



MINUTES

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

REGULAR MEETING OF THE CITY COUNCIL

Tuesday, November 01, 2022
6:00 PM CST

Call to Order.

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

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 Ward 3 Cumberland to amend the agenda with the following additions and to approve as amended:

Action Agenda-table item 16. 2023-050: Motion for Diamondhead Steering Committee to utilize the Chapel area (minus the Judge's Chambers) in City for a pilot Diamondhead Senior Center on Monday, Tuesday, Wednesday and Thursday.

Voting Yea: Mayor Depreo, 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 Meeting of the City Council will be held November 15, 2022 at 6:00 p.m. in Council Chambers located at City Hall.
2. The Diamondhead Festival and BBQ Competition will be held Saturday, November 5, 2022 from 11:00 a.m. to 7:00 p.m. at Harbor Circle.
3. Rhonda Rhodes Executive Director of Hancock Resource Center addressed the council regarding -- The Angel Tree and Toys for Tots.

City Manager's Report

1. Makiki Drive – There has been no change on this project. The drain boxes have not arrived, and the contractor has not remobilized to complete the job. The contract end date is November 10th.
2. Hilo Way Drainage Project – The notice to proceed on this project has been set for November 14th.
3. Twin Lake Park / Dog Park –The engineering firm is completing the plans and will be advertising the project soon.
4. Phase 4 paving – The paving started on Oct 10th with a contract time of 90 calendar days. Monday, the crew is on Ala Moana. Today they were to start on the south side paving of Loa Place. Tomorrow they will be milling Golf Club Dr. and Thursday they will be paving Golf Club Dr. After Golf club the remaining streets on Bayou and Halewia are to be scheduled around the Waterline Rehab. The current end date of the project is December 3rd.
5. Turnberry – After meeting with the Covington Engineering, the City has decided at this time to not pursue the purchase of land off Turnberry Drive and focus on downstream issues first.
6. Christmas on the Green – The event will be held on December 1st from 5:30 – 8:00.

Public Comments on Agenda Items.

The following addressed the Council:

Mike Munger - International Fire Codes supporting Elliott Homes variance request.

Peter Higgins - Elliott Homes cul-de-sac variance request

Sandra Gray - Sketch Plat for Townhouses at Highpoint

Charles Whitmore - Sketch Plat for Townhouses at Highpoint

Maria Karpaitis - Hilo Way Drainage Improvements

Liz Morgano – Distemper Outbreak

Antoine Saucier - Cul-de-sac Parking

Dempsey Milton - Cul-de-sac Parking

Jim Gaines - Elliott clear cutting of trees and storm water management

Policy Agenda.**Minutes:**

1. Motion to approve October 18, 2022 Regular Meeting Minutes.

Motion made by Ward 1 Finley, Seconded by Councilmember-At-Large Maher to approve October 18, 2022 Regular Meeting Minutes.

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

MOTION CARRIED UNANIMOUSLY

2. Motion to approve October 24, 2022 Special Called Meeting Minutes.

Motion made by Ward 2 Liese, Seconded by Ward 4 Clark to approve October 24, 2022 Special Called Meeting Minutes.

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

MOTION CARRIED UNANIMOUSLY

Resolutions:

3. **2023-049:** Motion to adopt Resolution 2023-006 thereby authorizing the City Clerk to resubmit delinquent fines receivables (Exhibit A) to the Mississippi Municipal Intercept Company, LLC (MIC) for debt set-off through the Mississippi Department of Revenue and for other related purposes.

Motion made by Ward 4 Clark, Seconded by Ward 1 Finley to adopt Resolution 2023-006 thereby authorizing the City Clerk to resubmit delinquent fines receivables (Exhibit A) to the Mississippi Municipal Intercept Company, LLC (MIC) for debt set-off through the Mississippi Department of Revenue and for other related purposes.

Voting Yea: Mayor Depreo, 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 3 Cumberland, Seconded by Ward 1 Finley to approve the following consent agenda items:

4. **2023-037:** Motion to approve travel card cardholder agreement with the Mississippi Department of Finance and Administration Office of Purchasing, Travel and Fleet Management.
5. **2023-038:** Motion to approve Pay Application 6 in the amount of \$6,038.58 to Moran Hauling for East Aloha Drive Improvements Phase 1.
6. **2023-039:** Motion to approve payments to Machado Patano in the amount of \$6,250.00 for Twin Lakes Fishing Pier and Trail and \$562.50 for Hilo Way Drainage.
7. **2023-043:** Motion to approve payments to Pickering in the amount of \$1,225.00 for Kolo Court Ditch Improvements, in the amount of \$3,337.00 for Ahuli Drainage Improvements and in the amount of \$5,561.67 for Professional Services from August 28, 2022 to October 1, 2022.
8. **2023-044:** Motion to enter into a new commercial lease agreement for the Southside property with Purcell Co., Inc. for one (1) year and for additional one (1) year terms thereafter in the sum of One Dollar (\$1.00) per year.
9. **2023-045:** Motion to accept the Memorandum of Agreement with Pearl River Community College for the County Tuition Assistance Program and authorize City Manager, Jon McCraw to execute same.

