

The Board of Mayor and Aldermen of the City of Waveland, Mississippi, met in regular session at the Waveland City Hall 301 Coleman Avenue, Waveland, MS. on November 6, 2012 at 6:30 p.m., to take action on the following matters of city business

(Recording of meeting available for listening via records request)

PUBLIC COMMENTS

Re: Alfred “Tiger” Harris discussed debris removal from Hurricane Isaac. He said that he had sent letters to all of the Board members except Alderman Geoffrey regarding this issue. He said he witnessed a large pile of debris being picked up and noticed it was the only pile being picked up at that time. Mr. Harris noted other streets in the surrounding area that still have storm trash; his question is how long the citizens will have to wait for all of this trash to be picked up. Mr. Harris said he drove the area prior to the meeting and noticed the debris still in the same place. Alderman Kidd said that he saw some of the items being discussed by Mr. Harris and added that there are still a lot of debris piles that have not been picked up. He said, “Where they’ve been picking up, I don’t know, I’d like to see it get cleaned up”. Mayor Garcia said he would pick up Mr. Harris in the morning and ride the areas to assess this problem.

Re: Mike Kopke addressed the following:

- a. There is still debris on Marcus Drive that is not being picked up from the storm.
- b. Thanked Mrs. Raquel Lafontaine and Ms. Paulette Sternburg for their hard work on the recent First Annual Halloween Bash, which was a tremendous success.
- c. Asked if the two following Holiday Events could be placed in the record; November 25, 2012 which will be the ‘Lighting of the Snow Flakes and Dolphis’ and December 2, 2012 would be the ‘Christmas Tree Lighting’. Mr. Kopke said he had spoken with the Civic Association and the Bay Waveland Main Street. He also asked if the event for the Christmas Tree Lighting could be held on Coleman Avenue adding that he has a photographer, Santa and Mrs. Claus already lined up.
- d. Mr. Kopke presented a letter from the Bay-Waveland Main Street Association gifting 10 benches to the City of Waveland to be placed on Coleman Avenue as the only gifting caveat. He also provided bench plaques (with donor’s names) which will have to be attached to the benches.
- e. The Bay-Waveland Main Street Association has been awarded a \$4,000.00 Grant for installing the Carousel in the Civic Center (Old Waveland School). Mr. & Mrs. Kopke have been very involved in getting this and coordinating with Mr. Denzel, who donated this ‘Denzel Carousel’ who would like to come to Waveland to assist in putting the Carousel together. The funds would also provide travel and lodging for Mr. Bill Denzel, along with any costs in putting the Carousel together and touching up the Carousel pieces.

During discussion, Alderman Lafontaine asked about the lighted dolphins. Mrs. Cerami said they had just arrived Friday and delivered to the Fire Department; she was waiting for Aaron (Wilkinson), the electrician, to determine the best places for installation given accessibility to electricity.

AMEND AGENDA/BENCHES/BAY-WAVELAND MAIN STREET ASSOCIATION/INVENTORY

Re: Amend the Agenda to Accept Donation of 10 Benches from Bay Waveland Main Street Association

Alderman Lafontaine moved, seconded by Alderman Stahler to amend the agenda to accept the gift of 10 benches from the Bay-Waveland Main Street Association with the condition that the benches be placed on Coleman Avenue, as written in the document presented by Mr. Mike Kopke.

A vote was called for with the following results:

Yea: Stahler, Geoffrey, Lafontaine, and Kidd

Nay: None

Absent: None

Re: Accept Donation of 10 Benches from Bay Waveland Main Street Association

Alderman Geoffrey moved, seconded by Alderman Stahler to accept the gift of 10 benches from the Bay-Waveland Main Street Association with the condition that the benches be placed on Coleman Avenue, as written in the document presented by Mr. Mike Kopke. **(EXHIBIT A)**

A vote was called for with the following results:

Yea: Stahler, Geoffrey, Lafontaine, and Kidd

Nay: None

Absent: None

ROLL CALL

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

MAYOR'S REPORT (EXHIBIT B)

Re: Mayor Garcia commented on the following:

- a. Thanked everyone that was involved in the First Annual Halloween Bash.

