

MINUTES
FORMAL MEETING OF CITY COUNCIL
Diamondhead, Mississippi
Council Chambers, City Hall
June 4, 2019
6:00 pm CST

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

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

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 Moran, to table agenda item 2019-107 (approval of construction plans (general plan) for Beau Vue Phase 2 pending final approval from Digital Engineering.

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

MOTION CARRIED

Councilmember Morgan moved, seconded by Councilmember Depreo, to approve the agenda as amended tabling agenda item 2019-107 (approval of construction plans (general plan) for Beau Vue Phase 2 pending final approval from Digital Engineering.

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, June 18, 2019 at 6:00 p.m. CST on in Council Chambers located at 5000 Diamondhead Circle.

2. City Manager's Report –

- a. Slab Removal Plan – Over the last several months, our office has been working the plan approved by this council to have slabs removed from properties in our city. The slabs are a result of the damages from Hurricane Katrina, which devastated our community 14 years ago in 2005. This is an eye sore in our community and these slabs reduces property values for neighboring homes. This is a beautification effort by this city in an attempt to encourage more development, especially on the southside. Our office has worked with property owners that have contacted our staff to get assistance. At one time, the city had 111 slabs identified. As of today, there are only 53 remaining, so 58 slabs have already been removed by property owners. The city administration has sent 3 separate written notifications through the mail to each property owner requesting that they contact the city. In addition, the city administration posted notices at each property location and also advertised the notice for the public hearing in the newspaper. So, we have made multiple attempts to contact these property owners, so we can try to work with them to clean the property. On March 22, the first letter was mailed to the first group of 34 property owners. 11 of those slabs have been removed after receiving our notification, which leaves only 23 remaining in this group. These are the properties on the council action tonight. The city has also mailed the first notification letter to the 2nd group of 35 property owners, who also have slabs. And, 5 of these slabs have already been removed by the property owners. That leaves only 30 remaining from our 2nd group. We will work with these property owners the same way we worked with the first group to try to encourage them to have their own slabs removed. Overall, the response from our community has been favorable to our efforts. Furthermore, the following cities have taken action to force property owners to remove slabs from Hurricane Katrina: Waveland (2010), Long Beach (2015), Pass Christian (2016), Gulfport (2015), and Pascagoula (public hearing in July). Mr. Jones and Mrs. Skinner are both here tonight to answer questions when this item is presented on the agenda.
- b. Peddlers and Solicitors Ordinance – Our office is asking to amend the Peddlers and Solicitors Ordinance to simply remove the \$40 specified fee and only read “a non-refundable fee equivalent to the city’s actual cost to obtain the background check”. The cost has increased for the background check, so the city is not collecting enough to cover these costs with our existing language in the ordinance.
- c. Subdivision Regulations – Our attorneys are updating the draft subdivision regulations to include all revisions provided from previous years. We hope to have this updated copy ready to hand off to an engineer to review and to make sure we include any requirements that this council would like to see included for new subdivisions in the city. This could include sidewalks, required width of roads, curb and gutter with underground drainage, retention ponds, decorative street lighting, etc. We look forward to proceeding to get these new subdivision regulations approved by our city council.
- d. Road Maintenance Plan – The city has hired Digital Engineer to help us with our road maintenance and paving for this year. We budgeted \$788K for this purpose. We are working out a timeline with the engineer to get the approval to bid this project as quick

as possible. At our next meeting, I will submit the 5-year road maintenance plan to the council to accept as a tool for planning in our office.

e. Update on Projects:

1. **Diamondhead Drive East project:** Contracts are signed. Hope to start laying out grade stakes this week. Likely see heavy movement as early as next week.
2. **Devil's Elbow Improvements:** Waiting on Corp of Engineer permit per the email from yesterday. Plans and specs are ready to bid the project upon approval of this Permit.
3. **East Aloha Widening:** Currently negotiating CEI contract and testing requirements with MDOT. Anticipate CEI contract concurrence with MDOT by June 12, 2019. Once CEI contracts are approved by MDOT, the City will be notified with an authorization to advertise the project for construction bids.
4. **East Aloha Improvements Study:** Finalizing property transfer legal descriptions and exhibits/renderings for presentation to council & public. The time extension requested tonight is a no cost increase request and required due a longer period of time needed to coordinate with property owners for property transfer discussions. I will be requesting authorization to submit applications for grants to pay for these improvements in the next few weeks.
5. **Turnberry Drainage Project:** Contract signed with Covington Engineer for design phase of this project. The survey work is in progress. The Nationwide Permit is in progress and on schedule. The drawings and specifications are in progress. Everything is going according to their contract schedule which was 8 weeks.
6. **Countywide Stormwater Drainage Project:** Waggoner Engineer has been working on a countywide stormwater Drainage project for several months. This is 100% paid by the county and it does include Diamondhead. Rick and I have met with their engineers to provide information about drainage in our city. Their report is a macro level look at the county and our city. It will provide recommendations for future projects to help with drainage. It will also try to identify grant funds that are available to help with some of these projects.
7. **Diamondhead Drive West Drainage:** We signed a contract with same contractor who is doing work at Diamondhead Drive East. Rick is working with the contractor to get this project started.
8. **GIS Update:** Ongoing

