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| Mayor Depreo | |
| Councilmember Maher | At-Large |
| Councilmember Finley | Ward 1 |
| Councilmember Liese | Ward 2 |
| Councilmember Cumberland | Ward 3 |
| Councilmember Clark | Ward 4 |

MINUTES

REGULAR MEETING OF THE CITY COUNCIL

Tuesday, August 16, 2022

6:00 PM CST

Council Chambers, City Hall

Call to Order.

At 6:00 p.m., Mayor Depreo called the meeting to order.

Invocation - Councilmember Finley

Pledge of Allegiance

Roll Call

PRESENT

Mayor Nancy Depreo

Councilmember-At-Large Gerard Maher

Ward 1 Shane Finley

Ward 2 Anna Liese

Ward 3 John Cumberland

Ward 4 Charles Clark

Confirm or Adjust Agenda Order

Motion made by Mayor Depreo, Seconded by Councilmember-At-Large Maher to amend the agenda with the following additions and to approve as amended:

Council Comments – add d. Proclamation - Constitution Week 2022

Action Agenda add 17 a. 2022-286: Motion to adopt the Final Plat-Diamondhead Lakes, Phase 1 subject to (1) submission of letter from Ben Benvenutti, City Engineer, regarding construction of subdivision in accordance with approve plans, (2) approval of final inspection of the improvements of the subdivision; (3) provide ample swale easement for lots 20 and 21. All conditions must be completed to the satisfaction of the City before any building permit(s) shall be issued.

Voting Yea: Mayor Depreo, Councilmember-At-Large Maher, Ward 1 Finley, Ward 4 Clark.

Voting Nay: Ward 2 Liese, Ward 3 Cumberland

MOTION CARRIED UNANIMOUSLY

Presentation Agenda.

Council Comments.

- a. The next Regular Meeting of the City Council will be held September 6, 2022 at 6:00 p.m. in Council Chambers at City Hall.
- b. City Hall will be closed September 5, 2022 in observance of Labor Day.
- c. CASA of Hancock County Annual Update - Cynthia Chauvin, Executive Director presented the council an overview the past year's services and activities and expressed her appreciation for the annual support provided by the City.

- d. Mayor Depreo proclaimed September 17 – 23, 2022 as Constitution Week.

City Manager's Report.

1. Drainage Pond Dredging – The engineer on this project is still waiting on the contractor to provide signed documents. Per the request of the engineer, please table this item at this time. The bids are good for sixty days which gives us until September 19th.
2. East Aloha Drive Project – Weather permitting, the final paving will be completed this week. All striping will occur about one week after the final course is placed. The current fire hydrants and utilities that are out of place will be addressed in phase 2 of this project. I am providing each of you with a calendar to help visualize the project days and the change orders approved and requested.
3. Paddle Paradise – The paddle paradise event is scheduled for September 24, 2022. The city is currently working on getting sponsors for the event. The committee will continue to meet to make the necessary preparations.
4. Hilo Way Drainage Project – The city has received the bids and has until the end of this week to approve the bids. If not, all bids will have rejected all the city must start the entire project over. The engineer has provided the recommendations for this project and has provided the certified bid tab.
5. Machado Patano – The work assignment requested on this agenda is to extend their current contract amount due to additional plan reviews. The assignment will expire at the end of the fiscal year (September 30th). Any remaining funding on the purchase order will be voided.
6. Covington – The work assignment is to perform a traffic study to determine the need for traffic signs at the corner of Kapalama Drive and Koloa Street and Kapalama Drive and Golf Club Drive as well as the current traffic signs on Koloa Street. Once the study is completed, the results will be presented to the council for review.
7. Parking Lot Rental – A request was made to draft an agreement between the City of Diamondhead and the Diamondhead United Methodist Church. This agreement would obligate the City to repair all damages caused by the City using the parking lot. If the Council agrees, the City Attorney will prepare the agreement.

Public Hearing – FY23 Budget:

City Manager McCraw presented the proposed FY23 Budget. At the conclusion of the FY23 Budget presentation, Mayor Depreo called for anyone with comments or questions regarding the proposed budget to come forward; no comments or questions were presented and the public hearing was closed.

Public Comments on Agenda Items.

Dona Decker - Concerns regarding Elliott Homes-Diamondhead Lakes Phase 1 proposed facades.

Pat Burgoyne - Concerns regarding the increased density proposed by Elliott Homes - Diamondhead Lakes Phase 1.

