



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, July 19, 2022

6:00 PM CST

Council Chambers, City Hall

Call to Order.

Mayor Pro Temp Clark called the meeting to order at 6:00 p.m.

Invocation -Councilmember Maher

Pledge of Allegiance

Roll Call

PRESENT

Councilmember-At-Large Gerard Maher

Ward 1 Shane Finley -via teleconference/in-person

Ward 2 Anna Liese

Ward 3 John Cumberland

Ward 4 Charles Clark

ABSENT

Mayor Nancy Depreo

Confirm or Adjust Agenda Order

Motion made by Ward 3 Cumberland, Seconded by Ward 2 Liese to amend and confirm the agenda with the following addition:

19. a 2022-262: Motion to authorize the Planning Commission to conduct a public hearing to consider a text/map amendment on the Map of Minimum Square Footage Requirements for a selected area within the inner circle of Diamondhead Drive (East, West and North).

Motion made by Ward 3 Cumberland, Seconded by Ward 2 Liese.

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

MOTION CARRIED UNANIMOUSLY

Presentation Agenda.

Council Comments.

1. The next Regular City Council Meeting will be held August 2, 2022 at 6:00 p.m. in Council Chamber at City Hall.
2. Proclamation recognizing the Dog Park Steering Committee was postponed until the next Council Meeting.

City Manager's Report.

1. East Aloha Improvement Phase 1 Update
2. MEMA Acquisition Program update with Adam Ferguson, Rostan Solutions Senior Advisor - Disaster Recovery Programs participating via teleconference and providing an overview of the site selection process with priority to those properties located in the FEMA's Special Hazard Flood Area.

Public Comments on Agenda Items - None.

Policy Agenda.**Minutes:**

1. Motion to approve the July 5, 2022 Regular Meeting Minutes.

Motion made by Councilmember-At-Large Maher, Seconded by Ward 2 Liese to approve the July 5, 2022 Regular Meeting Minutes.

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

MOTION CARRIED UNANIMOUSLY

2. Motion to approve the July 12, 2022 Recess Meeting Minutes.

Motion made by Ward 3 Cumberland, Seconded by Councilmember-At-Large Maher to approve the July 12, 2022 Recess Meeting Minutes.

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

MOTION CARRIED UNANIMOUSLY**Tabled Matters:**

3. **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.

NO ACTION TAKEN**Resolutions:**

4. **2022-251:** Motion to adopt Resolution 2022-047 thereby acquiring by donation Lot 50, Block 9, Unit 4, Phase 1 from Catherine Gankofskie with estimated value of \$6,750.

Motion made by Ward 3 Cumberland, Seconded by Councilmember-At-Large Maher to adopt Resolution 2022-047 thereby acquiring by donation Lot 50, Block 9, Unit 4, Phase 1 from Catherine Gankofskie with estimated value of \$6,750.

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

MOTION CARRIED UNANIMOUSLY

5. **Motion 2022-253:** Motion to adopt Resolution 2022-048 thereby abandoning a 5' drainage/utility easement on each side of the common property line between Lot 1, Beaux Vue Subdivision, Phase 1 and Lot A, The Preserve Subdivision, Phase 1. The parcel number is 067K-2-36-216.001. The physical address is 87120 Highpoint Drive. (Levy)

Motion made by Councilmember-At-Large Maher, Seconded by Ward 2 Liese to adopt Resolution 2022-048 thereby abandoning a 5' drainage/utility easement on each side of the common property line between Lot 1, Beaux Vue Subdivision, Phase 1 and Lot A, The Preserve Subdivision, Phase 1. The parcel number is 067K-2-36-216.001. The physical address is 87120 Highpoint Drive. (Levy)

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

MOTION CARRIED UNANIMOUSLY

6. **2022-254:** Motion to adopt Resolution 2022-049 thereby abandoning a 10' utility easement on the rear of the property of Lot 1, Beaux Vue Subdivision, Phase 1 and accepting the dedication of a 10' utility easement on the front of the property of Lot 1, Beaux Vue Subdivision, Phase 1 and Lot A, The Preserve Subdivision, Phase 1. The physical address is 87120 Highpoint Dr.; parcel number 067K-2-36-216.001. (Levy)

