



MINUTES
REGULAR MEETING OF THE CITY COUNCIL
Tuesday, December 19, 2023
6:00 PM CST
Council Chambers, City Hall

Call to Order.

Invocation - Councilmember Maher

Pledge of Allegiance

Roll Call

PRESENT

Mayor Nancy Depreo

Councilmember-At-Large Gerard Maher

Ward 1 Shane Finley

Ward 2 Anna Liese

Ward 3 John Cumberland

Confirm or Adjust Agenda Order

Motion made by Ward 3 Cumberland, Seconded by Ward 2 Liese to confirm agenda.

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

MOTION CARRIED UNANIMOUSLY

Presentation Agenda.

- a. The next Regular Meeting of the City Council will be held January 2, 2024 at 6:00 p.m. in Council Chambers located at City Hall.
- b. City Hall will be closed December 25 & 26, 2023 in observance of the Christmas Holiday.
- c. City Hall will be closed January 1, 2024 for New Years Holiday.

City Manager's Report.

CITY MANAGER REPORT

December 19, 2023

1. Park Ten Road –The contract is for 270 Calendar Days with an end date of June 1st. Currently on schedule. As of November 30th, the contractor is 25% complete. The contractor is working on all the drainage and electrical conduit. Current expectation is to be complete by the end of the year.
2. Noma Drive Restoration –The contract is for 150 Calendar Days with an end date of February 7th. Currently on schedule. The project is over 50% complete with the base layer of asphalt on the roadway and the new multimodal path installed.
3. Beaux Vue 2 – Bids were opened on this project on November 29th. The bids are on the agenda for the council to accept and award.
4. Phase 4 paving – The contractor has completed all punch list items. The engineer is preparing closeout documents.
5. Bond Paving Diamondhead Drive – The contract is for 150 Calendar Days with an end date of March 6th. The contractor has completed the paving portion of the project and is completing the striping. The city will review all signage to assist drivers regarding the changes.
6. Montjoy Creek –The easement is on the agenda for your approval. This will provide a 15-foot easement for the walking trail. Project is scheduled to bid out in February.
7. Noma Drive Phase 1b – This project has been moved to the January 2nd agenda to request permission to advertise. The project is to build the parking area, rebuild the boat ramp, and build the kayak launch and first section of the boardwalk.
8. Kaleki Way – Project is on the agenda for approval to advertise on the 28th. The engineering firm is currently 90% complete with the design of the project and will finalize the drawing before the advertising date.
9. Bayou Drive – Project is on the agenda for approval to advertise on the 28th. The engineering firm is currently 90% complete with the design of the project and will finalize the drawing before the advertising date.
10. Noma Drive Boardwalk – The project has received funding. Awaiting the grant agreement. Engineer is working on the preliminary drawing.
11. Detention Ponds – I have met with the POA regarding the four ponds on the golf courses identified for dredging to allow for greater stormwater detention. The POA was receptive with the plans provided by the engineer. This project will be scheduled for the first of next year.

12. 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. Fairway Drive – Covington | p. Anahola Place – Covington |

13. Canal Dredging – **No change on this project.** The city has received the permit from USACE to allow for the canal dredging on the south side. The required workplan was generated by Covington Civil and submitted to MDEQ for their review in late August. MDEQ will in turn submit it to the RESTORE Council for final approval.

14. Dog Park – **No change on this project.** The parcel is currently being surveyed to verify a few minor points. The road right of way is being evaluated to determine if it has been dedicated and accepted by the city. The city has started the re-subdivision process. This will be a several month process that will go through P&Z and Council for approval.

15. Noma Drive Walking Trail – **No change on this project.** The work assignment for the engineer is on this agenda for approval. This portion will be the planning phase using Tidelands funds. The city has applied for additional funding for this project with the MS Outdoor Stewardship Grant. This project will create a walking path from Noma Drive to Montjoy Creek.