Bill Atkinson - Presented his concerns regarding stop sign placement process and other stop signs concerns. Jason Chiniche, Project Engineer was present to answer questions of the Council regarding East Aloha Phase 1. Cara Wagner of Pickering Firm representing Elliott Homes Diamondhead Lakes Phase 1, regarding final plat approval.

Michael Bottoms, Director of Marketing for Elliott Homes, addressed the Council regarding approval of Final Plat Diamondhead Lakes Phase 1.

Ben Benvenutti, City Engineer, answered questions of the Council regarding final plat status of Diamondhead Lakes Phase 1

Motion to amend agenda.

Motion made by Ward 3 Cumberland, seconded by Ward 1 Finley to amend the agenda to remove Items 12, 15 and 17 from the Consent Agenda:

12. **2022-277:** Motion to approve Pay Application 4 in the amount of \$111,606.15 to Moran Hauling, Inc. for the East Aloha Improvement Project.
15. **2022-283:** Motion to accept Substantial Completion of East Aloha Improvements Phase 1 effective August 5, 2022.
17. **2022-285:** Motion to approve Master Service Agreement Work Assignment with Machada Patano for Developer Plan/Spec Review as needed in an amount not to exceed \$10,000.

MOTION CARRIED UNANIMOUSLY

Policy Agenda.

Minutes:

1. Motion to approve the August 2, 2022 Minutes.

Motion made by Ward 3 Cumberland, Seconded by Ward 4 Clark to approve the August 2, 2022 Minutes.

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

MOTION CARRIED UNANIMOUSLY

Tabled Matters:

2. **2022-231:** Motion to accept and award the low bid received from Moran Hauling, Inc. in the amount of \$171,479.06 for the Hilo Way Drainage Improvement Project, authorize City Manager to execute the contract for same and issue the Notice to Proceed as appropriate.

Motion made by Councilmember-At-Large Maher, Seconded by Ward 2 Liese to remove Agenda Item 2022-231 from the table.

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

MOTION CARRIED UNANIMOUSLY

Motion made by Councilmember-At-Large Maher, Seconded by Ward 4 Clark to accept and award the low bid received from Moran Hauling, Inc. in the amount of \$171,479.06 for the Hilo Way Drainage Improvement Project, authorize City Manager to execute the contract for same and issue the Notice to Proceed as appropriate.

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

MOTION CARRIED UNANIMOUSLY

3. **2022-246:** Motion to approve Change Order No. 3 to East Aloha Improvements Phase 1 adding 50 calendar days for project completion with no change in project cost.

Motion made by Ward 1 Finley, Seconded by Councilmember-At-Large Maher to remove Agenda Item 2022-246 from the table.

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

MOTION CARRIED UNANIMOUSLY

Motion made by Councilmember-At-Large Maher, Seconded by Ward 4 Clark to approve Change Order No. 3 to East Aloha Improvements Phase 1 adding 50 calendar days for project completion with no change in project cost.

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

MOTION CARRIED UNANIMOUSLY

4. **2020-261:** Motion to adopt the Final Plat-Diamondhead Lakes, Phase 1 subject to (1) the identification of drainage and utility easements on the rear lots adjacent to the golf course; (2) the identification of 5' drainage and utility easements along all side lot lines; (3) submission of letter from Cara Wagner of Pickering Firm, engineer of record, regarding construction of subdivision in accordance with approved plans; (4) submission of letter from Ben Benvenutti, City Engineer, regarding construction of subdivision in accordance with approved plans; (5) approval of final inspection of the improvements of the subdivision; (6) submission of appropriate maintenance bond or surety; (7) the construction of ditches along the street frontage for selected lots; (8) the installation of a cross culvert to carry water surface runoff to the detention pond; (9) the ditches and cross culvert shall be installed in accordance with plans to be inspected and approved by the City Engineer, all conditions must be completed to the satisfaction of the City before any building permit(s) shall be issued.

NO ACTION

Resolutions:

5. **2022-274:** Motion to adopt Resolution 2022-052 thereby acquiring by donation for drainage/greenspace from Joseph B. and Mary G. Margavio Lot 11, Block 4, Unit 7 with an estimated value of \$8,437.50.

Motion made by Ward 4 Clark, Seconded by Councilmember-At-Large Maher to adopt Resolution 2022-052 thereby acquiring by donation for drainage/greenspace from Joseph B. and Mary G. Margavio Lot 11, Block 4, Unit 7 with an estimated value of \$8,437.50.

