



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

MINUTES
REGULAR MEETING OF THE CITY COUNCIL
Tuesday, July 06, 2021
6:00 PM CST

Call to Order.

At 6:17 p.m., Mayor Depreo called the meeting to order.

Invocation -Mayor Depreo.

Pledge of Allegiance

Roll Call

PRESENT

Mayor Nancy Depreo

Councilmember-At-Large Gerard Maher

Ward 1 Shane Finley

Ward 2 Alan Moran

Ward 3 Jamie Sheppard

Ward 4 Charles Clark

Confirm or Adjust Agenda Order

Motion made by Ward 1 Finley, Seconded by Councilmember-At-Large Maher to approve the agenda as presented.

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 Meeting of the City Council will July 20, 2021 at 6:00 p.m. in Council Chambers at City Hall 5000 Diamondhead Circle.
2. Aloha Diamondhead will be held 4-7 p.m. on Saturday, July 17, 2021.
3. Jamie Welsh, Rostan Solutions, LLC - project update
provided on update with regard to Hurricane Zeta FEMA project worksheets and current hazard mitigation project grant applications and other funding opportunities.

City Manager's Report.

1. First meeting of the new council – Since this is the first meeting of the new city council, there are several items on the agenda that the council needs to act upon. This includes re-appointing key personnel of the city, the city attorney and prosecutor, the municipal judge and to approve the current compensation of city employees.

2. E. Aloha Right of Way: The city is working with the property owners along E. Aloha to create the 60 right of way for the roadway improvements (Rouses, Mike Casano, The First, and Jim Grotkowski). We are returning some land back to the property owners, and we are getting some new land for ROW from them as well. All have agreed to this. I am pushing the engineer to have our construction plans ready to ask the council for authorization to advertise this project at the first meeting in August. This will do the drainage and roadway work. Sidewalks will be a separate project since it is a different grant funding source.
3. Resolution to use City resources to clear private property – I am asking for authorization to have public works bush hog the land at the end of Noma Drive that is owned by Peter Casano. This is where the new Noma Drive boat launch and pier will go. We are asking the owner to donate the right of way for the road, boat launch and parking area to the city. We need to cut the grass, so our engineer can stake off the land to identify the ROW that is needed for donation. I am pushing Jason on this project to be advertising for bids and under construction before the end of this year on Noma Drive Boat Launch.
4. US Dept of Treasury – The city needs to approve and accept the statement of assurances terms and conditions for the Corona Virus Local Fiscal Recovery Funds. This is the \$1.8 million that the city is expecting to receive from the Federal Government as part of the American Rescue Act.
5. Boy Scouts – The city was approached by a local boy scout troop to do their Eagle Scout Project at the Dog Park by providing new benches, bird houses and trees.
6. Engineering Services – Last year, the council voted to extend the master service agreements for one year until the new council was in place. It is time to advertise for proposals from engineering firms to select for our master service agreements. In addition, we will include in the advertisement the request for proposals for Federal Projects (GOMESA and American Rescue Act). This way we will have a list of pre-qualified firms that we can use for drainage projects and that we have procured appropriately.
7. Drainage Projects – Over the last 2 months, the city has received over 5 feet of rain. We received more rain again today that is causing flooding in certain areas of the city. These are area identified in our major project list. The city council has dedicated \$4.5 million for drainage projects using the Federal funds, GOMESA and county matching funds. The administration will be working with the council to prioritize the projects in order to move quickly once the funds are available and engineers are selected.

Public Comments on Agenda Items.

Penny Crawford addressed the Council in agreement to the denial of a variance from the Zoning Ordinance regarding Case File number 202100165.

Policy Agenda.

Minutes:

1. Motion to approve the June 15, 2021 Regular Meeting Minutes.

Motion made by Ward 1 Finley, Seconded by Ward 2 Moran to approve the June 15, 2021 Minutes.

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

MOTION CARRIED UNANIMOUSLY

Resolutions:

- 2. 2021-204:** Motion to adopt Resolution 2021-036 thereby appoint a Mayor Pro Tem for Diamondhead City Council.