Email Request Received

1. L & F Homes – Public Works has cleaned up this property. A lean will be placed on the property.
2. Muffler Shop – AJ met with the resident. He was told to clean up the property. He is not running a business from the hanger but is working on other people’s vehicles or allowing people to bring their vehicle and work in the hanger. Code enforcement will continue to monitor the site.
3. 554 Aila Street – Councilmember asked for public works to go look at this address. The ditch is not straight, and roots are all exposed creating a tripping hazard. Is it possible to put down some grass seeds? Public Works has addressed the issue.
4. 10418 Malahini Place – Water behind home after kayak launch was completed. I met with the engineer regarding the issue. He contacted DMR about the issues. DMR is going to schedule a meeting with us to come and give a determination. We are still waiting for DMR.
5. Burger King – Councilmember was asked if a sign can be put up coming out of burger king. They get traffic from off the interstate and sometimes they have no idea that Gex Drive is a divided road with a median. I have asked public works to order and install a right turn only sign for this area.
6. Bayou Circle – A resident and a councilmember asked why the rocks were being removed from the median on Bayou Circle where we removed the trees. Before the city removed the trees, the area would not grow grass. Now that the trees have been removed, public works has removed the rock and add new soil and seed in the median. This will prevent the rocks from being washed out down the road during a rain event.
7. Luakini Place – A councilmember asked about the amount of dirt and the bulkhead being built on the property. I checked into this, and the resident has a permit from DMR to build up the property and to build the bulkhead.

Public Comments on Agenda Items.

Opposition to the Rezoning of the Cure Land Property.

Diane Schober

Clare Hanson

Ken Tanana

Don Duff

Beverly O'Hara

Uwe Seitz

Joel Blackledge

Trina Cuccia

Paul Brown

Rachel Tetreault - Drainage

Evelyn Hart - Diamondhead Lakes Blvd Road Conditions

Harry Cagle - Lighting on Gex Drive

Ronnie Wentzell - Sewage Problems

Policy Agenda.

Minutes:

1. Motion to approve the December 5, 2023 Regular Meeting Minutes.

Motion made by Mayor Depreo, Seconded by Ward 1 Finley to approve the December 5, 2023 Regular Meeting Minutes as corrected.

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

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.

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

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

MOTION CARRIED UNANIMOUSLY

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

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

MOTION FAILED

- 4. **2023-408:** Discussion on whether or not donations that were made for the Diamondhead Dog Park Twin Lakes location can be refunded to the donors as it was stated at a prior city council meeting. (Depreo)

NO ACTION TAKEN

Resolutions:

- 5. **2023-422:** Motion to adopt Resolution 2023-052 thereby declaring that a Ward 4 Council vacancy exists effective December 5, 2023, ordering a Special Election to be held on January 30, 2024 and for other related purposes.

Motion made by Ward 3 Cumberland, Seconded by Ward 2 Liese to adopt Resolution 2023-052 thereby declaring that a Ward 4 Council vacancy exists effective December 5, 2023, ordering a Special Election to be held on January 30, 2024 and for other related purposes.

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

MOTION CARRIED UNANIMOUSLY

- 6. **2023-427:** Motion to adopt Resolution 2023-053 thereby authorizing by quitclaim certain real property to the rightful owners, Mary E. and Steven B. Simons.

Motion made by Ward 1 Finley, Seconded by Mayor Depreo to adopt Resolution 2023-053 thereby authorizing by quitclaim certain real property to the rightful owners, Mary E. and Steven B. Simons.

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

MOTION CARRIED UNANIMOUSLY

- 7. **2023-428:** Motion to adopt Resolution 2023-054 thereby acquiring by donation certain easement for the construction of a walking trail and pier from Purcell Co., Inc.

Motion made by Councilmember-At-Large Maher, Seconded by Ward 1 Finley to adopt Resolution 2023-054 thereby acquiring by donation certain easement for the construction of a walking trail and pier from Purcell Co., Inc.

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

MOTION CARRIED UNANIMOUSLY

- 8. **2023-431:** Motion to adopt Resolution 2023-055 authorizing the Mayor to execute Interlocal Cooperation Agreement Between Hancock County, Mississippi Chancery Clerk and the City of Diamondhead for the collection of delinquent taxes.

Motion made by Councilmember-At-Large Maher, Seconded by Mayor Depreo to adopt Resolution 2023-055 authorizing the Mayor to execute Interlocal Cooperation Agreement Between Hancock County, Mississippi Chancery Clerk and the City of Diamondhead for the collection of delinquent taxes.

