

**MINUTES**  
**FORMAL MEETING OF CITY COUNCIL**  
**Diamondhead, Mississippi**  
**Council Chambers, City Hall**  
**April 16, 2019**  
**6:00 pm CST**

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

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

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3. Roll Call –  
Present: Mayor Schafer, Councilmembers Depreo, Moran, Morgan, Koenenn and L'Ecuyer. Absent: None.
4. Confirmation or Adjustment of the Agenda Order.

Councilmember Depreo moved, seconded by Councilmember Morgan, to approve the agenda as presented.

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

**MOTION CARRIED UNANIMOUSLY**

**II. Presentation Agenda**

1. Council Comment
  - a. The next regularly scheduled Council Meeting will be held Tuesday, May 7, 2019 at 6:00 p.m. CST on in Council Chambers located at 5000 Diamondhead Circle.
  - b. Proclaim April 2019 National Child Abuse Prevention Month- Presentation to Cynthia Chauvin, Director
2. City Manager's Report –
  - a) Public hearing for Dr. Boudreaux – Yesterday, we received a letter from an attorney representing this property owner. The attorney spoke with our city attorney last Friday and indicated that Dr. Boudreaux has requested 90 days to hire a company to clean his property as instructed. It is my recommendation that the council approve the request to advertise if this property is not cleared within 90 days by the property owner.
  - b) Resolution to amend text in Leisure and Recreation District Ordinance – When the city provided information to the State ABC offices for the liquor license of the new daiquiri shop, they informed us that we need to make a small change to our ordinance. We needed to clarify that someone is not allowed to re-enter a business with a drink after leaving the establishment.
  - c) Survey works to Extend Leisure Time Drive – We have applied for a grant to extend Leisure Time Drive. The parcel where this extension travels is currently listed for sale. I am interested in specifically identifying the 50 ft right of way that is needed for the road,

so I can work with the property owner to acquire this land. This way we protect the city's ability to connect Leisure Time Drive and Park Ten Lanes.

- d) Engineer to Review Building Plans – I am asking the council to approve an open work assignment with Digital Engineer for the purpose of reviewing building plans for our building department. This will allow us to be more efficient to assist our developers while also protecting the city's interest.
- e) Devil's Elbow – I am requesting authorization to advertise for the dredging of Devil's Elbow pending all permits. We expect to receive the Army Corp of Engineer permit any day. This is all that we are waiting on. This improvement will include dredging 200 ft by 40 ft and 4 ft deep, so boat traffic can once again navigate this waterway. Plans and specs are at city hall if anyone wants to view these documents.
- f) I-10 Lighting – There is a payment on the agenda to Webster Electric for the I-10 lighting project. It looks amazing! Representatives from Pickering Engineer are here tonight if anyone has questions for them about this project.

**III. Public Comments on Agenda Items – None.**

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**IV. Policy Agenda.**

**1. Approval of Minutes:**

**a. April 2, 2019 Regular Meeting.**

Councilmember Depreo moved, seconded by Councilmember Morgan, to approve the Minutes of the April 2, 2019 Regular Meeting.

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

Absent: None.

**MOTION CARRIED UNANIMOUSLY**

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**2. Code Enforcement Hearings and Resolutions:**

**a. Public Hearing: A Menace to the Public Health, Safety and Welfare of the Community at 1047 Lilinoe Court, Diamondhead, MS. (property owner State of Mississippi).**

**2019-088:** Motion to consider Resolution 2019-014 pursuant to MS Code §21-19-11 finding and adjudicating property located at 1047 Lilinoe Court, Diamondhead, MS is in such a state of uncleanliness to be a menace to the public health, safety and welfare of the citizenry of the City and authorizing advertisement for bids or quotes to have said land cleared and cleaned and to assess the costs to the said property owner.

Mayor Schafer on three occasions called for the State of Mississippi or representative thereof to present in the matter of 1047 Lilinoe Court. Having no response and no one present, the hearing was closed.

Councilmember Depreo moved, seconded by Councilmember Koenenn, to resolution 2019-014 pursuant to MS Code §21-19-11 thereby finding and adjudicating property located at 1047 Lilinoe Court, Diamondhead, MS is in such a state of uncleanliness to be a menace to the

public health, safety and welfare of the citizenry of the City and authorizing advertisement for bids or quotes to have said land cleared and cleaned and to assess the costs to the said property owner.

