

MINUTES
REGULAR MEETING OF CITY COUNCIL
Diamondhead, Mississippi
Council Chambers, City Hall
August 7, 2018
6:00 pm CST

DRAFT

I. Call to Order – Mayor Schafer called the meeting to order at 6:00p.m. CST

1. Invocation – Councilmember Morgan
2. Pledge of Allegiance – Mayor Schafer
3. Roll Call –

Present: Mayor Schafer, Councilmembers Depreo, Moran and Morgan; Koenenn and L'Ecuyer. Absent: None.

4. Confirm or adjust agenda order--

Councilmember Depreo moved, seconded by Councilmember L'Ecuyer, to approve the agenda and to table the following agenda items:

- l. **2018-233**: Motion to authorize the City Manager to contact and begin negotiations with People's Bank, Diamondhead Property Owner's Association, private land owners and the Secretary of State for properties necessary for drainage improvements/maintenance in areas throughout the City.
- m. **2018-234**: Motion for discussion and/or possible action of Rotten Bayou Watershed Plan.

Ayes: Depreo, Moran, Morgan, Koenenn, L'Ecuyer and Mayor Schafer. Nays: None.
Absent: None.

MOTION CARRIED UNANIMOUSLY

II. Presentation Agenda

1. Council Comments

- a. The next regularly scheduled Council Meeting will be held August 21, 2018 at 6:00 p.m. CST in Council Chambers located at 5000 Diamondhead Circle.
- b. Recognition for Officers Patrick Dell and Phi Pham. Both Officer Dell and Officer Pham recently graduated from the Law Enforcement Academy and were assigned to the Diamondhead Police Department. Officer Pham was presented Larkin Smith Award for Top Class Graduate.
- c. Mark Duffy, provided an update of the Blessing of the Classics to be held October 3, 2018.

2. City Manager's Report –

- a. **FY17 Audit** - Auditors have completed their field work and I should receive a draft copy of the audit report shortly. The accounting firm will provide a final report prior to September 30 as agreed upon.
- b. **Start of School** – Today is the first day of school for Hancock County schools. We ask residents to be mindful while driving to look out for children waiting for school buses and buses stopping to pick up children. I have asked our police officers to be on alert for distracted drivers and those not obeying the laws which put our children at risk.

- c. Diamondhead Drive East/Duck Pond Culvert Replacement – We are closing Diamondhead Dr. East at the duck pond, so the contractor can replace the culvert under the road. This will begin on Wednesday morning and the road should be closed for about a week. Homeowners in this area will be allowed to drive to their homes past any road closed signage. All other traffic should detour for another route.
- d. Police Department Renovation – Tonight I am asking for authorization to hire Eley Guild and Harding Architects to design the downstairs at city hall to accommodate the new police department. I hope to get this done quickly so we can bid the project (if needed). We hope to complete this work before September 30.
- e. Hancock Military Hero's Banner Program – The Hancock county Board of Supervisors has partnered with its local veteran non-profit organizations to create the Hancock Military Hero's Banner Program. This program is a tribute created for the community to recognize and honor Hancock County residents and/or family members who are serving, are veterans who have served, or gave their life for our country in the US Armed Forces. Information is available at City Hall and on our website and Facebook page. Banners will be hanging from October 1 to Veterans' Day in Diamondhead, Bay St. Louis and Waveland.
- f. Tax Abatement Programs – I am working with our city attorney to develop the draft tax abatement programs for new commercial developments that will mirror the county abatement plan. In addition, we are working to develop a residential tax abatement for south of I-10 development. I hope to present both programs for council approval at the next council meeting.
- g. Job Descriptions – I am almost finished re-writing the job descriptions for city employees. I plan to submit this for council approval at our next meeting.
- h. Consultant/Lobbyist – I am prepared to make a recommendation to hire a Consultant/Lobbyist. I have a contract that our city attorney will be reviewing, and I will be ready to present the contract for city council approval at the next council meeting.
- i. Bayou Drive Kayak Launch – I have reviewed options with our engineer to determine if we can make the Bayou Drive Kayak Launch ADA acceptable and if we are required to do so. I am recommending that we do not redo this area to make it ADA compatible after talking with our engineer and getting input for Kris Geroux. Kris feels that since the city has an alternative location for ADA compatibility, we can just add a sign that directs people to the marina kayak launch for ADA access. Kris commented, that “the yacht club kayak launching area meets all accessibility needs one may encounter. The parking area, the ramped area leading to the water as well as the actual loading of oneself onto a kayak. It is remarkably done, and with my 29 years in a wheelchair, it ranks at the top of all outdoor areas I have encountered. I believe that a sign at the Bayou Drive location referring patrons who may be using a wheelchair to the more wheelchair friendly yacht club location would be very beneficial.”
- g. My recommendation is that we simply remove the ADA loading bench for the bayou Drive location. We add a sign as recommended. Next, we approve the construction of the two pavilions at the Bayou Drive site. Finally, any remaining funds in this Tidelands