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

MOTION CARRIED UNANIMOUSLY

- 9. **2023-432:** Motion to adopt Resolution 2023-056 authorizing the Mayor to execute Interlocal Cooperation Agreement Between Hancock County, Mississippi Tax Collector and the City of Diamondhead for the collection of taxes.

Motion made by Councilmember-At-Large Maher, Seconded by Ward 1 Finley to adopt Resolution 2023-056 authorizing the Mayor to execute Interlocal Cooperation Agreement Between Hancock County, Mississippi Tax Collector and the City of Diamondhead for the collection of taxes.

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

MOTION CARRIED UNANIMOUSLY

- 10. **2023-433:** Motion to adopt Resolution 2023-057 authorizing the Mayor to execute Interlocal Cooperation Agreement Between Hancock County, Mississippi Tax Collector and the City of Diamondhead for the collection solid waste fees.

Motion made by Councilmember-At-Large Maher, Seconded by Mayor Depreo to adopt Resolution 2023-057 authorizing the Mayor to execute Interlocal Cooperation Agreement Between Hancock County, Mississippi Tax Collector and the City of Diamondhead for the collection solid waste fees.

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

MOTION CARRIED UNANIMOUSLY

- 11. **2023-443:** Motion to adopt Resolution 2023-058 to approve a text amendment in accordance with the Zoning Ordinance Article 2.8 (Amendment Rezoning Procedure). The proposed text amendment will make the following change to the Code of Ordinances Appendix B - Subdivision Regulations. The Text Amendment will make the changes in red on the attached. The Case file Number is 202300437.

Motion made by Ward 1 Finley, Seconded by Mayor Depreo to adopt Resolution 2023-058 to approve a text amendment in accordance with the Zoning Ordinance Article 2.8 (Amendment Rezoning Procedure). The proposed text amendment will make the following change to the Code of Ordinances Appendix B - Subdivision Regulations. The Text Amendment will make the changes in red on the attached. The Case file Number is 202300437.

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

MOTION CARRIED UNANIMOUSLY

Consent Agenda:

Motion made by Ward 1 Finley, Seconded by Councilmember-At-Large Maher to approve the following items-

12. **2023-423:** Motion to approve Pay Application #1 in the amount of \$86,992.50 and Pay Application #2 in the amount of \$46,281.12 to Bottom 2 Top Construction, LLC for Makiki Drive Drainage Improvements.
13. **2023-424:** Motion to approve Pay Request No. 6 in the amount of \$27,909.37 to Huey P. Stockstill, LLC for Diamondhead Roadway Improvements Phase 4.
14. **2023-425:** Motion to approve Pay Application 3 in the amount of \$251,827.20 to Moran Hauling Inc., for Noma Drive Improvements.
15. **2023-426:** Motion to approve the Memorandum of Agreement with MDOT for Project STP-0045-00(037)LPA 109551/701000 for the West Aloha Drive Pedestrian Improvements.
16. **2023-430:** Motion to approve payments to Digital Engineering in the amount of \$1,160.00 for Beaux Vue Ph 2 Drainage Improvements and in the amount of \$48,360.00 for Bond Paving Project.
17. **2023-434:** Motion to approve Change Order No. 1 to the contract with Bottom 2 Top Construction, LLC in the net amount of -\$2,774.00 for a total contract amount of \$140,288.02 for Makiki Drive Drainage Improvements.
18. **2023-437:** Motion to approve payments to Chiniche Engineering & Surveying in the amount of \$3,020.00 for Canal Dredging, in the amount of \$2,253.00 for Pond Remediation and in the amount of \$9,026.00 for Coon Branch Drainage.
19. **2023-438:** Motion to approve Pay Application 3 in the amount of \$370,831.88 to Bottom 2 Top Construction, LLC for the Commercial District Transformation Project Phase I.
20. **2023-439:** Motion to approve to advertise for bids for the Kaleki Way Drainage Project.
21. **2023-440:** Motion to approve to advertise for bids for the 2024 Annual Unit Price Repair Contract Project Number 16175.08.
22. **2023-441:** Motion to approve to advertise for bids for Bayou Drive Drainage.
23. **2023-442:** Motion to authorize Master Service Agreement Work Assignment with Covington Civil Environmental, LLC in the amount of \$45,500.00 for Kolo Court Drainage Project.
24. **2023-445:** Motion to approve payments to Covington Civil & Environmental, LLC in the amount of \$2,640.00 for Standard Specifications and Drawings, in the amount of \$12,000.00 for Bank Stabilization Project, in the amount of \$6,050.00 for Turnberry Drainage Project and in the amount of \$17,000.00 for Kaleki Way Drainage.
25. **2023-446:** Motion to accept and award low bid received from Fair Tide Marine & Construction, LLC. in the amount of \$117,777.00 for Beaux Vue Ph 2 Drainage Improvements Project, authorize the City Manager to execute the 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

MOTION CARRIED UNANIMOUSLY

Action Agenda.