PUBLIC COMMENTS (continued)

- a. **Mrs. Raquel Lafontaine** said that she and Ms. Paulette Sternberg wanted to thank the Board for their support of the recent Halloween Bash. She noted that this has been an idea in the planning for well over a year and she and Paulette were absolutely amazed at the turnout. Ms. Lafontaine thanked everyone who participated and volunteered; private citizens, employees, organizations, and businesses. She said they expected maybe 200 trick or treaters the first year, but could not even know how many were there because of the enormous crowds. The Mayor said that although he could not be there, he received many phone calls about how nice the event was and thought it would be even bigger and better next year. Alderman Kidd said that the newspaper estimated that 3,000 to 5,000 people participated in this event. Alderman Lafontaine added, "There was very little trash left on the streets after the event."

MAYOR'S REPORT (continued)

- a. The Mayor said he met with Mr. Mickey Lagasse of Compton Engineering regarding the Waveland Pedestrian Pathway. Mayor Garcia said everything seems to be moving along very nicely; the path will extend past Dane Rd. He said that he suggested at one of the Chamber of Commerce meetings that the Walking Path would wind through the wooded area just past Gulfside Assembly; like an elevated boardwalk/nature path.
- b. The Mayor provided Board members a copy of correspondence he received from the chairman of the Ms. Local and Private Committees of the Ms. Legislature regarding information to make a local and private bill flow more easily through the Legislative process.
- c. Mrs. Susie Lee met with the Mayor and provided him with the 2012 Library hours, as well as the patron count, Library services and Public Programs that the Waveland Library offers.

ALDERMEN'S COMMENTS:

Re: Alderman Stahler:

- a. When would the City receive the estimate on the damage to the Pier? The Mayor said that he and Gary (City Attorney) had spoken about this Monday. Mr. Yarborough said initially FEMA requested we have someone go out to do a

damage assessment. However a after a conversation with a FEMA representative on Monday, he was told that if the City did this, FEMA would not reimburse the City for this. Mr. Yarborough said the FEMA Representative recommended the City consider requesting proposals, not only for a damage assessment, but for a repair plan, design, bid and included it all in one specification and request; and it would likely be reimbursed under that. Mr. Yarborough asked if the Veterans Memorial could be included in this agenda amendment. Alderman Stahler said she felt we needed to move forward quickly and would like to amend the agenda to include the Pier and the Waveland Veterans Memorial.

**VETERANS MEMORIAL/AMEND AGENDA/PROPOSALS/GARFIELD
LADNER MEMORIAL PIER/WAVELAND VETERANS MEMORIAL/
ADVERTISEMENTS**

Re: Amend Agenda to Rescind the Motions of October 2, 2012 (Pier) and October 17, 2012 (Veterans Memorial) and Request RFP's and approve advertising for RFP's with Expanded Scope for the Pier and Veterans Memorial

Alderman Stahler moved, seconded by Alderman Geoffrey to amend the agenda to rescind the previous motions of October 2, 2012 and October 17, 2012 (whereby the Board approved to advertise for RFP's related to the above 2 projects) and request/advertise for proposals (RFP's) for damage analysis, repair plan, design, bidding, specifications and other matters related to the repair and P.W. (Project Worksheet) for the Garfield Ladner Memorial Pier and City of Waveland Veteran's Memorial Monument concerning damage from Isaac.

Mr. Yarborough said that he and the Mayor were concerned because some of the FEMA representatives were moving by the 15th of November. He noted there would still be people in Biloxi doing Isaac work, but they may not be in Waveland. The Representative initially told Mr. Yarborough that FEMA would send their own person out to do a damage assessment but the City would have to analyze our own damages, and now the position of FEMA is that, "If the City is just looking for damages", the City will not be reimbursed for that. Mr. Yarborough stated he did not know the cost of each, but if the City could lump this together with a plan for engineering services to do the design, bidding, and management all in one, FEMA would probably reimburse. The problem is that it is still early to be doing a repair plan. The City can request numbers for each alternate in a bid, but if the City does request for each alternate, they may not be reimbursed for the damage assessment. The motion on the floor would be for all of the work.

