

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 October 19, 2015 at 6:30 p.m. to take action on the following matters of City business.

**PUBLIC COMMENTS**

- There were no Public comments

**ROLL CALL:**

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

**MAYOR'S REPORT:**

**Re:** Thanked Alderman Lafontaine for serving as Mayor Pro-Tem during his recent absence.

**Re:** Recognized Purchasing/Accts. Payable Clerk Rachel Cullen as Employee of the Month

**ATTORNEY'S COMMENTS**

**Re:** Requested, at the behest of the Hancock County Board of Supervisors, the installation of one Street Light at the corner of Highway 603 and Longfellow Drive.

**ALDERMEN'S COMMENTS**

**Re: Alderman Burke**

- Requested changes to the Ordinance regarding the installation of culverts by the City to be placed the length of the property in lieu of being placed in only the driveway to maintain the integrity of the drainage system.

**Re: Alderman Richardson**

- Attended a progress meeting for the Waveland Police Department. Mr. Richardson said the Building is looking really nice and there is a lot of progress.
- Requested increased Police patrol around Combel Street and surrounding streets regarding young teenagers driving golf carts.

**Re: Alderman Lafontaine**

- Everyone did a great job during the Mayor's absence, including employees, department heads, Aldermen... everyone.

**Re: Alderman Piazza**

- With regard to a recent after hours request in his ward (non-emergency) to do water samples, requested water testing be done during business hours (to keep overtime down) unless it's a broken water line or gas leak. Alderman Lafontaine explained the issue noting the complaints he had received from various friends in the area. Alderman Piazza asked Aldermen Lafontaine to call him if he receives more calls.

**MAYOR'S REPORT**

**Re:** Mayor presented Mrs. Rachel Cullen with a Certificate acknowledging her as Employee of the Month for September, 2015.

**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 \$465,421.16 dated October 19, 2015 as submitted.

**(EXHIBIT A)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

**MINUTES**

**Re: Minutes of the Regular Meeting of October 6, 2015**

Alderman Piazza moved, seconded by Alderman Lafontaine to approve the Minutes of the Regular Meeting of October 6, 2015 as submitted.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

**ORDINANCES/BEACH FRONT/BON-FIRES**

**Re: Alderman Burke Requested Bonfires be allowed on the Beach**

Alderman Burke requested that Bonfires be allowed on the Beach by Ordinance. He recommended the Building Department issue a permit and handle the money for the bonfire permit, the City should limit the size and location of the bonfires, only dry firewood should be allowed (no building materials, pallets or fence posts, etc...), implement a \$100 cleanup fee deposit, and a separate fee for the Fire Department to inspect the bonfire both before and after it has occurred. Fire Chief Tony Mallini agreed that the fires should be allowed only in certain zones, not from city limit to city limit along the beach. Historically, Mayor Smith said, bonfires were only allowed in front of Buccaneer Park. The Mayor mentioned that Harrison County uses high temp. concrete fire pits on the beach for people to have bonfires. City Attorney Yarborough said Harrison County is somewhat different from Hancock County because Harrison County actually has a "Beach Authority". Mrs. Yarborough said the City of Waveland would have the authority to adopt an Ordinance on the sand beach, but the County has the obligation to maintain the beach, so it would be a good idea to contact them to let them know we're planning on instating this Ordinance, and ask if they have any objections or recommendations. Mr. Anderson suggested that the bonfire be back from the walking path and dunes at least 100 feet toward the water line. Ms. Yarborough said she would draft an ordinance. Mr. Mallini suggested where the zone areas conducive to a bonfire should be.

**PERSONNEL/CITY HALL/POLICE DEPARTMENT/FIRE DEPARTMENT/RSVP/PARKS AND RECREATION/PUBLIC WORKS/UTILITY DEPARTMENT/STREETS DEPARTMENT/PLANNING AND ZONING DEPARTMENT**

**Re: Mandate Direct Deposit for All City Employees**

Alderman Piazza moved, seconded by Alderman Richardson to approve a request to mandate direct deposit for all employees of the City of Waveland.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

**MINUTES/RESCIND MOTION/BLIGHTED PROPERTIES**

**Re: Rescind Motion related to changing the Meeting of November 3, 2015**

Alderman Lafontaine moved, seconded by Alderman Richardson to rescind the motion from October 6, 2015 moving the meeting of November 3, 2015 to November 4, 2015 and move this regular meeting back to November 3, 2015 because of the number of blighted properties to be discussed and bid openings prior to the Blighted Properties Discussion Meeting of Nov.4, 2015.

