



Mayor Depreo	
Councilmember Maher	At-Large
Councilmember Finley	Ward 1
Councilmember Liese	Ward 2
Councilmember Cumberland	Ward 3
Councilmember Clark	Ward 4

## **AGENDA**

### **REGULAR MEETING OF THE CITY COUNCIL**

**Tuesday, September 06, 2022**

**6:00 PM CST**

Council Chambers, City Hall  
and via teleconference, if necessary

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#### **Call to Order.**

Invocation

Pledge of Allegiance

Roll Call

Confirm or Adjust Agenda Order

#### **Presentation Agenda.**

Council Comments.

- a. The next Regular Meeting of the City Council will be held September 20, 2022 at 6:00 p.m. in Council Chambers located at City Hall.
- b. Annual Paddle Paradise Event will be held Saturday, September 24th at the south side kayak launch. Participants may register in advance on the City's website or on-site registration beginning at 8:00 a.m. the morning of the event.
- c. Troy Johnston of Butler Snow, LLC - General Obligation Bonds

City Manager's Report.

Public Comments on Agenda Items.

#### **Policy Agenda.**

#### **Minutes:**

1. Motion to approve the August 16, 2022 Regular Meeting Minutes.

#### **Tabled Items:**

2. **2022-265:** Motion to award bids received for Lily Pond and Diamondhead Drive East Pond to Breakwater Marine in the amount of \$539,837.00, authorize the City Manager to execute contract for same and to issue the Notice to Proceed as appropriate.

#### **Ordinances:**

3. 2022-301: Motion adopt Ordinance 2023-001 implementing from and effective January 1, 2023 pursuant §45-39-17 a \$2.00 surcharge on each person upon whom a municipal court imposes a fine or other penalty for any misdemeanor other than offenses relating to vehicular parking or registration, said funding to be deposited with the Department of Public Safety to support the Mississippi Coast Crime Stoppers and for other related purposes.

## Resolutions:

4. **2022-287:** Motion to adopt Resolution 2022-058 thereby approving and adopting the FY2023 Budget as finally determined by the Mayor and City Council.
5. **2022-288:** Motion to adopt Resolution 2022-059 thereby setting the Tax Levy for FY2023 for the City of Diamondhead at the millage rate of 29.5 mills.
6. **2022-292:** Motion to adopt Resolution 2022-060 thereby authorizing the City Manager of the City of Diamondhead to be the signatory for documents approved by the Council.
7. **2022-293:** Motion to adopt Resolution 2022-061 there by accepting the donation of real property Lot 8, Block 7, Unit1 Phase 1 with an estimated value of \$15,000 from Susan Rogers for drainage and/or greenspace purposes.
8. **2022-294:** Motion to adopt Resolution 2022-262 thereby accepting by donation Track D, Unit 5, Phase 2 with an estimated value of \$625.00 from the Diamondhead Country Club and Properties Owner's Association.
9. **2022-302:** Motion to adopt Resolution 2022-063 thereby authorizing the sale and issuance of a City of Diamondhead, Mississippi General Obligation Bond, Series 2022 (Capital Improvements Project) in a principal amount not to exceed \$6,000,000; prescribing the form and details of the city bond and directing the preparation, execution and delivery thereof; providing certain covenants of the City, in connection with the City Bond; authorizing the sale of the City Bond to the Mississippi Development Bank; authorizing and approving the form and the execution and delivery of a City Bond Purchase Agreement in connection with the sale of the city bond; appointing a paying and transfer agent for the City Bond; approving the form of Trust Indenture in connection with the City Bond and not to exceed \$6,000,000 Mississippi Bank Special Obligation Bond, Series 2022 (City of Diamondhead, Mississippi General Obligation Bond, Series 2022, Capital Improvements Project) (The "Bank Bonds"); authorizing and approving the form of and execution and delivery of a Private Placement Agreement and certain other documents in connection with said bank bonds and the city bond; and for other related purposes.
10. **2022-306:** Motion to adopt Resolution 2022-064 to approve a text amendment in accordance with the Zoning Ordinance Article 2.8 (Amendment Rezoning Procedure). The proposed text amendment will change Article 12.8.1 – Architectural Compatibility, to add sub-section "D. Any developer, builder and/or person who develops and plats subdivisions shall submit the facades (elevations) for all sides of the structure depicting the above building design items listed in 12.8.1 C. This information shall be submitted before any building permits are reviewed and issued. Based on the number of proposed platted lots, the developer, builder and/or person shall submit the minimum number of required different facades in sufficient detail to determine compatibility with the surrounding neighborhood. Number of lots 1-10, Required Facades 5; Number of lots 11-20, Required Facades 10; Number of lots 21-30, Required Facades 15; Number of lots 31-40, Required Facades 20; Number of lots 40 plus, Required Facades 25."
11. **2022-307:** Motion to adopt Resolution 2022-065 to approve a text/map amendment in accordance with the Zoning Ordinance Article 2.8 (Amendment Rezoning Procedure). The proposed text/map amendment would set the minimum square footage for residential structures for selected areas that were not established when the Zoning Ordinance was adopted on October 15, 2012. The Case File Number is 202200361.