2. Public Comments on Agenda Items – Mario Feola, Burl Nelson and Milton Zimmer all spoke in opposition to slab removals and would like to process to include special considerations if property owner has plans for future use.

III. Policy Agenda.

1. Approval of Minutes:

a. May 21, 2019 Regular Meeting.

Councilmember Depreo moved, seconded by Councilmember Morgan, to approve the Minutes of the May 7, 2019 Regular Meeting.

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

MOTION CARRIED

UNANIMOUSLY

2. Code Enforcements Hearings and Resolutions:

- a. **Public Hearing:** A Menace to the Public Health, Safety and Welfare of the Community at addresses listed on Exhibit A.

2019-123: Motion to consider Resolution 2019-018 pursuant to MS Code §21-19-11 finding and adjudicating properties identified in exhibit A, 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.

Councilmember Depreo moved, seconded by Councilmember Moran to authorize the City Manager to work with property owners on a case by case basis and to postpone advertising for 90 days for all slab removals.

Mayor Schafer then proceeded with hearings into each slab removal case by calling for the following property owners to come before the Council:
 Diamondhead Real Estate, LLC, Danny Partin, William Stafford, Robert L. Mitchell, Diamondhead Casino Corporation, Crom Realty, Diamondhead Real Estate, LLC, Diamondhead Real Estate, LLC, William Stafford, William Stafford, Diamondhead Real Estate, LLC and Vernon Saulters Revocable Trust. The Mayor noted that none of the summoned appeared before the Council.

Councilmember Depreo moved, seconded by Councilmember Morgan, to adopt Resolution 2019-018 pursuant to MS Code §21-19-11 finding and adjudicating properties identified in exhibit A in Diamondhead, MS are in such a state of uncleanliness to be a menace to the public health, safety and welfare of the citizenry of the City further authorizing advertisement for bids or quotes after the expiration of ninety (90) days from June 4, 2019 to have said land cleared and cleaned and to assess the costs to the said property owner and further to authorize an additional ninety (90) days from June 4, 2019 to allow the City Manager to work with property owners at 248 Akoko Street, 5721 Alkii Way, 5723 Alkii Way, 574 Anoi Place, 2360 Coelho Way, 3534 Loulu Place, 3528 Luakini Place, 3530 Luakini Place, 3412 Lumahai Place and 3518 Lumahai Place to address the issue of slab removal.

A roll call vote was taken as follows:

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

MOTION CARRIED

3. Ordinances:

- a. **2019-122:** Motion to adopt text amendment to Ordinance 2018-02.01 to Regulation of Peddlers and Solicitors.

Councilmember Morgan moved, seconded by Councilmember Depreo, to adopt an amendment to Ordinance 2018-02.01 Regulation of Peddler and Solicitors thereby amending text as follows:

License Required C.) A non-refundable fee of ~~\$40.00~~ equivalent to the City’s actual cost to obtain the background check shall be paid to the City for the cost of the background check.

A roll call vote was held as follows:

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

MOTION CARRIED

UNANIMOUSLY

3. Resolutions:

- a. **2019-125:** Motion to adopt Resolution 2019-019 declaring July 4 and July 5, 2019 to be municipal holidays as declared by the Governor.

Councilmember Depreo moved, seconded by Councilmember Koenenn, to adopt Resolution 2019-019 declaring July 4 and July 5, 2019 to be municipal holidays as declared by the Governor.

A roll call vote was held as follows:

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

Absent: None.

MOTION CARRIED

UNANIMOUSLY

- b. **2019-131:** Motion to adopt Resolution 2019-020 thereby abandoning drainage utility easements at Gulf Terrace Estates, Phase 1, Lots 8 and 9 (Cox).

Councilmember Depreo moved, seconded by Councilmember Morgan, to adopt Resolution 2019-020 thereby abandoning drainage utility easements at Gulf Terrace Estates, Phase 1, Lots 8 and 9 (Cox).

A roll call vote was held as follows:

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

Absent: None.