A vote was called for with the following results:

Voting Yea: Richardson, Lafontaine, and Piazza

Voting Nay: Burke

Absent: None

**AGREEMENTS/PLANNING SERVICES**

**Re: Agreement with Slaughter and Associates, PLLC for Planning and Consulting Services**

Alderman Lafontaine moved, seconded by Alderman Piazza to approve the Letter of Agreement between the City of Waveland and Slaughter & Associates, PLLC. for Planning and Consulting Services; approval shall authorize Mayor and City Clerk's signatures thereon. **(EXHIBIT B)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

**FIRE DEPARTMENT/TRANSFER OF ASSETS/POLICE DEPARTMENT/INVENTORY**

**Re: Intra-Departmental Transfer from Fire Department to Police Department**

Alderman Lafontaine moved, seconded by Alderman Piazza to approve Intra-Departmental Transfer of the following assets from the Fire Department to the Police Department, as listed (Items a&b): **(EXHIBIT C)**

- a) Inv. #080-2151 Motorola Power Unit for a Mobile Radio, SN-500CFT1707
- b) Inv. #080-2159 Motorola 800 MHz Astro Mobile Radio, Model CAMO50JDB.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

**BUILDING DEPARTMENT/STREETS DEPARTMENT/TRANSFER OF ASSETS/INVENTORY**

**Re: Intra-Departmental Transfer of Survey Rod from Building Department to Streets Department**

Alderman Piazza moved, seconded by Alderman Lafontaine to approve Intra-Departmental Transfer of one Survey Rod (Measure Mark F/G by CST/Berger) from the Building Department to the Streets Department.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

**SURPLUS PROPERTY/PARKS AND RECREATION/BAY-WAVELAND YOUTH FOOTBALL**

**Re: Sale of 6 used wooden benches to Bay-Waveland Youth Football**

Alderman Lafontaine moved, seconded by Alderman Burke to declare surplus property, remove from inventory and approve the sale of 6 used wooden benches to the Bay-Waveland Youth Football League for the sum of \$1.00. By approving, the Board is making a finding that, in accordance with MS. Code

Section 17-25-25, these benches have a value that does not exceed \$1,000 and the City shall dispose of the property by private negotiation, i.e. \$1.00 in this case.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

#### **AGREEMENTS/UTILITY DEPARTMENT/CONTRACTS**

##### **Re: Agreement with HFS (Healthcare Financial Services)**

Alderman Lafontaine moved, seconded by Alderman Piazza to **TABLE** an agreement with (HFS) Healthcare Financial Services, LLC. for collection of delinquent Utility Bills (City Attorney to negotiate contract with HFS and provide updated contract), tabled from 10/6/15 meeting.

Mrs. Yarborough said she had contacted HFS, but not received a return call from them as yet. Mrs. Yarborough said she had contacted the State Auditor's Office regarding a questionable portion of the contract stating the City give them (HFS) a 25% contingency fee; statutorily the City is not allowed to forgive any debt, unless a Judge so declares. Mrs. Yarborough said the contract must state that the whole amount must be remitted to the City, and the City will in turn receive an invoice from HRS and then, at that point it becomes a contractual service, and we would issue a check to them from there.

A Vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

#### **COURT DEPARTMENT**

##### **Re: Court Clerk provided a handout/update for Board members with Court Fines/Collections data. Ms. Cummings was not present. (EXHIBIT D)**

#### **AGREEMENTS/CONTRACTS/SILICON COAST PUBLIC INTERNET/INTERNET/ GOVERNMENTAL COOPERATION AGREEMENT/INTERLOCAL AGREEMENTS**

##### **Re: Agreement with Coast Municipalities; Silicon Coast Public Internet/Interlocal Governmental Cooperation Agreement**

Alderman Lafontaine moved, seconded by Alderman Burke to approve 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". (Tabled from previous meeting).

