

DRAFT

**MINUTES
REGULAR MEETING OF CITY COUNCIL
Diamondhead, Mississippi
Council Chambers, City Hall
July 2, 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 Moran
2. Pledge of Allegiance – Mayor Schafer

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

Councilmember Depreo moved, seconded by Councilmember Koenenn, to amend and approve the agenda order with the following additions:

Action Agenda:

- d. 2019-161: Motion to approve to authorize advertisement for bids for Road Maintenance and Improvements-Phase 1.
- e. 2019-162: Motion to approve Master Agreement Work Assignment with Covington Engineering in the amount of \$7,500 for services relating to the completion of subdivision regulations.

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

MOTION CARRIED UNANIMOUSLY

II. Presentation Agenda

1. Council Comment
 - a. FY20 Budget Workshop (Recess Meeting) July 16, 2019 at 5:30 p.m. CST in Council Chambers located at 5000 Diamondhead Circle.
 - b. The next regularly scheduled Council Meeting will be held Tuesday, July 16, 2019 at 6:00 p.m. CST in Council Chambers located at 5000 Diamondhead Circle.
 - c. City Hall will be closed July 4th and 5th in observance of Independence Day.
 - d. Keep Diamondhead Beautiful Update by Karen Rice.

2. City Manager’s Report –

1. **E. Aloha Work Assignment:** I am asking for authorization to sign a new work assignment with Jason Chinichi for our next steps to acquire the right of way for improvements on E. Aloha. The planning phase with our grant is complete. Now, we need to get the right of way. This includes having legal descriptions for 8 pieces of land from various property owners in the area.
2. **Acceptance of Parcels:** The city requested 2 parcels from the State of Mississippi and the State has accepted our requests. This motion simply accepts the patents of the two parcels.
3. **Lighting and Electrical Work on Gex Drive:** I am asking for authorization to hire Moran’s Electric to install underground utilities, including lights and electrical outlets, on Gex drive from Diamondhead Circle to the intersection of W. Aloha. At present, there are only 2 street lights on Gex which makes it dark. The goal of this project is to utilize ground level lighting to illuminate the trees while also providing more needed lighting on this road. This will make our entrance look more like a resort while entering the community.
4. **Subdivision Regulations:** I am asking the council to approve a work assignment with Covington Engineer to help the city finalize our Subdivision Regulations.
5. **Road Paving and Maintenance:** I am asking the council to provide authorization to bid the road paving and maintenance project. We are using year one of the 5-year plan and we added Noma Drive and Golf Club Drive to the project as previously discussed with the council. This includes work on about 9.5 miles of roads for an estimated cost of \$900K. If we can advertise next week, we are hoping to see road work in September.
6. **Elliot Homes Final Plat:** Digital Engineering has completed the review of this new subdivision by Elliott Homes and has provided their approval. It consists of only dividing one parcel to allow for 3 homes to be developed. There are no new roads or sewerage and water lines being constructed. They have complied with all city ordinances and requirements, and there are no variances. Diamondhead Water and Sewerage Dept has also approved. The developer is bioswales and living walls to reduce water service runoff. Post construction water surface runoff will be less than pre-construction water surface run off. After approval by the engineer, this project has been available for council review.

III. Public Comments on Agenda Items –

Karen Rice requested that the Council not permit clear cutting on the properties being developed by Elliott Homes.

Penny Crawford shared her recent experience during a visit to the recycling center in Florida. She asked that council not to continue curbside recycling but to look at green waste recycling.

Mike Fandal spoke in favor of the variance proposed for 94181 Bayou Drive.

IV. Policy Agenda.

1. Approval of Minutes:

a. June 18, 2019 Regular Meeting.

Councilmember Depreo moved, seconded by Councilmember Morgan, to approve the Minutes of the June 18, 2019 Regular Meeting.

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

Absent: None.

MOTION CARRIED

UNANIMOUSLY

2. Resolutions:

a. **2019-152**: Motion to adopt Resolution 2019-023 authorizing the City of Diamondhead to abandon an existing drainage/utility easement on the common property line and to accept the donation and acquisition of drainage/utility easement all within said Lots 58 and 59 Diamondhead Phase 1, Unit 8, Block 4. (Jones and Melancon).

Councilmember Depreo moved, seconded by Councilmember Koenenn, to adopt Resolution 2019-023 authorizing the City of Diamondhead to abandon an existing drainage/utility easement on the common property line and to accept the donation and acquisition of drainage/utility easement all within said Lots 58 and 59 Diamondhead Phase 1, Unit 8, Block 4. (Jones and Melancon).

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. Consent Agenda:

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

a. **2019-153**: Motion to approve payment to James J. Chiniche in the amount of \$1,680.00 for professional services relating to Devil’s Elbow and Montjoy Creek Improvements (Tidelands 18)

- b. **2019-154:** Motion to enter into Master Agreement Work Assignment with James J. Chiniche in the amount of \$4,000 for professional services for preparation of plats and legal descriptions for relating to the East Aloha Improvement Study.
- c. **2019-158:** Motion to approve monthly stipends in the amount of \$250.00 for Officers Karl Kirsch, effective June 16, 2019 and Jace Favre, effective July 7, 2019,
- d. **2019-159:** Motion to accept Secretary of State Land Patents for Parcel 068J-1-41-226.000 and Parcel 068J-1-41-226.000.
- e. **2019-160:** Motion to accept the low quote received Moran’s Electric in the amount of \$26,750.00 for underground utilities (electrical services and lighting) on Gex Drive from intersection to Diamondhead Circle. Quotes received were as follows:

