meetings of August 19, 2015 and September 1, 2015 and the Special Meetings of September 3, 2015 and September 10, 2015

Alderman Burke moved, seconded by Alderman Lafontaine to approve the Minutes of the Regular Meeting of August 19, 2015, the Minutes of the Regular Meeting of September 1, 2015, the Minutes of the Special Meeting of September 3, 2015, and the Minutes of the Special Meeting of September 10, 2015 as submitted.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, and Lafontaine

Voting Nay: None

Absent: Piazza

RSVP/MINUTES/RESCIND MOTION

Re: Rescind Motion to Approve RSVP Claims at 9/1/2015 meeting

Alderman Burke moved, seconded by Alderman Richardson to rescind the motion on the 9/1/15 meeting approving the RSVP Claims; those claims were presented on this agenda.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, and Lafontaine

Voting Nay: None

Absent: Piazza

COURT DEPARTMENT

Re: Update on Courts Fines and Fees

Ms. Rhonda Cummings, Court Clerk provided the Board Members with a written update on Court Fines/Collections data. **(EXHIBIT E)**

FESTIVAL OF LIGHTS/EVENTS

Re: Festival of Lights to be held Friday December 4, 2015

Alderman Burke moved, seconded by Alderman Richardson to approve holding the Annual Festival of Lights on Friday December 4, 2015 from 5:00 to 7:30 p.m.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, and Lafontaine

Voting Nay: None

Absent: Piazza

CONTRACTS/EXTENSIONS/HMGP CITYWIDE DRAINAGE IMPROVEMENTS PROJECT/DRAINAGE IMPROVEMENTS PROJECT/CITYWIDE DRAINAGE IMPROVEMENTS PROJECT/STREETS DEPARTMENT

Re: Contract Extension from AMEC Foster Wheeler re: Citywide Drainage Improvements Project

Alderman Lafontaine moved, seconded by Alderman Richardson to approve the Contract Extension Request to May 1, 2016 from AMEC Foster Wheeler for the HMGP Citywide Drainage Improvements Project. **(EXHIBIT F)**

Mr. John Rivers with AMEC was present to answer Board members' questions. Ms. Yarborough noted that the terms and conditions of the contract remain the same as when signed; this is only an extension of time with no monetary changes.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, and Lafontaine

Voting Nay: None

Absent: Piazza

DONATIONS/CONTRIBUTIONS

Re: Hancock County Amateur Radio Association

Discuss and consider a request from the Hancock County Amateur Radio Association (HCARA) for an annual contribution in the amount of \$5,000.00 (1/4 of municipal government entities in Hancock County) and In-Kind support.

City Attorney Rachel Yarborough told the Board that the City can't make donations unless it is specifically authorized by Statute; there is no statutory authority to make this sort of donation to an amateur radio station. No motion was made by the Board, the contribution will not be made.

ANIMAL CONTROL/PERSONNEL

Re: New Hire - Ms. Rebecca Patrick as Animal Control Officer

Alderman Lafontaine moved, seconded by Alderman Richardson to approve hiring Ms. Rebecca Patrick as Animal control Officer at a rate of \$10.00 per hour, pending passage of drug test.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, and Lafontaine

Voting Nay: None

Absent: Piazza

BUSINESS CENTER/INCUBATOR/LEASE SPACE/BIDS/AMEND AGENDA/ADVERTISE

Re: Reject Bid(s) for Unit A1, A2 and A9

Alderman Lafontaine moved, seconded by Alderman Burke to reject bids of September 1, 2015 for leasing of space in the Business Center, specifically all bids received for Unit A1, A2, A9 (one unit).

A vote was called for with the following results:

Voting Yea: None

Voting Nay: Burke, Richardson, and Lafontaine

Absent: Piazza

***Alderman Burke left the room at this time.**

Re: Reject Bid(s) for Unit A3

Alderman Lafontaine moved, seconded by Alderman Richardson to reject bids of September 1, 2015 for leasing of space at the Business Center, specifically all bids received for Unit A3 (one unit).