Motion made by Ward 2 Liese, Seconded by Ward 3 Cumberland to adopt Resolution 2022-049 thereby abandoning a 10' utility easement on the rear of the property of Lot 1, Beaux Vue Subdivision, Phase 1 and accepting the dedication of a 10' utility easement on the front of the property of Lot 1, Beaux Vue Subdivision, Phase 1 and Lot A, The Preserve Subdivision, Phase 1. The physical address is 87120 Highpoint Dr.; parcel number 067K-2-36-216.001. (Levy)

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

MOTION CARRIED UNANIMOUSLY

7. **2022-258:** Motion to adopt Resolution 2022-050 finding and determining that the Resolution declaring intent of the Diamondhead City Council to either issue General Obligation Bonds of the City, Issue a General Obligation Bond of the City for Sale the Mississippi Development Bank or enter into a loan with the Mississippi Development Bank, all in the aggregate principal amount of not to exceed \$6,000,000 and adopted on June 7, 2022, was published as required by Law, that no petitions or other objections of any kind or character against the issuance of General Obligation Bonds of the city, or the Issuance of a Qualified Obligation Bond of the City for purchase by the Mississippi Development Bank or for the City to borrow funds by entering in to a loan with the Mississippi Development Bank, all described in said resolution was filed, and authorizing said bonds and loan to be issued or entered into, as the case may be.

Motion made by Councilmember Cumberland, Seconded by Ward 2 Liese to adopt Resolution 2022-050 finding and determining that the Resolution declaring intent of the Diamondhead City Council to either issue General Obligation Bonds of the City, Issue a General Obligation Bond of the City for Sale the Mississippi Development Bank or enter into a loan with the Mississippi Development Bank, all in the aggregate principal amount of not to exceed \$6,000,000 and adopted on June 7, 2022, was published as required by Law, that no petitions or other objections of any

kind or character against the issuance of General Obligation Bonds of the city, or the issuance of a Qualified Obligation Bond of the City for purchase by the Mississippi Development Bank or for the City to borrow funds by entering into a loan with the Mississippi Development Bank, all described in said resolution was filed, and authorizing said bonds and loan to be issued or entered into, as the case may be.

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

MOTION CARRIED UNANIMOUSLY

8. **2022-260:** Motion to adopt Resolution 2022-051 authorizing application to Mississippi Development Authority for FY22 Gulf Coast Restoration Fund project funding.

Motion made by Councilmember-At-Large Maher, Seconded by Ward 2 Liese to adopt Resolution 2022-051 authorizing application to Mississippi Development Authority for FY22 Gulf Coast Restoration Fund project funding.

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

MOTION CARRIED UNANIMOUSLY

Consent Agenda:

Motion made by Councilmember-At-Large Maher, Seconded by Ward 3 Cumberland to approve the following consent agenda items:

9. **2022-247:** Motion to accept FY21 Audit Engagement Letter with Necaise & Company.
10. **2022-248:** Motion to approve payment to Machado Patano in the amount of \$1,462.50 for professional services relating to the Hilo Way Drainage Project.
11. **2022-249:** Motion to approve payment to Digital Engineering for professional services in the amount of \$1,160.00 for GIS Maintenance, \$3,187.50 Paving Phase 4 and \$1,917.50 for Beaux Vue Phase 2 Drainage.
12. **2022-250:** Motion to approve the Memorandum of Understanding with the Mississippi Department of Marine Resources for FY22 GOMESA Funding Award.
13. **2022-252:** Motion to approve payment to Compton Engineering in the amount of \$2,777.50 for professional services relating to Anahola and Hana Place Drainage.
14. **2022-257:** Motion to approve payment to Rostan Solutions in the amount of \$4,427.50 for professional services for the period June 1 - 30, 2022 relating Grant Administration DR4576 (Zeta).

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

MOTION CARRIED UNANIMOUSLY

Action Agenda.

- 15. 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 3 Cumberland, Seconded by Ward 2 Liese to table 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: Councilmember-At-Large Maher, Ward 1 Finley, Ward 2 Liese, Ward 3 Cumberland, Ward 4 Clark

MOTION CARRIED UNANIMOUSLY

- 16. Motion 2022-255:** Motion to authorize the Planning Commission to publish and hold a public hearing for the purpose of creating zoning districts and use regulations for Medical Cannabis facilities.