A vote was called for with the following results:

Yea: Stahler, Geoffrey, Lafontaine, and Kidd

Nay: None

Absent: None

Re: Motion to Rescind the Motions of October 2, 2012 (Pier) and October 17, 2012 (Veterans Memorial) and Request RFP's and approve advertising for RFP's with Expanded Scope for the Pier and Veterans Memorial

Alderman Kidd moved, seconded by Alderman Geoffrey to amend the agenda to rescind the previous motions of October 2, 2012 and October 17, 2012 (whereby the Board approved to advertise for RFP's related to the above 2 projects) and request/advertise for proposals (RFP's) for damage analysis, repair plan, design, bidding, specifications and other matters related to the repair and P.W. (Project Worksheet) for the Garfield Ladner Memorial Pier and City of Waveland Veteran's Memorial Monument concerning damage from Isaac.

A vote was called for with the following results:

Yea: Stahler, Geoffrey, Lafontaine, and Kidd

Nay: None

Absent: None

ALDERMEN'S COMMENTS (continued):

Alderman Geoffrey:

- a. Thanked Mrs. Lafontaine and Ms. Sternburg for the successful Halloween event. Alderman Geoffrey said he had to work on Halloween evening, but did receive a lot of positive phone calls at work about the children being so excited at the event.

Alderman Lafontaine:

- a. Inquired about street lights on Highway 90 being out. Mayor Garcia said that he personally went out the evening before and counted the lights. He said that out of the 220 lights on Hwy 90, about 60 are out. The Mayor did call Aaron (Wilkinson) the electrician, who will get on this and get them fixed in the next week or so. He noted that there are parts that will have to be purchased in Gulfport. Mayor Garcia recalled a conversation he had with Mr. Wilkinson who said the Board had asked him to turn some of the lights off during the budget crunch last year and feels that many of the lights were only in need of fuses, but other would need ballasts replaced. Alderman Lafontaine also asked about the missing poles that were hit and knocked down in traffic accidents. Ms. Cummings from the Court Department said there are several cases and would have to search for those files; many of the individuals involved in those accidents did not have insurance. Mrs. Planchard said there is a new system in place to ensure the Court will have the correct fine to assess related to damage of City property if that individual did not have insurance. If they had insurance, the City will make a claim against their insurance company. The Mayor asked Lt. Mac Cowand to have officers during their patrol note the address near the light (or pole #) that is out so the City can call to have it fixed. Alderman Geoffrey suggested the officer mark the pole with caution tape.

Alderman Kidd:

- a. About six weeks ago he and Alderman Lafontaine met with Vince Altese, Andy and others from Pickering. He had concerns about drainage issues that were not on the drainage project map. He said, "Over the last six weeks nobody's even contacted me or Shane or anybody else with any updated information; pretty much they hadn't looked into anything that I even talked about; hopefully they're going to be getting into this area off of Dubuc Lane that I was concerned about." He said they had plans from Digital (Engineering) they were using. The Mayor said what they are using is the water shed plans. Alderman Kidd said perhaps they need to work from the outer portion of the City and work inward, because some of those outer drainage areas hadn't been cleaned out in 50 years. He said hopefully in the next week or two, they're going to have another update. Alderman Lafontaine mentioned the necessity of cleaning the ditches all the way out to the point of where they actually drain to. Mayor Garcia said the City is working on a separate grant with Bobby Elueteris of Stewart Engineering in Ocean Springs. The Mayor said he had provided the Board with a copy of this grant proposal a few months back; this grant has been approved by Congress, but the funds have not been appropriated. This project would open the ditches/area all the way to the beach and would include the Jackson Marsh area. The Jackson Marsh area will also be included in the Hazardous Mitigation Plan as a mitigation project to retain water there. Alderman Kidd said, "That one off of Dubuc Lane is separate from the Jackson Marsh, but when he pretty much tells me after this time they had not even looked at anything we talked about". Mayor asked if that is what Vince (Altese with Pickering) told Alderman Kidd. Alderman Kidd said, "Yes, pretty much."

