

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 December 17, 2014 at 6:30 p.m. to take action on the following matters of City business.

ROLL CALL

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

PUBLIC COMMENTS:

Re: Ms. Mikelle Williams expressed concerns about Garage Sales and Flea Markets being held at the old "Our Shopping Center" location on Highway 90. Mayor Smith said he would turn this issue over to the Police Department.

MAYOR'S REPORT/PLANNING AND ZONING

Re: Mayoral and Aldermen appointments to 2014 – 2018 Planning and Zoning Board

Spread on the Minutes appointment of the following Planning & Zoning Board members for the December 2014 - December 2018 term:

- Mayor's Appointment – Roger Estopinal
- Ward 1 – Jay Fountain
- Ward 2 – Clarence Harris
- Ward 3 – Mike Kopke
- Ward 4 – Charlotte Watson

HOLIDAY SCHEDULE/CITY HALL/FIRE DEPARTMENT/POLICE

DEPARTMENT/RSVP/PARKS AND RECREATION/PURCHASING/PERSONNEL

Re: Change Holiday Schedule from 12/24/14 and 12/25/14 to 12/25/14 and 12/26/14

Alderman Lafontaine moved, seconded by Alderman Burke to amend the agenda regarding the 2014-2015 Holiday Schedule to change the Christmas holidays from Wednesday, December 24 and Thursday, December 25, 2014 to Thursday, December 25 and Friday, December 26, 2014.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

Re: Change Holiday Schedule from 12/24/14 & 12/25/14 to 12/25/14 and Friday, 12/26/14

Alderman Lafontaine moved, seconded by Alderman Burke to approve the 2014-2015 Holiday Schedule to change the Christmas holidays from Wednesday, December 24 and Thursday, December 25, 2014 to Thursday, December 25 and Friday, December 26, 2014. **(EXHIBIT A)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

CITY ATTORNEY'S COMMENTS

Re: Discuss Architect Walter “Buzzy” Bolton’s request to transfer the current City Hall/City Hall Annex Project contract from BDA, PLLC to Walter T. Bolton Associates, AIA

Mr. Bolton explained that since the death of his Business Partner Gary Dunn, he has been trying to dissolve the company BDA, PLLC. and would like to have that company dissolved by 12/31/2014 because of taxes and profits he is required to pay the IRS and the widow of Mr. Dunn. Mr. Bolton hopes that the current contract would be transferred to his company Walter T. Bolton Associates, AIA, allowing him to remove the widow of the late Mr. Dunn from all business ties. City Attorney Yarborough requested time to review the issue and would get back with Mr. Bolton and subsequently, the Board.

CHANGE ORDERS/FIRE STATION COLEMAN AVENUE/CITY HALL-CITY HALL ANNEX PROJECT

Re: Approve Change order No. 17 with DNP, Inc. regarding Fire Station Elevator

Alderman Lafontaine moved, seconded by Alderman Richardson to approve Change Order No. 17 with DNP, Inc. in the amount of \$2,769.11 for the elevator/Coleman Avenue Fire Station (City Hall/City Hall Annex Project). (Tabled from the December 4, 2014 Meeting). **(EXHIBIT B)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

INVOICES/CITY HALL-CITY HALL ANNEX/FIRE STATION COLEMAN AVENUE

Re: Invoice #23 from DNP in the amount of \$38,002.97 for Elevator Fire Station Coleman Ave

Alderman Lafontaine moved, seconded by Alderman Burke to approve Invoice #23 submitted by DNP, Inc. in the amount of \$38,002.97 and recommend to be placed in line for payment consideration contingent upon receiving funding from grant source, if required before payment. **(EXHIBIT C)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

