MINUTES
FORMAL MEETING OF CITY COUNCIL
Diamondhead, Mississippi
Council Chambers, City Hall
August 16, 2016
6:00 pm CST

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

1. Invocation – Councilmember Sislow
2. Pledge of Allegiance – Councilmember Rech

****

3. Roll Call –
   Present: Mayor Schafer, Councilmembers Knobloch, Sislow, Rech and Woolbright-via teleconference.
   Absent: Lopez.

4. Confirmation or Adjustment of the Agenda Order – Councilmember Knobloch moved, seconded by Councilmember Woolbright, to accept and approve the agenda with the following additions:

   II.1. e. Councilmember Knobloch – Gulf Coast Running Club 5k/1 mile Fun Run.

   III. 3. e. Discussion/possible action regarding request from Diamondhead Youth Athletic Association regarding the upcoming Diamondhead Arts & Craft Show.

A roll call vote was taken as follows:
Ayes: Woolbright, Knobloch, Sislow, Rech and Mayor Schafer. Nays: None. Absent: Lopez.

MOTION CARRIED UNANIMOUS

****

II. Presentation Agenda

1. Council Comments
   a. The next regularly scheduled Council Meeting will be held at 6:00 p.m. CST on September 6, 2016 in Council Chambers located at 5000 Diamondhead Circle.
   b. A Recess Meeting will be held at 6:00 p.m. CST on August 24, 2016 in Council Chambers located at 5000 Diamondhead Circle to conduct the FY17 Budget Public Hearing.
   c. City Hall will be closed Monday, September 5, 2016 in observance of Labor Day.
   d. The FY17 Budget will be adopted at the Formal Meeting on September 6, 2017.
   e. Councilmember Knobloch announced the Gulf Coast Running Club 5k/1 Mile Fun Run would be held this Saturday.

2. City Manager's Report –

Follow up from the tropical storm:
We had near flooding conditions last Thursday. It appeared that the drainage structures that were recently improved made a tremendous difference in handling the water runoff. In the last two years this Council has invested just over a million dollars in drainage improvements and it worked. From my observation the greatest problem was driveway culverts that experienced more water than they were designed to drain. I want to commend the Public Works department for their advance work cleaning out drainage structures and for their efforts to repair wash outs after the storm. We received positive comments on FaceBook for the help that John Luther and our public works crews extended to our citizens who came for sandbags. Their service exemplifies the dedication that the people in Diamondhead have come to rely upon.

Relief Efforts:
The Diamondhead Fire Department will be collecting items for Operation Relief to help our neighbors in Louisiana during these devastating and difficult times. The recent and continued flooding has left many without the basic essentials. Items needed are Diapers (both baby and adult), Wipes, Formula, Bottles, Baby Food, Can Goods with Can Opener, Box Food, Water, Gatorade/Powerade, Paper Towels, Toothpaste, Deodorant, Shampoo, Soap, Toilet Paper, Feminine Products, Razors, Shaving Cream, Lighters, Flashlights, Sunscreen, First Aid Kit and Pet Food.
Please drop off your donations at the Diamondhead Fire Station No. 1 (444 Kalani Dr. next to CVS Pharmacy) between 8:00 a.m. - 6:00 -p.m. before Sunday, August, 20th.

Paving Contract:
I anticipate signing the paving contract as soon as legal is satisfied with some technical modifications. The contract has a 90 calendar day schedule for completion and that's very aggressive. I will let you all know when a pre-construction conference is scheduled.

FY17 Budget:
The public hearing on the budget will be August 24th at 6:00 p.m. in Council Chambers. Changes can be made to the budget up to the adoption of the budget no later than September 15th.

Blessing of the Classics:
Rouses's Market and the Red Zone are sponsoring at their same level as last year. The new manager at the Harbor House opted out of participation. That impacted us on the cost of the flyers. Consequently, the City will be advertising on the flyer along with the Red Zone. We are still in need of additional volunteers. If anyone is interested please let any of us at City Hall. All we need is a name, telephone number, t-shirt size and if you have a golf cart at your disposal.

****

3. Public Comments on Agenda Items – None

****

III. Policy Agenda.

1. Approval of Minutes:
   a. August 2, 2016 Formal Meeting

Councilmember Rech moved, seconded by Councilmember Sislow, to approve the Minutes of August 2, 2016 Formal Meeting.

