



# MINUTES

## RECESSED MEETING OF CITY COUNCIL

### Diamondhead, Mississippi

City Council Chambers

March 6, 2013

9:00 a.m.

- 
1. **Motion to Resume**—Councilmember Rech moved, seconded by Councilmember Roberson, to resume the meeting. The motion carried unanimously and the meeting resumed at 9:05 a.m.
  2. **Roll Call**—The following members of Council were present: Mayor Ingraham, Dianne Ackerman, Hank Holcomb, Ernie Knobloch, Ron Rech, Dalton Roberson.
  3. **Confirmation or Adjustment of the Agenda Order**—Councilmember Roberson moved, seconded by Councilmember Holcomb, to accept the order of the agenda with any adjustments from Council. The motion carried unanimously and the adjusted order of the agenda was accepted. The following items were added to the agenda:
    - 7b—Beautification of Diamondhead Update
    - 8—Executive Session
  4. **Communications/Announcements from the Mayor and Council**—None
  5. **Citizens Wishing to Address Council, Agenda Items**  
None
  6. **PRESENTATION**
    - a. **Municipal Financing Options**—Demry Grubbs—Mr. Grubbs indicated that he was extremely impressed with the facility that Council acquired from the First Baptist Church and the future potential.

Mayor Ingraham indicated that Councilmember Ackerman was a member of the First Baptist Church and had recused herself from every discussion that went on regarding the purchase of the church. It was noted that she physically left the building during these discussions.

The Mayor inquired of the City Attorney whether or not Councilmember Ackerman needed to recuse herself at this point and in this discussion. Bragg Williams, City Attorney, and Mr. Grubbs indicated that The Diamondhead Baptist Church is no longer involved. Mr. Williams noted that the Church has already executed the Deed transferring the church building to the City, and it is being held in the safe deposit box of Hancock Bank in Poplarville for the law firm of Williams, Williams, and Montgomery to be delivered on the payment of the bonds that are due and owing to the trust

company in Atlanta, Georgia. The Diamondhead Baptist Church, with the execution of the deed as well as the lease agreement with option to purchase was not actively involved in the transaction although the transfer would not be effective until the funding is in place and the bonds are paid off. The City Attorney did not see any legal need for Council Member Ackerman to recuse herself from the meeting while funding was discussed.

Mr. Grubbs outlined several options for the financing of the property and responded to questions from Council.

## 7. NEW BUSINESS

- a. 2013-1064—Councilmember Roberson moved, with a second by Councilmember Rech, to Approve a Resolution Stating The Intent Of The Mayor And City Council (The "Governing Body") Of The City Of Diamondhead, Mississippi (The "City"), To Acquire, Renovate, Finance And Equip A City Hall And Related Facilities (The "Project") Under Authority Of Sections 31-8-1 Et Seq., Mississippi Code Of 1972, As Amended From Time To Time (The "Act"), Under A Lease Between The City And The Southern Mississippi Investment Company, Inc., A Non-Profit Corporation Organized Under The Laws Of The State Of Mississippi (The "Corporation"), Created For The Purpose Of Acquiring, Constructing, Renovating, Financing, Equipping And Leasing Facilities To Certain Governmental Units Under The Act; And Resolution Employing Local Counsel And Approving A Special Counsel And A Financial Advisor To The Corporation In Connection With The Lease And The Issuance Of Certificates Of Participation (Diamondhead, Mississippi City Hall Lease Purchase Project), Series 2013 Or Negotiating A Loan Agreement Secured By A Note With A To Be Determined Lender To Fund The Cost Of The Project.

In discussion, the City Attorney indicated that the Mayor and Council are required by law to provide a city hall. Demry Grubbs indicated that it would be impossible for the City to build a facility such as the one acquired.

The Mayor called the question on the motion and the motion carried unanimously.

- b. Beautification—Discussion of the beautification of the Interchange was held but no action was taken.
- c. 2013-1071—Memorandum of Agreement By and Between Hancock County, Mississippi and the City of Diamondhead. The Memorandum of Agreement was discussed but no action was taken. The City Attorney indicated that it must be adopted at the next City Council meeting.

## 8. EXECUTIVE SESSION

At 10:30 a.m., upon motion by Councilmember Roberson and second by Councilmember Rech, the Council voted unanimously to go into Closed Session to determine the need for an Executive Session.

Upon motion by Councilmember Ackerman and second by Councilmember Rech, the Council voted unanimously to go into Executive Session to discuss potential litigation and police contract with the Sheriff.

Upon motion by Councilmember Roberson and second by Councilmember Holcomb, the council voted unanimously to come out of Executive Session.

**RETURN TO REGULAR SESSION.**

Upon motion by Councilmember Ackerman and second by Councilmember Knobloch, the Council voted unanimously to return to the Regular meeting. The motion carried unanimously and the meeting resumed at 12:11 p.m. All who were present when the closed session began were again present when the session ended.

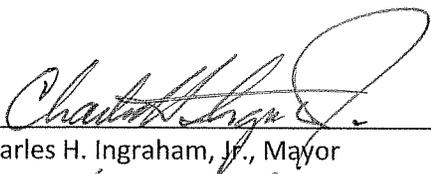
At the recessed meeting in executive session, the City Manager advised the Mayor and City Council that Mr. Jimmy Wade Simmons had rejected the offer of \$5,000.00 for the purchase of the internet domain name, website, all data and confidentiality agreement. The Mayor and City Council authorized the City Attorney and City Manager to offer Mr. Jimmy Wade Simmons d/b/a JWS Enterprises \$10,000.00 for the purchase of the internet domain name, website, all data and execution of the confidentiality agreement, copy attached.

Failing that, the City Attorney was instructed to file suit against Jimmy Wade Simmons individually and Jimmy Wade Simmons d/b/a JWS Enterprises for temporary restraining order and a preliminary and permanent injunction and for related purposes.

**9. Citizens Wishing to Address Council, Non-Agenda Items**

None

10. **RECESS**—Councilmember Roberson moved, seconded by Councilmember Ackerman, to recess the meeting until March 12, 2013 at 1 p.m. in Council Chambers. The motion carried unanimously and the meeting was recessed at 12:19 p.m.



Charles H. Ingraham, Jr., Mayor

Date:

May 6, 2013



Sue W. Foster, City Clerk

Meeting Notice Posted at City Hall on March 4, 2013 at 7:50 p.m.