ALDERMEN’S COMMENTS

Re: Alderman Burke

- Discussed the “Shrimp Signs” attached to each traffic light along Highway 90. Alderman Burke said he had received inquiries about the placement of the signs and discovered they are a part of Coastal Tourism and provided by the MS. Gulf Coast Convention & Visitors Bureau. He said there will be also an 80 page guide to provide tourists information of coastal events.
- Asked for updates for his constituents regarding the cleanliness of the streets.
- Inquired about the feasibility of using prisoners for City events, including post parade cleanup. Mayor Smith said that he is working with the Judge and Sheriff regarding this, but would have to speak with the City Attorney to receive guidance on liability issues.
- Wished everyone a Merry Christmas and Happy New Year

Re: Alderman Richardson

- Asked what it would take to replace the red flashing light at the intersection of Old Spanish Trail and McLaurin Streets. Mr. Anderson said he would take care of this for Alderman Richardson.

Re: Alderman Lafontaine

- Asked about using an alternate funding source, such as grant(s) through the Gulf Regional Planning Commission to complete the lighthouse on the beach. Mr. Anderson said the GRPC will only match MS. Department of Transportation projects.

- Asked Mr. Anderson for an update on the Smoke Testing and what has been repaired thus far? Mr. Anderson said they had repaired the last point repair at Old Spanish Trail and McLaurin and said there were a total of 9 repaired with 63 manholes lined already and 32 manholes left to be lined. He added that they have replaced 45 caps of 2” and 3” cleanouts with about 60 more to replace.
- Asked if court is still suspending driver’s licenses for those individuals not paying their court fines. Mayor Smith said he agrees that this should be done and would check with the clerk of court.

Re: Alderman Piazza

- Alderman Piazza had no comments

MINUTES

Re: Minutes of November 19, 2014, November 24, 2014 and December 4, 2014

Alderman Piazza moved, seconded by Alderman Lafontaine to approve the Minutes of the Meeting of November 19, 2014, the minutes of the Special Meeting of November 24, 2014 and the minutes of the Meeting of December 4, 2014 as submitted.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

DOCKET OF CLAIMS

Re: Claims

Alderman Lafontaine moved, seconded by Alderman Richardson to approve the Docket of Claims dated December 17, 2014 as submitted, with Alderman Piazza requesting that for this and all future motions through his elected term be worded to include that Mr. Piazza is abstaining on the payroll portion of each docket. **(EXHIBIT D)**

Note: Mr. Piazza is abstaining on the payroll portion because his son is currently employed with 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

WAVELAND CIVIC ASSOCIATION/ELWOOD BOURGEOIS PARK/PARKS AND RECREATION

Re: Use of dead tree for carving at the Elwood Bourgeois Park

Alderman Lafontaine moved, seconded by Alderman Richardson to approve a request from the Waveland Civic Association to use a dead tree at the Elwood Bourgeois Park for a tree sculpture with no cost to the City. Mr. Alfred Harris was present to discuss and explained that this will cost slightly over \$2,000, but that this will be paid by the Waveland Civic Association.

A vote was called for with the following results:

Voting Yea: Richardson, Lafontaine, and Piazza

Abstain: Burke

Voting Nay: None

Absent: None

OATHS OF OFFICE/CITY HALL

Re: Oaths of Office for Board 2014-2018

Spread on the Minutes the following Oaths of Office as listed: (Items a-e) **(EXHIBIT E)**

- a. Mayor Mike Smith
- b. Alderman Jeremy Burke, Ward 1
- c. Alderman Bobby Richardson, Ward 2
- d. Alderman Shane Lafontaine, Ward 3
- e. Alderman Charles Piazza, Ward 4

MISSISSIPPI DEVELOPMENT AUTHORITY/CORRESPONDENCE/ELECTION/CITY HALL/CDBG

Re: Correspondence notifying MDA of Mayor Mike Smiths Election to Office

Alderman Piazza moved, seconded by Alderman Lafontaine to ratify letter to Executive Director, Daron White with MDA notifying him of Mayor Mike Smith's election to office, which will provide the Mayor authority to sign all documents related to current projects/correspondence with Mississippi Development Authority. **(EXHIBIT F)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