A roll call vote was taken as follows:

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

Absent: None.

**MOTION CARRIED**

**UNANIMOUSLY**

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**b. Public Hearing:** A Menace to the Public Health, Safety and Welfare of the Community at 104219 Bayou Drive, Diamondhead, MS. (property owner Charles A. Boudreaux).

**2019-089:** Motion to consider Resolution 2019-015 pursuant to MS Code §21-19-11 finding and adjudicating property located at 104219 Bayou Drive, Diamondhead, MS is in such a state of uncleanliness to be a menace to the public health, safety and welfare of the citizenry of the City and authorizing advertisement for bids or quotes to have said land cleared and cleaned and to assess the costs to the said property owner.

Mayor Schafer on three occasions called for the Charles Boudreaux or representative thereof to present in the matter of 104219 Bayou Drive. Having no response and no one present, the hearing was closed. Acknowledgement of receipt of written correspondence from the property requesting additional 90 days to complete was introduced.

Councilmember Morgan moved, seconded by Councilmember L'Ecuyer to adopt Resolution 2019-015 pursuant to MS Code §21-19-11 thereby finding and adjudicating property located at 104219 Bayou Drive, Diamondhead, MS is in such a state of uncleanliness to be a menace to the public health, safety and welfare of the citizenry of the City, authorizing advertisement for bids or quotes to have said land cleared and cleaned if property owner fails to render subject property compliant within 60 days and to assess the costs to the said property owner

A roll call vote was taken as follows:

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

Absent: None.

**MOTION CARRIED**

**UNANIMOUSLY**

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3. Ordinances:

a. **2019-077:** Motion to adopt Ordinance 2019-003 thereby implementing Senate Bill 2989 of 2019 Regular Session in the City of Diamondhead allowing for golf carts and low speed vehicles to legally operate on selected public streets as set forth by the governing authority.

Councilmember Koenenn moved, seconded by Councilmember Depreo, to adopt Ordinance 2019-003 thereby implementing Senate Bill 2989 of 2019 Regular Session in the City of Diamondhead allowing for golf carts and low speed vehicles to legally operate on selected public streets as set forth by the governing authority.

A roll call vote was taken as follows:

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

**MOTION CARRIED UNANIMOUSLY**

c. **2019-078:** Motion to adopt Ordinance 2012-013.01 thereby amending the Low-Speed Vehicles and Golf Carts Ordinance.

Councilmember Koenenn moved, seconded by Councilmember Depreo, to adopt Ordinance 2012-013.01 thereby amending the Low-Speed Vehicles and Golf Carts Ordinance to include certain streets within the commercial area.

A roll call vote was taken as follows:

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

**MOTION CARRIED UNANIMOUSLY**

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4. Resolutions:

a. **2019-076:** Motion to adopt Resolution 2019-013 amending Article 1 (Municode Section 8-64, subsection 1) of the Outside Consumption of Alcoholic Beverages Permitted; conditions.

Councilmember Depreo moved, seconded by Councilmember Morgan, to adopt Resolution 2019-013 amending Article 1 (Municode Section 8-64, subsection 1) of the Outside Consumption of Alcoholic Beverages Permitted; conditions.

A roll call vote was taken as follows:

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

**MOTION CARRIED UNANIMOUSLY**

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5. Consent Agenda:

Councilmember Depreo moved, seconded by Councilmember Koenenn, to approve the following agenda (a-o) by consent:

- a. **2019-079:** Motion to approve payment to Digital Engineering in the amount of \$1,947.50 professional services relating to Beau Vue Subdivision Plan review.
- b. **2019-080:** Motion to accept and award the low bid received DNA Underground in the amount of \$134,477.00 for the Diamondhead Drive East Drainage Project and authorize the City Manager to execute contract for same. Bids were received as follows:

DNA	\$134,377.00
Advanced Construction	\$161,101.25
JLB Construction	\$162,542.00
Twin L. Construction	\$166,179.75
SCI, Inc.	\$172,375.92
WC Fore Trucking	\$68,924,502.45
Jay Bearden Construction	\$73,794,986.50