grant be transferred to the Tidelands grant for Devil’s Elbow and Montjoy Creek improvements.

h. Project Status Updates

- i. East Aloha Widening – We revised width of the road to add 5' paved paths on the north and south side of the widened road. This has been submitted to MDOT for review. We are waiting on the LPA800 approval, and then we schedule field review. This way we can move into the final design and bidding phase. We anticipate having it bid by end of the year with 2-month construction timeline to follow bids.
- ii. East Aloha Roadway Improvement Study - The preliminary engineering contract has been submitted to MDOT for review and waiting on approval. Once approved by MDOT, the city council will approve the preliminary engineering contract. Then, we anticipate beginning the study phase of the project in September.
- iii. Ieke Drainage – Engineer has completed the field work and identified problem areas. He is looking at recommendations for improvement. He will discuss with the city manager and public works director this week.
- iv. Devil's Elbow Permitting – DMR is requesting information for the approval of our permit. They asked if we are participating in the State MS4 Program and did we approve and begin implementing management actions from the Watershed Implementation Plan for Rotten Bayou that was completed in 2015. This will be on the agenda for discussion and possible action tonight.
- v. Diamondhead Dr East Drainage – Waiting on jurisdictional determination from Army Corp of Engineer. Plans are about 90% completed, but we are waiting on Corp permit to finish the plans. This is a several month process.
- vi. Turnberry Drainage – Survey work has been completed. They are finishing up inputting their data and working to create illustrations. Rick and I will meet with the engineer to review the initial findings to discuss their findings. They will take our input and go back to finalize a report and recommendation to improve the drainage in this area.
- vii. I-10 Lighting Update – Contractor has provided his submittals, and it is moving forward as it should. August 31 is the notice to proceed date which starts the clocking running for their deadline for completion.

3. Public Comments on Agenda Items– None

III. Policy Agenda.

1. Approval of Minutes:

a. July 17, 2018 Regular Meeting

Councilmember Morgan moved, seconded by Councilmember Depreo, to approve the Minutes of the July 17, 2018 Regular Meeting.

Ayes: Depreo, Moran, Morgan, Koenenn, L’Ecuyer and Mayor Schafer. Nays: None. Abstain: None.

MOTION CARRIED UNANIMOUSLY

b. July 30, 2018 Special Call Meeting

Councilmember Koenenn moved, seconded by Councilmember Depreo, to approve the Minutes of July 30, 2018 Special Call Meeting.

Ayes: Depreo, Moran, Morgan, Koenenn, L'Ecuyer and Mayor Schafer. Nays: None. Abstain: None.

MOTION CARRIED UNANIMOUSLY

3. Resolutions

- a. **2018-223:** Motion to adopt Resolution 2018-032 encouraging Mississippi Legislature to acknowledge that Mississippi municipalities need assistance in maintaining quality public infrastructure and requesting that Mississippi Legislature take action to assist Mississippi municipalities by diverting a portion of the use tax/internet sales tax thereby benefiting their citizens, the state economy and entire State of Mississippi.

Councilmember Depreo moved, seconded by Councilmember Morgan, to adopt Resolution 2018-032 encouraging Mississippi Legislature to acknowledge that Mississippi municipalities need assistance in maintaining quality public infrastructure and requesting that Mississippi Legislature take action to assist Mississippi municipalities by diverting a portion of the use tax/internet sales tax thereby benefiting their citizens, the state economy and entire State of Mississippi.