Alderman Burke said he went to a recent class and fiber optics came up in a discussion there; he learned that the enormous number of businesses waiting for this service to come in is incredible. Alderman Lafontaine asked if the City would have potential responsibility and liability with regard to de-obligated funds. City Attorney Yarborough said, "Yes". The Mayor said after a meeting he had with all of the Mayors' on the Coast he liked the idea; the City could treat this as a future Utility Service that the City could control and derive revenue from. Mrs. Yarborough said this would potentially expose the City to any deobligation amounts; when the City agrees to become part of that Board, the City agrees to become responsible for any of their budget. She assumes that they anticipate there will be grant money and federally funded, however there are conditions and restrictions on those funds and noncompliance with those conditions and restrictions can result in deobligations related to the grant. She added that once you

become a part of that agreement, you have agreed to that portion of that deobligation or those expenses, generally. Mrs. Yarborough said there are some terms that are not clear to her, "What responsibility is Waveland going to have to maintain Biloxi's part of the grid, that's not very clear from the terms." The Mayor said he understood the expenses for this undertaking were coming from the BP money. Mrs. Yarborough said she didn't know if this had been "determined legislatively that that's going to occur". Mayor Smith said he had spoken with Biloxi's attorney, Gerald Blessey, who he feels would come and speak with our Board. Mrs. Yarborough said another flag to her, which may be changed, is how they define a majority in the agreement is only if Gulfport and Biloxi are in favor of any affirmative vote, so if every other entity agree on an issue and if Gulfport and/or Biloxi disagree, it's not approved. She said it seems to her that if you have that much voting authority that you would have the majority of the risk, but that's not necessarily what is reflected in the agreement. Aldermen Lafontaine and Richardson requested having someone speak to this Board during the 2<sup>nd</sup> meeting of November. Mayor Smith said he would ask Mr. Blessey to come to that meeting.

**Alderman Burke rescinded his second on the motion, causing the motion to die for lack of a second motion.**

### **AGREEMENTS/HANCOCK COUNTY UTILITY AUTHORITY/CONTRACTS**

#### **Re: Agreement for Purchase of Water with Hancock County Utility Authority**

Alderman Lafontaine moved, seconded by Alderman Piazza to allow City Attorney to make a counter offer to the Hancock County Utility Authority, specifically with amending Section 3.2 regarding automatic renewal language and Section 4.2 regarding rate schedule, with the rate schedule to include a counter offer of a maximum cap of 3% increase per year. **(EXHIBIT E)**

Mr. Dwight Haskell came forward to explain some issues regarding valving water areas. He said at this time, he only recommends to feed water to Ranier Street into Shoreline for a month or so to get the water pressure adjusted. He said he was waiting for the Health Department to give him the 'OK' to add the Utility Authority's water to the City water's system because the City has fluoride and HCUA does not have fluoride. Mr. Haskell explained that the Health Department recommends fluoride of between .07 and 1.30, and the City has naturally occurring fluoride of .5 which falls within that range. Mr. Haskell said he will be checking that well every day to ensure incoming water meets quality standards; he said he is currently comfortable with the water quality of the County. Mrs. Yarborough said under Article 3 of the agreement, this was to be a 3 year term agreement that would automatically renew for 3 additional extended terms of 2 years. Mrs. Yarborough said that she had met with the HCUA Attorney, Ms. Ladner and Mr. David Pitalo, HCUA Executive Director regarding this agreement and that was one of her concerns. She added that they had agreed to present an amendment to that section that the term would be for 3 years and then would renew only upon affirmative vote of this Board. As written, Exhibit A says the City will purchase 3,000,000 gals. of water at \$1.00 per thousand, so after the first year that Exhibit A would be by the way side and there would be no agreement between the parties as to what will be charged as to the remaining 2 years. The reason that is so important is because in Article 4.2, they unilaterally, after the first year, decide how much the City is going to pay for the remaining 2 years of the agreement. She said the City can do a year by year term agreement; you have to have a meeting of the minds as to the material terms and the material terms of this agreement would be price and amount, so after the first year if there's no mutual agreement between the parties as to what they're going to pay, she doesn't see how it can function as a contract. The amount of water required would not change, but if there is a de-obligation of funds with the Utility Authority, the cost of water would go up substantially. Mrs. Yarborough said the only mitigating factor to her as to the unilateral authority of the Utility Authority to increase the rates yearly is that the voting members are really the only entities that are participating, and it is in their favor to keep the costs reasonable. Mrs. Yarborough said she can't recommend 4.2 as its written and the automatic renewal; she said there should be possibly a cap or negotiate yearly for rates and charges. Alderman Piazza stated that in 2008, that Board was not informed as to what was going on with negotiations with the contract with Hancock County Utility Authority. Mayor Smith said, "You're absolutely correct, that was the Mayor who did that." Ms. Yarborough stated that there is no evidence in the Minutes of that 2008 "agreement" as ever accepted by the Board; when this service agreement was first forwarded to me, it was as an amendment to the 2008 agreement which I objected to and said no, if we're going to do it we're going to adopt it from the beginning because it's my opinion that that 2008 agreement is not valid because it's not been approved by the prior Board or within our minutes." Alderman Burke recommended to set the cap at 5%.