12. **2022-308:** Motion to adopt Resolution 2022-067 thereby abandoning a 5' drainage/utility easement on each side of the common property line between Lot 18 and Lot 19, Diamondhead Phase 1, Unit 7, Block 3. The parcel number is 067G-2-25-018.000. The physical street address is 98178 Golf Club Drive. (Pace)
13. **2022-309:** Motion to adopt Resolution 2022-068 to create Zoning Districts and Use Regulations for Medical Cannabis Facilities. Article 4.21.1 - Conditions Governing Permitted Uses Table 4.2: Chart of Determinate Uses, Other Non Residential Uses, add "Medical Cannabis Cultivation Facility-Note 17, and "Medical Cannabis Processing Facility-Note 17, Use by Right in I and not allowed in other zoning classifications; "Medical Cannabis Dispensary Facility-Notes 17 & 18, "Medical Cannabis Research Facility- Note 17, and "Medical Cannabis Testing Facility - Note 17, Use by Right in C-1 and C-2 and not allowed in other zoning classifications; "Medical Cannabis Transportation Facility- Note 17, Use by Conditional Use in I and not allowed in other zoning classifications; add Note 17. The main point of entry of a medical cannabis establishment shall not be located within one thousand (1,000) feet of the nearest property boundary line of any school, church, or childcare facility. A medical cannabis establishment may receive a waiver to this distance restriction by receiving approval from the school, church, or childcare facility and by applying for a waiver with its respective licensing agency, provided the main point of entry of the cannabis establishment is not located within five hundred (500) feet of the nearest property boundary line of any school, church, or childcare facility in accordance with Mississippi Senate Bill 2095. A business privilege license is required." and Note 18. No medical cannabis dispensary may be located within a one thousand five hundred (1,500) feet radius from the main point of entry of the dispensary to the main point of entry of another medical cannabis dispensary in accordance with Mississippi Senate Bill 2095. Hours of Operation are restricted to 8:00 am to 7:00 pm." The Case File Number is 202200359.
14. **2022-311:** Motion to adopt Resolution 2022-069 thereby authorizing submittal of an application to Mississippi Department of Environmental Quality for Municipal and County Water Infrastructure Grant funding for stormwater infrastructure projects (ARPA local match) in an amount not to exceed \$1,978,561.96, designating the City Manager as authorized representative to act on behalf of the City, and for other related purposes.

#### **Consent Agenda:**

15. **2022-289:** Motion to authorize the City Manager to begin negotiations with the Methodist Church for the City's use of the parking lot area when necessary to accommodate overflow parking for City events and further to authorize Legal Counsel to begin drafting agreement for same.
16. **2022-290:** Motion to approve the Amended and Restated Grant Agreement with Mississippi Development Authority for Gulf Coast Restoration Funds GCRF 20-05 for Commercial Transformation Project.
17. **2022-291:** Motion to approve the Grant Agreement with Mississippi Development Authority for Gulf Coast Restoration Funds GCRF 21-05 for Commercial Transformation Project.
18. **2022-295:** Motion to approve payment to Digital Engineering in the amount of \$887.50 for GIS Maintenance.
19. **2022-296:** Motion to approve payments to Pickering Firm, Inc. in the amount of \$425.00 for Strategic Initiatives, in the amount of \$4,402.00 for Makiki Drive Culvert Project, in the amount of \$5,232.50 for Kolo Court Ditch Improvements, in the amount of \$2,550.00 for Ahuli Drainage

Improvements, in the amount of \$487.50 for Diamondhead Drive East Retention Pond Dredging, and in the amount of \$470.00 for Lily Pond Dredging.

20. **2022-297:** Motion to approve payments to Chiniche Engineering & Survey in the amount of \$420.00 for Montjoy Creek Improvements and in the amount of \$1,164.00 for Noma Drive Dredging.
21. **2022-303:** Motion to approve Pay Application No. 2 in the amount of \$23,720.78 to J & A Excavation LLC for the Makiki Drive Drainage Project.
22. **2022-310:** Motion to award quotes received from Mayley's for monthly interior pest control services in the amount of \$115.00, quarterly exterior pest control in the amount of \$125.00 and 2-year termite services (initial and recurring 2-year treatment) in the amount of \$4,835 with 3rd-year and subsequent renewals of \$650.00 annually.
23. **2022-312:** Motion to correct the July 19, 2022 Minutes to include official action taken after executive session to hire Jon McCraw as City Manager..
24. **2022-313:** Motion to approve payment to Covington Civil & Environmental in the amount of \$37,930 for professional services relating to the Commercial District Transformation Project (RESTORE).
25. **2022-314:** Motion to approve payment to Machada Patano for professional services in the amount of \$507.50 regarding Taco Bell Plan Review and in the amount of \$1,358.75 regarding Prestige Fitness Plan Review.

#### **Action Agenda.**

26. **2022-298:** Motion for discussion and/or possible action regarding parking in medians of cul de sacs and parking on the asphalt roadway of cul de sac streets.
27. **2022-299:** Motion to authorize the administration to submit application and work with the United States Army Donations Program to request two (2) cannons to be located at City Hall and Veterans' Park with total cost for both not to exceed \$1,000 each.
28. **2022-300:** Motion for discussion and/or possible action regarding drainage on Amoka, Kaleki Way and Iekei Drive.
29. **2022-304:** Motion for discussion of use of City Hall Gazebo for monthly music venue.

#### **Routine Agenda.**

##### **Claims Payable**

30. Motion to approve Docket of Claims (DKT159939-DKT159982) in the amount of \$226,449.47.

#### **Public Comments on Non-Agenda Items.**

#### **Executive Session - If Necessary**

#### **Adjourn/Recess.**

*NOTE: THE CITY OF DIAMONDHEAD WILL FURNISH APPROPRIATE AUXILIARY AIDS AND SERVICES WHERE NECESSARY TO AFFORD INDIVIDUALS WITH DISABILITIES AN EQUAL OPPORTUNITY TO SERVICES AND ACTIVITIES OF THE CITY. A WRITTEN REQUEST BY OR ON BEHALF OF QUALIFYING INDIVIDUALS SHALL BE SUBMITTED IN A TIMELY MANNER TO THE CITY CLERK.*