Moran’s Electric	\$26,750.06
Central Electric Co., LLC	\$34,720.00

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

MOTION CARRIED UNANIMOUSLY

VI. Action Agenda.

- a. **2019-155:** Motion to concur with the recommendation of the Planning & Zoning Commission to grant a variance in the matter of Case File 201900273 to allow the construction of a home within 10’ of the south property line at 94181 Bayou Drive (Parcel 067E-1-26-051.000. (Fandal)

Councilmember Depreo moved, seconded by Councilmember Morgan, to concur with the recommendation of the Planning & Zoning Commission to grant a variance in the matter of Case File 201900273 to allow the construction of a home within 10’ of the south property line at 94181 Bayou Drive (Parcel 067E-1-26-051.000. (Fandal)

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

MOTION CARRIED UNANIMOUSLY

- b. **2019-156:** Motion to concur with the recommendation of the Building Official for approval of the Elliott Homes Subdivision Final Plat subject to engineering inspection to be performed during the construction phase and certifying documents from said engineer that construction was completed in accordance with approved plans.

Councilmember L’Ecuyer moved, seconded by Councilmember Morgan, to concur with the recommendation of the Building Official for approval of the Elliott Homes Subdivision Final Plat subject to engineering inspection to be performed during the construction phase and certifying documents from said engineer that construction was completed in accordance with approved plans.

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

MOTION CARRIED

Councilmember Depreo noted for the record that she voted “no” for the final plat since she had voted “no” on the initial re-zoning because she felt the zoning was accurate and was not classified in error.

- c. **2019-157:** Motion to declare intent to renew or terminate curbside recycling in the City of Diamondhead.

Councilmember Moran moved for discussion of curbside recycling. No second was received.

MOTION DIED FOR LACK OF SECOND

- d. **2019-161:** Motion to approve to authorize advertisement for bids for Road Maintenance and Improvements-Phase 1.

Councilmember Depreo moved, seconded by Councilmember Koenenn, to authorize advertisement for bids for Road Maintenance and Improvements -Phase 1.

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

MOTION CARRIED UNANIMOUSLY

- e. **2019-162:** Motion to approve Master Agreement Work Assignment with Covington Engineering in the amount of \$7,500 for services relating to the completion of subdivision regulations.

Councilmember Morgan moved, seconded by Councilmember Depreo, to approve Master Agreement Work Assignment with Covington Engineering in the amount of \$7,500 for services relating to the completion of subdivision regulations

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

MOTION CARRIED UNANIMOUSLY

V. Routine Agenda.

1. Motion to approve the Docket of Claims (Claims–DKT156157- DKT156174) in the amount of \$41,786.87.
3. Motion to approve Payroll Payables “Off Docket” Claims DKT156140 in the amount of \$1,495.62, DKT156141 - DKT 156156 in the amount of \$47,905.50, PR Claim007 in the amount of \$3,864.78, PR Claim \$3,864.78, PR Claim008 in the amount of \$31,858.37, PR Claim009 in the amount of \$31,733.06 and PR Claim010 in the amount of \$3,633.91 and DKT156055-156062 in the amount of \$36,909.61 for the month of June 2019.
4. May 2019 Financial Reports.

Councilmember Depreo moved, seconded by Councilmember L’Ecuyer, to approve the Docket of Claims (Claims–DKT156157- DKT156174) in the amount of \$41,786.87, to approve Payroll

Payables "Off Docket" Claims DKT156140 in the amount of \$1495.62, DKT156141 - DKT 156156 in the amount of \$47,905.50, PR Claim007 in the amount of \$3,864.78, PR Claim \$3,864.78, PR Claim008 in the amount of \$31,858.37, PR Claim009 in the amount of \$31,733.06 and PR Claim010 in the amount of \$3,633.91 and DKT156055-156062 in the amount of \$36,909.61 for the month of June 2019 and to approve the May 2019 Financial Reports

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

MOTION CARRIED UNANIMOUSLY

Councilmembers Moran and Koenenn exited council chambers at 6:31 p.m. and were recused from the meeting proceedings.

2. Motion to approve Docket of Claims (Claims DKT156176 in the amount of \$947.49.

Councilmember Morgan moved, seconded by Councilmember Depreo, to approve Docket of Claims (Claims DKT156176 in the amount of \$947.49.

Ayes: Depreo, Morgan, 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 6:32 p.m. and resumed participation in the meeting proceedings.

VI. Public Comments on Non-Agenda Items:

Penny Crawford addressed the Council asking for reason the addition of franchise fees charged by Cable One.

VII. Executive Session.

At 6:34 p.m., Councilmember L'Ecuyer 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 Depreo moved, seconded by Councilmember Koenenn, to enter executive session pursuant to MS Code §25-41-7 (4b) for discussion regarding potential litigation regarding the curbside recycling contract.

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

MOTION CARRIED UNANIMOUSLY

THE CITY ATTORNEY ANNOUNCED TO THE PUBLIC THE COUNCIL HAD VOTED UNANIMOUSLY TO ENTER INTO EXECUTIVE SESSION PURSUANT TO MS CODE §25-41-7 (4b).

Councilmember Koenenn moved, seconded by Councilmember Depreo to leave executive session.

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

MOTION CARRIED UNANIMOUSLY

At 7:05 p.m. Councilmember Depreo moved, seconded by Councilmember Koenenn to leave closed session.

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

MOTION CARRIED UNANIMOUSLY

City Attorney Cusick announced while executive session, no official action of record was taken.

VIII. Adjourn/Recess.

At 7:32 p.m. CST and with no further business to come before the Council, Dpreo moved, seconded by Councilmember Depreo moved, seconded by Councilmember Morgan, to recess until July 16, 2019 at 5:30 p.m. for a budget workshop.

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