

**MINUTES
FORMAL MEETING OF CITY COUNCIL
Diamondhead, Mississippi
Council Chambers, City Hall
December 18, 2018
6:00 pm CST**

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

1. Invocation – Councilmember Depreo
2. Pledge of Allegiance – Mayor Schafer

3. Roll Call –

Present: Mayor Schafer, Councilmembers Depreo, Moran, Morgan, Koenenn and L'Ecuyer.
Absent: None.

4. Confirmation or Adjustment of the Agenda Order.

Councilmember L'Ecuyer moved, seconded by Councilmember Morgan, to accept and approve the agenda with the following amendments:

Add II. 1. e. Senator Philip Moran – Legislative Update

Hold consent agenda items C. K. and M.

Ayes: Depreo, Moran, Morgan, Koenenn, L'Ecuyer and Mayor Schafer. Nays: None. Absent: None.

MOTION CARRIED UNANIMOUSLY

II. Presentation Agenda

1. Council Comments

- a. The next regularly scheduled Council Meeting will be held January 2, 2019 at 6:00 p.m. CST in Council Chambers located at 5000 Diamondhead Circle.
- b. City Hall will be closed December 24 and 25, 2018 for Christmas Holidays, and December 31, 2018 and January 1, 2019 in observance for the New Year.
- c. Key to the City and the City of Diamondhead Flag was presented to John Luther, retiring Police Captain of the Diamondhead Police Department.
- d. Senator Philip Moran provided the Council with an update on the upcoming Legislative Session.

1. City Manager's Report –

Social Media Policy – Tonight, I am asking the council to remove the public comments from our social media policy. For the last several years, Linda with the Chamber has monitored our Facebook, Twitter and U-tube accounts and removed any inappropriate comments. Since Linda is not with the Chamber any longer, I am not able to monitor these sites 24/7. In addition, I view these platforms as a tool for the city to communicate

one way with the public. It helps us push information to our residents. It is not a two-way communication. Moreover, I do not want to put anyone at city hall or any vendor in a position to determine what comments can remain while others are removed. I think it provides an opportunity to unnecessary risks to the city by using censorship. Please allow me to turn off the public comments for our city sites.

Code Enforcement – Dara has been working for a couple of weeks now. Ron and I have worked with her to re-write the letters and to create a better process for notifying residents. Each day gets a little better. Over the first 2 weeks, she recorded 25 violations. Letters were sent, and 11 cases were quickly closed. Most of these violations are related to the parking of boats, trails, and RVs in the driveway or yards. This is currently a violation of city ordinance as well as POA rules. I think it may be a good idea to have some discussion as to whether the city would like to revisit this ordinance for the whole city or parts of the city, like the southside where most people live on the water. Until otherwise directed by the council, we will continue to enforce all the city ordinances.

Slab Removal Project – It is my intention to bring a plan to the council for approval to remove all remaining slabs from Katrina in January. It has been 13 years since Hurricane Katrina, and this detracts from the beauty of our community. I also believe it reduces property values and hinders development. Dara will be working on this with Ron, so we can get started with our process.

III. Public Comments on Agenda Items –

Candy Gemmel spoke in opposition to the proposed solid waste fee increase.

Penny Crawford spoke in opposition to the proposed solid waste fee increase.

Bryon Griffith expressed his gratitude for the Diamondhead Drive East Drainage project.

IV. Policy Agenda.

1. Approval of Minutes:

a. December 4, 2018 Regular Meeting.

Councilmember Depreo moved, seconded by Councilmember Morgan, to approve the Minutes of the December 4, 2018 Regular Meeting.

Ayes: Depreo, Moran, Morgan, Koenenn, L'Ecuyer and Mayor Schafer. Nays: None. Absent: None.

MOTION CARRIED UNANIMOUSLY

2. Resolutions:

- a. **2018-359:** Motion to adopt Resolution 2018-047 authorizing the Mayor and City Council to vacate and/or abandon .2' (2.4") of drainage/utility easement in a portion of the north side of Lot 6, Block 6, Unit 11, Phase 2 (White).

Councilmember Depreo moved, seconded by Councilmember Koenenn, to adopt Resolution 2018-047 authorizing the Mayor and City Council to vacate and/or abandon .2' (2.4") of drainage/utility easement in a portion of the north side of Lot 6, Block 6, Unit 11, Phase 2 (White).

A roll call vote was taken as follows:

Ayes: Depreo, Moran, Morgan, Koenenn, L'Ecuyer and Mayor Schafer. Nays: None. Absent: None.

