



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

MINUTES

REGULAR MEETING OF THE CITY COUNCIL

Tuesday, September 06, 2022

6:00 PM CST

Council Chambers, City Hall

Mayor Depreo called the meeting to order at 6:00 p.m.

Invocation -Councilmember Cumberland

Pledge of Allegiance

Roll Call

PRESENT

Mayor Nancy Depreo

Councilmember-At-Large Gerard Maher

Ward 1 Shane Finley

Ward 2 Anna Liese – present via teleconference

Ward 3 John Cumberland

Ward 4 Charles Clark

Confirm or Adjust Agenda Order

Motion made by Ward 4 Clark, Seconded by Councilmember-At-Large Maher to confirm the agenda.

Voting Yea by roll call: Mayor Depreo, Councilmember-At-Large Maher, Ward 1 Finley, Ward 2 Liese, Ward 3 Cumberland, Ward 4 Clark

MOTION CARRIED UNANIMOUSLY

Presentation Agenda.

Council Comments.

1. 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.
2. 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.
3. Troy Johnston of Butler Snow, LLC addressed the council regarding agenda items regarding the FY22 General Obligation bond issuance.

City Manager's Report.

1. Drainage Update – The City of Diamondhead is applying for the state match grant for ARPA funds already received. This additional funding will allow the City to continue with the drainage improvements throughout the City. Some of the specific project this grant will fund include three projects on Hilo Way, the Turnberry Detention, Ahuli and Kolo Ct improvements.
2. Pond Dredging – The City is asking the council to approve the bid from Breakwater Marine. The bids are good for sixty days which gives us until September 19th.

3. East Aloha Drive Project – The finally paving was completed last week. All striping will occur within the next two weeks. The current fire hydrants and utilities that are out of place will be addressed in phase 2 of this project.
4. Paddle Paradise – The paddle paradise event is scheduled for September 24, 2022. The city is currently working on getting sponsors for the event. The committee will continue to meet to make the necessary preparations.
5. Blessing of the Classics – The 10th annual Blessing will be October 5th. The event will begin at 1:00 with the parade starting at 4:00.
6. National Night Out – The event has been scheduled for October 20th. We will have two locations for residents, City Hall and East Recreation. More details will be forthcoming.
7. Hilo Way Drainage Project – The city is waiting on the contractor to provide all required documents to issue the Notice to Proceed.

Public Comments on Agenda Items:

Jacob Ainsworth - in favor of proposed text amendment regarding map for minimum square footage and facade requirements.

Jonathan Hayward of Elliott Homes - opposed to text amendment regarding map for minimum square footage and facade requirements.

Paulette Snyder - in favor of proposed text amendment regarding map for minimum square footage and facade requirements.

Policy Agenda.

Minutes:

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

Motion made by Ward 3 Cumberland, Seconded by Ward 4 Clark to approve the August 16, 2022 Regular Meeting Minutes.

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

MOTION CARRIED UNANIMOUS

Ordinances:

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.

Motion made by Ward 1 Finley, Seconded by Councilmember-At-Large Maher to remove from the table the matter awarding 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.

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

MOTION CARRIED UNANIMOUSLY

Motion made by Councilmember At-Large Maher, Seconded by Councilmember Cumberland 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.

Voting Yea by roll call: Mayor Depreo, Councilmember-At-Large Maher, Ward 1 Finley, Ward 2 Liese, Ward 3 Cumberland, Ward 4 Clark

MOTION CARRIED UNANIMOUSLY

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.

Motion made by Ward 4 Clark, Seconded by Councilmember-At-Large Maher to 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.

Voting Yea by roll call: Mayor Depreo, Councilmember-At-Large Maher, Ward 1 Finley, Ward 2 Liese, Ward 3 Cumberland, Ward 4 Clark

MOTION CARRIED UNANIMOUSLY

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.

Motion made by Ward 4 Clark, Seconded by Councilmember-At-Large Maher to adopt Resolution 2022-058 thereby approving and adopting the FY2023 Budget as finally determined by the Mayor and City Council.

Voting Yea by roll call: Mayor Depreo, Councilmember-At-Large Maher, Ward 1 Finley, Ward 2 Liese, Ward 3 Cumberland, Ward 4 Clark

MOTION CARRIED UNANIMOUSLY

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.