During discussion Mrs. Yarborough discussed the two bids submitted and that one bid was ambiguous (Jason Watts) because they did not follow the instruction in the public advertisement for bid, specifically determining which Unit that they were bidding on and so the highest bid was High Bueno, LLC. She added that the bid from Jason Watts was deficient because it did not specify which unit he was bidding on. She said she assumed from the facts gathered (dates of advertisement vs. submittal dates) that his intent was to bid on the Unit A1, A2, A9 which would make him not the highest bidder. Alderman Lafontaine said, "So we actually received that bid (Jason Watts) before it ever came out in the paper for A3." Ms. Yarborough said, "That's right."

A vote was called for with the following results:

Voting Yea: None

Voting Nay: Richardson, and Lafontaine

Recused: Burke

Absent: Piazza

Alderman Burke re-entered the Board Room at this time.

Re: Amend Agenda to Accept Highest (and Best) Bids for Unit A1, A2 and A9 and Separately, A3

Alderman Richardson moved, seconded by Alderman Lafontaine to amend the agenda to accept the highest (and best) bids received on Unit A1, A2 and A9 and separately Unit A3.

A vote was called for with the following results:

Voting Yea: None

Voting Nay: Burke, Richardson, and Lafontaine

Absent: Piazza

Re: Accept Bid Submitted by Lime Pi Digital, LLC as Highest and Best Bid for Unit A1, A2 and A9

Alderman Burke moved, seconded by Alderman Richardson to accept the highest and bid received on Unit A1, A2 and A9 from Lime Pi Digital, LLC. **(EXHIBIT G)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, and Lafontaine

Voting Nay: None

Absent: Piazza

Alderman Burke left the Room at this time.

Re: Accept Bid Submitted by High Bueno, LLC as the Best Bid for Unit A3

Alderman Richardson moved, seconded by Alderman Lafontaine to accept the best bid received on Unit A3 from High Bueno, LLC. **(EXHIBIT H)**

Ms. Yarborough said the Board makes the finding that the bid of \$50.00/month from High Bueno, LLC. is the best bid and the bid from Jason Watts will be disqualified as deficient for lack of specificity regarding which Unit to lease as required by public notice.

The Board rejects the bid in the amount of \$200.00 from Jason Watts as deficient.

A vote was called for with the following results:

Voting Yea: Richardson, and Lafontaine

Voting Nay: None

Recused: Burke

Absent: Piazza

Alderman Burke re-entered the Board Room at this time.

Re: Advertise for Lease Space in the Business Center for Units A7&A8 and Pod B (Café)

Alderman Richardson moved, seconded by Alderman Burke to amend the agenda to advertise for lease of 2 Units at the Business Center, specifically Unit A7&A8, and Pod B (Café).

A vote was called for with the following results:

Voting Yea: Burke, Richardson, and Lafontaine

Voting Nay: None

Absent: Piazza

INTERLOCAL AGREEMENT/RESOLUTION/JOINT RESOLUTION/TRANSFER/POLICE DEPARTMENT/HANCOCK COUNTY SHERIFF'S DEPARTMENT/SHERIFF'S DEPARTMENT/INVENTORY/

Re: Declare (1) 2005 Ford Crown Victoria as Surplus Property, VIN# 2FAFP71W45X169793

Alderman Richardson moved, seconded by Alderman Burke to declare one 2005 Ford Crown Victoria VIN# 2FAFP71W45X169793 as Surplus property and transfer to the Hancock County Sheriff's Department for parts use. It does not run and has been used by the City for spare parts.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, and Lafontaine

Voting Nay: None

Absent: Piazza

Re: Approve Agreement and Joint Resolution with Hancock County Sheriff's Department