MOTION CARRIED UNANIMOUSLY

- b. **2018-371:** Motion to adopt Resolution 2018-048 authorizing the abolishment of the Social Media Public Comment Policy and further adopting the Social Media Outreach Policy.

Councilmember Depreo moved, seconded by Councilmember Morgan, to adopt Resolution 2018-048 authorizing the abolishment of the Social Media Public Comment Policy and further adopting the Social Media Outreach Policy.

A roll call vote was taken as follows:

Ayes: Depreo, Moran, Morgan, Koenenn, L'Ecuyer and Mayor Schafer. Nays: None. Absent: None.

MOTION CARRIED UNANIMOUSLY

- c. **2018-372:** Motion to adopt Resolution 2018-049 establishing compensation for certain employees of the City of Diamondhead.

Councilmember Depreo moved, seconded by Councilmember L'Ecuyer, to adopt Resolution 2018-049 establishing compensation for the Receptionist and Building Department Clerk positions.

A roll call vote was taken as follows:

Ayes: Depreo, Moran, Morgan, Koenenn, and L'Ecuyer. Nays: Mayor Schafer. Absent: None.

MOTION CARRIED

- d. **2018-373:** Motion to adopt Resolution 2018-050 to declare intent to increase solid waste collection fees, set public hearing and authorizing public notice of same.

Councilmember Depreo moved, seconded by Councilmember Morgan, to adopt Resolution 2018-050 to declare intent to increase solid waste collection fees, set public hearing and authorizing public notice of same.

A roll call vote was taken as follows:

Ayes: Depreo, Moran, Morgan, Koenenn, L'Ecuyer and Mayor Schafer. Nays: None. Absent: None.

MOTION CARRIED UNANIMOUSLY

3. Consent Agenda:

Councilmember Depreo moved, seconded by Councilmember Koenenn, to approve Consent Agenda Items A, B, D-J, L M- as follows:

Ayes: Depreo, Moran, Morgan, Koenenn, L'Ecuyer and Mayor Schafer. Nays: None. Absent: None.

MOTION CARRIED UNANIMOUSLY

3. Consent Agenda:

- a. **2018-360:** Motion to approve payment to Digital Engineering in the amount of \$1,655.50 for professional services relating to the GIS System Update.
- b. **2018-361:** Motion to approve payment to Digital Engineering in the amount of \$1,747.00 for professional services relating to the Diamondhead Drive West Drainage Design Project.
- d. **2018-363:** Motion to approve payment to James J. Chinche in the amount of \$2,414.05 for professional services relating the East Aloha Commercial Area Improvement Study.
- e. **2018-364:** Motion to approve payment to James J. Chinche in the amount of \$2,862.50 for professional services relating to the East Aloha Widening Project.
- f. **2018-365:** Motion to approve payment of Pay Request No. 2 in the amount of \$30,661.31 to Webster Electric for the I-10 Exit 16 Lighting Project.
- g. **2018-366:** Motion to approve payment to Covington Civil & Environmental, LLC in the amount of \$14,810.25 for professional services relating to Turnberry Drive Drainage Project.
- h. **2018-367:** Motion to approve Payment No. 1 to J.O. Collins Contractor in the amount of \$21,311.11 for the police department build out project.
- i. **2018-368:** Motion to approve the Financial Audit Engagement Letter with Necaize & Company Certified Public Accounting Firm.
- j. **2018-369:** Motion to approve the Memorandum of Understanding with the Mississippi Department of Transportation for Montjoy Creek Pathways Project

STP0045-00(30) / LPA107926-701000 and further to authorize the City Manager to execute same.

- l. **2018-374**: Motion to accept Substantial Completion of Amoka Place (Ieke Drive) Drainage Project as of December 12, 2018.

Ayes: Depreo, Moran, Morgan, Koenenn, L'Ecuyer and Mayor Schafer. Nays: None. Absent: None.

MOTION CARRIED UNANIMOUSLY

- c. **2018-362**: Motion to approve payment to NextSite LLC in the amount of \$11,000 for retail consulting services.

Councilmember L'Ecuyer moved, seconded by Councilmember Koenenn to approve payment to NextSite LLC in the amount of \$11,000 for retail consulting services.

Ayes: Moran, Morgan, Koenenn, L'Ecuyer and Mayor Schafer. Nays: Depreo. Absent: None.

MOTION CARRIED

- k. **2018-370**: Motion to approve Work Assignment under the Master Services Agreement with James J. Chiniche in the amount of \$8,675.00 for professional services to prepare drainage improvements for Kaleki Way area.

