



## MINUTES

Mayor Depreo	At-Large
Councilmember Maher	Ward 1
Councilmember Finley	Ward 2
Councilmember Moran	Ward 3
Councilmember Sheppard	Ward 4
Councilmember Clark	

## REGULAR MEETING OF THE CITY COUNCIL

**Tuesday, November 02, 2021**

**6:00 PM CST**

Council Chambers, City Hall  
and via teleconference, if necessary

### **Call to Order.**

At 6:04 p.m., Mayor Depreo called the meeting to order.

Invocation - Councilmember Moran.

Pledge of Allegiance

Roll Call

### **PRESENT**

Mayor Nancy Depreo

Councilmember-At-Large Gerard Maher

Ward 1 Shane Finley

Ward 2 Alan Moran

Ward 3 Ricky Sheppard - present via teleconference

Ward 4 Charles Clark

### **Confirm or Adjust Agenda Order**

Motion made by Councilmember-At-Large Maher, Seconded by Ward 4 Clark to amend the agenda with the following revisions and to approve as amended:

#### **Delete:**

**2021-313:** Motion to authorize Master Service Agreement Work Assignment with Pickering Firm for Kolo Court Ditch Improvements and Culvert Replacement.

#### **Add:**

**2021-368:** Motion to authorize the Planning and Zoning Commission to hold a public hearing for a text amendment to change the required number of public notices from two to one and to expand the notice area from 300 feet to 400 feet

Motion made by Councilmember-At-Large Maher, Seconded by Ward 4 Clark.

Voting Yea: Mayor Depreo, Councilmember-At-Large Maher, Ward 1 Finley, Ward 2 Moran, Ward 3 Sheppard, Ward 4 Clark

**MOTION CARRIED UNANIMOUSLY**

**Presentation Agenda.**

## Council Comments.

1. The next regular scheduled City Council Meeting will be November 16, 2021 at 6:00 p.m. in City Hall Council Chambers.
2. The City of Diamondhead's Festival and BBQ Competition is scheduled for Saturday, November 13th from 10:00 a.m. to 7 p.m. at Harbor Circle.
3. Ron Slade with Orion Planning provided an overview of the Aloha District Aloha District Zoning & Urban Design Update
4. Covington Civil & Environmental - Ben Benvenutti Town Center Roadway Project Update
5. Update from Kyle Jones with Rostan Solutions regarding active FEMA projects and grants as well as future grant opportunities.
6. Koby Koulon - Pickering Firm - Makiki Drive Drainage Study Report

Councilmember Sheppard's telephone connection was lost on at least 2 occasions during the updates to the Council. Mayor Depreо reestablished the connection and the meeting continued.

## Public Comments on Agenda Items:

David Dreher, Isaiah Bissell, Maximus Luc, Alexandria Griffith, Lexi Dreher and Dianna Anaya spoke in favor of the variance request by David Dreher. Edwina DuCre' addressed the council in opposition to the Dreher variance.

**Policy Agenda.****Minutes:**

1. Motion to approve October 19, 2021 Minutes.

Motion made by Ward 1 Finley, Seconded by Ward 3 Sheppard to approve the October 19, 2021 Minutes.

Voting Yea: Mayor Depreо, Councilmember-At-Large Maher, Ward 1 Finley, Ward 2 Moran, Ward 3 Sheppard, Ward 4 Clark

**MOTION CARRIED UNANIMOUSLY****Ordinances:**

2. **2021-356:** Motion to adopt Ordinance 2012-008.01 thereby adopting the 2018 Edition of the Family of the International Codes as published by the International Code Council including the adoption of the 2020 edition of the National Electric Code as published by the National Fire Protection Association.

Motion made by Ward 3 Sheppard, Seconded by Councilmember-At-Large Maher to adopt Ordinance 2012-008.01 thereby adopting the 2018 Edition of the Family of the International Codes as published by the International Code Council including the adoption of the 2020 edition of the National Electric Code as published by the National Fire Protection Association.