Alderman Burke moved, seconded by Alderman Richardson to approve Interlocal Agreement and Joint Resolution between the City of Waveland and the Hancock County Sheriff's Department, Hancock County, Mississippi for the Intergovernmental Transfer of one 2005 Crown Victoria VIN# 2FAFP71W45X169793 at a cost of \$1.00. **(EXHIBIT I)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, and Lafontaine

Voting Nay: None

Absent: Piazza

AGREEMENTS/INTERLOCAL GOVERNMENTAL COOPERATION AGREEMENTS/FIBER-OPTIC LINE/GOVERNMENTAL COOPERATION AGREEMENT/INTERNET

Re: Interlocal Governmental Cooperation Agreement with Mississippi Coast Municipalities and Counties

Alderman Lafontaine moved, seconded by Alderman Burke to **TABLE** an Interlocal Governmental Cooperation Agreement between certain Mississippi Coast Municipalities and Counties (Bay St. Louis, Biloxi, Diamondhead, D'Iberville, Gautier, Gulfport, Long Beach, Moss Point, Ocean Springs, Pascagoula, Pass Christian, and Waveland, Boards of Supervisors for Hancock, Harrison and Jackson Counties) for development of a fiber optic ring for ultra-high-speed broadband, digital data infrastructure for internet service and for related purposes, all to be known as the "Silicon Coast Public Internet".

Alderman Lafontaine expressed his concerns as to the fees and liability of the City to the debts of the group via the Interlocal Agreement. Alderman Burke said Governor Bryant was pledging about \$15,000,000 into this project. Attorney Yarborough said, "And that may be the understanding of why everyone is entering the agreement, but I can tell you in the body of the agreement, that is not what's mentioned. And even if it is a grant you're still... say there's a procurement issue and you're deobligated; those entities that are part of the authority are going to be responsible for those deobligations."

Police Chief David Allen said he would look into the details of this fiber optic internet proposal.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, and Lafontaine

Voting Nay: None

Absent: Piazza

BUDGET FY 2015/PERSONNEL/HUMAN RESOURCES/CITY HALL/PUBLIC WORKS/UTILITIES/FIRE DEPARTMENT/POLICE DEPARTMENT/PARKS AND RECREATION/RSVP/PAYROLL

Re: Pay Wages for the period ended 9/27/2015 on 9/30/15

Alderman Lafontaine moved, seconded by Alderman Burke to pay wages for pay period ended 9/27/2015 on September 30, 2015 to ensure consistent treatment for FY'15 budget expenditures as was done in FY'14.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, and Lafontaine

Voting Nay: None

Absent: Piazza

SURPLUS PROPERTY/CITY HALL/PURCHASING/OFFICE OF SURPLUS PROPERTY
Re: Disposal of Surplus Equipment/Furniture in City Hall Storage Area to the MS. Office of Surplus Property

Alderman Lafontaine moved, seconded by Alderman Burke to make the finding that the assets declared surplus property 3/3/2015 and 9/1/2015 by the Board (stored upstairs 2nd floor of City Hall) are not usable and of little monetary value, therefore at the advice of MS Office of Purchasing & Travel, these assets shall be taken to the MS. Office of Surplus Property in Pearl, MS, which will handle disposal of these items. The City will be receipted by the Office of Surplus Property, which will be included as an Exhibit to this agenda item. **(EXHIBIT J)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, and Lafontaine

Voting Nay: None

Absent: Piazza

INVOICES/POLICE DEPARTMENT BUILDING

Re: Two Invoices from Nofie Alfonso, Architect on the Police Building Construction Project

Alderman Burke, moved, seconded by Alderman Lafontaine to move to Executive Session the following invoices submitted by Nofie Alfonso Architects APC with the condition of reservation of all rights and waiver of nothing:

- a) Invoice dated 9/1/15 in the amount of \$12,426.30 (contract administration)
- b) Invoice in the amount of \$62,902.66 (contract administration & geotechnical services)

Executive Session shall be for the reason of Pending Litigation regarding Waveland Police Department Building.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, and Lafontaine

