

DRAFT

**MINUTES  
REGULAR MEETING OF CITY COUNCIL  
Diamondhead, Mississippi  
Council Chambers, City Hall  
September 6, 2018  
5:00 pm CST**

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Due to the threat of Tropical Storm Gordon, the Regularly meeting was scheduled for September 4, 2018 at 6:00 p.m. but was postponed and rescheduled to be held September 6, 2018 at 5:00 p.m.

**I. Call to Order – Mayor Schafer called the meeting to order at 5:00p.m. CST**

1. Invocation – Councilmember L’Ecuyer
2. Pledge of Allegiance – Mayor Schafer
3. Roll Call –

Present: Mayor Schafer, Councilmembers Depreo, Moran, Morgan and L’Ecuyer.

Absent: Koenenn.

4. Confirm or adjust agenda order--

Councilmember Depreo moved, seconded by Councilmember L’Ecuyer, to approve the agenda with the amendments:

Add:

Philip Muller - Special Presentation to Mayor and Councilmembers for Support of Reserve and National Guard

Senator Philip Moran – Special Legislative Session update.

Action Item- 2018-266 Motion to Ratify Proclamation of Existence of a Local Emergency commencing on or about September 3, 2018 due to Tropical Storm Gordon (Invest 91L).

Table- 2018-257: Motion to adopt Ordinance 2012-018-2 establishing salaries for the Mayor and City Council Members effective FY19.

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

**MOTION CARRIED UNANIMOUSLY**

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**II. Presentation Agenda**

1. Council Comments

- a. The next regularly scheduled Council Meeting will be held September 18, 2018 at 6:00 p.m. CST in Council Chambers located at 5000 Diamondhead Circle.
- b. Philip Muller - Special Presentation to Mayor and Councilmembers for Support of Reserve and National Guard
- c. Senator Philip Moran – Special Legislative Session update.

## 2. City Manager's Report –

- a. FY 19 Budget – Tonight, the council is asked for approve and adopt the FY19 budget. A budget is simply a plan that I put together for our next fiscal year. It is a projection of revenues and expenditures based on historical data, needs and goals of the city. I wanted to remind everyone that all expenditures still must be approved by the council one by one as they money is spent for projects or plans included in the budget.
- b. Privilege License Renewals – The city recently sent out annual privilege license renewals for FY19. All privilege licenses expire on September 30 for the City of Diamondhead. This license is required pursuant to MS Code. We sent out 176 renewal applications. We streamlined the process by providing a pre-filled application with contact information and offer mail in or hand delivered service. The business owners do not need to come to City Hall to renew. If the city fails to attempt to collect, the City Clerk may be personally liable for a \$100 penalty plus the privilege tax for each business that does not pay. Currently, we have 12 businesses that have failed to respond to collection attempts from FY18. We will be pursuing all options to collection for these past due fees under the direction of legal counsel.
- c. Text Amendment for Side Yard Set Back – I support the council following the recommendation of the Planning and Zoning Commission to reduce the side yard set back for R2 Zoning districts from 10 ft. to 8 ft. This is more inline with other cities along the coast, and it will allow the homeowner to build a little bigger home on his or her lot given them more options and flexibility. R1 is 10 ft, R2 will be 8 ft. and R3 is 5 ft for this measurement. It is also in keeping with the language in our 25-year plan that supports more dense housing options.
- d. Contract to Clean City Hall – As part of our FY budget, I am recommending that we outsource the cleaning of City Hall. After meeting with several companies, I am recommending that the council approve the contract with Jani King. This will include a 3 day per week cleaning (Tuesday, Thursday and Saturday) and the work will be done when the offices are closed. It also includes a one time deep clean with carpet and tiles prior to starting the weekly cleaning service. The contract also includes this carpet and tile being cleaned annually. If we find that we could reduce the number of cleans per week, we are able to change to only 2 days per week. Jani King maintains its clients 400% longer than other companies based on the way their contract is written and service provided to the customers. As I stated earlier, by outsourcing the cleaning of City Hall, we will be saving about \$10,000 annually as compared to using a full-time staff person.
- e. Salary Increases for Employees – As part of our FY19 budget, I am proposing that we set the salaries for all employees for the next fiscal year. This is based on a 1% salary increase for all employees. In addition, for those employees who earn less than \$30,000 annually, I am recommending an additional \$1 per hour raise. This is included in our Fy19 budget. I really wanted to focus on our lowest paid city employees to help increase the salaries to be more competitive to other cities for like positions.
- f. Job Descriptions – Over the last several months, I have been working to update and revise job descriptions and responsibilities of city employees. This is to update the actual duties of what people are doing daily and to help make City Hall more efficient. Last week the council approved the termination of some positions while approving new positions. Tonight, we are simply updating and approving the job descriptions for existing positions.
- g. Diamondhead Drive East Drainage – Andy with Pickering Engineer has provided me the new specs for this project. I will be meeting with Andy and Rick shortly to review the work. He is still waiting to hear from Army Corp of Engineers for permitting. This is a slow process for permitting.