A roll call vote was taken as follows:

Ayes: Depreo, Moran, Morgan, Koenenn, L'Ecuyer and Mayor Schafer. Nays: None. Abstain: None.

MOTION CARRIED UNANIMOUSLY

- b. **2018-229:** Motion to adopt Resolution 2018-033 thereby amending the Zoning Ordinance amending the width of corner lots at the building set back line in R-1 and R-2 Zoning Districts.

Councilmember Depreo, seconded by Councilmember L'Ecuyer, to adopt Resolution 2018-033 thereby amending the Zoning Ordinance amending the width of corner lots at the building set back line in R-1 and R-2 Zoning Districts.

A roll call vote was taken as follows:

Ayes: Depreo, Moran, Morgan, Koenenn and Mayor Schafer. Nays: None. Abstain: L'Ecuyer.

MOTION CARRIED

2. Action Agenda:

- a. **2018-208:** Motion to accept the low quote received from Morreale Construction in the amount of \$24,900 for the construction of a pavilion at the Bayou Drive Kayak Launch site.

Mayor Schafer called for a motion to accept the low quote received from Morreale Construction in the amount of \$24,900 for the construction of a pavilion at the Bayou Drive Kayak Launch site.

MOTION DIED FOR LACK OF ACTION

- b. **2018-224:** Motion to amend the Glen Eagle Phase 2 Preliminary Plat Plan to increase to 108 lots contingent upon the proposed corner lot text amendment and public notice requirements.

Councilmember Depreo moved, seconded by Councilmember Moran, to approve the amended Glen Eagle Phase 2 Preliminary Plat Plan to increase to 108 lots contingent upon the proposed corner lot text amendment and public notice requirements.

Ayes: Depreo, Moran, Morgan, Koenenn, L'Ecuyer and Mayor Schafer. Nays: None. Abstain: None.

MOTION CARRIED UNANIMOUSLY

- c. **2018-225:** Motion to approve payment in the amount of \$4,081.00 to James J. Chiniche for professional services relating to Ieke Drive Drainage.

Councilmember Depreo moved, seconded by Councilmember Moran, to approve payment in the amount of \$4,081.00 to James J. Chiniche for professional services relating to Ieke Drive Drainage.

Ayes: Depreo, Moran, Morgan, Koenenn, L'Ecuyer and Mayor Schafer. Nays: None. Abstain: None.

MOTION CARRIED UNANIMOUSLY

- d. **2018-226:** Motion to approve payment in the amount of \$1,195.00 to James J. Chiniche for professional services relating to Devil's Elbow Permitting (Tidelands 17).

Councilmember Morgan moved, seconded by Councilmember Depreo, to approve payment in the amount of \$1,195.00 to James J. Chiniche for professional services relating to Devil's Elbow Permitting (Tidelands 17).

Ayes: Depreo, Moran, Morgan, Koenenn, L'Ecuyer and Mayor Schafer. Nays: None. Abstain: None.

MOTION CARRIED UNANIMOUSLY

- e. **2018-227:** Motion to approve payment in the amount of \$4,076.00 to Digital Engineering for professional services relating to the Diamondhead Dr. West Drainage Project.

Councilmember Depreo moved, seconded by Councilmember Moran, to approve payment in the amount of \$4,076.00 to Digital Engineering for professional services relating to the Diamondhead Dr. West Drainage Project.

Ayes: Depreo, Moran, Morgan, Koenenn, L'Ecuyer and Mayor Schafer. Nays: None. Abstain: None.

MOTION CARRIED UNANIMOUSLY

- f. **2018-228:** Motion to approve Work Assignment 2 with Digital Engineering in the amount of \$2,500.00 for Diamondhead Dr. West Drainage Project.

Councilmember Depreo moved, seconded by Councilmember Moran, to approve Work Assignment 2 with Digital Engineering in the amount of \$2,500.00 for Diamondhead Dr. West Drainage Project.

Ayes: Depreo, Moran, Morgan, Koenenn, L'Ecuyer and Mayor Schafer. Nays: None. Abstain: None.

MOTION CARRIED UNANIMOUSLY

- g. **2018-229:** Motion to approve Work Authorization with Eley Guild Hardy Architects in the amount of \$7,515.00 for preliminary/conceptual design services for down stairs office space at City Hall.