- c. **2019-081:** Motion to approve CE&I contract in the amount of \$29,803.47 with James J. Chiniche for the East Aloha Widening Project and further to authorize the City Manager to execute same upon MDOT concurrence.
- d. **2019-082:** Motion to approve payment to James J. Chiniche in the amount of \$2,299.93 for professional services relating to the East Aloha Improvement Study MDOT Project.
- e. **2019-083:** Motion to approve payment to James J. Chiniche in the amount of \$950.00 for professional services relating to the East Aloha Widening MDOT Project.
- f. **2019-084:** Motion to approve payment to James J. Chiniche in the amount of \$1,217.00 for professional services relating to the Devil's Elbow Restoration Tidelands Grant Project.
- g. **2019-085:** Motion to approve payment to Pickering Firm in the amount of \$12,750.20 for professional services relating to Interchange Lighting MDOT Project.
- h. **2019-087:** Motion to accept and award the low quote received DNA Underground, LLC in the amount of \$46,250 for drainage improvements on Diamondhead Drive West. Quotes were received as follows:
 

DNA Underground	\$46,250.00
Morreale Construction	\$62,080.00
- i. **2019-090:** Motion to approve work Assignment with Digital Engineering not to exceed \$4,500 for survey services for proposed extension of Leisure Time Lane to Park Ten Lane.
- j. **2019-091:** Motion to approve work assignment not to exceed \$20,000 with Digital Engineering to review construction plans and documents as needed for the building department.
- k. **2019-093:** Motion to approve to advertise for bids for Devil's Elbow Improvements contingent upon receipt of US Army Corps of Engineer final permit approval.
- l. **2019-094:** Motion to approve payment to Pickering Engineering in the amount of \$1,474.33 for professional services relating to the Diamondhead East Drainage project.
- m. **2019-095:** Motion to approve interfund loan from General Fund 001 to Exit 16 Lighting Grant Fund 106 in the amount of \$9,342.75.
- n. **2019-096:** Motion to approve payment to Webster Electric in the amount of \$299,428.99 for I-10 Interchange Lighting project.
- o. **2019-097:** Motion to authorize Master Service Agreement contact extensions for Covington Civil Engineer to January 24, 2020 and to Linfield, Hunter & Junius to October 28, 2020.

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

**MOTION CARRIED UNANIMOUSLY**

4. Action Agenda.

- a. **2019-074:** Motion for discussion/possible action regard two appointed city representatives to the Diamondhead Community Collaborative created by the Diamondhead Property Owners Association.

Councilmember Depreo moved, seconded by Councilmember Morgan, to appoint Mayor Schafer, Councilmembers Morgan and L'Ecuyer as representatives to service on the Community Collaborative created by the Diamondhead Property Owners Association.

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**V. Routine Agenda.**

1. Motion to approve April 10, 2019 Payroll Payables, including benefits and taxes in the amount of \$53,141.18.
2. Motion to approve the Docket of Claims (Claims– DKT155899 – DKT155955) in the amount of \$549,679.91.
3. Minutes of the April 2, 2018 Meeting of the Audit Committee.
4. March 2019 Financial Reports.
5. Departmental Reports for March 2019:
  - a. Privilege Licensing
  - b. Building Department
  - c. Code Enforcement including slab removal status report
  - d. Police Department.

Councilmember Depreo moved, seconded by Councilmember Koenenn, to approve April 10, 2019 Payroll Payables, including benefits and taxes in the amount of \$53,141.18, to approve the Docket of Claims (Claims– DKT155899 – DKT155955) in the amount of \$549,679.91, the Minutes of the April 2, 2018 Meeting of the Audit Committee and the March 2019 Financial Reports and to accept the Departmental Reports for March 2019 for Privilege Licensing, Building Department, Code Enforcement including slab removal status report and Police Department.

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

**MOTION CARRIED UNANIMOUSLY**

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

Robert Redd questioned and received confirmation that the payment to the lighting contractor was covered with grant funds.

**IX. Adjourn/Recess.**

At 6:25 p.m. CST and with no further business to come before the Council, Councilmember Depreo moved, seconded by Councilmember Koenenn, to adjourn.

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

**MOTION CARRIED UNANIMOUSLY**

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Thomas E. Schafer, IV  
Mayor

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Jeannie Klein  
City Clerk