- h. Interstate Lighting – Extensive submittal review process is complete. Contractor has green light to order materials. Contractor expects to beginning foundations and conduit for the poles around the middle of September (“boots of the ground”). The time started ticking on august 31.
- i. East Aloha Widening - Engineer is coordinating with MDOT on LPA 700 approval and scheduling field review with MDOT personnel.
- j. East Aloha Expansion Study – Coordinating Preliminary Engineering contract approval with MDOT. There may be a new request for projects by GRPC since they have received an additional \$900K of unexpected funds. If there is an opportunity, I will ask the council for approval to submit the construction phase of this project as a grant application to GRPC. The goal of this project is to remake East Aloha through our commercial district by adding a turning lane, sidewalks, decorative street lights, and landscaping.
- k. New Road behind the Library – The Hancock Board of Supervisors has approved the contract to build a new road behind the library. This extending Ahoni Street. It will provide another access road into the library, Shepherds’ Square Medical Complex and the commercial district. Work should begin in a couple of weeks.
- l. Devil’s Elbow and Montjoy Creek – Engineer is coordinating with the regulatory agencies (DMR, DEQ and Army Corp of Engineers) regarding permitting. This will be discussed more as part of an agenda item at tonight’s meeting.
- m. Ieke Drainage – Tonight, the council will reconsider the previously approved project for Ieke Drainage. I recommend that we proceed with the 3<sup>rd</sup> option presented and recommended by the Engineer, which is the least costly and also only does work inside the city’s existing drainage easements. The engineer is finalizing plans and specs for construction of a drainage swale along the rear property lines of a few parcels. Only a couple of rights of entry may be needed as compared to more than a dozen previously. It will not require the replacement of any driveway culverts. We hope to receive quotes from contractors next week. Since it is projected to cost less than \$25,000, only quotes are needed to award the contract.

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**III. Policy Agenda.**

- 1. Approval of Minutes:
  - a. August 21, 2018 Regular Meeting

Councilmember Depreo moved, seconded by Councilmember Morgan, to approve the Minutes of the August 21, 2018 Regular Meeting.

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

**MOTION CARRIED UNANIMOUSLY**

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- b. August 27, 2018 Regular Meeting

Councilmember Depreo moved, seconded by Councilmember Morgan, to approve the Minutes of the August 27, 2018 Recess Meeting.

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

**MOTION CARRIED**

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2. Resolutions

- a. **2018-253:** Motion to adopt Resolution 2018-036 thereby approving and adopting the FY2019 Budget as finally determined by the governing authority.

Councilmember L'Ecuyer moved, seconded by Councilmember Morgan, to adopt Resolution 2018-036 thereby approving and adopting the FY2019 Budget as finally determined by the governing authority.

A roll call vote was taken as follows:

Ayes: Moran, Morgan, L'Ecuyer and Mayor Schafer. Nays: Depreo. Absent: Koenenn.

**MOTION CARRIED**

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- b. **2018-254:** Motion to adopt Resolution 2018-037 thereby levying tax millage for FY2019 at the rate of 34.00 mills.

Councilmember Depreo moved, seconded by Councilmember Morgan to adopt Resolution 2018-037 thereby levying tax millage for FY2019 at the rate of 34.00 mills.

A roll call vote was taken as follows:

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

**MOTION CARRIED UNANIMOUSLY**

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- c. **2018-255:** Motion to adopt Resolution 2018-038 establishing FY2019 Compensation for all employees of the City of Diamondhead.

Councilmember Depreo moved, seconded by Councilmember L'Ecuyer to adopt Resolution 2018-038 establishing FY2019 Compensation for all employees of the City of Diamondhead.

A roll call vote was taken as follows:

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

**MOTION CARRIED UNANIMOUSLY**

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- d. **2018-262:** Motion to concur with the Planning & Zoning Commission and adopt Resolution 2018-039 a text amendment to the Zoning Ordinance thereby amending Article 4.6.5 E ii to reduce the side yard setback from 10' to 8' in an R-2 Zoning District.