Motion made by Councilmember-At-Large Maher, Seconded by Ward 2 Liese to authorize the Planning Commission to publish and hold a public hearing for the purpose of creating zoning districts and use regulations for Medical Cannabis facilities.

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

MOTION CARRIED UNANIMOUSLY

- 17. 2022-256:** Motion to accept the form of the FY23 Budget (department level), set the public hearing for August 23, 2022 and approve the advertisement providing public notice of same.

Motion made by Ward 3 Cumberland, Seconded by Councilmember-At-Large Maher to accept the form of the FY23 Budget (department level), set the public hearing for August 23, 2022 and approve the advertisement providing public notice of same.

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

MOTION CARRIED UNANIMOUSLY

- 18. 2022-259:** Motion to authorize the Planning Commission to hold a public hearing to consider a Text Amendment to the Zoning Ordinance and/or Subdivision Regulations to require a specified number of home designs.

Motion made by Councilmember-At-Large Maher, Seconded by Ward 2 Liese to authorize the Planning Commission to hold a public hearing to consider a Text Amendment to the Zoning Ordinance and/or Subdivision Regulations to require a specified number of home designs.

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

MOTION CARRIED UNANIMOUSLY

- 19. 2022-261:** 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.

Motion made by Councilmember-At-Large Maher, Seconded by Ward 2 Liese to table adoption of 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.

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

MOTION CARRIED UNANIMOUSLY

- 19 a. 2022-262:** Motion to authorize the Planning Commission to conduct a public hearing to consider a text/map amendment on the Map of Minimum Square Footage Requirements for a selected area within the inner circle of Diamondhead Drive (East, West and North)

Motion made by Councilmember-At-Large Maher, Seconded by Ward 3 Cumberland to authorize the Planning Commission to hold a public hearing to consider a Text Amendment to the Zoning Ordinance and/or Subdivision Regulations to require a specified number of home designs.

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

MOTION CARRIED UNANIMOUSLY

AT 6:50 P.M., WARD 1 COUNCILMEMBER FINLEY ENTERED THE MEETING ROOM, DISCONNECTED THE TELEPHONIC ATTENDANCE AND PARTICIPATED IN-PERSON FOR THE REMAINDER OF THE MEETING.

Routine Agenda.**Claims Payable**

20. Motion to approve Docket of Claims (DKT159812- DKT159851) in the amount of \$148,446.40.

Motion made by Councilmember-At-Large Maher, Seconded by Ward 3 Cumberland to approve the Docket of Claims (DKT159812- DKT 159851) in the amount of \$148,446.40.

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

MOTION CARRIED UNANIMOUSLY**Department Reports**

- a. Police Department
Building Department
Code Enforcement
Privilege License
Court Department

Motion made by Ward 4 Clark, Seconded by Ward 1 Finley to accept the following department reports:

Voting Yea: 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.**

Amy Egolf addressed the Council with concerns regarding her lot.

Durrell Pellegrin addressed the Council thanking Interim City Manager McCraw visiting his property to address his drainage concerns.

Executive Session - If Necessary

At 7:03 p.m., motion made by Ward 1 Finley, Seconded by Ward 3 Cumberland to enter closed session to determine the necessity for an executive session.

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

MOTION CARRIED UNANIMOUSLY

Motion made by Ward 1 Finley, Seconded by Ward 3 Cumberland to enter executive session for personnel matters pursuant to MS Code 25-41-7 4 (a).

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

MOTION CARRIED UNANIMOUSLY

Motion made by Ward 1 Finley, Seconded by Ward 3 Cumberland to exit executive session.

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

MOTION CARRIED UNANIMOUSLY

At 7:59 p.m. motion made by Ward 1 Finley, Seconded by Ward 3 Cumberland to exit closed session.

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

MOTION CARRIED UNANIMOUSLY

CITY ATTORNEY CUSICK ANNOUNCED FOR THE RECORD THAT WHILE IN EXECUTIVE SESSION, THE COUNCIL TOOK NO OFFICIAL ACTION OF RECORD.

Adjourn/Recess.

At 8:00 p.m., motion made by Ward 1 Finley, Seconded by Ward 3 Cumberland to adjourn.

Voting Yea: 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