Motion made by Ward 4 Clark, Seconded by Mayor Depreo to adopt Resolution 2021-036 thereby appointing Alan Moran to serve as Mayor Pro Tem for Diamondhead City Council.

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

MOTION CARRIED UNANIMOUSLY

- 3. 2021-205:** Motion to adopt Resolution 2021-037 thereby reappointing Michael Reso to the position of City Manager.

Motion made by Ward 1 Finley, Seconded by Councilmember-At-Large Maher to adopt Resolution 2021-037 thereby reappointing Michael Reso to the position of City Manager.

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

MOTION CARRIED UNANIMOUSLY

- 4. 2021-206:** Motion to adopt Resolution 2021-038 thereby reappointing Jeannie Klein to the position of City Clerk.

Motion made by Ward 4 Clark, Seconded by Ward 3 Sheppard to adopt Resolution 2021-038 thereby reappointing Jeannie Klein to the position of City Clerk.

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

MOTION CARRIED UNANIMOUSLY

- 5. 2021-207:** Motion to adopt Resolution 2021-039 thereby reappointing Tammy Garber to the position of Deputy City Clerk.

Motion made by Ward 2 Moran, Seconded by Ward 3 Sheppard to adopt Resolution 2021-039 thereby reappointing Tammy Garber to the position of Deputy City Clerk.

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

MOTION CARRIED UNANIMOUSLY

- 6. 2021-208:** Motion to adopt Resolution 2021-040 thereby reappointing Lisa McSwain to serve as Municipal Court Clerk.

Motion made by Ward 4 Clark, Seconded by Ward 3 Sheppard to adopt Resolution 2021-040 thereby reappointing Lisa McSwain to serve as Municipal Court Clerk.

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

MOTION CARRIED UNANIMOUSLY

- 7. **2021-209:** Motion to adopt Resolution 2021-041 thereby reappointing Hayes Johnson to serve as Municipal Court Judge.

Motion made by Ward 3 Sheppard, Seconded by Ward 2 Moran to adopt Resolution 2021-041 thereby reappointing Hayes Johnson to serve as Municipal Court Judge.

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

MOTION CARRIED UNANIMOUSLY

- 8. **2021-210:** Motion to adopt Resolution 2021-042 thereby reappointing Lauren Prater to serve as Deputy Municipal Court Clerk.

Motion made by Ward 3 Sheppard, Seconded by Councilmember-At-Large Maher to adopt Resolution 2021-042 thereby reappointing Lauren Prater to serve as Deputy Municipal Court Clerk.

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

MOTION CARRIED UNANIMOUSLY

- 9. **2021-211:** Motion to adopt Resolution 2021-043 thereby engaging and hiring Derek Cusick in his capacity as City Attorney and City Prosecutor and for other related purposes.

Motion made by Ward 1 Finley, Seconded by Ward 2 Moran hereby engaging and hiring Derek Cusick in his capacity as City Attorney and City Prosecutor and for other related purposes.

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

MOTION CARRIED UNANIMOUSLY

- 10. **2021-227:** Motion to adopt Resolution 2021-035 thereby reaffirming FY21 compensation for all employments positions within the City.

Motion made by Ward 3 Sheppard, Seconded by Ward 4 Clark thereby reaffirming FY21 compensation for all employments positions within the city.

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

MOTION CARRIED UNANIMOUSLY

- 11. **2021-213:** Motion to adopt Resolution 2021-045 thereby appointing Mayor Depreo as the Voting Delegate and First Alternate (TBD) for the 2021 MML Officer Elections.

Motion made by Ward 1 Finley, Seconded by Ward 3 Sheppard to adopt Resolution 2021-045 thereby appointing Mayor Depreo as the Voting Delegate and Alan Moran as First Alternate for the 2021 MML Officer Elections.

