



**MINUTES**  
**REGULAR MEETING OF THE CITY COUNCIL**  
**Tuesday, October 17, 2023**  
**6:00 PM CST**  
Council Chambers, City Hall  
and via teleconference, if necessary

**Call to Order.**

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

Invocation - Councilmember Liese

Pledge of Allegiance

Roll Call

**PRESENT**

Mayor Nancy Depreo

Councilmember-At-Large Gerard Maher

Ward 2 Anna Liese

Ward 3 John Cumberland

Ward 4 Charles Clark

**ABSENT**

Ward 1 Shane Finley

Confirm or Adjust Agenda Order

Motion made by Mayor Depreo, Seconded by Ward 2 Liese to confirm agenda.

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

**MOTION CARRIED UNANIMOUSLY**

**Presentation Agenda.**

- a. The next Regular Meeting of the City Council will be held November 7, 2023 at 6:00 p.m. in Council Chambers located at City Hall.
- b. The Diamondhead BBQ and Brews will be held Saturday, November 11, 2023 from 3:00 p.m. - 8:00 p.m. at City Hall.

## City Manager's Report.

**CITY MANAGER REPORT**

October 17, 2023

1. Makiki Drive – Notice to Proceed has been issued to contractor. The contract is for 90 days. A settlement offer is on this agenda for council approval.
2. Park Ten Road – The contract is for 270 Calendar Days with an end date of June 1<sup>st</sup>. Currently on schedule. The contractor is starting utilities installation this week. This will include the water, sewer, and electrical conduit. Dirt is being hauled in for a new roadbed. This is Phase I of the Commercial District Transformation Project.
3. Noma Drive Restoration – The contract is for 150 Calendar Days with an end date of February 7<sup>th</sup>. Currently on schedule. Contractor has started milling/removing old roadway for new asphalt. This is Phase II of the Commercial District Transformation Project.
4. Phase 4 paving – Currently waiting on contractor to complete the punch list.
5. Diamondhead Drive – The contract is for 150 Calendar Days with an end date of March 6<sup>th</sup>. Contractor has completed all Full Depth Patches, Leveling, and Mill Patches. None of the full depth patches required a base rebuild and were filled with a complete 9” of asphalt patch. The contractor will be doing the Variable Mill and on Friday plan to start Overlay in the same area behind the Milling Crew. Of course, the schedule is weather dependent.
6. Kaleki Way – Received 60% drawing from engineer last week. They have been reviewed and returned to the engineer for continued design.
7. Montjoy Creek – Engineer is working on the legal description for the 15-foot easement so a deed can be created. Final design is being completed.
8. ARPA/GOMESA Projects – The following projects have been assigned to an engineering firm and are currently in the design phase.
  - a. Coon Branch – Chiniche
  - b. Koloa Steet @ Ala Moana – Chiniche
  - c. Lots 7 & 8 – Chiniche
  - d. Kolo Court – Covington
  - e. Turnberry – Covington
  - f. Ahuli Place – Covington
  - g. Kome Drive – Covington
  - h. Kalae Street – Covington
  - i. Hilo Way – West – MP Design
  - j. Hilo Way to Hapuna Place – MP Design
  - k. Hilo Way at Koko Street – MP Design
  - l. Aukai Place/DH Dr East – MP Design
  - m. DH Drive East/Kalani – Covington
  - n. Veterans/Substation – Covington
  - o. Bayou Drive Culvert – Covington
  - p. Anahola Place – Covington
  - q. Fairway Drive – Covington