Alderman Kidd asked about the grass cutting and whether the new tractor was fixed with new side arm boom.” Mayor Garcia said one is still in the shop getting the side arm boom put on it. There is one out cutting grass every day. Alderman Kidd asked about the County getting our entire City cut? Mayor Garcia said he thought the County is staying on top of this fairly well because the grass is starting to die off. Mayor Garcia asked for clarification on the questions regarding the Drainage Project with Pickering Engineering.

- b. Bay High football won their playoff game and will be heading to Germantown (north of Jackson), Mississippi for their next game.

MINUTES

Re: Meeting of the meeting of October 17, 2012

Alderman Lafontaine moved, seconded by Alderman Kidd to approve the Minutes of the meeting of October 17, 2012 as submitted by the City Clerk.

(EXHIBIT C)

A vote was called for with the following results:

Yea: Stahler, Geoffrey, Lafontaine, and Kidd

Nay: None

Absent: None

RSVP

Re: Claims

Alderman Kidd moved, seconded by Alderman Lafontaine to approve the R.S.V.P. Claims as submitted by Mary Turcotte. **(EXHIBIT D)**

A vote was called for with the following results:

Yea: Stahler, Geoffrey, Lafontaine, and Kidd

Nay: None

Absent: None

DOCKET OF CLAIMS

Re: Claims Nos.

Alderman Lafontaine moved, seconded by Alderman Geoffrey to approve the Docket of Claims dated 11/6/2012 as submitted by the City Clerk. **(EXHIBIT E)**

001 Fund – 47-575

100 Fund – None

101 Fund – 8

102 Fund – None

103 Fund – None

124 Fund – 43

125 Fund – 1-3

127 Fund – 4-6

400 Fund – 28-60

A vote was called for with the following results:

Yea: Stahler, Geoffrey, Lafontaine and Kidd

Nay: None

Absent: None

PLANNING AND ZONING

Re: Ronald E. Hughes appeared before the commission with his tabled request for a variance of eight feet from the required front and rear yard setbacks in order to build a new residence on his property located at 207 Fifth Street. Legal description: Block 6, lots 32-37 Anchorage Subdivision, City of Waveland, Hancock County, Mississippi. **(EXHIBIT F)**

Steve Hand moved, seconded by Mike Kopke to recommend: "In that the Planning & Zoning Commission finds that the Applicant request fails to meet the criteria for variance approval as set forth in the Zoning Ordinance the Commission recommends the Board of Mayor and Aldermen deny the application."

Alderman Stahler moved, seconded by Alderman Kidd to deny the application, which is in agreement with the recommendation of the Planning and Zoning Board.

During discussion, Mr. Yarborough asked if Mr. Hughes was present. Mr. Hughes was not present. Zoning Commissioner Steve Hand was present and asked Mr. Hand if Mr. Hughes was absent from the prior meeting tabled? Mr. Yarborough asked, "Is it fair to say that he did not put forth any evidence in support of his variance request?" Mr. Hand said "None that would meet the criteria of section 9061 or 2.10.026". Mr. Yarborough asked "The findings of fact from the Planning and Zoning Commission were that he failed to meet his burden of showing the necessity for a variance." Mr. Hand said "That is correct, he did offer some rationale for his request, but none of them met those criteria being exceptional conditions pertaining to the property that would justify it." Mr. Yarborough asked what were some of those reasons that he failed to meet his burden? Mr. Hand then provided the Board with a sketch of the requested variance and provided an explanation of the drawing and why the variance should not be granted. Mr. Hughes' mother offered that she would like to build a house next door which would require subdividing. Mr. Hand said that Mr. Hughes said he would like to build the house because of sentimental and meteorological reasons. He said none of the reasons presented met the extraordinary or exceptional circumstances that the P&Z Board usually look for; he met none of the 9 criteria required. Mr. Yarborough asked if anyone was present objecting to Mr. Hughes request. Mr. Yarborough said, "Let the record reflect that no one was here to object, and if you (the Board) make a finding in support of Alderman Stahler's motion, you're (the Board) making a finding that he failed to meet the elements necessary for a variance under Zoning Ordinance 349."