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

MOTION CARRIED UNANIMOUSLY

At 6:51 p.m., Ward 4 Clark exited Council Chambers and was recused from the meeting proceedings.

- 12. 2021-214:** Motion to adopt Resolution 2021-046 thereby accepting the donation, grating and conveyance of certain properties from Rouse's Land Company, LLC and declaring surplus and conveying unneeded surplus city-owned property adjacent to Rouses's Land Company, LLC for the East Aloha Improvement Project.

Motion made by Councilmember-At-Large Maher, Seconded by Ward 3 Sheppard to adopt Resolution 2021-046 thereby accepting the donation, grating and conveyance of certain properties from Rouse's Land Company, LLC and declaring surplus and conveying unneeded surplus city-owned property adjacent to Rouses' Land Company, LLC for the East Aloha Improvement Project.

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

Recusals: Ward 4 Clark

MOTION CARRIED UNANIMOUSLY

At 6:52 p.m., Ward 4 Clark returned to Council Chambers and the meeting proceeding resumed.

- 13. 2021-215:** Motion to adopt Resolution 2021-047 thereby accepting by donation certain real properties from Michael Casano and declaring surplus conveyance of certain properties from Michael Casano and declaring surplus and conveying unneeded surplus city-owned property Michael Casano for the East Aloha Improvement Project.

Motion made by Ward 1 Finley, Seconded by Councilmember-At-Large Maher to adopt Resolution 2021-047 thereby accepting by donation certain real properties from Michael Casano and declaring surplus conveyance of certain properties from Michael Casano and declaring surplus and conveying unneeded surplus city-owned property Michael Casano for the East Aloha Improvement Project.

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

MOTION CARRIED UNANIMOUSLY

- 14. 2021-216:** Motion to adopt Resolution 2021-048 declaring and conveying surplus property previously donated but no longer necessary for city use to The First Banking Association.

Motion made by Ward 4 Clark, Seconded by Ward 2 Moran to adopt Resolution 2021-048 declaring and conveying surplus property previously donated but no longer necessary for city use to The First Banking Association.

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

MOTION CARRIED UNANIMOUSLY

- 15. 2021-217:** Motion to adopt Resolution 2021-049 thereby finding the use of city resources for the clearing and survey of privately-owned property is in the best interest of the City and is of benefit to the City as it will allow the City to determine exact location of proposed roadway, park and boat launch construction and for other related purposes.

Motion made by Ward 3, Seconded by Ward 4 Clark to adopt Resolution 2021-049 thereby finding the use of city resources for the clearing and survey of privately-owned property is in the best interest of the City and is of benefit to the City as it will allow the City to determine exact location of proposed roadway, park and boat launch construction and for other related purposes.

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

MOTION CARRIED UNANIMOUSLY

16. **2021-218:** Motion to adopt Resolution 2021-050 thereby accepting the donation, granting and conveyance of property from Diamondhead Community Development, LLC and GEM City Properties, LLC, declaring surplus and conveying unneeded adjacent city-owned property to Diamondhead Community Development, LLC and GEM City Properties, LLC and for other related matters.

Motion made by Ward 1 Finley, Seconded by Ward 2 Moran to adopt Resolution 2021-050 thereby accepting the donation, granting and conveyance of property from Diamondhead Community Development, LLC and GEM City Properties, LLC, declaring surplus and conveying unneeded adjacent city-owned property to Diamondhead Community Development, LLC and GEM City Properties, LLC and for other related matters.

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

MOTION CARRIED UNANIMOUSLY

17. **2021-219:** Motion to adopt Resolution 2021-051 thereby reducing the Mayor's salary for the remainder of FY21 from \$3,750 to \$2,550, to reallocate remaining \$1,200 for the lump sum disbursement to CASA of Hancock County at such time necessary budget amendments are approved by Council.

Motion made by Ward 4 Clark, Seconded by Ward 3 Sheppard to adopt Resolution 2021-051 thereby reducing the Mayor's salary for the remainder of FY21 from \$3,750 to \$2,550, to reallocate remaining \$1,200 for the lump sum disbursement to CASA of Hancock County at such time necessary budget amendments are approved by Council.