Voting Yea: Mayor Depreо, Councilmember-At-Large Maher, Ward 1 Finley, Ward 2 Moran, Ward 3 Sheppard, Ward 4 Clark

**MOTION CARRIED UNANIMOUSLY****Resolutions:**

3. **2021-072:** Motion to approve the Investment Consulting and Advisory Agreement with Trinity Capital Services, approve to the Custody Agreement with Trustmark, adopt Resolution 2021-072 providing signatory authority to the City Manager and City Clerk with regards to matters relating to funds invested with Trustmark National Bank, N. A..

Motion made by Councilmember-At-Large Maher, Seconded by Ward 4 Clark to approve the Investment Consulting and Advisory Agreement with Trinity Capital Services, approve to the Custody Agreement with Trustmark, adopt Resolution 2021-072 providing signatory authority to the City Manager and City Clerk with regards to matters relating to funds invested with Trustmark National Bank, N. A..

Voting Yea: Mayor Depre, Councilmember-At-Large Maher, Ward 1 Finley, Ward 2 Moran, Ward 3 Sheppard, Ward 4 Clark

**MOTION CARRIED UNANIMOUSLY**

4. **2021-363:** Motion to adopt Resolution 2021-074 thereby concurring with The Planning Commission recommendation and approving the City of Diamondhead Text Amendment to require all new street names to be Hawaiian in the Subdivision Regulations (Ordinance Number 2020-001). The proposed text amendment shall add to the end of Article 308.7. "All other street names shall be Hawaiian". The Case File Number is 202100385.

Motion made by Ward 1 Finley, Seconded by Ward 2 Moran to adopt Resolution 2021-074 thereby concurring with The Planning Commission recommendation and approving the City of Diamondhead Text Amendment to require all new street names to be Hawaiian in the Subdivision Regulations (Ordinance Number 2020-001). The proposed text amendment shall add to the end of Article 308.7. "All other street names shall be Hawaiian". The Case File Number is 202100385.

Voting Yea: Mayor Depre, Councilmember-At-Large Maher, Ward 1 Finley, Ward 2 Moran, Ward 3 Sheppard, Ward 4 Clark

**MOTION CARRIED UNANIMOUSLY****Consent Agenda:**

Motion made by Ward 1 Finley, Seconded by Ward 3 Sheppard to approve the following agenda items by consent:

6. **2021-357:** Motion to accept the donation of services in the amount of \$549.00 from The Casano Law Firm, P.A. in relation to the City's acquisition of Lot #58 Kaimuki Court.
7. **2021-358:** Motion to authorize pursuant to Mississippi Code §21-19-57 a donation to the American Red Cross in the amount of \$500.
8. **2021-359:** Motion to authorize submittal of Permit Application to the Department of Marine Resources for the Noma Drive Public Access Improvements Project by Jason Chiniche.

9. **2021-361:** Motion to declare the State LESO Program Humvee Utility Truck (S/N230652) surplus and approve the transfer of same to Calhoun County Sheriff's Office.
10. **2021-362:** Motion to approve Master Service Agreement Work Assignments with Digital Engineering for GIS System Maintenance as needed not to exceed \$12,000 and Developer Plan/Spec Review services as needed not to exceed \$10,000.
11. **2021-364:** Motion to approve Master Service Agreement Work Assignment with Machado Patano in the amount not to exceed \$10,000 for Developer Plan/Spec Review services as needed.
12. **2021-365:** Motion to approve Change Order No. 3 in the amount of \$18,646.71 for the NRCS Channel Stabilization Project at Diamondhead Drive East and Alkii Way.
13. **2021-367:** Motion to approve Budget Amendments 2022-04, 2022-05 BA0060 and BA0060, BA0A0061, 2022-06 and 2022-07.
- 14 a. **2021-368:** Motion to authorize the Planning and Zoning Commission to hold a public hearing for a text amendment to change the required number of public notices from two to one and to expand the notice area from 300 feet to 400 feet

Voting Yea: Mayor Depreо, Councilmember-At-Large Maher, Ward 1 Finley, Ward 2 Moran, Ward 3 Sheppard, Ward 4 Clark