CHANGE ORDERS/JEFF DAVIS-GULFSIDE SEWER AND PAVING IMPROVEMENTS PROJECT/W. JEFF DAVIS/E. JEFF DAVIS SEWER CONNECTOR PROJECT

Re: Change Order No. 4 from Hensley R. Lee Contracting, Inc. – Jeff Davis/Gulfside Drive Sewer & Paving Improvements Project

Alderman Burke moved, seconded by Alderman Lafontaine to approve Change Order No. 4 from Hensley R. Lee Contracting, Inc. in the amount of \$162,685.06 for the Jeff Davis - Gulfside Drive Sewer & Paving Improvements Project, as recommended by Digital Engineering. (Tabled from the December 4, 2014 Meeting). **(EXHIBIT G)**

During discussion, Aldermen Burke asked Mr. Bruce Newton when the paving would start. Mr. Newton said that 4 tests must be done on the sewer lines and video the lines before the paving can start. He added that if all goes well, base coat of paving should start 1/5/14 and phase II shortly thereafter with final completion by mid-January. City Attorney Yarborough asked Mr. Newton if it was his opinion that construction related to this change order is necessary to complete the original scope of work necessary to the contract. Mr. Newton answered, "Yes". Ms. Yarborough asked Mr. Newton if he felt the costs were reasonable. Mr. Newton answered, "Yes". Ms. Yarborough also asked Mr. Newton if all costs are commercially reasonable to the project. Mr. Newton said, "Yes".

During discussion, City Attorney Yarborough said that the Board's motion approval is contingent upon the Board's finding of fact listed in MS. Code Section 31-7-13 that the proposed changes are necessary or incidental to the completion of work as originally bid, are not outside the scope of the original contract, are commercially reasonable and not made to circumvent the public purchasing statutes and that any increase or decrease in cost is reasonable.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

AGREEMENTS/CONTRACT AMENDMENTS/CONTRACTS/GULFSIDE DRIVE SEWER AND PAVING IMPROVEMENTS PROJECT/EAST JEFF DAVIS SEWER IMPROVEMENTS PROJECT/JEFF DAVIS CONNECTOR AND PAVING PROJECT/WEST JEFF DAVIS SEWER IMPROVEMENTS PROJECT

Re: Approve Contract Amendments with Digital Engineering related to the Gulfside/Jeff Davis Sewer Improvements & Paving Project

Alderman Piazza moved, seconded by Alderman Lafontaine to approve the following Amendments to Digital Engineering Agreements with the City of Waveland for the following projects, as listed Items (a-d): (Tabled from the December 4, 2014 Meeting).

- a. Amendment No. 2 to the Gulfside Drive Sewer & Paving Improvements Project
(EXHIBIT H)
- b. Amendment No. 3 to the East Jeff Davis Avenue Sewer Improvements Project
(EXHIBIT I)
- c. Amendment No. 2 to the Jeff Davis Connector Sewer and Paving Project. **(EXHIBIT J)**
- d. Amendment No. 3 to the West Jeff Davis Avenue Sewer Improvements Project.
(EXHIBIT K)

During discussion, City Attorney Yarborough said that the Board's motion approval is contingent upon the Board's finding of fact listed in MS. Code Section 31-7-13 that the proposed changes are necessary or incidental to the completion of work as originally bid, are not outside the scope of the original contract, are commercially reasonable and not made to circumvent the public purchasing statutes and that any increase or decrease in cost is reasonable.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

CERTIFICATE OF SUBSTANTIAL COMPLETION/WATER SYSTEM EXTENSION – MASTER METER CONNECTION PROJECT/SUBSTANTIAL COMPLETION

Re: Certificate of Substantial Completion: Water System Extension/Master Meter Connection Project