Alderman Lafontaine said he represents the City on that Board and whatever the Board of Aldermen decide, he will go there and represent, but you will have push back on the 5% cap because they increased from \$.75 to \$1.00 which is a lot more than 5%. Mr. Piazza recommended 3%, which would be the cost per thousand increase cap. Mrs. Yarborough also recommended the city clarify that the City's usage would be the same, because the way that Section 4.2 reads is that the adjustment only relates to the rate and does not relate to the guaranteed purchase amount. She recommends the Board should make a counter offer on this service agreement that "3.2 –Article 3 Section 2 be amended to require that the Waveland Board of Mayor and Aldermen would renew upon affirmative Board vote for three additional extended terms of 2 years each". Mrs. Yarborough said she envisions 3.2 is that after the initial 3 year term, the City would be up for renegotiation for another agreement. She said this would allow the City to opt out of service or decrease the amount of use; it would be up for renegotiation, it would not automatically renew. She recommends to make a counter offer with Amendment to Section 3.2, Amendment to Section 4.2, regarding price with a maximum cap at 3% increase per year, and the last issue is there are "gentlemen's understandings" in these agreements between the Utility Authority and the Boards. Mrs. Yarborough said the agreement does not address flushing, the Utility Authority "usually does not charge for flushing", where apparently they just push water through until it's clear and useable; however, that is not understood in this agreement. She said she didn't know how big of a deal this is, and legal Counsel for the HCUA said it's a policy of the Utility Authority and the HCUA could begin charging for this, and that's another thing that this Board may want to consider. Mrs. Yarborough said to her it's not really a "make or break deal", but this Board may want to add language to this and is currently not within the terms. Alderman Lafontaine said he does not know how we would track gallons used in flushing, we're paying for this regardless because it's going through the meter.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

#### **UTILITY DEPARTMENT/MEMORANDUM OF UNDERSTANDING**

#### **Re: Memorandum of Understanding with Utility Authority for Use, Possession and Service of City's Master Meter**

Alderman Burke moved, seconded by Alderman Richardson to approve a Memorandum of Understanding between the Hancock County Utility Authority and the City of Waveland regarding use, possession, and service of the City's master meter. The City maintains ownership of this meter as required by the grant. **(EXHIBIT F)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

#### **MEMORANDUM OF UNDERSTANDING/MDOT/WAVELAND AVENUE SIDEWALKS**

#### **Re: MOU with MDOT for Waveland Avenue Sidewalks Construction Project**

Alderman Lafontaine moved, seconded by Alderman Piazza to approve a Memorandum of Understanding (MOU) between the City of Waveland and the Mississippi Department of Transportation (MDOT) for Surface Transportation Project Waveland Avenue Sidewalk STP-9137-00(003) LPA/107183-701000 in the total project amount of \$1,316,000.00, an 80% Federal match of \$1,052,800, and 20% Local match from City of Waveland in the amount of \$263,200.00.

