



MINUTES
FORMAL MEETING OF CITY COUNCIL
Diamondhead, Mississippi
Council Chambers, City Hall
November 19, 2013
6:00 pm CST

-
1. **Call to Order** – Mayor Schafer called the meeting to order at 6:01 pm CST
 2. **Invocation** – Councilmember Lopez
 3. **Pledge of Allegiance** – Councilmember Rech
 4. **Roll Call** – All Councilmembers were present.
 5. **Approval of Minutes** – Councilmember LaFontaine motioned, seconded by Councilmember Rech, to accept the Minutes as presented. The motion was carried.

11/5/2013 Formal Meeting

6. **Confirmation or Adjustment of the Agenda Order** –
 - a. Councilmember Sislow motioned, seconded by Councilmember Rech, to amend the agenda to add Agenda Item 2013-3035 - Vote to eliminate and dismember the Planning and Zoning Commission. The motion carried.
 - b. The City Manager requested to amend the agenda to add item 2013-3044 – Approval of Interlocal Agreement Relating to the Collection of Solid Waste Fees. Councilmember Knobloch motioned, seconded by Councilmember Sislow, to amend the agenda to add Agenda Item 2013-3044. The motion carried.
 - c. Councilmember Rech motioned, seconded by Councilmember LaFontaine, to accept the Agenda Order as amended. The motion carried and the Agenda Order was accepted.

7. Communications/Announcements from Mayor and Council

The next regularly scheduled Council Meeting will be held at 6:00 pm CST on Tuesday, December 3, 2013 in Council Chambers located at 5000 Diamondhead Circle.

8. **Presentations/Appointments - NONE**
9. **City Manager's Report**

- a. The Governor of Mississippi issued a Proclamation setting additional holiday dates for state employees, Friday, November 29, 2013 and Tuesday, December 2013. The City will be closed these days to observe the above referenced holidays.
 - b. Code enforcement continues to gather information and complaints. The Code Enforcement Clerk maintains a binder to provide "real time" documentation for on-going issues.
 - c. Captain Al was not available to provide a police report due to a death in his family.
- 10. Approval of Docket of Claims**– Councilmember Rech motioned, seconded by Councilmember Sislow, to approve the Docket of Claims as presented. The motion carried.
- 11. Approval of Financial Report** – Councilmember Sislow motioned, seconded by Councilmember LaFontaine, to approve the October Financial Report as presented. The motion carried by all Councilmembers with the Mayor abstaining.
- 12. Citizens Wishing Address Council, Agenda Items** –
- Mr. Pete Kolf, representing the Diamondhead Taxpayers Association, addressed Agenda Item 2013-3038. He cited Ordinance 2012-002 passed by Council where the City Clerk is appointed by the Council and not the City Manager. He stated the City Clerk should report directly to the Council and not the City Manager.
- Mr. Pete Kolf stated Agenda Item 2013-3043 should include a detailed description of the budget amendment, as discussed in previous meetings. He requested a response from the City Attorney. The Mayor stated the City Attorney will respond to Mr. Kolf's comment at the appropriate time.
- 13. Old and New Business**
- a. **2013-3035 - Vote to eliminate and dismember the Planning and Zoning Commission**
Councilmember Sislow, seconded by Councilmember Rech, made a motion to eliminate and dismember the Planning and Zoning Commission.
- Councilmember Knobloch stated both small and large cities have a Planning and Zoning Commission. There are currently twenty volunteer applications from residents who are interested in being on the Commission.
- Motion did not carry by roll call vote. Councilmember Lopez and Councilmember LaFontaine voted Aye. Councilmember Sislow, Councilmember Rech, Councilmember Knobloch and Mayor Schafer voted Nay. The motion failed.
- Councilmember Sislow stated there are three vacant positions on the Commission. He requested Councilmember Lopez, Councilmember LaFontaine and Mayor Schafer propose their Commission Membership recommendation at the next meeting on Tuesday, December 3, 2013 to fill the vacancies.
- b. **2013-3033 – Proclamation of Holiday Closings**
Councilmember Lopez motioned, seconded by Councilmember LaFontaine, to accept and approve the additional holiday dates for the City as proclaimed by the Governor of Mississippi.
 - c. **2013-3034 – Amendment to Ordinance 2013-039 Setting Curfew for Juveniles and Violation and Penalties**
The City Manager stated after initial approval of the Juvenile Ordinance and further discussion, the Council has expressed their wishes to eliminate Paragraph (d), Item (3) in its entirety.

Councilmember Rech motioned, seconded by Councilmember Sislow, to eliminate Paragraph (d), Item (3) in its entirety. Mayor Schafer, Councilmember Lopez, Councilmember LaFontaine, Councilmember Knobloch, Councilmember Sislow and Councilmember Rech all voted Aye.

COUNCILMEMBER LOPEZ LEFT THE MEETING AT 6:27 PM CST

d. 2013-3036 – Ordinance 2013-040: Establishing the Collection of Solid Waste within the City Limits of Diamondhead and Setting Fees for the Collection of Solid Waste

Councilmember LaFontaine motioned, seconded by Councilmember Rech, to approve Ordinance 2013-040: Establishing the Collection of Solid Waste within the City Limits of Diamondhead and Setting Fees for the Collection of Solid Waste. Mayor Schafer, Councilmember LaFontaine, Councilmember Knobloch, Councilmember Sislow and Councilmember Rech all voted Aye. The motion carried. Councilmember Lopez was absent.