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

MOTION CARRIED UNANIMOUSLY

18. **2021-225:** Motion to adopt Resolution 2021-051 thereby accepting the the recommendation of the Planning Commission and adopting Envision Diamondhead 2040 as the City of Diamondhead Comprehensive Plan.

Motion made by Ward 3 Sheppard, Seconded by Councilmember-At-Large Maher to adopt Resolution 2021-051 thereby accepting the the recommendation of the Planning Commission and adopting Envision Diamondhead 2040 as the City of Diamondhead Comprehensive Plan.

Voting Yea: Mayor Depreo, 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 4 Clark to approve the following agenda items by consent:

19. **2021-220:** Motion to ratify the Proclamation of Existence of a Local Emergency caused by Invest 92L (TS Claudette) commencing June 18, 2021.
20. **2021-221:** Motion to approve and accept the U. S. Department of Treasury statement of assurances terms and conditions for Corona Virus Local Fiscal Recovery Funds and to authorize the City Manager to execute same.
21. **2021-223:** Motion for approval to advertise for Request for Proposals for Engineering Services Master Service Agreement for a 4-year period and for other federally funded projects including but not limited to GOMESA and American Rescue Plan.
22. **2021-224:** Motion to pledge support the Boy Scouts of America Eagle Scout Project for park benches, birds houses and trees for the Diamondhead Dog Park.
23. **2021-229:** Motion to approve engagement agreement for entertainment with Chicken on the Bone for the 2021 Diamondhead Festival and BBQ Competition to be held November 13, 2021, authorize City Manager to execute agreement and approval of deposit payment in the amount of \$600.00.

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

MOTION CARRIED UNANIMOUSLY

Action Agenda.

24. **2021-226:** Motion to concur with the Planning Commission recommendation to deny Diamondhead Community Church's application requesting a variance from the Zoning Ordinance (Article 10.7.d) to place a directional sign at the intersection of Noma Drive and Oak Park Drive that has a copy area of 12 square feet. Maximum allowed copy area is 6 square feet. the variance requested is 6 square feet. the property is located at 5301 Diamondhead Circle. The tax parcel number is 132A-2-03-027.000. The legal description is Pt. NE 1/4 Sec. 3-8-14. The property is located in a PFR-Public Facilities and Recreation zone district. Maximum copy area allowed is 6 square feet. The Case Number is 202100177.

Motion made by Ward 1 Finley, Seconded by Councilmember-At-Large Maher to concur with the Planning Commission recommendation to deny Diamondhead Community Church's application requesting a variance from the Zoning Ordinance (Article 10.7.d) to place a directional sign at the intersection of Noma Drive and Oak Park Drive that has a copy area of 12 square feet. Maximum allowed copy area is 6 square feet. the variance requested is 6 square feet. the property is located at 5301 Diamondhead Circle. The tax parcel number is 132A-2-03-027.000. The legal description is Pt. NE 1/4 Sec. 3-8-14. The property is located in a PFR-Public Facilities and Recreation zone district. Maximum copy area allowed is 6 square feet. The Case Number is 202100177.

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

MOTION CARRIED UNANIMOUSLY

- 25. 2021-227:** Motion to concur with the Planning Commission to recommend Phillip Sutton's modified request for a variance from the Zoning Ordinance (Article 9.8 J) to construct a 6' wood privacy fence starting 8.5' from the southeast corner of the house, continuing toward Pokai Street for 11' and then continuing east along Pokai Street at a 90 degree angle for 48' or longer. This is a corner lot with 2 front setbacks and 2 front facades. The Ordinance states a privacy fence cannot extend beyond the front façade of the house. The variance requested is 8.5' from the front façade (southeast corner) and 11' towards Pokai Street. The property address is 97440 Diamondhead Drive West. The tax parcel number is 067K-1-36-0567.000. The legal description is Diamondhead Subdivision Phase #2, Unit 4A, Block 5, Lots 5 & 6. The property is located in a R-2 zoning district. The fence is required to be set back 20' from the front property line but not any closer than the façade of the house. The Case File Number is 202100176.