Motion made by Councilmember-At-Large Maher Seconded by Ward 3 Cumberland, 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.

Voting Yea by roll call: Mayor Depreo, Councilmember-At-Large Maher, Ward 1 Finley, Ward 2 Liese, Ward 3 Cumberland, Ward 4 Clark

MOTION CARRIED UNANIMOUSLY

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.

Motion made by Ward 1 Finley, Seconded by Ward 4 Clark 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.

Voting Yea by roll call: Mayor Depreo, Councilmember-At-Large Maher, Ward 1 Finley, Ward 2 Liese, Ward 3 Cumberland, Ward 4 Clark

MOTION CARRIED UNANIMOUSLY

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.

Motion made by Ward 4 Clark, Seconded by Councilmember-At-Large Maher 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.

Voting Yea by roll call: Mayor Depreo, Councilmember-At-Large Maher, Ward 1 Finley, Ward 2 Liese, Ward 3 Cumberland, Ward 4 Clark

MOTION CARRIED UNANIMOUSLY

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.

Motion made by Ward 3 Cumberland, Seconded by Councilmember-At-Large Maher 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.

Voting Yea by roll call: Mayor Depreo, Councilmember-At-Large Maher, Ward 1 Finley, Ward 2 Liese, Ward 3 Cumberland, Ward 4 Clark

MOTION CARRIED UNANIMOUSLY

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.

Motion made by Councilmember-At-Large Maher, Seconded by Ward 4 Clark 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.

Voting Yea by roll call: Councilmember-At-Large Maher, Ward 1 Finley, Ward 2 Liese, Ward 3 Cumberland, Ward 4 Clark

MOTION CARRIED UNANIMOUSLY

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."

Motion made by Councilmember-At-Large Maher, Seconded by Ward 3 Cumberland 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."

After discussion, Councilmember-At-Large Maher moved to rescind the motion for adoption, and to amend the motion to table the matter as return the matter to the staff for addition revisions and clarification. Motion was seconded by Ward 1 Councilmember Finley.

Voting Yea by roll call: Mayor Depreo, Councilmember-At-Large Maher, Ward 1 Finley, Ward 2 Liese, Ward 3 Cumberland, Ward 4 Clark

MOTION CARRIED UNANIMOUSLY

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.

Motion made by Ward 3 Cumberland, Seconded by Ward 1 Finley 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.

Voting Yea by roll call: Mayor Depreo, Councilmember-At-Large Maher, Ward 1 Finley, Ward 2 Liese, Ward 3 Cumberland, Ward 4 Clark

MOTION CARRIED UNANIMOUSLY

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)

Motion made by Ward 1 Finley, Seconded by Ward 4 Clark 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).

Voting Yea by roll call: Mayor Depreo, Councilmember-At-Large Maher, Ward 1 Finley, Ward 2 Liese, Ward 3 Cumberland, Ward 4 Clark

MOTION CARRIED UNANIMOUSLY

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.

Motion made by Councilmember-At-Large Maher, Seconded by Ward 1 Finley 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.

Voting Yea by roll call: Mayor Depreo, Councilmember-At-Large Maher, Ward 1 Finley, Ward 2 Liese, Ward 3 Cumberland, Ward 4 Clark

MOTION CARRIED UNANIMOUSLY

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.

Motion made by Ward 1 Finley, Seconded by Ward 3 Cumberland 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.

Voting Yea by roll call: Mayor Depreo, Councilmember-At-Large Maher, Ward 1 Finley, Ward 2 Liese, Ward 3 Cumberland, Ward 4 Clark

MOTION CARRIED UNANIMOUSLY

Consent Agenda:

Motion made by Ward 4 Clark, Seconded by Ward 1 Finley to approve agenda items 15-25 by consent:

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 \$1,358.75 regarding \$1,358.75.

Voting Yea by roll call: Mayor Depreo, Councilmember-At-Large Maher, Ward 1 Finley, Ward 2 Liese, Ward 3 Cumberland, Ward 4 Clark

MOTION CARRIED UNANIMOUSLY

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.

Motion made by Mayor Depreo, Seconded by Ward 3 Cumberland for discussion 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.

After discussion, the City Attorney was directed to review the ordinance and propose revisions prohibiting 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.

Motion made by Ward 3 Cumberland, Seconded by Ward 4 Clark 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.