Councilmember Depreo, moved, seconded by Councilmember Morgan, to concur with the Planning & Zoning Commission and adopt Resolution 2018-039 a text amendment to the Zoning Ordinance thereby amending Article 4.6.5 E ii to reduce the side yard setback from 10' to 8' in an R-2 Zoning District.

A roll call vote was taken as follows:

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

**MOTION CARRIED UNANIMOUSLY**

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3. Action Agenda:

- a. **2018-258**: Motion to authorize the City Manager and Engineer to coordinate with MS Department of Marine Resources, MS Department of Environmental Quality and US Army Corp of Engineers regarding Devil's Elbow permit application and to consider requesting to modify existing application or resubmit permit application based on MSDMR recommendation.

Councilmember Depreo moved, seconded by Councilmember Morgan to authorize the City Manager and Engineer to coordinate with MS Department of Marine Resources, MS Department of Environmental Quality and US Army Corp of Engineers regarding Devil's Elbow permit application and to consider requesting to modify existing application or resubmit permit application based on MSDMR recommendation.

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

**MOTION CARRIED UNANIMOUSLY**

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- b. **2018-252**: Motion to approve job descriptions for all city positions.

Councilmember Depreo moved, seconded by Councilmember L'Ecuyer to approve job descriptions for all city positions.

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

**MOTION CARRIED UNANIMOUSLY**

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- c. **2018-256**: Motion to adopt the Rotten Bayou Watershed Implementation Plan.

Councilmember Depreo moved, seconded by Councilmember L'Ecuyer to adopt the Rotten Bayou Watershed Implementation Plan.

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

**MOTION CARRIED UNANIMOUSLY**

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- d. **2018-259**: Motion to concur with the recommendation of the Planning & Zoning Commission allow a variance from the Zoning Ordinance (Article 9.8.J) as petitioned to build a 6' wooden privacy fence within 4' 10" of the northeast property line along Kola Street at 10869 Ala Moana Street. (Murphy)

Councilmember L'Ecuyer moved, seconded by Councilmember Morgan to concur with the recommendation of the Planning & Zoning Commission to allow a variance from the Zoning Ordinance (Article 9.8.J) as petitioned in Case File 2018-00238 to build a 6' wooden privacy fence within 4' 10" of the northeast property line along Kola Street at 10869 Ala Moana Street. (Murphy)

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

**MOTION CARRIED UNANIMOUSLY**

e. **2018-260:** Motion to concur with the recommendation of the Planning & Zoning Commission to allow a variance from the Zoning Ordinance (Article 4.6.5 E iii) as petitioned to build a covered patio within 5' of the rear property line at 7419 Mahalo Hui Drive. (LeJeune)

Councilmember Morgan moved, seconded by Councilmember L'Ecuyer to concur with the recommendation of the Planning & Zoning Commission in the matter of Case File 2018-00258 to allow a variance from the Zoning Ordinance (Article 4.6.5 E iii) as petitioned to build a covered patio within 5' of the rear property line at 7419 Mahalo Hui Drive. (LeJeune)

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

**MOTION CARRIED UNANIMOUSLY**

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f. **2018-261:** Motion to concur with the recommendation of the Planning & Zoning Commission to allow a variance from Zoning Ordinance (Article 4.5.5 E iii) to build a covered patio over existing slab within 7' 2" of the rear property line at 5620 Ahuawa Place. (Embry)

Councilmember L'Ecuyer moved, seconded by Councilmember Morgan to concur with the recommendation of the Planning & Zoning Commission in the matter of Case File 2018-2018-00266 to allow a variance from Zoning Ordinance (Article 4.5.5 E iii) to build a covered patio over existing slab within 7' 2" of the rear property line at 5620 Ahuawa Place. (Embry)

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

**MOTION CARRIED UNANIMOUSLY**

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g. **2018-263:** Motion to authorize travel and related expenses for Michael Reso to attend the scholarship funded True South Basic Economic Development Course to be held September 17 – 20, 2018 in Hattiesburg.

Councilmember Morgan moved, seconded by Councilmember Depreo to authorize travel and related expenses for Michael Reso to attend the scholarship funded True South Basic Economic Development Course to be held September 17 – 20, 2018 in Hattiesburg.