### Email Request Received

1. Drainage Ditch – Request to clean out drainage ditch behind 3, 4, and 5 Rabbit Run. Public works will complete this project this month.
2. #4 Rabbit Run – Shed behind the house where it was reported the Owner or resident was operating a dog grooming business. Code enforcement does not see any evidence of such and cannot go onto the resident's property to investigate. I will explain this to the HOA.
3. #4 Rabbit Run – Two vehicles in the drive that appear inoperable and with out-of-date license plates. Code enforcement has sent the resident a letter to remove one vehicle. The other vehicle is covered under the carport.
4. Mahalo Hui Drive – Report of alligator on golf course and residents' yards. I have asked public works to keep watch. I have also made the POA aware, and they will call wildlife and fisheries if they see the alligator.
5. Lily Pond – Silt fencing is down in several places. Public Works is currently reestablishing the banks on the North side of the pond to remove all erosion material. The area will be seeded and watered to allow for germination.
6. Alkii Court – Resident concerned about pine tree in cul-de-sac. The pine tree is healthy and does not need to be removed.
7. Hilo Street Culvert – Resident concerned about sink holes inside yard. This is being caused by culverts installed during the Hilo Street Culvert project in 2021. The contractor is going to be on site next week to remove the culverts, rewrap them, and repack the dirt around them to prevent the erosion from reoccurring.
8. Mauna Loa Drive – Request to check and repair hole in street. Public Works will determine if any repair is needed.

### Public Comments on Agenda Items

#### Callie Bunter – Makiki Drive Easement Purchase

Motion made by Mayor Depreo, Seconded by Councilmember-At-Large Maher to amend the agenda tabling the following-

16. **2023-367:** Motion to purchase 2575 sq. ft. of Part of Lot 7, Blk. 6, First Addition, Unit 6, Phase 1 (Makiki Drive) in the amount of \$1.25 per sq. ft. for a total purchase price of \$3,218.75 from Zachary and Callie Bunter for a Permanent Drainage Easement.

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

**MOTION CARRIED UNANIMOUSLY**

### Policy Agenda.

**Minutes:**

1. Motion to approve the October 3, 2023 Regular Meeting Minutes.

Motion made by Ward 4 Clark, Seconded by Ward 2 Liese to approve the October 3, 2023 Regular Meeting Minutes.

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

**MOTION CARRIED UNANIMOUSLY**

**Tabled:**

2. **2023-274:** Motion to contribute up to \$40,000.00 for the Dog Park from the General Fund Balance. (Finley)

**NO ACTION TAKEN**

3. **2023-350:** Motion to adopt Resolution 2023-041 thereby concurring with the Planning Commission recommendation for the rezoning of tax parcel number 132A-2-03-028.000 owned by Cure Land Company, LLC, from the current zoning from C-1 (General Commercial District) to TCMU (Town Center Mixed Use). The physical address is 5410 Gex Drive. The Case File Number is 202300417. The purpose of the zoning change is for condominium development.

**NO ACTION TAKEN**

**Resolutions:**

4. **2023-375:** Motion to adopt Resolution 2023-042 to authorize grant application to Mississippi Outdoor Stewardship Trust Fund in the amount of \$500,000 for Noma Drive Walking Trail Project.

Motion made by Ward 3 Cumberland, Seconded by Councilmember-At-Large Maher to adopt Resolution 2023-042 to authorize grant application to Mississippi Outdoor Stewardship Trust Fund in the amount of \$500,000 for Noma Drive Walking Trail Project.

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

**MOTION CARRIED UNANIMOUSLY**

5. **2023-376:** Motion to adopt Resolution 2023-043 thereby authorizing the submittal of a grant application to Gulf Regional Planning Commission MPO for Transportation Improvement Project (TIP) Funding for Highpoint Intersection Realignment at Golf Club Drive Project in the amount of \$60,000, committing local match funding in the amount of \$15,000 and for other related purposes.

Motion made by Ward 3 Cumberland, Seconded by Councilmember-At-Large Maher to adopt Resolution 2023-043 thereby authorizing the submittal of a grant application to Gulf Regional Planning Commission MPO for Transportation Improvement Project (TIP) Funding for Highpoint Intersection Realignment at Golf Club Drive Project in the amount of \$60,000, committing local match funding in the amount of \$15,000 and for other related purposes.