Councilmember Depreo moved, seconded by Councilmember Moran to approve a Work Assignment under the Master Services Agreement with James J. Chiniche in the amount of \$8,675.00 for professional services to prepare drainage improvements for Kaleki Way area.

Ayes: Depreo, Moran, Morgan and Koenenn,. Nays: L'Ecuyer and Mayor Schafer. Absent: None.

MOTION CARRIED

- m. **2018-375**: Motion to approve Budget Amendment 22019-001-01.

Councilmember Morgan moved, seconded by Councilmember Depreo, to approve Budget Amendment 22019-001-01.

Ayes: Depreo, Moran, Morgan, Koenenn and L'Ecuyer. Nays: Mayor Schafer. Absent: None.

MOTION CARRIED

V. Routine Agenda.

1. Motion to approve the Docket of Claims (Claims DKT 155447 –DKT155493) in the amount of \$306,678.11.
2. Motion to approve, December 3, 2018 Payroll Payables, including benefits and taxes, in the amount of \$4,551.16 and December 5, 2018 Payroll Payables, including benefits and taxes, in the amount of \$51,160.59.
3. Motion to accept November 2018 Financial Report.

Councilmember Depreo moved, seconded by Council Koenenn, to approve the Docket of Claims (Claims DKT 155447 –DKT155493) in the amount of \$306,678.11 and to approve the December 3, 2018 Payroll Payables, including benefits and taxes, in the amount of \$4,551.16 and December 5, 2018 Payroll Payables, including benefits and taxes, in the amount of \$51,160.59 and to approve the November 2018 Financial Report.

Ayes: Depreo, Moran, Morgan, Koenenn, L'Ecuyer and Mayor Schafer. Nays: None. Absent: None.

MOTION CARRIED

UNANIMOUSLY

4. Departmental Reports for November 2018:
 - a. Privilege Licensing
 - b. Building Department
 - c. Police Department

Councilmember Depreo moved, seconded by Council L'Ecuyer, to approve Departmental Reports for November 2018 for Privilege Licensing, the Building and Police Departments.

Ayes: Depreo, Moran, Morgan, Koenenn, L'Ecuyer and Mayor Schafer. Nays: None. Absent: None.

MOTION CARRIED

UNANIMOUSLY

VI. Public Comments on Non-Agenda Items: None

VII. Executive Session.

Councilmember Depreo moved, seconded by Councilmember Morgan, to enter closed session to determine the necessity for executive session.

Ayes: Depreo, Moran, Morgan, Koenenn, L'Ecuyer and Mayor Schafer. Nays: none. Absent: None.

MOTION CARRIED

UNANIMOUSLY

Councilmember Depreo moved, seconded by Morgan, to enter executive session for matters involving litigation relating to Clovis Reed and the Diamondhead Property Owner's Association.

Ayes: Depreo, Moran, Morgan, Koenenn, L'Ecuyer and Mayor Schafer. Nays: none. Absent: None.

MOTION CARRIED UNANIMOUSLY

THE CITY CLERK ANNOUNCED THAT THE COUNCIL HAD VOTED UNANIMOUSLY TO ENTER INTO EXECUTIVE SESSION FOR MATTERS INVOLVING LITIGATION PURSUANT TO MS CODE §25-41-7, 4 b.

At 7:35 p.m. Councilmember L'Ecuyer moved, seconded by Councilmember Depreo to exit executive session.

Ayes: Depreo, Moran, Morgan, Koenenn, L'Ecuyer and Mayor Schafer. Nays: none. Absent: None.

MOTION CARRIED UNANIMOUSLY

At 7:36 p.m. Councilmember Depreo, moved seconded by Councilmember Morgan, to exit closed session.

Ayes: Depreo, Moran, Morgan, Koenenn, L'Ecuyer and Mayor Schafer. Nays: none. Absent: None.

MOTION CARRIED UNANIMOUSLY

Legal Counsel announced that the council discussed litigation while in executive session and that no official action was taken.

VI. Adjourn/Recess.

At 7:50 p.m. CST and with no further business to come before the Council, Councilmember Depreo moved, seconded by Councilmember Morgan, to adjourn.

Ayes: Depreo, Moran, Morgan, Koenenn, L'Ecuyer and Mayor Schafer. Nays: None. Absent: None.

MOTION CARRIED UNANIMOUSLY

Thomas E. Schafer, IV
Mayor

Jeannie Klein
City Clerk