Voting Yea by roll call: Mayor Depreo, Councilmember-At-Large Maher, Ward 1 Finley, Ward 2 Liese, Ward 3 Cumberland, Ward 4 Clark

MOTION CARRIED UNANIMOUSLY

- 28. 2022-300:** Motion for discussion and/or possible action regarding drainage on Amoka, Kaleki Way and Iekei Drive.

Motion made by Mayor Depreo, Seconded by Ward 1 Finley for discussion and/or possible action regarding drainage on Amoka, Kaleki Way and Iekei Drive.

Following discussion of the matter, the administration was directed to engage the City Engineer to review and propose improvements to remedy the flood risks in this area.

- 29. 2022-304:** Motion for discussion of use of City Hall Gazebo for monthly music venue.

Motion made by Councilmember-At-Large Maher, Seconded by Ward 4 Clark for discussion of use of City Hall Gazebo for monthly music venue.

Following discussion, it was agreed that a committee should be formed for planning of the monthly event.

Routine Agenda.

Claims Payable

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

Motion made by Ward 4 Clark, Seconded by Ward 3 Cumberland to approve Docket of Claims (DKT159939-DKT159982) in the amount of \$226,449.47.

Voting Yea by roll call: Mayor Depreo, Councilmember-At-Large Maher, Ward 1 Finley, Ward 2 Liese, Ward 3 Cumberland, Ward 4 Clark

MOTION CARRIED UNANIMOUSLY

Executive Session

Motion made by Mayor Depreo, Seconded by Ward 4 Clark to enter closed session to determine the necessity for executive session.

Voting Yea by roll call: Mayor Depreo, Councilmember-At-Large Maher, Ward 1 Finley, Ward 2 Liese, Ward 3 Cumberland, Ward 4 Clark

MOTION CARRIED UNANIMOUSLY

Ward 2 Councilmember Liese discontinued her participation via teleconference in open session.

Ward 2 Councilmember Liese via teleconference rejoined the meeting in closed session.

Motion made by Mayor Depreo, Seconded by Ward 4 Clark to enter executive session for discussion of possible litigation involving Health Ladner pursuant MS Code 41-25-7 4b executive session.

Voting Yea by roll call: Mayor Depreo, Councilmember-At-Large Maher, Ward 1 Finley, Ward 2 Liese, Ward 3 Cumberland, Ward 4 Clark

MOTION CARRIED UNANIMOUSLY

City Attorney Cusick announced to the public the Council had entered executive session for possible litigation.

Motion made by Mayor Depreo, Seconded by Ward 1 Finley to authorize legal counsel to negotiate for a settlement regarding the trespassing claim.

Voting Yea by roll call: Mayor Depreo, Councilmember-At-Large Maher, Ward 1 Finley, Ward 2 Liese, Ward 3 Cumberland, Ward 4 Clark

MOTION CARRIED UNANIMOUSLY

AT 8:02 p.m. motion made by Mayor Depreo, Seconded by Ward 4 Clark to exit executive session.

Voting Yea by roll call: Mayor Depreo, Councilmember-At-Large Maher, Ward 1 Finley, Ward 2 Liese, Ward 3 Cumberland, Ward 4 Clark

MOTION CARRIED UNANIMOUSLY

City Attorney Cusick announced for the public, that while in executive session that Council voted unanimously to authorize legal counsel to negotiate for a settlement regarding the trespassing claim presented by Heath Ladner.

Adjourn/Recess.

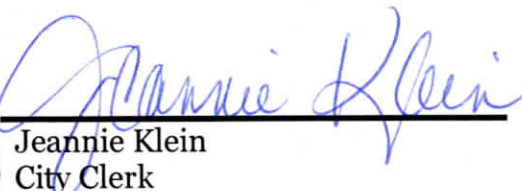
At 8:02 p.m. and with no further matters to come before the Council, motion made by Ward 4 Clark, Seconded by Ward 3 Cumberland to adjourn.

Voting Yea by roll call: Mayor Depreo, Councilmember-At-Large Maher, Ward 1 Finley, Ward 2 Liese, Ward 3 Cumberland, Ward 4 Clark

MOTION CARRIED UNANIMOUSLY


Nancy Depreo
Mayor




Jeannie Klein
City Clerk