Voting Nay: None

Absent: Piazza

PARKS AND RECREATION/DONATIONS

Re: Accept Donation of ten Benches from Domino's Pizza

Alderman Burke moved, seconded by Alderman Richardson to approve the donation of 5, 4 foot red top surface benches regal style and 5, 7 foot red top surface regal style benches from Domino's Pizza (Ms. Pennie Brogle). They will be used in municipal parks.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, and Lafontaine

Voting Nay: None

Absent: Piazza

STREETS DEPARTMENT/BEAUTIFICATION/LITTER CONTROL/TRANSFER/REVENUES AND EXPENDITURES

Spread on the minutes the following, as listed (Items a&b):

- a) The transfer of one 2005 Dodge Ram, 4x4, VIN# 1D7H18N86J112261 from the Streets Department to the Beautification/Litter Control Department.
- b) The Revenues and Expenditures for the month of August 2015 at this the second meeting of September 2015. **(EXHIBIT K)**

EXECUTIVE SESSION

Re: Potential Litigation related to HMGP Sewer Improvements Project and Pending Litigation regarding the Waveland Police Department Building

Alderman Richardson moved, seconded by Alderman Lafontaine to prompt a closed discussion regarding potential litigation related to the HMGP Sewer Improvements Project, and pending litigation regarding the Waveland Police Department Building.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, and Lafontaine

Voting Nay: None

Absent: Piazza

Re: Enter Executive Session

Alderman Burke moved, seconded by Alderman Richardson to enter Executive Session to discuss potential litigation related to the HMGP Sewer Improvements and pending litigation regarding the Waveland Police Department Building.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, and Lafontaine

Voting Nay: None

Absent: Piazza

LEGAL DEPARTMENT/CHANGE ORDERS/CITYWIDE DRAINAGE PROJECT/DRAINAGE PROJECT

Re: Authorize City Attorney to retain third party Engineer for Review of Change Order Request related to the Citywide Drainage Project – Kappa Development

Alderman Lafontaine moved, seconded by Alderman Richardson to grant the City Attorney authority to retain a third party Engineer for review of Change Order request submitted by Kappa Development.

A vote was called for with the following results:

Voting Yea: None

Voting Nay: Burke, Richardson, and Lafontaine

Absent: Piazza

EXECUTIVE SESSION

Re: Exit Executive Session

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

A vote was called for with the following results:

Voting Yea: Burke, Richardson, and Lafontaine

Voting Nay: None

Absent: Piazza

DOCKET OF CLAIMS

Re: Claims

Alderman Burke moved, seconded by Alderman Richardson to approve the Docket of Claims, Streets Payroll portion only, in the amount of \$16,099.64 as submitted. **(EXHIBIT D)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, and Lafontaine

Voting Nay: None

Absent: Piazza

INVOICES/POLICE STATION BUILDING/POLICE DEPARTMENT

Re: Invoices submitted by Nofie Alfonso, Architect, Waveland Police Department Building Project

Alderman Burke, moved, seconded by Alderman Lafontaine to approve the following invoices submitted by Nofie Alfonso Architects APC with the condition of reservation of all rights and waiver of nothing by paying: **(EXHIBIT L)**

- a. Invoice dated 9/1/15 in the amount of \$12,426.30 (contract administration)
- b. Invoice in the amount of \$62,902.66 (contract administration & geotechnical services)

A vote was called for with the following results:

Voting Yea: Burke, Richardson, and Lafontaine

Voting Nay: None

Absent: Piazza

ADJOURN

Re: Adjourn Meeting at 9:00 p.m.

Alderman Burke moved, seconded by Alderman Richardson to adjourn the meeting at 9:00 p.m.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, and Lafontaine

Voting Nay: None

Absent: Piazza

The foregoing minutes were presented to Mayor Smith on October 9, 2015.

Lisa Planchard
City Clerk

The Minutes of September 16, 2015 have been read and approved by me on this day the 9th day of October, 2015.

Mike Smith
Mayor

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