Councilmember Koenenn moved, seconded by Councilmember Depreo, to approve Work Authorization with Eley Guild Hardy Architects in the amount of \$7,515.00 for preliminary/conceptual design services for down stairs office space at City Hall.

Ayes: Depreo, Moran, Morgan, Koenenn, L'Ecuyer and Mayor Schafer. Nays: None. Abstain: None.

MOTION CARRIED UNANIMOUSLY

- h. **2018-230:** Motion to declare surplus property and proceed with proper disposal.

Councilmember Koenenn moved, seconded by Councilmember Depreo, to declare the following surplus property and proceed with proper disposal:

ASSET ID	Serial/VIN	DESCRIPTION	DISPOSAL METHOD
264	G7KCP12	Dell Latitude Laptop	discard
143	2FAFP71WX5X169801	2005 Crown Victoria	\$1.00 transfer to HCSO

Ayes: Depreo, Moran, Morgan, Koenenn, L'Ecuyer and Mayor Schafer. Nays: None. Abstain: None.

MOTION CARRIED UNANIMOUSLY

- i. **2018-231:** Motion to approve the recommendation of the Planning & Zoning Commission to allow a variance from the Zoning Ordinance (Article 9.8 J) to build a 6' wooden privacy fence within 10 ft. of the northeast property line along the undeveloped right of way of unnamed street. Parcel no. 067-M-1-35-119.000 - G. Hill)

Councilmember Depreo moved, seconded by Councilmember L'Ecuyer, to approve the recommendation of the Planning & Zoning Commission regarding Case File 2018-00209 to allow a variance from the Zoning Ordinance (Article 9.8 J) to build a 6' wooden privacy fence within 10 ft. of the northeast property line along the undeveloped right of way of unnamed street. Parcel no. 067-M-1-35-119.000 - G. Hill)

Ayes: Depreo, Moran, Morgan, Koenenn, L'Ecuyer and Mayor Schafer. Nays: None. Abstain: None.

MOTION CARRIED UNANIMOUSLY

- j. **2018-232:** Motion to concur with the recommendation of the Planning & Zoning Commission regarding to Case File 2018-000214 to approve a variance from the Zoning Ordinance (Article 9.8 J) to build a 6' wooden privacy within 8' of the southwest property line along Kola Street on parcels 1 and 2 and to deny the variance request for the fence on the property line (o') along Al Moana Street. (Parcel nos. 067H-2-25-008.00 and 067H-2-25-086.000 R. Joseph.)

Councilmember Depreo moved, seconded by Councilmember L'Ecuyer to concur with the recommendation of the Planning & Zoning Commission regarding to Case File 2018-000214 to approve a variance from the Zoning Ordinance (Article 9.8 J) to build a 6' wooden privacy within 8' of the southwest property line along Kola Street on parcels 1 and 2 and to deny the variance request for the fence on the property line (o') along Al Moana Street. (Parcel nos. 067H-2-25-008.00 and 067H-2-25-086.000 R. Joseph.)

Ayes: Depreo, Moran, Morgan, Koenenn, L'Ecuyer and Mayor Schafer. Nays: None. Abstain: None.

MOTION CARRIED UNANIMOUSLY

- k. **2018-233:** Motion to authorize the City Manager to contact and begin negotiations with People's Bank, Diamondhead Property Owner's Association, private land owners and the Secretary of State for properties necessary for drainage improvements/maintenance in areas throughout the City.

Councilmember Depreo moved, seconded by Councilmember L'Ecuyer, to authorize the City Manager to contact and begin negotiations with People's Bank, Diamondhead Property Owner's Association, private land owners and the Secretary of State for properties necessary for drainage improvements/maintenance in areas throughout the City.

Ayes: Depreo, Moran, Morgan, Koenenn, L'Ecuyer and Mayor Schafer. Nays: None. Abstain: None.

MOTION CARRIED UNANIMOUSLY

- n. **2018-236:** Motion to accept the form of the FY19 Budget, set the FY19 Budget Public Hearing to be held Monday, August 27, 2018 at 6:00 p.m. and approve advertisement for same.

Ayes: Depreo, Moran, Morgan, Koenenn, L'Ecuyer and Mayor Schafer. Nays: None.
 Abstain: None.