**MOTION CARRIED UNANIMOUSLY**

**MOTION CARRIED UNANIMOUSLY**

**Action Agenda.**

15. **2021-000:** Motion to concur with the Planning Commission recommendation to deny David Dreher's application requesting a variance from the Zoning Ordinance (Article 4.18.3 D ii) to allow the construction of a roof over a concrete slab basketball court totaling 4875 sf. and 25' 6" high. This would be the second accessory building at this address. The property address is 8438 Kimo Court. The tax parcel number is 067M-1-35-175.000. The property is in an R-2 zoning district. The maximum square footage allowed for an accessory structure is 800 sf. The variance requested is 4,075 sf. The maximum height allowed is 25'. The variance requested is 6". There shall only be one accessory structure on a property. The variance requested is a second accessory building on this property. The Case File Number is 202100343.

Motion made by Councilmember-At-Large Maher, Seconded by Ward 3 Sheppard to concur with the Planning Commission recommendation to deny David Dreher's application requesting a variance from the Zoning Ordinance (Article 4.18.3 D ii) to allow the construction of a roof over a concrete slab basketball court totaling 4875 sf. and 25' 6" high. This would be the second accessory building at this address. The property address is 8438 Kimo Court. The tax parcel number is 067M-1-35-175.000. The property is in an R-2 zoning district. The maximum square footage allowed for an accessory structure is 800 sf. The variance requested is 4,075 sf. The maximum height allowed is 25'. The variance requested is 6". There shall only be one accessory structure on a property. The variance requested is a second accessory building on this property. The Case File Number is 202100343.

Motion made by Councilmember-At-Large Maher, Seconded by Ward 3 Sheppard.

Voting Yea: Councilmember-At-Large Maher, Ward 1 Finley, Ward 3 Sheppard

Voting Nay: Mayor Depreо, Ward 2 Moran, Ward 4 Clark

**MOTION FAILED**

Motion made by Ward 4 Clark, Seconded by Councilmember-At-Large Maher not to concur with the Planning Commission recommendation to deny but to approve David Dreher's application requesting a variance from the Zoning Ordinance (Article 4.18.3 D ii) to allow the construction of a roof over a concrete slab basketball court totaling 4875 sf. and 25' 6" high. This would be the second accessory building at this address. The property address is 8438 Kimo Court. The tax parcel number is 067M-1-35-175.000. The property is in an R-2 zoning district. The maximum square footage allowed for an accessory structure is 800 sf. The variance requested is 4,075 sf. The maximum height allowed is 25'. The variance requested is 6". There shall only be one accessory structure on a property. The variance requested is a second accessory building on this property. The Case File Number is 202100343.

Voting Yea: Mayor Depre, Ward 2 Moran, Ward 4 Clark

Voting Nay: Councilmember-At-Large Maher, Ward 1 Finley, Ward 3 Sheppard

#### **MOTION FAILED**

Therefore, the Application Requesting a Variance is denied.

Councilmember Sheppard's telephone connection lost during discussion of the Dreher matter; Mayor Depre established the connection and the meeting continued.

#### **Routine Agenda.**

#### **Claims Payable**

16. Motion to approve the Docket of Claims (Claims DKT158974- DKT159013) in the amount of \$113,943.00.

Motion made by Ward 2 Moran, Seconded by Ward 4 Clark to approve the Docket of Claims (Claims DKT158974- DKT159013) in the amount of \$113,943.00.

Voting Yea: Mayor Depre, Councilmember-At-Large Maher, Ward 1 Finley, Ward 2 Moran, Ward 3 Sheppard, Ward 4 Clark

#### **MOTION CARRIED UNANIMOUSLY**

#### **Public Comments on Non-Agenda Items -None**

#### **Adjourn/Recess.**

At 8:59 p.m. and with no further business to come before the Council, motion was made by Ward 2 Moran, seconded by Councilmember-At-Large Maher to recess until 6:00 p.m. on Wednesday, November 10, 2021 to include a city-wide drainage update.

Voting Yea: Mayor Depre, Councilmember-At-Large Maher, Ward 1 Finley, Ward 2 Moran, Ward 3 Sheppard, Ward 4 Clark

#### **MOTION CARRIED UNANIMOUSLY**

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Nancy Depre  
Mayor

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Jeannie Klein  
City Clerk