MOTION CARRIED

UNANIMOUSLY

4. Consent Agenda:

Councilmember Depreo moved, seconded by Councilmember Morgan, to approve the following items by consent:

- a. **2019-124:** Motion to approve Addendum to the Work Assignment with James J. Chiniche for the East Aloha Improvement Study for a time extension from June 30, 2019 to December 31, 2019.
- b. **2019-127:** Motion to approve payment to James J. Chiniche in the amount of \$1,215.84 for professional services relating to the Devil's Elbow & Montjoy Creek Improvements (Tidelands 18)
- c. **2019-128:** Motion to approve payment to James J. Chiniche in the amount of \$2,063.28 for East Aloha Improvement Study.
- d. **2019-129:** Motion to approve to extend the lease on 2 copiers (finance and police department) for an additional 24 months at the reduced rates of \$42.07 each monthly, .0125 and .59 per copies for black and white/color.
- e. **2019-130:** Motion to accept paving improvements from the Hancock County Board of Supervisors (Kaiki Drive \$31,473.17, Kaiki Court \$3,108.51 and Mele Place \$3,199.60) in the total amount of \$37,781.28.

f. **2019-134:** Motion to adopt amended budget timeline changing the public hearing from August 26th to August 20th.

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

MOTION CARRIED

4. Action Agenda.

b. **2019-126:** Motion to grant a variance from the Zoning Ordinance Article 4.65 E iii) in the matter of Case File 201900185 to construct a screen porch on an existing concrete patio within 11' of the rear property line on parcel 067R-2-36-109.000 (Tauzin).

Councilmember Depreo moved, seconded by Councilmember Morgan, to grant a variance from the Zoning Ordinance Article 4.65 E iii) in the matter of Case File 201900185 to construct a screen porch on an existing concrete patio within 11' of the rear property line on parcel 067R-2-36-109.000 (Tauzin)

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

MOTION CARRIED

UNANIMOUSLY

c. **2019-132:** Motion to accept donation of Part of Lot 8 and 9 of Gulf Terrace Estates Phase for rights of entry and permanent drainage easements.

Councilmember Depreo moved, seconded by Councilmember Koenenn, to accept donation of Part of Lot 8 and 9 of Gulf Terrace Estates Phase for rights of entry and permanent drainage easements.

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

MOTION CARRIED

UNANIMOUSLY

V. Routine Agenda.

1. Motion to approve Payroll Payables "Off Docket" Claims DKT156051 – DKT 156053 in the amount of \$10,008.97, PR Claim006 in the amount of \$31,75.08 and DKT156055-156062 in the amount of \$36,909.61 for the month of May.
2. Motion to approve the Docket of Claims (Claims–DKT 156054 and DKT156064–DKT156099) in the amount of 74,214.34.

Councilmember Depreo moved, seconded by Councilmember Morgan, to approve the Payroll Payables "Off Docket" Claims DKT156051 – DKT 156053 in the amount of \$10,008.97, PR Claim006 in the amount of \$31,75.08 and DKT156055-156062 in the amount of \$36,909.61 for

the month of May and Docket of Claims (Claims–DKT 156054 and DKT156064– DKT156099) in the amount of 74,214.34.

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

MOTION CARRIED UNANIMOUSLY

Councilmember Moran and Koenenn exited council chambers at 7:02 p.m. and were recused from the meeting proceedings.

3. Motion to approve the Docket of Claims (Claims–DKT156100) in the amount of \$976.47.

Councilmember Depreo moved, seconded by Councilmember Moran, Docket of Claims (Claims–DKT156100) in the amount of \$976.47.

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

MOTION CARRIED UNANIMOUSLY

Councilmembers Moran and Koenenn returned to council chambers at 7:03 p.m. and resumed participation in the meeting proceedings.

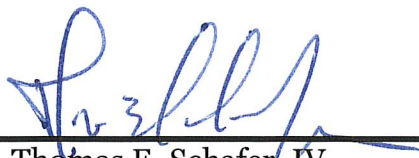
VI. Public Comments on Non-Agenda Items: None.

VIII. Adjourn/Recess.

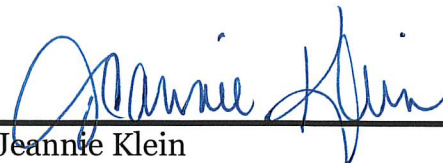
At 7:04 p.m. CST and with no further business to come before the Council, Mayor Schafer remembered Senator Thad Cochran and asked for motion to adjourn in his memory. Councilmember Depreo moved, seconded by Councilmember Morgan, to adjourn in the memory of our United States Senator Thad Cochran.

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