A roll call vote was taken as follows:
Ayes: Woolbright, Knobloch, Sislow, Rech and Mayor Schafer. Nays: None. Absent: Lopez.

MOTION CARRIED UNANIMOUSLY

****

   b. August 4, 2016 Recess Meeting

Councilmember Rech moved, seconded by Councilmember Sislow, to approve the Minutes of August 4, 2016 Recess Meeting.

A roll call vote was taken as follows:
Ayes: Woolbright, Knobloch, Sislow, Rech and Mayor Schafer. Nays: None. Absent: Lopez.

MOTION CARRIED UNANIMOUSLY

****

   c. August 10, 2016 Special Call Meeting

Councilmember Sislow moved, seconded by Councilmember Rech, to approve the Minutes of August 4, 2016 Recess Meeting.

A roll call vote was taken as follows:
Ayes: Woolbright, Knobloch, Sislow, Rech and Mayor Schafer. Nays: None. Absent: Lopez.

MOTION CARRIED UNANIMOUSLY

****

2. Resolutions:
   a. **2016-145**: Motion to adopt Resolution 2016-037 Abandoning drainage/utility easement at 7328 Ahi Court (S. Finley).

      Discussion regarding the request of Finley centered around the abandonment of the rear easement. The administration elected to exclude the rear easement from its recommendation due the potential need to access the property for drainage upkeep and maintenance. Finely stated that the request was made to include the rear easement in order to align the property edge with adjoining properties. It was decided to proceed with the easement as recommended by the administration and that further investigation into the rear easement is necessary prior to council consideration.

      Councilmember Knobloch moved, seconded by Councilmember Rech, to adopt Resolution 2016-145 abandoning the 7' easements on each side of the property lines of Lot 32 located at 7328 Ahi Court.

A roll call vote was taken as follows:Ayes: Woolbright, Knobloch, Sislow, Rech and Mayor Schafer. Nays: None. Absent: Lopez.

MOTION CARRIED

3. Other Actions:

   a. **2016-142**: Motion for discussion and/or proceedings regarding Ward 1 representation.

      Councilmember Knobloch opened the discussion regarding the lack of representation of Ward 1. Attorney Tindell stated for the record that he had corresponded with Councilmember Lopez regarding the status of position as Ward 1 Councilmember and had made proper notification of the potential due process hearing. Tindell recalled the formal notice from Lopez provided months earlier in which written notice that he residence located in Ward 1 was placed on the market, unexpectedly sold within weeks and the he would temporarily relocate to rental property in City but that said rental property was located outside Ward 1. Tindell further stated that Lopez explained he had been absent from recent council meetings due to expanded business opportunities for his family and that he could not confirm if or when he would relocate to Ward 1.

Tindell also further relayed that Lopez preferred to be present to tender his resignation but was unable to do so due to a prior commitment. Lopez indicated he would like the opportunity to address the Council at a later date.

Councilmember Knobloch moved, seconded by Councilmember Sislow, finding that a vacancy has occurred on the City Council, Ward 1 by virtue of Councilman Joseph Lopez moving from his district with no intention of returning effective August 16, 2016 and further ordering, pursuant to Mississippi Code §23-15-854, a special election to be conducted on September 2, 2016 to fill the unexpired term thereof.

A roll call vote was taken as follows:
Ayes: Woolbright, Knobloch, Sislow, Rech and Mayor Schafer. Nays: None. Absent: Lopez.

MOTION CARRIED

****

b. **2016-143**: Motion to accept and award the low bid received from Twin L. Construction in the amount of $292,500.00 for the new E. Aloha Access Road, increase local match funds in the amount of $4,236.00 and authorize the City Manager to execute contract for the project upon successful review by legal counsel.

Councilmember Knobloch moved, seconded by Councilmember Rech, to accept and award the low bid received from Twin L. Construction in the amount of $292,500.00 for the new E. Aloha Access Road, increase local match funds in the amount of $4,236.00 and authorize the City Manager to execute contract for the project upon successful review by legal counsel. **(ENGINEER CERTIFIED BID TABULATION IS REPRODUCED AT THE END OF THESE MINUTES AND MADE A PART THEREOF.)**

A roll call vote was taken as follows:
Ayes: Woolbright, Knobloch, Sislow, Rech and Mayor Schafer. Nays: None. Ward 1 - Vacant.