10. **2023-046:** Motion to approve payments to Chiniche Engineering & Surveying in the amount of \$1,904.25 for Noma Drive Dredging and in the amount of \$2,897.00 for Canal Dredging Calculations.
11. **2022-051:** Motion to approve budget amendments 2022-052.

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. **2023-041:** Motion to approve participation in the Hancock County Resource Center's Christmas Toy Drive and using city outreach resources to announce City Hall as a designated drop-off location.
Motion made by Ward 2 Liese, Seconded by Councilmember-At-Large Maher to approve participation in the Hancock County Resource Center's Christmas Toy Drive and using city outreach resources to announce City Hall as a designated drop-off location.

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

MOTION CARRIED UNANIMOUSLY

13. **2023-042:** Motion for discussion and/or possible action regarding drainage on Diamondhead Drive North, Amoka, Kaleki (Way, Ct.), and Ieke Drive.

Motion made by Mayor Depreо, Seconded by Ward 3 Cumberland or discussion regarding drainage on Diamondhead Drive North, Amoka, Kaleki (Way, Ct.), and Ieke Drive.

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

Andrew Levens with Covington Civil & Environmental provided an update.

NO ACTION TAKEN

14. **2023-047:** Motion for the 3rd Annual Dog Park Day to be held on Saturday, April 1, 2023, Harbor Circle on the south side of Diamondhead.

Motion made by Mayor Depreо, Seconded by Councilmember-At-Large Maher for the 3rd Annual Dog Park Day to be held on Saturday, April 1, 2023, Harbor Circle on the south side of Diamondhead.

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

MOTION CARRIED UNANIMOUSLY

17. **2023-052:** Motion to concur with the Planning Commission recommendation for conditional approval of the Sketch Plat for Townhouses at Highpoint. The Sketch Plat is a 17 unit Single-family attached townhouse development. The total number of acres is approximately 2.8. The current

zoning of lots is R-3 High Density Single Family with the parcel number being 067L-0-35- 089.000. The subject property is in PT SE1/4-NE1/4 35-7-14. The property is bordered on three sides by Highpoint Drive and homes along Golf Club on the southwest. The case file number is 202200264.

Motion made by Councilmember-At-Large Maher, Seconded by Mayor Depreto to concur with the Planning Commission recommendation for conditional approval of the Sketch Plat for Townhouses at Highpoint. The Sketch Plat is a 17unit Single-family attached townhouse development. The total number of acres is approximately 2.8. The current zoning of lots is R-3 High Density Single Family with the parcel number being 067L-0-35- 089.000. The subject property is in PT SE1/4-NE1/4 35-7-14. The property is bordered on three sides by Highpoint Drive and homes along Golf Club on the southwest. The case file number is 202200264.

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

MOTION CARRIED UNANIMOUSLY

18. 2023-053: Elliott Homes, LLC. represented by Josh Fleming has submitted a request for a variance from the Subdivision Regulations (Article 308.6) to allow the construction of a cul-de-sac 723 feet in length. The variance requested is 123 feet. The property address is the proposed Hahalua Lane at Diamondhead Lakes Drive in the Diamondhead Lakes subdivision. The tax parcel number is 067L-0- 35-012.000. The maximum length of a cul-de-sac is 600 feet. The variance requested is 123 square feet. The Case File Number is 202200448. At its regularly scheduled meeting on October 25, 2022, the Planning Commission did not make a recommendation as the motion to approve the variance as requested failed to pass with 3 voting yes and 4 abstaining.

Motion made by Ward 4 Clark, Seconded by Ward 3 Cumberland to approve Elliott Homes, LLC. request for a variance from the Subdivision Regulations (Article 308.6) to allow the construction of a cul-de-sac 723 feet in length. The variance requested is 123 feet. The property address is the proposed Hahalua Lane at Diamondhead Lakes Drive in the Diamondhead Lakes subdivision phase II. The tax parcel number is 067L-0- 35-012.000. The maximum length of a cul-de-sac is 600 feet. The variance requested is 123 square feet. The Case File Number is 202200448. At its regularly scheduled meeting on October 25, 2022, the Planning Commission did not make a recommendation as the motion to approve the variance as requested failed to pass with 3 voting yes and 4 abstaining.