- 26. 2023-429:** Motion to approve the Amended Rental Agreement for the Activity Center and City Hall Grounds.

Motion made by Councilmember-At-Large Maher, Seconded by Ward 1 Finley to approve the Amended Rental Agreement for the Activity Center and City Hall Grounds.

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

MOTION CARRIED UNANIMOUSLY

- 27. 2023-435:** Motion to nominate Councilman Shane Finley as Mayor Pro Tempore. (Cumberland)

Motion made by Ward 2 Liese, Seconded by Councilmember-At-Large Maher to nominate Councilman Shane Finley as Mayor Pro Tempore.

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

MOTION CARRIED UNANIMOUSLY

- 28. 2023-436:** Motion to have AGJ provide City of Diamondhead Councilmembers copies of all emails sent from Mayor Nancy Depreo to engineers working under a master services agreement with the City of Diamondhead and emails sent from Mayor Nancy Depreo to the City of Diamondhead's City Manager dating from June 1, 2022 to present. (Cumberland)

Motion made by Ward 3 Cumberland, Seconded by Ward 1 Finley to have AGJ provide City of Diamondhead Councilmembers copies of all emails sent from Mayor Nancy Depreo to engineers working under a master services agreement with the City of Diamondhead and emails sent from Mayor Nancy Depreo to the City of Diamondhead's City Manager dating from June 1, 2022 to present.

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

Voting Nay: Mayor Depreo

MOTION CARRIED

- 29. Motion 2023-444:** Motion to concur with the Planning Commission recommendation to remove the moratorium for landscape culverts, accept the policy for permitting landscape culverts and establish a permit fee of \$300 for landscape culverts. File case number is 202300497.

Motion made by Ward 1 Finley, Seconded by Ward 3 Cumberland to concur with the Planning Commission recommendation to remove the moratorium for landscape culverts, accept the policy for permitting landscape culverts and establish a permit fee of \$300 for landscape culverts and amend to 100 year design event. File case number is 202300497.

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

MOTION CARRIED UNANIMOUSLY

Routine Agenda.

Claims Payable

- 30. Motion to approve Docket of Claims (DKT231310- DKT231348) in the amount of \$1,004,939.64.

Motion made by Ward 1 Finley, Seconded by Councilmember-At-Large Maher to approve Docket of Claims (DKT231310- DKT231348) in the amount of \$1,004,939.64.

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

MOTION CARRIED UNANIMOUSLY

- 31. Motion to approve Payroll Payables Docket of Claims (DKT231300-231309) in the amount of \$68,995.67, PRCLAIM010181 in the amount of \$35,260.97, PRCLAIM010182 in the amount of \$31,789.70 and PRCLAIM01083 in the amount of \$2,898.79.

Motion made by Councilmember-At-Large Maher, Seconded by Ward 3 Cumberland to approve Payroll Payables Docket of Claims (DKT231300-231309) in the amount of \$68,995.67, PRCLAIM010181 in the amount of \$35,260.97, PRCLAIM010182 in the amount of \$31,789.70 and PRCLAIM01083 in the amount of \$2,898.79.

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

MOTION CARRIED UNANIMOUSLY

Department Reports

Motion made by Ward 2 Liese, Seconded by Mayor Depreo to approve department reports.

- a. Building
 - Code Enforcement
 - Police
 - Court

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

MOTION CARRIED UNANIMOUSLY

Public Comments on Non-Agenda Items - None

Adjourn/Recess.

At 7:43 p.m. and with no further business to come before the council motion made by Ward 1 Finley, Seconded by Mayor Depreo to adjourn.

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

MOTION CARRIED UNANIMOUSLY

Nancy Depreo
Mayor

Jeannie Klein
City Clerk