A vote was called for with the following results:

Yea: Stahler, Geoffrey, Lafontaine and Kidd

Nay: None

Absent: None

Re: Charles B. Frater, 400 S. Beach Boulevard

Charles B. Frater appeared before the commission with a request for a variance of one foot from the required side yard setback on each side in order to build a new residence on his property located at 400 S. Beach Boulevard. Legal description: part of lot 42A, 3rd Ward Waveland, City of Waveland, Hancock County, Mississippi. **(EXHIBIT F)**

Steve Hand moved, seconded by Mike Kopke to recommend: "Table the application until the November 26th Commission meeting to allow the Applicant to review the concerns raised and the alternatives proposed by William "Bill" Carrigee, the City of Waveland's Building Inspector/Consultant in Mr. Carrigee's October 29, 2012 report to the Commission."

Tabled: No action required or taken by the Board of Mayor and Aldermen

PERSONNEL/FIRE DEPARTMENT/POLICE DEPARTMENT

Re: Restore Hourly Rate of Part-time Fire and Police – those Employees Affected by Layoff Aug, 2011.

Alderman Geoffrey moved, seconded by Alderman Kidd to restore part-time Fire and Police Auxiliary pay to \$10.00 per hour if the employee had been affected by the 10% pay cut (August 17, 2011); otherwise new part-time public safety employees shall be hired at a rate of \$9.00 per hour.

Alderman Stahler noted that the Fire and Police Department's auxiliary budgets were lump sum amounts (not budgeted per employee) and therefore, as long as the auxiliary budget was within that lump sum auxiliary budget they will still be within budget. Chief Smith said he personally liked the fact that new employees will start at \$9.00 per hour. Chief Hurt also said he agreed with this. Mayor Garcia told Board members this is what the Chiefs' had recommended.

A vote was called for with the following results:

Yea: Stahler, Geoffrey, Lafontaine and Kidd

Nay: None

Absent: None

PUBLIC WORKS/PERSONNEL/STREETS

Re: Establishing \$17.75 Rate of Pay for Kenneth Kientz

Alderman Lafontaine moved, seconded by Alderman Kidd to establish rate of pay, effective October 1, 2012, for Kenneth Kientz as \$17.75 per hour, i.e. \$36,920 annually.

A vote was called for with the following results:

Yea: Stahler, Geoffrey, Lafontaine and Kidd

Nay: None

Absent: None

PUBLIC WORKS/UTILITY DEPARTMENTS/PERSONNEL

Re: Establishing \$11.00 Rate of Pay for Darryl Antoine

Alderman Stahler moved, seconded by Alderman Geoffrey to establish rate of pay, effective October 1, 2012, for Darryl Antoine as \$11.00 per hour, i.e. \$22,880 annually, split between Streets (minor %) and Utility Departments (major %) as his work responsibilities indicate.

A vote was called for with the following results:

Yea: Stahler, Geoffrey, Lafontaine and Kidd

Nay: None

Absent: None

**PERSONNEL/RESIGNATIONS/TERMINATIONS/STREETS DEPARTMENT/
PUBLIC WORKS/POLICE DEPARTMENT**

Re: Resignations of Leroy Hawkins, Jr., Officer Patrick Walker, Officer Michael Wayne Prendergast and Termination of Officer Paul Taylor

Spread on the minutes the following resignations/termination as listed (Items a-d):

- a) Leroy Hawkins Jr. resignation from the Streets Department effective November 8, 2012.
- b) Officer Patrick Walker resignation from the Police Department effective October 29, 2012.
- c) Officer Michael Wayne Prendergast resignation from the Police Department effective October 22, 2012
- d) Termination of Officer Paul Taylor from the Police Department effective October 22, 2012.

