



MINUTES
FORMAL MEETING OF CITY COUNCIL
 Diamondhead, Mississippi
 Council Chambers, City Hall
 January 21, 2014
 6:00 pm CST

I. Call to Order – Mayor Schafer called the meeting to order at 6:00 p.m. CST

1. **Invocation** – Councilmember LaFontaine
2. **Pledge of Allegiance** – Councilmember Rech
3. **Roll Call** – Mayor Schafer, Lopez, LaFontaine, Knobloch, Sislow and Rech were present.
4. **Confirmation or Adjustment of the Agenda Order** –

The following items were amended to the Agenda Order:

- a. Requested by Mayor Schafer – add Hancock County Chamber of Commerce Presentation by Tish Williams to **Section: II. 5. - Presentations.**
- b. Requested by Councilmember LaFontaine – add Hancock County Solid Waste Authority Update to **Section: II. 2. b. - Council Comments.**
- c. Requested by Councilmember LaFontaine – add discussion to issue building permit for construction of a shed on a residentially zoned property. A motion for the city of Diamondhead has been requested to issue a building permit for the construction of a shed on a residentially zoned property. A conflict exists between the City's Zoning Ordinance, which requires a 20' rear yard setback, and generally accepted building practices that allow a 10' rear yard setback. Realizing a conflict exists that will require amendment to the City Ordinance in the future and in the interest of time and the promotion of development within the City, it is recommended to authorize the City Manager to implement such measures as are necessary to issue the building permit as requested of the City.
- d. Requested by Councilmember Rech – add **Resolution 2014-084: TO ENABLE AND ENHANCE THE MARKETING AND PROMOTION OF HANCOCK COUNTY, MISSISSIPPI AS A TOURIST DESTINATION, THROUGH CONTINUED ENABLING LEGISLATION FOR THE HANCOCK COUNTY TOURISM DEVELOPMENT BUREAU BY AMENDING CURRENT LEGISLATION REPEAL CLAUSE** to **Section: III. 6.**

Councilmember LaFontaine motioned, seconded by Councilmember Lopez, to accept the Agenda Order as amended.

Ayes: Mayor Schafer, Lopez, LaFontaine, Knobloch, Sislow and Rech. Nay's none.

II. Presentation Agenda

1. Council Comments

- a. Mayor Schafer announced the next regularly scheduled Council Meeting will be held at 6:00 p.m. CST on Tuesday, February 4, 2014 in Council Chambers located at 5000 Diamondhead Circle.
- b. Councilmember LaFontaine gave an update on the Hancock County Solid Waste Authority (HCSWA). LaFontaine stated the HCSWA issued a Request For Proposal (RFP). Bids open on, February 13, 2014. Awards will be announced on, February 18, 2014. The City of Diamondhead will remain in the contract and services will not change for Diamondhead Residents.

- c. Mayor Schafer announced the Hancock County Board of Supervisors approved the Interlocal Cooperation Agreement between Hancock County and the City of Diamondhead for Police Protection Services and Other Purposes thru, December 31, 2015.
- d. Mayor Schafer stated he received an email from the Mississippi Department of Transportation (MDOT) regarding a resolution to Exit 16 traffic flow issues. Additional information will be reported at the, February 4, 2014 Council Meeting.

2. City Manager Report

- a. The annual financial audit began December 2013.
- b. The Staff completed initial interviews for the Minute Clerk Position. Two or three candidates will be called back for second interviews.
- c. The City Clerk was recognized and gave a report on the status of the INCODE Accounting Software and the Sales Tax Diversion List:
 - 1. The City Clerk gave a status report for the INCODE Accounting Software. The upcoming implementation schedule is as follows: Week of 1/27/14 – Building Permits and Business Licenses Consultation and Setup; Week of 2/3/14 – Building Permits Go Live Continued; Week of 2/24/14 – Go Live with Work Orders, Project Accounting and Inventory
 - 2. The Department of Revenue (DOR) requested the sales tax identification number of three businesses missing from the City's Sales Tax Diversion List. Two identification numbers were retrieved and relayed to the DOR. Sales tax collected from these businesses will be included in future monthly tax disbursements to the City. Further inquiry is being made to determine the final business sales tax identification number.
- d. The City Manager gave the following update regarding the City of Diamondhead Website:
 - 1. Added link to Facebook on the home page.
 - 2. Added link to "Hancock County Library System."
 - 3. Removed "Municipal Government 101" page.
 - 4. Added Wards represented by its corresponding Planning & Zoning Commissioner.
 - 5. Removed some duplicate information.
- e. Captain Al Hermann gave the Police Report for the period of January 1, 2014 to January 21, 2014.
- f. The City Clerk is trained in the Council Approved card processing system and will to cross train other staff. Full implementation of the system is expected in mid-February 2014.