**(EXHIBIT G)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

**POLICE DEPARTMENT/GRANTS/IMPAIRED DRIVING GRANT/OCCUPANT PROTECTION GRANT/CLOSE-OUTS**  
**Re: Ratify Grants Closeout – Police Department**

Alderman Lafontaine moved, seconded by Alderman Richardson to ratify the following two Police Department Sub-Grantee Closeouts, as listed (Items a&b): **(EXHIBIT H)**

- a) Impaired Driving Grant, Sub-Grant No. 15-MD-354-1 in the amount of \$21,541.34 in Authorized Expenditures, \$4,021.66 Unexpended Balance, Total Amount of Grant \$25,563.00. Grant covered the period from 10/1/14 to 9/30/15.
- b) Occupant Protection Grant, Sub-Grant No. 15-OP-354-1 in the amount of \$12,962.02 Authorized Expenditures, \$7,037.98 Unexpended balance, Total Amount of Grant \$20,000.00. Grant covered the period from 10/1/14 to 9/30/15.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

**SYCAMORE STREET EMERGENCY SEWER REPLACEMENT PROJECT/CLOSE-OUT DOCUMENTS/CHANGE ORDERS/SUBSTANTIAL COMPLETION-SYCAMORE SEWER REPLACEMENT/INVOICES/PAY APPLICATIONS**  
**Re: Closeout Documents related to the Sycamore Sewer Replacement Project**

Alderman Lafontaine moved, seconded by Alderman Piazza to approve the following Closeout Documents (Including Pay Application No. 1 from DNA Underground, LLC.) related to the Sycamore Street Emergency Sewer Replacement Project, as listed (Items a-h): **(EXHIBIT I)**

- a) Substantial Completion Certificate
- b) Final Payment Application and Certificate Signature Page
- c) Payment Application No. 1 & Final in the amount of \$39,054.00 from DNA Underground, LLC.
- d) Contract Completion Certificate
- e) Recommendation for Final Acceptance of Contract
- f) Final Completion Inspection Report
- g) Final Waiver of Lien
- h) Change Order No. 1 (Summary Change Order)

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

**INVOICES/WAVELAND FACILITIES PLAN/SYCAMORE EMERGENCY SEWER REPLACEMENT PROJECT/CITYWIDE DRAINAGE PROJECT/DRAINAGE PROJECT**  
**Re: Invoices submitted by Various Contractors**

Alderman Lafontaine moved, seconded by Alderman Richardson 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 (Items a-c): **(EXHIBIT J)**

- a) Invoice 215-065-2 from Compton Engineering in the amount of \$18,150.00 – Waveland Facilities Plan for Sewer work and related Services.
- b) Invoice 215-045-5 from Compton Engineering in the amount of \$1,200.00 – Sycamore Street Emergency Sewer Replacement Project.
- c) Invoice No. 0077614 from Pickering Firm, Inc. in the amount of 12,068.78 – Citywide Drainage Project Grant.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

**POLICE DEPARTMENT/COURT DEPARTMENT/KEEP WAVELAND BEAUTIFUL/  
APPOINTEES/REVENUES AND EXPENDITURES REPORTS**

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

- a) Name the following as Deputy Court Clerks:
  - 1. Officer Leeana Evans (Dunigan)
  - 2. Investigator Chris Ory
  - 3. Officer Ian Larsen
- b) Remove Mr. Mick Quinlan as Alderman Burke's Ward 1 Keep Waveland Beautiful Appointee and replace with Dr. Bill Bradford
- c) The Revenues and Expenditures Report for the month ending September 30, 2015 at this, the second meeting of October, 2015. **(EXHIBIT K)**

**BUDGET FY 2015**

**Re: FY 2015 Budget, Amended to Actual at 9/30/2015**

Alderman Piazza moved, seconded by Alderman Lafontaine to approve the FY 2015 Budget as amended to actual at 9/30/15. **(EXHIBIT L)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

**\*Alderman Piazza recused himself and left the room at this time**

**DOCKET OF CLAIMS**

**Re: Claims-Streets Payroll Portion only**

Alderman Burke moved, seconded by Alderman Lafontaine to approve the Docket of Claims dated October 19, 2015, Streets Payroll portion only, in the amount of \$15,238.71 as submitted. **(EXHIBIT A)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson and Lafontaine

Voting Nay: None

Absent/Recused: Piazza

**ADJOURN**

**Re: Adjourn Meeting at 7:53 p.m.**

Alderman Richardson moved, seconded by Alderman Burke to adjourn the meeting at 7:53 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 November 6, 2015.

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

The Minutes of October 19, 2015 have been read and approved by me on this day the 6<sup>th</sup> day of November, 2015.

\_\_\_\_\_  
Mike Smith  
Mayor

This  
Area  
  
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