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

MOTION CARRIED UNANIMOUSLY

6. PUBLIC HEARING - 2022-280: Motion to adopt Resolution 2022-055 to adjudicate that the property and abandoned vehicle located at 10758 Luawai Place (parcel number 067G-1-25-238.000) is in a state of uncleanliness or a menace to the public health, safety and general welfare of the community. Authorization to advertise for bids and/or obtain quotes to perform the necessary services to cut and destroy the weeds growing, remove all limbs, trash and debris, if any, to a proper disposal site and remove the unlicensed vehicle from the property and assess the costs to said property and for other related purposes. Property owner is Dudley F. Billings.

Mayor Depreo opened the public hearing and called aloud three times for Dudley F. Billings or a representative thereof to appear before the Council; with no one appearing; motion was made by Ward 1 Finley, Seconded by Councilmember-At-Large Maher to adopt Resolution 2022-055 thereby adjudicating that the property and abandoned vehicle located at 10758 Luawai Place (parcel number 067G-1-25-238.000) is in a state of uncleanliness or a menace to the public health, safety and general welfare of the community. Authorizing to advertise for bids and/or obtain quotes to perform the necessary services to cut and destroy the weeds growing, remove all limbs, trash and debris, if any, to a proper disposal site and remove the unlicensed vehicle from the property and assess the costs to said property and for other related purposes. Property owner is Dudley F. Billings.

Voting Yea: Mayor Depreo, Councilmember-At-Large Maher, Ward 1 Finley, Ward 2 Liese, Ward 3 Cumberland

MOTION CARRIED UNANIMOUSLY

7. PUBLIC HEARING - 2022-281: Motion to adopt Resolution 2022-056 to adjudicate that the property located at 1060 Lilinoe Way (parcel number 131C-1-13-174.000) is in a state of uncleanliness or a menace to the public health, safety and general welfare of the community, Authorization to advertise for bids and/or obtain quotes to perform the necessary services to cut the grass and remove all weeds from the property and for other related purposes. Property owner is Paul Clack.

Mayor Depreo opened the public hearing and called aloud three times for Paul Clack or a representative thereof to appear before the Council; with no one appearing; motion was made by Ward 2 Liese, Seconded by Ward 4 Clark thereby adjudicating that the property located at 1060 Lilinoe Way (parcel number 131C-1-13-174.000) is in a state of uncleanliness or a menace to the public health, safety and general welfare of the community, Authorizing to advertise for bids and/or obtain quotes to perform the necessary services to cut the grass and remove all weeds from the property and for other related purposes. Property owner is Paul Clack.

Voting Yea: Mayor Depreo, Councilmember-At-Large Maher, Ward 1 Finley, Ward 2 Liese, Ward 3 Cumberland

MOTION CARRIED UNANIMOUSLY

8. 2022-282: Motion to adopt Resolution 2022-057 thereby appointing Scott Brewer (Ward 4) (formally Torguson-Ward 3) to serve as Planning & Zoning Commissioner effective immediately and expiring March 2025.

Motion made by Ward 4 Clark, Seconded by Ward 2 Liese to adopt Resolution 2022-057 thereby appointing Scott Brewer (Ward 4) (formally Torguson-Ward 3) to serve as Planning & Zoning Commissioner effective immediately and expiring March 2025.

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

MOTION CARRIED UNANIMOUSLY

9. 2022-265: Motion to award bids received for Lily Pond and Diamondhead Drive East Pond to Breakwater Marine in the amount of \$539,837.00, authorize the City Manager to execute contract for same and to issue the Notice to Proceed as appropriate.

Motion made by Mayor Depreо, Seconded by Ward 2 Liese to table awarding of bids received for Lily Pond and Diamondhead Drive East Pond to Breakwater Marine in the amount of \$539,837.00, authorize the City Manager to execute contract for same and to issue the Notice to Proceed as appropriate.

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

MOTION CARRIED UNANIMOUSLY

Consent Agenda:

Motion made by Ward 4 Clark, Seconded by Councilmember-At-Large Maher to approve Consent Agenda Items 10, 11, 13, 14 and 16 as follows:

10. 2022-275: Motion to approve payment to Machado Patano for developer spec review services in the amount of \$507.50 and \$1,358.75.

11. 2022-276: Motion to approve payment in the amount of \$247.50 for Orion Planning & Design for professional consultant services related to Aloha District planning and construction.

13. 2022-278: Motion to increase Work Assignment 00-01-2022 with Digital Engineering for GIS Maintenance from \$12,000 to \$17,000 for the remainder of FY22.