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

**MOTION CARRIED UNANIMOUSLY**

**Consent Agenda:**

Motion made by Ward 2 Liese, Seconded by Ward 4 Clark to approve the following consent items:

6. **2023-357:** Motion to approve Pay Application 1 in the amount of \$102,182.12 to Moran Hauling Inc for Noma Drive Improvements.
7. **2023-358:** Motion to approve payments to Digital Engineering in the amount of \$9,417.50 for Roadway Improvements Phase 4 and in the amount of \$6,000.00 for the Bond Paving Project.
8. **2023-359:** Motion to approve Master Service Agreement Work Assignment with Chiniche Engineering for monthly maintenance of the GIS System Maintenance for FY24 not to exceed \$500.00 monthly.
9. **2023-360:** Motion to approve payments to Pickering in the amount of \$1,080.00 and in the amount of \$25.00 for Lily Pond Dredging, in the amount of \$4,387.50 and in the amount of \$1,080.00 for Diamondhead Dr East Retention Pond Dredging and in the amount of \$2225.00 for Kolo Court Ditch Improvements.
10. **2023-361:** Motion to approve Final Payment in the amount of \$6,500.00 to Covington Civil and Environmental for Turnberry Detention Pond Design.
11. **2023-362:** Motion to approve Pay Application 3 in the amount of \$15,246.67 to Bottom 2 Top Construction, LLC for Noma Drive Phase 1 Utilities, Drainage and Road Improvements Project.
12. **2023-363:** Motion to enter into an agreement with Orion Planning & Design at an hourly rate of \$175 per hour for design review services related to interpretation of municipal, codes, plans and ordinances.
13. **2023-364:** Motion to approve Pay Application 1 in the amount of \$50,983.33 to Bottom to Top Construction, LLC for the Commercial District Transformation Project Phase I.
14. **2023-365:** Authorize travel and related expenses for City Manager and Council Members to travel and attend the MML 2023 Small Town Conference to be held October 25-26, 2023 in Meridian.
15. **2023-366:** Motion to purchase 89 sq. ft. of Part of Lot 1, Blk. 1, Unit 1, Phase 3 (Noma Drive) in the amount of \$2.00 per sq. ft. for a total purchase price of \$178.00 from Purcell Co., Inc. for easement.
17. **2023-368:** Motion to purchase 1470 sq. ft. of Part of Lot 9, Blk. 4, First Addition, Unit 6, Phase 1 (Makiki Drive) in the amount of \$1.25 per sq. ft. for a total purchase price of \$1,837.50 from Marvin Lee and Angela Robinson for a Permanent Drainage Easement.
18. **2023-370:** Motion to approve payments to Chiniche Engineering & Surveying in the amount of \$5,354.00 for Montjoy Creek Improvements, in the amount of \$4222.75 for Golf Course Pond Remediation, in the amount of \$230.00 for GIS and in the amount of \$1,635.50 for Canal Dredging.
19. **2023-371:** Motion to approve to advertise for bids for the Beaux Vue Ph 2 Drainage Improvements.
20. **2023-372:** Motion to approve Work Assignment under the Master Service Agreement with Covington Civil and Environmental, LLC in the amount not to exceed \$25,000.00 for Site Development Plan Review FY24 as needed.
21. **2023-373:** Motion to approve payments to Covington Civil & Environmental, LLC in the amount of \$17,450.00 for Turnberry Drainage Project, in the amount of \$7,200.00 for Fairway Drive and

Kome Drive Project, in the amount of \$24,000.00 for Bank Stabilization Project, in the amount of \$13,500.00 for Bayou Drive Drainage Project, in the amount of \$5,220.00 for Site Development Plan, and in the amount of \$17,100.00 for Kaleki Way Drainage.