Motion made by Councilmember-At-Large Maher, Seconded by Ward 4 Clark to concur with the Planning Commission to recommend Phillip Sutton's modified request for a variance from the Zoning Ordinance (Article 9.8 J) to construct a 6' wood privacy fence starting 8.5' from the southeast corner of the house, continuing toward Pokai Street for 11' and then continuing east along Pokai Street at a 90-degree angle for 48' or longer. This is a corner lot with 2 front setbacks and 2 front facades. The Ordinance states a privacy fence cannot extend beyond the front façade of the house. The variance requested is 8.5' from the front façade (southeast corner) and 11' towards Pokai Street. The property address is 97440 Diamondhead Drive West. The tax parcel number is 067K-1-36-0567.000. The legal description is Diamondhead Subdivision Phase #2, Unit 4A, Block 5, Lots 5 & 6. The property is located in a R-2 zoning district. The fence is required to be set back 20' from the front property line but not any closer than the façade of the house. The Case File Number is 202100176.

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

MOTION CARRIED UNANIMOUSLY

- 26. 2021-228:** Motion to concur with the Planning Commission recommendation to deny Timothy and Gina Stockstill's application requesting a variance form the Zoning Ordinance (Article 4.6.5 E iii) to allow the construction of a screened enclosure of an existing deck which is 4 feet 4 inches from the rear property line. the read yard setback is a minimum of 20 feet. The variance requested is 15 feet 8 inches. the property address is 689 Oahu Street. The parcel number is 067Q-0-36-090.000. The legal description is Diamondhead Subdivision Phase 2, Unit 3, Block 5, Lot 63 and a portion of Lot 64. the Property is located in a R-2 zoning district. the case file number is 202100165.

Motion made by Ward 1 Finley, Seconded by Councilmember-At-Large Maher to concur with the Planning Commission recommendation to deny Timothy and Gina Stockstill's application requesting a variance form the Zoning Ordinance (Article 4.6.5 E iii) to allow the construction of a screened enclosure of an existing deck which is 4 feet 4 inches from the rear property line. the read yard setback is a minimum of 20 feet. The variance requested is 15 feet 8 inches. the property address is 689 Oahu Street. The parcel number is 067Q-0-36-090.000. The legal description is Diamondhead Subdivision Phase 2, Unit 3, Block 5, Lot 63 and a portion of Lot 64. the Property is located in a R-2 zoning district. the case file number is 202100165.

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

MOITN CARRIED UNANIMOUSLY

Routine Agenda.

Claims Payable

27. Motion to approve the Docket of Claims (DKT158569 - DKT158616) in the amount of \$183,263.87.

Motion made by Ward 2 Moran, Seconded by Ward 3 Sheppard to approve the Docket of Claims (DKT158569 - DKT158616) in the amount of \$183,263.87.

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

MOTION CARRIED UNANIMOUSLY

Department Reports

- a. Police Department- May 2021

Motion made by Ward 4 Clark, Seconded by Ward 3 Sheppard to accept the May 2021 Police Department Report.

Voting Yea: Mayor Depreo, 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.

Ronnie Wentzell- addressed the Council recommending the city prepare and deliver sandbags, plant palms rather oak tree in the median and consider halting new construction until drainage issued are resolved.

Joy Dinella - addressed Council concerning drainage and over building within the City.

Penny Crawford - addressed the Council regarding the completion and implementation of the "no net-fill" policy.

Adjourn/Recess.

At 7:16 p.m. and with no further business to come before the Council at this time, motion was made by Ward 1 Finley, Seconded by Councilmember-At-Large Maher to recess until July 13, 2021 at 6:00 p.m.

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

MOTION CARRIED UNANIMOUSLY

Nancy Depreo
Mayor

Jeannie Klein
City Clerk