Alderman Piazza moved, seconded by Alderman Richardson to approve the Certificate of Substantial Completion with Hensley R. Lee Contracting, Inc. (for the Water System Extension –Master Meter Connection Project) dated November 5, 2014 with the one (1) year Warranty beginning on that date. Note: The water mains for this project have passed all pressure and disinfection testing giving the City beneficial use of the water system. **(EXHIBIT L)**

During discussion it was noted that the final inspection of the project occurred November 5, 2014 and everything passed according to Mr. Anderson who was present during the Substantial Completion Inspection.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

ADVERTISEMENTS/RENEWAL

Re: Renewal of Sign/Advertisement in the Bay High Gym

Alderman Lafontaine moved, seconded by Alderman Richardson to approve the renewal of advertisement to be placed in the Bay High School Gym requested by the Bay High Hardwood Club. Renewal cost of the sign would be \$100.00 for a 24" x 18" sign, with a \$100.00 renewal fee each subsequent year if the Board should so approve at that time. **(EXHIBIT M)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

PERSONNEL/HUMAN RESOURCES/TRAINING

Re: Payment of Human Resources Membership through Fred Pryor Seminars for HR Director's Continuing Education

Alderman Piazza moved, seconded by Alderman Richardson to approve payment of membership fee in the amount of \$199.00 for Human Resources Training through Fred Pryor Seminars for unlimited access to training seminars, online library and tools for Human resources to assist Ms. April Chevis, HR Director in her job duties. **(EXHIBIT N)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

FIRE DEPARTMENT/PERSONNEL/HUMAN RESOURCES

Re: Tommy Carver as Assistant Fire Chief, Casey Piazza to First Lieutenant, Joey King to full-time position, Jim Bradley part-time Fire Fighter

Alderman Lafontaine moved, seconded by Alderman Burke to approve the following promotions, pay increases and hires in the Fire Department:

- a. Firefighter Tommy Carver to Assistant Fire Chief at a salary of \$45,551.00 as budgeted.
- b. Firefighter Casey Piazza to Fire Lieutenant at a rate of \$12.41 per hour as budgeted.
- c. Firefighter Joey King moved from part-time to fulltime at a rate of \$11.62 per hour as budgeted. (Will replace Casey Piazza's position).
- d. Mr. Jim Bradley as a part-time Firefighter at a rate of \$9.00 per hour, pending passage of drug test. Firefighter Bradley will backfill shifts that are short due to vacation and/or sick leave.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

EXECUTIVE SESSION

Re: Personnel Issues in the Police Department

Alderman Richardson moved, seconded by Alderman Piazza to consider Executive Session to prompt a closed discussion regarding Personnel issues in the Police Department

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

Alderman Burke moved, seconded by Alderman Piazza to exit preliminary Executive Session to discuss Personnel issues in the Police Department because it was determined that the issue did not qualify for Executive Session.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

POLICE DEPARTMENT/PERSONNEL
Re: Table approval of Sergeant Promotions

Alderman Piazza moved, seconded by Alderman Richardson to **TABLE** the following Police personnel promotions to Sergeant and a pay increase of .50 cents per hour, effective December 22, 2014 being listed: (Items a-d)

- a. Officer Mike Prendergast
- b. Officer Ronald Storey
- c. Officer Jody Richardson
- d. Officer Erik Castro

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

AGREEMENTS/FIRE DEPARTMENT/CITY HALL/POLICE DEPARTMENT/UTILITY DEPARTMENT/LEASES/EQUIPMENT LEASED
Re: Copier Cost Agreements with South Mississippi Business Machines for Copy Machines

Alderman Piazza moved, seconded by Alderman Burke to approve the following Copier Cost Agreements with South Mississippi Business Machines for copy machines placed in City Hall, Fire Department and Police Department for a period of 36 months and authorize Mayor's Signature thereon: (These rates agree with the Contract and paperwork approved by the Board October 22, 2014.)