14. 2022-279: Motion to approve Payment Application No. 1 in the amount of \$16,133.38 to J&A Excavation for the Makiki Drive Drainage Project.

16. 2022-284: Motion to approve Master Service Agreement Work Assignment with Covington Civil and Environmental in an amount not to exceed \$5,250 for Traffic Impact Study.

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

MOTION CARRIED UNANIMOUSLY

Action Agenda.

12. 2022-277: Motion to approve Pay Application 4 in the amount of \$111,606.15 to Moran Hauling, Inc. for the East Aloha Improvement Project.

Motion made by Ward 3 Cumberland, Seconded by Ward 4 Clark to approve Pay Application 4 in the amount of \$111,606.15 to Moran Hauling, Inc. for the East Aloha Improvement Project.

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

MOTION CARRIED UNANIMOUSLY

15. 2022-283: Motion to accept Substantial Completion of East Aloha Improvements Phase 1 effective August 5, 2022.

Motion made by Ward 4 Clark, Seconded by Ward 1 Finley to accept Substantial Completion of East Aloha Improvements Phase 1 effective August 5, 2022.

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

MOTION CARRIED UNANIMOUSLY

17. 2022-285: Motion to approve Master Service Agreement Work Assignment with Machada Patano for Developer Plan/Spec Review as needed in an amount not to exceed \$10,000.

Motion made by Ward 4 Clark, Seconded by Ward 3 Cumberland to approve Master Service Agreement Work Assignment with Machada Patano for Developer Plan/Spec Review as needed in an amount not to exceed \$10,000.

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

MOTION CARRIED UNANIMOUSLY

17.a 2022-286: Motion to adopt Final Plat the Final Plat-Diamondhead Lakes, Phase 1 subject to (1) submission of letter from Ben Benvenutti, City Engineer, regarding construction of subdivision in accordance with approve plans, (2) approval of final inspection of the improvements of the subdivision; (3) provide ample swale easement for lots 20 and 21. All conditions must be completed to the satisfaction of the City before any building permit(s) shall be issued.

Motion made by Councilmember-At-Large Maher, Seconded by Ward 1 Finley Action Agenda 17 a. 2022-286: Motion to adopt the Final Plat-Diamondhead Lakes, Phase 1 subject to (1) submission of letter from Ben Benvenutti, City Engineer, regarding construction of subdivision in accordance with approve plans, (2) approval of final inspection of the improvements of the subdivision; (3) provide ample swale easement for lots 20 and 21. All conditions must be completed to the satisfaction of the City before any building permit(s) shall be issued.

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

Voting Nay: Ward 2 Liese, Ward 3 Cumberland

MOTION CARRIED

Routine Agenda.

Claims Payable

18. Motion to approve the Docket of Claims (DKT159909 - DKT159938) in the amount of \$255,059.85.

Motion made by Ward 4 Clark, Seconded by Ward 1 Finley to approve the Docket of Claims (DKT159909 - DKT159938) in the amount of \$255,059.85.

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

MOTION CARRIED UNANIMOUSLY

19. Motion to approve Payroll Payable DKT159865-DKT159877 in the amount of \$46,594.39, PRCLAIM000132 in the amount of \$28,010.88, PRCLAIM000133 in the amount of \$2,531.97, PRCLAIM000134 in the amount of \$29,711.86.

Motion made by Ward 4 Clark, Seconded by Ward 1 Finley to approve Payroll Payable DKT159865-DKT159877 in the amount of \$46,594.39, PRCLAIM000132 in the amount of \$28,010.88, PRCLAIM000133 in the amount of \$2,531.97, PRCLAIM000134 in the amount of \$29,711.86.

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

MOTION CARRIED UNANIMOUSLY

Department Reports

- a. Departmental Reports July 2022
 - Police Department
 - Building Department
 - Privilege License
 - Code Enforcement
 - Court Department

Motion made by Ward 1 Finley, Seconded by Ward 2 Liese to accept the following departmental reports:

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

MOTION CARRIED UNANIMOUSLY

Public Comments on Non-Agenda Items.

Durrell Pelligrin addressed the Council regarding drainage concerns on his property.

Adjourn/Recess.

At 8:10 p.m. with no further business to come before the Council, motion made by Ward 4 Clark, Seconded by Ward 3 Cumberland to adjourn.

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

MOTION CARRIED UNANIMOUSLY

Nancy Depreо
Mayor

Jeannie Klein
City Clerk