PERSONNEL/POLICE DEPARTMENT

Re: New Hires: Chris Allen and Chance Seals as full-time Firefighters; and Mr. Nathaniel Duhe and Mr. Benjamin Bowen as Part-time Patrolman

Alderman Geoffrey, moved, seconded by Alderman Stahler to approve hiring the following police officers pending passage of drug test, as recommended by Chief Kenny Hurt and listed (Items a-d):

- a) Mr. Chris Allen as a full-time Patrolman at a salary of \$32,031.00.
- b) Mr. Chance Seals as a full-time Patrolman at a salary of \$28,392.00.
(Salary recommended by Chief Kenny Hurt)
- c) Mr. Nathaniel Duhe as a part-time Patrolman at a rate of \$9.00 per hour,
- d) Mr. Benjamin Bowen as a part-time Patrolman at a rate of \$9.00 per hour.

A vote was called for with the following results:

Yea: Stahler, Geoffrey, Lafontaine and Kidd

Nay: None

Absent: None

POLICE DEPARTMENT/PURCHASING/CELLPHONES

Re: Add 3 Cell phones (Lieutenant, 2 Investigators) for the Police Department

Alderman Kidd moved, seconded by Alderman Geoffrey to add 3 cell phones for the Police Department as budgeted for: Lieutenant and 2 Investigators.

A vote was called for with the following results:

Yea: Stahler, Geoffrey, Lafontaine and Kidd

Nay: None

Absent: None

**ASSESSED VALUATION/HANCOCK COUNTY TAX ASSESSOR/TAX
ASSESSOR/TAXES: FY 2012**

Re: Assessed Valuation Schedule for 2012

Alderman Lafontaine moved, seconded by Alderman Geoffrey to accept and approve the Assessed Valuation Schedule for the year 2012 (to be collected in 2013) as provided by the Hancock County Tax Assessor. **(EXHIBIT G)**

A vote was called for with the following results:

Yea: Stahler, Geoffrey, Lafontaine and Kidd

Nay: None

Absent: None

**INVOICES/DRAINAGE INFRASTRUCTURE IMPROVEMENT PROJECT/
CLIMATE CHANGE ADAPTION/HMGP/SEA GRANT PROJECT/CITY HALL
AND CITY HALL ANNEX/FIRE STATION COLEMAN AVENUE/INVOICES
Re: Payment of Invoices as submitted by Various Contractors**

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 sources, as submitted by Recovery Manager, Brent Anderson, and listed (Items a-f): **(EXHIBIT H)**

- a) Invoice 0071818 from Pickering Engineering in the amount of \$43,724.00 – Drainage Infrastructure/Improvement Project.
- b) Invoice X17327193 from AMEC Environment and Infrastructure, Inc. in the amount of \$1,284.14 – Climate Change Adaption/Task Order No. 13.
- c) Invoice X17326838 from AMEC Environment and Infrastructure, Inc. in the amount of \$697.68 - Climate Change Adaption (Sea Grant)
- d) Invoice X17327195 from AMEC Environment and Infrastructure, Inc. in the amount of \$377.86 – Drainage Improvement Project
- e) Invoice 16 and Final from BDA, PLLC in the amount of \$8,186.01 – City Hall, City Hall Annex and Fire Station on Coleman Avenue.
- f) Pay Application No. 17 and Final from DNP, Inc in the amount of \$19,960.88 – City Hall, City Hall Annex and Fire Station on Coleman Avenue.

Alderman Lafontaine and Mr. Gary Yarborough discussed warranty issues related to Invoice No. 16 from BDA, PLLC. Mr. Yarborough said the limits of our motion is just to approve the invoice. Mayor Garcia asked, “By closing this contract out, will there be an issue that we’re fighting right now with the fact that (in the opinion of the Building Official and ADA) that the Fire Station on Coleman Avenue is not ADA accessible.” Mr. Yarborough said that would require a contract modification anyway; a change order is a modification to the contract, whether it’s done by BDA or another architect. The Mayor said Chief Smith and Inspector Bill Carrigee have both researched the issue extensively and spoken with people from (ADA) *American’s With Disabilities Act* who are telling us the opposite. He asked if it was okay to close this out. Mr. Yarborough said all the Board is doing by this vote is closing out what the contract is.