3. Public Comments on Agenda Items limited to 3 minutes per person –

- a. Blaine Robins stated he started construction on a 12 x 16 shed on his property and was told to cease construction due to the 20 ft. set back code enforced by the City. He said it conflicts with the Property Owner's Association (POA) rules and requested the 20 ft. set back code be changed to reflect the POA standards/code.
- b. Joe Floyd stated his concerns allowing the Hancock County Chamber of Commerce, a private entity, office space in City Hall. Doing so would force the City to allow other entities in City Hall.

4. Lot Clean-up Bid Openings at 6:30 p.m. CST on Parcel 1: 131A-0-01-0051.000. Diamondhead Phase 2, Unite 5, Block 9, Lots 105 – 6838 Apona Street, Diamondhead, MS.

At 6:30 p.m. CST, the City Manager, City Clerk and Purchasing Agent opened all bids received and announced each bid amount and bidder. The City Manager stated the bids would be reviewed and a recommendation would be made a future Council Meeting.

5. Presentations – Hancock County Chamber of Commerce request to place Kiosk at of Diamondhead City Hall.

Councilmember LaFontaine motioned, seconded by Councilmember Knobloch, to approve placement of the Hancock County Chamber of Commerce Kiosk at City Hall.

Ayes: Mayor Schafer, Lopez, LaFontaine, Knobloch, Sislow and Rech. Nay's none.

III. Policy Agenda

1. **Approval of Minutes** - Upon motion by Councilmember Rech, seconded by Councilmember LaFontaine, to accept the 1/7/14 Formal and 1/11/14 Special Call meeting minutes as presented.

Ayes: Lopez, LaFontaine, Knobloch, Sislow, Rech and Mayor Schafer. Nay's none.

2. **Contract – 2014-3067**: Ratify contract with Levanway & Associates
Councilmember Knobloch motioned, seconded by Councilmember Rech, to ratify the Contract with Levanway & Associates to provide government relations for Calendar Year 2014.

Councilmember Sislow objected to the contract due to the exclusion of standard Personal Service Contract protection clauses.

Councilmember Lopez stated he agreed with Sislow and that he has an issue with the Mayor having a personal and financial relationship with Levanway & Associates.

Councilmember LaFontaine stated that basically the scope of service is in line with the City's Agenda.

Councilmember Knobloch stated he spoke with the City Attorney about the said contract. Knobloch believes Levanway & Associates is the best choice for the City's situation. Knobloch does not have a problem with the contract.

Councilmember Lopez agrees Levanway & Associates is the right firm for the job.

Mayor Schafer stated there are different types of contracts and due to the nature of this contract, it will be kept confidential.

Councilmember Sislow stated he is not opposed to hiring Levanway & Associates for the job, but does disagree with the absence of pertinent clauses to protect the City. He recommended a list of standard contract guidelines be formed for future contracts with the City.

Ayes: Mayor Schafer, LaFontaine, Knobloch and Rech. Nay's: Councilmember Lopez and Sislow.

3. Resolutions –

- a. **2014 – 3063 – 2014-083: RESOLUTION AUTHORIZING EXPENDITURES BY LEVANWAY & ASSOCIATES IN ASSOCIATION WITH CONSULTING SERVICES FOR THE PROMULGATION OF ECONOMIC DEVELOPMENT WITHIN THE CITY OF DIAMONDHEAD, MISSISSIPPI**

Councilmember Knobloch motioned, seconded by Councilmember LaFontaine, to approve **2014-083: RESOLUTION AUTHORIZING EXPENDITURES BY LEVANWAY & ASSOCIATES IN ASSOCIATION WITH CONSULTING SERVICES FOR THE PROMULGATION OF ECONOMIC DEVELOPMENT WITHIN THE CITY OF DIAMONDHEAD, MISSISSIPPI**

Councilmember Rech asked if the expenses are for a one year period. The City Manager stated the expenses are for one year and will have to be pre-approved in writing prior to incurring the expense. No money will be provided in advance to Levanway & Associates for incidental expenses.

Ayes: Mayor Schafer, LaFontaine, Knobloch, Sislow and Rech. Nay's: Councilmember Lopez.

- b. **2014-3077 – 2014-084: RESOLUTION TO ENABLE AND ENHANCE THE MARKETING AND PROMOTION OF HANCOCK COUNTY, MISSISSIPPI AS A TOURIST DESTINATION, THROUGH CONTINUED ENABLING LEGISLATION FOR THE HANCOCK COUNTY TOURISM DEVELOPMENT BUREAU BY AMENDING CURRENT LEGISLATION REPEAL CLAUSE**

Councilmember LaFontaine motioned, seconded by Councilmember Knobloch, to approve **2014-084: A RESOLUTION TO ENABLE AND ENHANCE THE MARKETING AND PROMOTION OF HANCOCK COUNTY,**

MISSISSIPPI AS A TOURIST DESTINATION, THROUGH CONTINUED ENABLING LEGISLATION FOR THE HANCOCK COUNTY TOURISM DEVELOPMENT BUREAU BY AMENDING CURRENT LEGISLATION REPEAL CLAUSE

Ayes: Lopez, LaFontaine, Knobloch, Sislow, Rech and Mayor Schafer. Nay's none.