- 22. 2023-377:** Motion to amend the purchase approved June 21, 2022 for a Ford medium duty landscape/dump truck with Cannon Chevrolet Nissan in the amount of \$112,000 and to allow the purchase of a replacement medium duty model Chevrolet Silverado 5500 Regular Cab Work Truck with Switch-N-Go Series Rollback Dump Body in the amount of \$95,000 due to delivery deadlines and the emergency needs of the department.

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

**MOTION CARRIED UNANIMOUSLY**

#### **Action Agenda.**

- 23. 2023-369:** Motion to allow anyone that had a permit for a landscape culvert that expired during the moratorium on Landscape Culverts, to request during moratorium time period a new permit and they be allowed to do a landscape culvert according to the present permit and building review requirements for culvert size and other requirements set forth by building officials. (Maher)

Motion made by Councilmember-At-Large Maher, Seconded by Ward 3 Cumberland to allow anyone that had a permit for a landscape culvert that expired during the moratorium on Landscape Culverts, to request during moratorium time period a new permit and they be allowed to do a landscape culvert according to the present permit and building review requirements for culvert size and other requirements set forth by building officials. (Maher)

Voting Yea: Councilmember-At-Large Maher, Ward 3 Cumberland, Ward 4 Clark

Voting Nay: Mayor Depreo, Ward 2 Liese

**MOTION FAILED**

- 24. 2023-374:** Motion to accept offer from United States Fire Insurance Company in the amount of \$97,641.75 as full and final settlement of the performance bond claim filed by the City of Diamondhead on the project known as Makiki Dr. Drainage and further to authorize the City Attorney and City Manager to execute all necessary documents to effectuate the settlement.

Motion made by Ward 2 Liese, Seconded by Councilmember-At-Large Maher to accept offer from United States Fire Insurance Company in the amount of \$97,641.75 as full and final settlement of the performance bond claim filed by the City of Diamondhead on the project known as Makiki Dr. Drainage and further to authorize the City Attorney and City Manager to execute all necessary documents to effectuate the settlement.

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

**MOTION CARRIED UNANIMOUSLY**

**Routine Agenda.**

**Claims Payable**

25. Motion to approve Docket of Claims (DKT231149 - DKT231182) in the amount of \$412,493.09

Motion made by Ward 4 Clark, Seconded by Councilmember-At-Large Maher to approve Docket of Claims (DKT231149 - DKT231182) in the amount of \$412,493.09.

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

**MOTION CARRIED UNANIMOUSLY**

26. Motion to approve Payroll Payables APPKT02070 (DKT231137-DKT231148) in the amount of \$46,560.68, PRCLAIM010173 in the amount of \$2,523.58, PRCLAIM010174 in the amount of \$28,337.39, PRCLAIM010175 in the amount of \$28,216.25 and PRCLAIM01076 in the amount of \$2,523.58.

Motion made by Ward 4 Clark, Seconded by Ward 3 Cumberland to approve Payroll Payables APPKT02070 (DKT231137-DKT231148) in the amount of \$46,560.68, PRCLAIM010173 in the amount of \$2,523.58, PRCLAIM010174 in the amount of \$28,337.39, PRCLAIM010175 in the amount of \$28,216.25 and PRCLAIM01076 in the amount of \$2,523.58.

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

**MOTION CARRIED UNANIMOUSLY**

**Department Reports**

Motion made by Ward 3 Cumberland, Seconded by Councilmember-At-Large Maher to approve the following Department Reports:

Building

Court

Police

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

**MOTION CARRIED UNANIMOUSLY**

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

Penny Crawford - Condos/Zoning

Clare Hanson - Condos/Zoning

Beverly O'Hara - Condos/Zoning

Terri Duff - Condos/Zoning

**Adjourn/Recess.**

At 6:35 p.m. with no further business to come before the council motion made by Ward 4 Clark, Seconded by Ward 3 Cumberland to adjourn.

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

**MOTION CARRIED UNANIMOUSLY**

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Nancy Depreo  
Mayor

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Jeannie Klein  
City Clerk