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

Voting Nay: Ward 2 Liese

MOTION CARRIED

19. 2023-054: Motion to concur with the Planning Commission recommendation to grant a variance from the Zoning Ordinance (Article 4.5.5 G) to allow the construction of an 1,800 square foot residence on a lot designated 2,000 square foot minimum. The variance granted is 200 square feet. The property address is 6410 Huko Court. The tax parcel number is 131D-2-13-009.000. The property is in a R-1 zoning district. The minimum square footage for this lot is 2,000. The Case File Number is 202200450.

Motion made by Ward 3 Cumberland, Seconded by Ward 1 Finley to concur with the Planning Commission recommendation to grant a variance from the Zoning Ordinance (Article 4.5.5 G) to

allow the construction of a 1,800 square foot residence on a lot designated 2,000 square foot minimum. The variance granted is 200 square feet. The property address is 6410 Huko Court. The tax parcel number is 131D-2-13-009.000. The property is in a R-1 zoning district. The minimum square footage for this lot is 2,000. The Case File Number is 202200450.

Voting Yea: Ward 1 Finley

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

MOTION FAILED

20. **2023-055:** Motion to authorize the Planning Commission to publish and hold a public hearing for the purpose of updating Section 308.3 of the Subdivision Regulations allowing the maximum length of a cul-de-sac to 750 feet in accordance with the 2018 edition of International Fire Code Section D103. The Planning Commission shall make a recommendation to the Council.

Motion made by Councilmember-At-Large Maher, Seconded by Ward 1 Finley to authorize the Planning Commission to publish and hold a public hearing for the purpose of updating Section 308.3 of the Subdivision Regulations allowing the maximum length of a cul-de-sac to 750 feet in accordance with the 2018 edition of International Fire Code Section D103. The Planning Commission shall make a recommendation to the Council.

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

MOTION CARRIED UNANIMOUSLY

Routine Agenda.

Claims Payable

21. Motion to approve the Docket of Claims DKT230153-DKT230185 in the amount of \$79,921.27.

Motion made by Ward 4 Clark, Seconded by Ward 2 Liese to approve the Docket of Claims DKT230153-DKT230185 in the amount of \$79,921.27.

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

MOTION CARRIED UNANIMOUSLY

Executive Session

Motion made by Mayor Depre, Seconded by Ward 3 Cumberland to go into closed session to determine the necessity for an executive session.

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 Mayor Depreо, Seconded by Ward 3 Cumberland to enter into executive session for the following:

Potential litigation involving Heath Ladner and Breakwater Marine pursuant to MS Code 25-41-7(4)(b)

Property Acquisition pursuant to MS Code 25-41-7(4)(g)

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

MOTION CARRIED UNANIMOUSLY

City Attorney, Derek Cusick, announced to the public that the City Council had voted to go into executive session for the following:

Potential litigation involving Heath Ladner and Breakwater Marine pursuant to MS Code 25-41-7(4)(b)

Property Acquisition pursuant to MS Code 25-41-7(4)(g)

Motion made by Mayor Depreо, Seconded by Ward 3 Cumberland to exit session.

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

MOTION CARRIED UNANIMOUSLY

At 8:54 p.m. motion made by Mayor Depreо, Seconded by Ward 3 Cumberland to exit closed session.

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

MOTION CARRIED UNANIMOUSLY

City Attorney announced that while in executive session, no official action of record was taken.

Motion made by Mayor Depreо, Seconded by Ward 3 Cumberland to add **Action Item 20a.** and to approve settlement to Heath Ladner in the amount of \$6800.00 for tree removal and trespassing.

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

MOTION CARRIED UNANIMOUSLY

15. 2023-048: Motion to accept agreement with Breakwater Marine regarding Lily Pond and Miller Pond dredging bid.

Motion made by Ward 1 Finley, Seconded by Ward 2 Liese to accept agreement with Breakwater Marine regarding Lily Pond and Miller Pond dredging bid.

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

MOTION CARRIED UNANIMOUSLY

Adjourn/Recess.

At 8:55 p.m. and 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 Depreο, Councilmember-At-Large Maher, Ward 1 Finley, Ward 2 Liese, Ward 3 Cumberland, Ward 4 Clark

MOTION CARRIED UNANIMOUSLY

Nancy Depreο
Mayor

Jeannie Klein
City Clerk