MOTION CARRIED

c. **2016-144**: Motion for discussion and/or possible action regarding continuance of the Existence of a Local Emergency proclaimed on August 10, 2016.

Councilmember Knobloch moved, seconded by Councilmember Sislow, to discontinue the Existence of a Local Emergency proclaimed on August 10, 2016.

A roll call vote was taken as follows:
Ayes: Woolbright, Knobloch, Sislow, Rech and Mayor Schafer. Nays: None. Ward 1 - Vacant.

MOTION CARRIED

d. **2016-146**: Motion for discussion/possible action to support Mississippi Burn Foundation Calendar.

Councilmember Sislow moved to open for discussion support of the Mississippi Burn Foundation Calendar. The foundation requested the council consider advertisement in its 2016 calendar publication.

NO ACTION WAS TAKEN

****

e. Discussion/possible action request from Diamondhead Youth Athletic Association regarding Diamondhead Arts & Crafts Show.

Councilmember Knobloch moved to open discussion of the request from the Diamondhead Youth Athletic Association for the City provide portable trailer restrooms for the Diamondhead Arts & Crafts Show. The discussion included the necessity for that specific type restroom facility given the Country Club restrooms were accessible for the event. Sharon McCulley, DHAA representative, explained it was the intent to provide these amenities and that she was working to acquire additional funding to assist if the City support could provide some of the funding.

NO ACTION WAS TAKEN

IV. **Routine Agenda.**

1. Motion to approve the Docket of Claims (Claims DKT152699 – DKT152739). Councilmember Rech moved, seconded by Councilmember Sislow, to approve Docket of Claims (Claims DKT152699 – DKT152739).

A roll call vote was taken as follows:
Ayes: Woolbright, Knobloch, Sislow, Rech and Mayor Schafer. Nays: None. Absent: Lopez.

MOTION CARRIED

2. July 2016 Financials

****

3. Motion to approve Payroll Payables, including benefits and taxes, August 3, 2016 - $46,107.00 and August 17, 2016 - $47,451.85.

Councilmember Rech moved, seconded by Councilmember Knobloch, to approve Payroll Payables, including benefits and taxes for July 20, 2016 in the amount of $44,098.98.

Ayes: Woolbright, Knobloch, Sislow, Rech and Mayor Schafer. Nays: None. Absent: Lopez.

MOTION CARRIED UNANIMOUS

****

V. Public Comments on Non-Agenda Items –

John Mitchell addressed the Council asking for a monthly police report outlining the calls and responses for the police department. He stated the citizens should be aware of what is happening in the community.

****

EXECUTIVE SESSION

At 6:49 p.m. Councilmember Sislow moved, seconded by Councilmember Rech, to enter closed session to determine the necessity for executive session.

A roll call vote was taken as follows:
Ayes: Woolbright, Knobloch, Rech, Sislow and Mayor Schafer. Nays: None. Ward 1 – Vacant
Absent: None.

MOTION CARRIED

During the discussion in closed session it was determined that there was a need to enter into executive session for matters involving potential litigation.

Councilmember Rech moved, seconded by Councilmember Knobloch, to enter executive session for matters relating to potential litigation.

A roll call vote was taken as follows:
Ayes: Woolbright, Knobloch, Rech, Sislow and Mayor Schafer. Nays: None. Ward 1 – Vacant
Absent: None.

MOTION CARRIED

The City Attorney announced the Mayor and Council had determined the necessity and voted to enter executive for matters involving potential litigation.

RETURN TO REGULAR SESSION

At 7:03 p.m. Councilmember Sislow, moved seconded by Councilmembe Rech, to exit executive session and resume regular session.

A roll call vote was taken as follows:
Ayes: Woolbright, Knobloch, Rech, Sislow and Mayor Schafer. Nays: None. Ward 1 – Vacant
Absent: None.

MOTION CARRIED

The City's Legal Counsel announced that no official action was taken while in executive session.

****

VI. Adjourn/Recess

At 7:04 p.m. CST and with no further business to come before the Council, Councilmember Knobloch moved, seconded by Councilmember Rech, to recess until August 24, 2016 at 6:00 p.m.

A roll call vote was taken as follows:
Ayes: Woolbright, Knobloch, Rech, Sislow and Mayor Schafer. Nays: None. Ward 1 – Vacant
Absent: None.

MOTION CARRIED

Thomas E. Schafer, IV
Mayor

Jeannie Klein
City Clerk