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

**MOTION CARRIED UNANIMOUSLY**

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h. **2018-264:** Motion to accept quote received from Jani King in the amount of \$1,783 per month and a one-time fee of \$4,170 for an initial cleaning of City Hall.

Councilmember Depreo moved, seconded by Councilmember Morgan to accept quote received from Jani King in the amount of \$1,783 per month and a one-time fee of \$4,170 for an initial cleaning of City Hall. Quotes were received as follows:

Clean Haven	\$2,200.00 per month (2 X p/week week)
Jani King	\$1,783.00 per month (3X p/ week) or (\$1,591.00 2X per week) includes annual carpet shampoo and stripping and waxing.
Goodwill of South MS	\$1,541.67 per month (3X p/week) or \$1,225.00 2X p/week) does not include annual carpet shampoo and stripping and waxing.

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

**MOTION CARRIED UNANIMOUSLY**

**i. 2018-265:** Motion to reconsider action on August 21, 2018 whereby action was taken regarding Ieke Drive drainage to accept Option 1 and further to accept Option 3 rather than Option 1 and authorize City Manager to solicit, accept and award quotes to proceed with the project provided the costs are less than \$25k as projected.

Councilmember Depreo moved, seconded by Councilmember Morgan to reconsider action on August 21, 2018 whereby action was taken regarding Ieke Drive drainage to accept Option 1 and further to accept Option 3 rather than Option 1 and authorize City Manager to solicit, accept and award quotes to proceed with the project provided the costs are less than \$25k as projected.

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

**MOTION CARRIED UNANIMOUSLY**

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**j. 2018-266:** Motion to ratify Proclamation of Existence of a Local Emergency commencing on or about September 3, 2018 due to Tropical Storm Gordon (Invest 91L).

Councilmember Depreo moved, seconded by Councilmember Morgan to ratify Proclamation of Existence of a Local Emergency commencing on or about September 3, 2018 due to Tropical Storm Gordon (Invest 91L).

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

**MOTION CARRIED UNANIMOUSLY**

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**V. Routine Agenda.**

1. Motion to approve August 29, 2018 Payroll Payables, including benefits and taxes, in the amount of \$43,146.53 and August 31, 2018 Payroll Payables, including benefits and taxes, in the amount of \$3,782.78 and to approve the Docket of Claims (Claims DKT155081–DKT155111) the amount of \$42,378.73.

Councilmember Depreo moved, seconded by Councilmember L'Ecuyer, to approve August 29, 2018 Payroll Payables, including benefits and taxes, in the amount of \$43,146.53 and August 31, 2018 Payroll Payables, including benefits and taxes, in the amount of \$3,782.78 Motion to approve the Docket of Claims (Claims DKT155081–DKT155111) the amount of \$42,378.73.

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

**MOTION CARRIED UNANIMOUSLY**

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At 5:50 p.m. Councilmember Moran exited the council chambers and was recused from the meeting proceedings.

2. Motion to approve APPKT00857 in the amount of \$882.68.

Councilmember Depreo moved, seconded by Councilmember Morgan, to approve APPKT 00857 in the amount of \$882.68.

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

**MOTION CARRIED UNANIMOUSLY**

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At 5:51 p.m. Councilmember Moran returned to council chambers and resumed joined the meeting proceedings.

**VI. Public Comments on Non-Agenda Items:**

Michael Rosata – provided information regarding the Sugar Magnolia Festival upcoming at the Kiln Fairgrounds November 9 – 11, 2018.

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**VII. Executive Session, if necessary.**

At 5:52 p.m., Councilmember Depreo moved, seconded by Councilmember L'Ecuyer, to enter closed session to determine the necessity for executive session.

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

**MOTION CARRIED UNANIMOUSLY**

Councilmember Depreo moved, seconded by Moran, to enter executive session for matters involving litigation.

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

**MOTION CARRIED UNANIMOUSLY**

AT 6:55 P.M. CITY MANAGER RESO 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 6:07 p.m. Councilmember Depreo moved, seconded by Councilmember Morgan to exit executive session.

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

**MOTION CARRIED UNANIMOUSLY**

Legal Counsel announced that the council discussed litigation in executive session and that no official action was taken.

**VIII. Adjourn/Recess.**

At 6:10 p.m. CST and with no further business to come before the Council at this time, Councilmember Depreo moved, seconded by Councilmember L'Ecuyer, to adjourn.

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

**MOTION CARRIED UNANIMOUSLY**

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Thomas E. Schafer, IV  
Mayor

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Jeannie Klein  
City Clerk

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