(EXHIBIT O)

- a. Model#MX-M314N at a cost of \$120.20 per month and .01 cents per black and white copy.
- b. Model#MX-M623N at a cost of \$345.50 per month and .0055 cents per black and white copy.
- c. Model#MX-414ON at a cost of \$273.10 per month, .01 cents for black and white copy and .055 per color copy.
- d. Model#MX-414ON at a cost of \$273.10 per month, .01 cents for black and white copy and .055 cents per color copy.
- e. Model#MX-414ON at a cost of \$254.80 per month, .01 cents for black and white copy and .055 per color copy.
- f. Model#MX-4145N at a cost of \$167.70 per month, .01 cents for black and white copy and .055 per color copy.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

**TIDELANDS/PARKING BAYS FOR BEACH ACCESS/MARINA IMPROVEMENTS
PROJECT/REALLOCATION OF FUNDS**

**Re: Reallocation of funds from City of Waveland Parking Bays for Beach Access to Marina
Improvements Project**

Alderman Lafontaine moved, seconded by Alderman Burke to approve and authorize required signatures upon the Tidelands Request for Reallocation of Funds from Project Number FY2013-P115 to Project Number FY2011-P111 in the amount of \$129,480.00; i.e. from 'City of Waveland Parking Bays for Beach Access' to 'Marina Improvements Project'. **(EXHIBIT P)**

Mr. Lagasse with Compton Engineering was present and told Board members that this will close out the P111-FY2011 expenses.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

BUDGET MODIFICATION/CITY HALL-CITY HALL ANNEX PROJECT

**Re: City Hall/City Hall Annex Project; Budget Mod #21 extending Contract End Date
Project No. R-109-379-02-KCR**

Alderman Lafontaine moved, seconded by Alderman Piazza to approve Budget Mod #21, Contract No. R-109-379-02-KCR for City Hall/City Hall Annex Project extending the contract end date to 10/31/2014 to allow for closeout. **(EXHIBIT Q)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

PURCHASING/FIRE DEPARTMENT

**Re: Authorize Asst. Fire Chief Tommy Carver to sign Purchase Requisitions for the Fire
Department**

Alderman Lafontaine moved, seconded by Alderman Piazza to authorize Asst. Fire Chief Tommy Carver to sign purchase requisitions for the Fire Department.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

REVENUES AND EXPENDITURES REPORT/FIRE DEPARTMENT/PERSONNEL

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

- a. The Revenues & Expenditures report of November 30, 2014, at this the second meeting of December 2014. **(EXHIBIT R)**
- b. The resignation of Mike Smith as Fire Chief effective December 3, 2014.
- c. Letter from Mayor Smith dated 12/10/14, to the Hancock County Board of Supervisors requesting they pave a portion of South Street. **(EXHIBIT S)**
- d. Partial Payment Request (RFC) #19 from Tidelands Trust Fund in the amount of \$127,894.57 regarding the Veterans Memorial Improvements Project. **(EXHIBIT T)**

EXECUTIVE SESSION

Re: Potential Litigation

Alderman Lafontaine moved, seconded by Alderman Richardson to consider Executive Session to prompt a closed discussion regarding potential litigation related to Sewer South Project.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

Alderman Burke moved, seconded by Alderman Richardson to enter Executive Session to discuss potential litigation related to Sewer South Project.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

Alderman Burke moved, seconded by Alderman Richardson to exit Executive Session with no action taken.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

ADJOURN

Re: Adjourn Meeting at 8:09 p.m.

Alderman Piazza moved, seconded by Alderman Lafontaine to adjourn the meeting at 8:09 p.m.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine, and Piazza

Voting Nay: None

Absent: None

The foregoing minutes were presented to Mayor Smith on January 23, 2015.

Lisa Planchard
City Clerk

The Minutes of December 17, 2014 have been read and approved by me on this day the 23rd day of January, 2015.

Mike Smith
Mayor

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Area

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