Councilmember LaFontaine stated the Hancock County Regional Solid Waste Authority has held discussions to issue bids for County Recycling efforts.

e. 2013- 3044 – Interlocal Agreement Relating to the Collection of Solid Waste Fees

Councilmember Rech motioned, seconded by Councilmember Sislow, to approve the Interlocal Agreement Relating to the Collection of Solid Waste Fees. The motion carried. Councilmember Lopez was absent.

f. 2013-3037 – Amendment to International Residential Code, 2012 Edition as Published by the International Code Council

The City Building Official, Ronald Jones, gave a brief summary of the Code. He stated the proposed amendment addresses the required installation of arc-fault breakers. The IRC, 2012 edition, which Diamondhead adopted, requires all 15 and 20 ampere circuits in every room except for the kitchen to have arc-fault breakers. The proposed amendment will only require them in all bedrooms as first required in the IRC, 2006 edition.

Arc fault breakers reduce the risk of fire due to an arc occurring in an outlet. For example, if you turned on a switch and an arc occurred in the appliance or fixture the arc-fault breaker would trip. Arc fault breakers have been sensitive that has caused nuisance breaker trips.

Several electrical contractors have requested a change in the requirement for all rooms except for the kitchen. There is quite a difference in price between a regular 20 amp breaker and a 20 amp arc fault breaker and that difference is passed on to the homeowner.

Councilmember LaFontaine motioned, seconded by Councilmember Rech, to approve the Amendment to the International Residential Code, 2012 Edition as Published by the International Code Council. Mayor Schafer, Councilmember LaFontaine, Councilmember Knobloch, Councilmember Sislow and Councilmember Rech all voted Aye. The motion carried. Councilmember Lopez was absent.

g. 2013-3038 – Recommendation for City Clerk Position and Salary

Councilmember Sislow motioned, seconded by Councilmember Rech, to approve the recommendation for the City Clerk Position and Salary.

Councilmember Knobloch stated the City Clerk should be evaluated and appointed by the City Council.

Mayor Schafer stated his concerns with paragraph three providing direct supervision by the City Manager to the City Clerk. He recommended the agenda item, and associated agenda items, be tabled until further discussion by Council.

Councilmember Sislow rescinded his motion to approve the City Clerk position and salary.

Councilmember Sislow motioned, seconded by Councilmember Rech, to table Agenda Items: 2013-3038, 2013-3039, 2013-3040 and 2013-3041 until further discussion by Council. The motion carried. Councilmember Lopez was absent.

h. 2013-3042 – Approve the Position of a Minute Clerk

Councilmember Lafontaine motioned, seconded by Councilmember Knobloch, to approve the position of a Minute Clerk and move forward with advertising the position immediately. The motion carried. Councilmember Lopez was absent.

Councilmember Knobloch recommended the wording be changed under section: Knowledge, Skills and Abilities. “Must possess required” needs to be replaced with “Desirable.”

i. 2013-3043 – Approve Budget Amendment

Councilmember Rech motioned, seconded by Councilmember Sislow, to table the request to approve a budget amendment. Motion carried. Councilmember Lopez was absent.

The City Attorney stated placing detail to Budget Amendment, Agenda Items were discussed, however, there is a new Interim City Clerk that was unaware of the discussion. In addition, the amendment was only for (\$597.22) that does not actually require a budget amendment be made by state statute. The City was making an effort to be as transparent as possible.

14. Citizens Wishing to Address Council, Non-Agenda Items –

Mr. Gerry Gilbert, who lives on Ieke Drive, requested more lights be added to his street. There is a high presence of teenagers roaming the streets in the area after dark.

The Mayor requested the Police Department be informed of such adolescent activity and to increase patrol in the area.

EXECUTIVE SESSION

- 15.** Councilmember Knobloch moved, seconded by Councilmember Sislow, to go into closed session to discuss the need to go into Executive Session. The motion carried to go into Closed Session. Councilmember Lopez was absent.

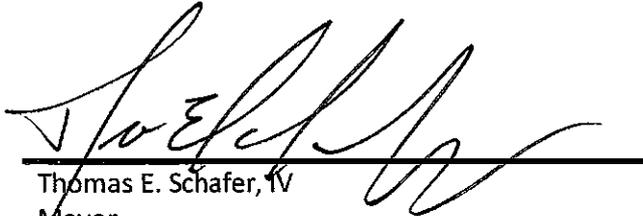
Councilmember LaFontaine moved, seconded by Councilmember Sislow, to go into Executive Session to discuss personnel issues and legal matters. The motion carried. Councilmember Lopez was absent.

Councilmember Rech moved, seconded by Councilmember LaFontaine, to come out of Executive Session. The motion carried. Councilmember Lopez was absent.

RETURN TO REGULAR SESSION

- 16.** The City Attorney announced personnel matters and potential litigation was discussed in Executive Session and no official action was taken.

17. **Adjourn** – Councilmember Rech motioned, seconded by Councilmember Sislow, to adjourn the meeting at 7:45 pm CST. The motion carried. Councilmember Lopez was absent.



Thomas E. Schafer, IV
Mayor



Deputy City Clerk