4. Issue bids

a. 2014-3064 – 2014-1025: Request for Bids 2014 Tree Removals

Councilmember Knobloch motioned, seconded by Councilmember LaFontaine to Approve **2014-1025: Request for Bids 2014 Tree Removals.**

Councilmember Sislow asked if the removal of the trees complied with state law. The City Manager confirmed the removals comply with state law.

The City Manager stated local Arborist, Eric Nolan was hired to review trees in specific areas in Diamondhead that would be considered in need of removal due to disease or severe damage. The trees identified do not have historical value or are listed under the "protected tree" class.

Ayes: Lopez, LaFontaine, Knobloch, Sislow, Rech and Mayor Schafer. Nay's none.

b. 2014-3065 – 2014-1026: Request for Bids Purchase of a Backhoe for the City of Diamondhead

Councilmember Knobloch motioned, seconded by Councilmember LaFontaine to approve the **2014-1026: Request for Bids Purchase of a Backhoe for the City of Diamondhead.**

Councilmember Knobloch stated the equipment is over seventeen years old and it is junk. The hydraulic hose burst on the stated equipment and it is time to replace it, including the dump truck.

Ayes: Lopez, LaFontaine, Knobloch, Sislow, Rech and Mayor Schafer. Nay's none.

c. 2014-3068 – 2014-1028: Request for Bids Purchase of a Dump Truck for the City of Diamondhead

Councilmember Sislow motioned, seconded by Councilmember Rech to approve the **2014-1028: Request for Bids Purchase of a Dump Truck for the City of Diamondhead.**

Councilmember Sislow stated there are holes in the dump truck.

Councilmember Rech stated the backhoe and dump truck are the two major pieces of Public Works equipment to "get the job done." When these two pieces of equipment are down, work does not get done. Purchase of the said equipment is needed as soon as possible.

d. 2014-3066 – 2014-1027: Notice and Request for Proposals for a Lease Purchase Financing of Public Works Vehicles and Associated Equipment

Councilmember Knobloch motioned, seconded by Councilmember Lopez to approve **2014-1027: Notice and Request for Proposals for a Lease Purchase Financing of Public Works Vehicles and Associated Equipment.**

Councilmember Knobloch stated the probable rates with Hancock Bank range from 2.1% to 2.5%.

Ayes: Mayor Schafer, Lopez, LaFontaine, Knobloch, Sislow and Rech. Nay's none.

5. Other Actions –

a. Discussion for the City to provide office space to the Hancock County Chamber of Commerce at City Hall – No discussion took place.

b. Discussion, or action if required, to issue building permit for construction of a shed on a residentially zoned property.

Councilmember LaFontaine motioned, seconded by Councilmember Sislow, to authorize the City Manager to implement such measures that are necessary to issue the building permit as requested of the City for the construction of a shed on a residentially zoned property.

Councilmember LaFontaine stated a conflict exists between the City's Zoning Ordinance, which requires a 20' rear yard setback, and generally accepted building practices allow a 10' rear yard setback. Realizing a conflict exists that will require amendment to the City Ordinance in the future and in the interest of time and the promotion of development within the City, it is recommended to authorize the City Manager to implement such measures as are necessary to issue the building permit as requested of the City.

The City Attorney was recognized and stated the existing City Zoning Ordinance does not need to be amended at this time. Because a direct conflict exists, she recommends the City go ahead and issue the permit in question. The conflict will be addressed in the future.

Councilmember Lopez stated there is no need to hinder Mr. Robins' efforts to construct his building.

Ayes: Mayor Schafer, Lopez, LaFontaine, Knobloch, Sislow and Rech. Nay's none.

IV. Routine Agenda

1. Docket of Claims

Councilmember Rech motioned, seconded by Councilmember Sislow, to approve the Docket of Claims as presented.

Ayes: Mayor Schafer, Lopez, LaFontaine, Knobloch, Sislow and Rech. Nay's none.

2. Revenue and Expense Report – December 2013

Councilmember Rech motioned, seconded by Councilmember Sislow, to approve the Docket of Claims as presented.

Ayes: Mayor Schafer, Lopez, LaFontaine, Knobloch, Sislow and Rech. Nay's none.

V. Public Comments on Non Agenda Items limited to 3 minutes per person – NONE

VI. **Adjourn** - Councilmember Knobloch motioned, seconded by Councilmember Lopez, to adjourn the meeting at 7:13 p.m. CST. The motion carried.


Thomas E. Schafer, IV
Mayor


Kristin Ventura
City Clerk