A vote was called for with the following results:

Yea: Stahler, Geoffrey, Lafontaine and Kidd

Nay: None

Absent: None

**CONTRACTS/FIRE DEPARTMENT TRAINING FACILITY AND DRAFTING
PIT/CENTRAL FIRE STATION/TRAINING FACILITY AND DRAFTING PIT
Re: Approve contract with GM&R for the Waveland Fire Department Training
Facility and Drafting Pit**

Alderman Lafontaine moved, seconded by Alderman Stahler to approve contract with GM&R to construct the Waveland Fire Department Training Facility and Drafting Pit and authorize required signatures thereon. **(EXHIBIT I)**

During discussion, Mr. Yarborough said he is fine with the language of the contract and the general conditions require GM&R to pull all permits.

A vote was called for with the following results:

Yea: Stahler, Geoffrey, Lafontaine and Kidd

Nay: None

Absent: None

**MEMORANDUM OF UNDERSTANDING/HANCOCK COUNTY UTILITY
AUTHORITY/CITY OF BAY ST. LOUIS/CONTRACTS/UTILITY
DEPARTMENT**

**Re: Proposed tie-in between the Hancock County Utility Authority, Bay St. Louis
and the City of Waveland**

Alderman Geoffrey moved, seconded by Alderman Stahler to approve Memorandum of Understanding with the Hancock Utility Authority and Bay St. Louis concerning a proposed project to facilitate a tie-in between Waveland's water system and the Authority's and authorize the Mayor to execute same, subject to any modifications approved by the City Attorney. **(EXHIBIT J)**

During discussion Mayor Garcia said he had spoken with Mr. Yarborough about this issue. Mr. Yarborough said the intent of this is to get an okay from the City of Bay St. Louis and the Authority (HCUA) for the use of easements right of way for the tie-in. He said he had been at the Bay St. Louis meeting earlier and felt they would agree as far as the modifications of the language. The Authority will take this up at their Tuesday meeting. Mr. Yarborough said the City will, if MDA approves the grant, have to hire an Engineer and then someone to actually do the work. He noted any other additional permits can be resolved in their contract language to make them pull those permits, whoever may need it, and to finalize the exact locations. This agreement makes the City and MDA comfortable that we generally have the right to do the work. Mayor Garcia recalled some previous discussion on the agenda about the tie-in because this step of the process had not been approved. Alderman Lafontaine asked about the project going out for bid for the engineering. Mr. Yarborough said, "There's been no contract".

A vote was called for with the following results:

Yea: Stahler, Geoffrey, Lafontaine and Kidd

Nay: None

Absent: None

PUBLIC WORKS/BUSINESS INCUBATOR/UTILITES DEPOSITS

**Re: Approval to Waive Deposits for the Magnolia Business Alliance related to the
Business Incubator**

Alderman Stahler moved, seconded by Alderman Geoffrey to waive the deposits and connection fees for Magnolia Business Alliance related to 225 Coleman Avenue; Waveland Business Incubator.

The Mayor said he had a problem with the gas fees being waived. He expressed concern about there being no deposit and if the vendor abruptly leaves, this would leave the City with an outstanding gas bill that the City still has to pay. Alderman Stahler suggested the City put the deposit for the gas in the Café's name rather than Magnolia Business Alliance and waive the deposit on the water. Alderman Kidd disagreed the water deposit should be waived. Mrs. Planchard said only 2 units would require water, and therefore have a sewer bill also; only 1 of those units would need gas, that being the Café. The total water, sewer and gas deposit & connection fees would be \$980.25 (assuming a small gas meter) or \$1080.25 (assuming a large gas meter) for those 2 units. Alderman Kidd said that he was of the opinion that all should have to pay the deposits; we charge everyone else in the City. The Mayor said he feels that if the request is denied, this will be more incentive for them to get people to rent space in the building quicker. Mayor Garcia said, "I know it's a City building, but it's on a contract; it's not like the Civic Center where the Civic Center is a City building and where we do tie the gas into the cafeteria and get all the kitchen equipment hooked up, when people come into do a function; the City will be reading that meter. Whatever they use in gas we will be billing them for that function; it's the same thing." Alderman Stahler said Magnolia was asking