MOTION CARRIED UNANIMOUSLY

V. Routine Agenda.

- 1. Motion to approve July 18, 2018 Payroll Payables, including benefits and taxes, in the amount of \$51,228.71, August 1, 2018 Payroll Payables, including benefits and taxes in the amount of \$50,843.53 and August 1, 2018 Monthly Payroll Payables, including benefits and taxes, in the amount of \$4,326.04.
- 2. Motion to approve the Docket of Claims (Claims DKT154997–DKT155039) the amount of \$106,850.47.

Councilmember Depreo moved, seconded by Councilmember Koenenn, to approve July 18, 2018 Payroll Payables, including benefits and taxes, in the amount of \$51,228.71, August 1, 2018 Payroll Payables, including benefits and taxes in the amount of \$50,843.53 and August 1, 2018 Monthly Payroll Payables, including benefits and taxes, in the amount of \$4,326.04 and to approve the Docket of Claims (Claims DKT154997–DKT155039) the amount of \$106,850.47.

Ayes: Depreo, Moran, Morgan, Koenenn, L'Ecuyer and Mayor Schafer. Nays: None.
 Abstain: None.

MOTION CARRIED UNANIMOUSLY

Councilmembers Moran and Koenenn exited councilmembers at 6:38 p.m.

- 3. Motion to approve APPKT00842 in the amount of \$933.22.

Councilmember Depreo moved, seconded by Councilmember Morgan, to approve APPKT00842 in the amount of \$933.22.

Councilmember L'Ecuyer moved, seconded by Councilmember Koenenn, to approve July 2, 2018 Payroll Payables, including benefits and taxes, in the amount of \$3,782.78 and July 3, 2018 Payroll Payables, including benefits and taxes, in the amount of \$51,279.06, to approve the Docket of Claims (Claims– DKT154943-DKT154985) in the amount of \$89,974.41, to accept June 2018 Financial Statements, June 2018 Privilege License Report and the June 2018 Building Department Permitting

Ayes: Depreo, Morgan, L'Ecuyer and Mayor Schafer. Nays: None. Recusals: Moran and Koenenn.

MOTION CARRIED

At 6:38 p.m. Councilmembers Moran and Koenenn returned to Council Chambers and continued in the meeting proceedings.

VI. Public Comments on Non-Agenda Items: None

VII. EXECUTIVE SESSION

At 6:40 p.m., Councilmember Koenenn moved, seconded by Councilmember Depreo, to enter closed session to determine the necessity for executive session.

Ayes: Depreo, Moran, Morgan, Koenenn, L'Ecuyer and Mayor Schafer. Nays: none.
Absent: none.

MOTION CARRIED UNANIMOUSLY

Councilmember Koenenn moved, seconded by Mayor Schafer, to enter executive session for matters involving litigation.

Ayes: Depreo, Moran, Morgan, Koenenn, L'Ecuyer and Mayor Schafer. Nays: none.
Absent: none.

MOTION CARRIED UNANIMOUSLY

AT 6:42 P.M. LEGAL COUNSEL ANNOUNCED THAT THE COUNCIL HAD VOTED UNANIMOUSLY TO ENTER INTO EXECUTIVE SESSION FOR MATTERS INVOLVING LITIGATION PURSUANT TO MS CODE §25-41-7 SUBSECTION B.

At 7:44 p.m. Councilmember Depreo moved, seconded by Councilmember Morgan to exit executive session.

Ayes: Depreo, Moran, Morgan, Koenenn, L'Ecuyer and Mayor Schafer. Nays: none.
Absent: none.

MOTION CARRIED UNANIMOUSLY

AT 7:44 P.M. Legal Counsel announced that the council discussed litigation in executive session and that no official action was taken.

VIII. Adjourn/Recess.

At 7:45 p.m. CST and with no further business to come before the Council at this time, Councilmember Depreo moved, seconded by Councilmember Morgan, to adjourn.

Ayes: Depreo, Moran, Morgan, Koenenn, L'Ecuyer and Mayor Schafer. Nays: None.
Absent: None.

MOTION CARRIED UNANIMOUSLY

Thomas E. Schafer, IV
Mayor

Jeannie Klein
City Clerk