for relief because they are just getting started and we put this on to see how the Board felt about it. Alderman Lafontaine said he feels that if he goes and rents a building and has to have water and sewer, he's responsible to pay that water and sewer; that's what Alderman Kidd is referring to. He said the City has already changed some things on the building and negotiated the contract and now this, if you take the gas off, you're looking at them paying \$464.20 and he thinks they can pay that. Alderman Stahler said Magnolia asked her to put this before the Board, and did agree with the Mayor regarding the gas; the deposit should go in that person's name and they are responsible for the gas. Mr. Yarborough said the vote would be Yea to waive and Nay to deny the request.

A vote was called for with the following results:

Yea: Stahler

Nay: Geoffrey, Lafontaine and Kidd

Absent: None

EXECUTIVE SESSION

Alderman Lafontaine moved, seconded by Alderman Geoffrey to consider entering Executive Session to discuss personnel issues in the Court Department and potential litigation and contract negotiations concerning the Sewer North Project and the Police Station, and in addition, Personnel issues related to the Public Works Department.

A vote was called for with the following results:

Yea: Stahler, Geoffrey, Lafontaine, and Kidd

Nay: None

Absent: None

Alderman Lafontaine moved seconded by Alderman Kidd to enter Executive Session to discuss personnel issues in the Court Department and potential litigation and contract negotiations concerning the Sewer North Project and the Police Station, and in addition, Personnel issues related to the Public Works Department.

A vote was called for with the following results:

Yea: Stahler, Geoffrey, Lafontaine, and Kidd

Nay: None

Absent: None

SEWER NORTH/REYNOLDS, INC. /LEGAL DEPARTMENT

Re: Grant City Attorney Authority to Resolve Warranty Dispute with Reynolds, Inc.

Alderman Lafontaine moved, seconded by Alderman Geoffrey to grant the City Attorney authority to resolve the Warranty dispute with Reynolds, Inc. concerning the Sewer North Project for a Principal amount not less than \$250,000.00 on terms agreeable to the City Attorney, with the authorization terminating 4 hours before the next Board Meeting.

A vote was called for with the following results:

Yea: Stahler, Geoffrey, Lafontaine, and Kidd

Nay: None

Absent: None

Note: Aldermen Geoffrey left the Board meeting at this time.

Re: Exit Executive Session

Alderman Lafontaine moved, seconded by Alderman Kidd to exit Executive Session with action taken.

A vote was called for with the following results:

Yea: Stahler, Lafontaine, and Kidd

Nay: None

Absent: Geoffrey

STREETS DEPARTMENT/ PERSONNEL

Re: Consider New Hire, David Gill

Alderman Lafontaine moved, seconded by Alderman Kidd to **TABLE** hiring David Gill at \$9.00 per hour for the Streets Department (replace L. Hawkins) pending passage of drug test, as recommended by Public Works Director, Brent Anderson.

A vote was called for with the following results:

Yea: Stahler, Lafontaine, and Kidd

Nay: None

Absent: Geoffrey

ADJOURN

Re: Adjourn meeting at 10:55 P.M.

Alderman Stahler moved, seconded by Alderman Lafontaine to adjourn the meeting at 10:55 P.M.

A vote was called for with the following results:

Yea: Stahler, Lafontaine, and Kidd

Nay: None

Absent: Geoffrey

The foregoing minutes were presented to Mayor Garcia on November 26, 2012.

Lisa Planchard
City Clerk

The Minutes of November 6, 2012 have been read and approved by me on this day the 26th day of November, 2012.

David A. Garcia

Mayor