



MINUTES
REGULAR MEETING OF THE CITY COUNCIL
Tuesday, August 20, 2024
6:00 PM CST
Council Chambers, City Hall

Call to Order.

Mayor Pro Tempore Shane Finley called the meeting to order at 6:05 p.m.

Invocation - Councilmember Maher

Pledge of Allegiance

Roll Call

PRESENT

Councilmember-At-Large Gerard Maher

Ward 1 Shane Finley

Ward 2 Anna Liese

Ward 3 John Cumberland

Ward 4 Austin Clark

ABSENT

Mayor Nancy Depreo

Confirm or Adjust Agenda Order

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

Voting Yea: Councilmember-At-Large Maher, Ward 1 Finley, 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 Tuesday, September 3, 2024 at 6:00 p.m. in Council Chambers located at City Hall.
- b. City Hall will be closed September 2, 2024 in observance of Labor Day.
- c. Annual Paddle Paradise Event will be held Saturday, September 28th 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.

City Manager's Report.

CITY MANAGER REPORT

August 20, 2024

1. MDOT Projects –MDOT has provided me with a scheduled date of September 1st to have the ramp finished and reopened. This date is dependent upon the weather. MDOT has made the repairs requested to Exit 20.
2. Park Ten Road –The contract is for 403 Calendar Days with a current end date of October 12th. The utility poles have been removed and the contractor is working on the roadway to complete the connection to Park Ten Lanes. The Leisure Time extension sidewalks and lighting are still being installed and are expected to be completed by the end of September.
3. Beaux Vue 2 – The notice to proceed was issued on July 8th. The contract is for 60 Calendar Days with a current end date of September 5th. I have contacted the engineer for an update on this project and have not heard back.
4. Kaleki Way – The new substantial completion date for this project is September 10th. The contractor should have all hydroseeding and pipe inspection completed by the end of the month.
5. Noma Drive Phase 1b – The contract is for 180 Calendar Days with a current end date of January 7th. The contractor has installed the new boat ramp and has started installing the pilings for the pier. The clearing for the comfort station and sidewalk will begin next month.
6. Drainage Projects – The pre-construction meeting with the contractor was held last week. The notice to proceed has been set for September 9th.
7. Canal Dredging – Contacted MDEQ regarding the grant agreement. They are still drafting the agreement but expect it to be delivered within two to three weeks. Once received, it will be placed on the agenda for approval. The construction schedule is set to start in March/April of 2025 provided the city receives funding as anticipated.
8. Coon Branch – Meeting with Chiniche Engineering on the detention pond areas and determining final design for the project.
9. CRS – The application visit is being processed. We will be updated when we get comments back from the reviewer and also when it is finalized to send to FEMA. We are expecting to be in the program by April 2025.
10. Noma Drive Dredging – The advertisement is on tonight’s agenda for approval, with bids due on October 1st.
11. Dog Park –The survey is on tonight’s agenda for approval to accept the road and approving the replat. The city will continue discussion with Ochsner about the dog park property.
12. Montjoy Creek – **No updated information this meeting.** The engineer is waiting for the final permits to allow for the project to go out for bid.
13. Detention Ponds – **No updated information this meeting.** Engineer has completed design on this project and will provide them to public works to complete the dredging.
14. Kome Drive – **No updated information this meeting.** This will be to address driveway and landscape culverts on Kome Drive.

15. Kalipekona Pond -- **No updated information this meeting.** This project will dredge the south end of the pond to remove sediment.
16. Pelican Cove Drainage Project – **No updated information this meeting.** Engineer has been provided with the work assignment and will begin the surveying on this project.
17. Noma Drive Nature Trail – **No updated information this meeting.** The engineer presented the project to the council tonight.
18. Jourdan River Boardwalk – **No updated information this meeting.** We had our first monthly check in meeting in July. The permitting phase is progressing with all applications submitted. The engineer is working on the final design of the project.

Email Request Received

1. 7854 Maui Place – Councilmember contacted me about a sink hole forming and the ditch needing to be cleaned out to allow proper waterflow. A work order has been issued.
2. 7816 Koko Ct – Councilmember asked about this address and the ditch erosion in the area. Public Works has been to the site. The city engineer is surveying the area to determine proper slope for public works to shape the drainage ditch.
3. 7446 Turnberry Drive – Councilmember asked to put rip rap to stabilize ditch bank and prevent the erosion. A work order has been issued.
4. Lanai Circle – DWSD repaired a line in this area. They had to remove a portion of asphalt to make the repair. The road will be repaired once the dirt settles, and compaction is achieved.
5. 698 / 6910 Aukai Place – Councilmember asked about the drainage ditch in this area needing to be addressed. A work order has been issued.
6. Road Delineators – Several road delineators have broken. Public works has been informed and will replace as needed.
7. 6926 Hilo Way – Compliance concern with vehicles and boat on property. Code enforcement has been informed.

Public Comments on Agenda Items.

Von Biggs - Activity Center Incident on July 26, 2024.

Policy Agenda.

1. FY25 Budget Public Hearing

City Manager Jon McCraw presented the proposed FY25 Budget. At the conclusion of the FY25 Budget presentation, Mayor Pro Tempore Shane Finley called for anyone with comments or questions regarding the proposed FY25 Budget; no comments or questions were presented and the FY25 Budget Public Hearing was closed.

Minutes:

2. Motion to approve the August 6, 2024 Regular Meeting Minutes.

Motion made by Ward 3 Cumberland, Seconded by Ward 4 Clark to approve the August 6, 2024 Regular Meeting Minutes.

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

MOTION CARRIED UNANIMOUSLY

Tabled Matters:

- 3. 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

- 4. 2024-203:** Motion for the City Attorney to conduct an investigation into the events that took place on July 26th, 2024 at City Hall involving the rental of the activity center. (Cumberland)

NO ACTION TAKEN

Resolutions:

- 5. 2024-217:** Motion to adopt Resolution 2024-033 thereby acquiring by donation certain real property located within the city from Hancock County, Mississippi for a public street and right-of-way.

Motion made by Ward 2 Liese, Seconded by Councilmember-At-Large Maher to adopt Resolution 2024-033 thereby acquiring by donation certain real property located within the city from Hancock County, Mississippi for a public street and right-of-way.

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

MOTION CARRIED UNANIMOUSLY

- 6. 2024-220:** Motion to adopt Resolution 2024-034 to authorize grant application to Mississippi Outdoor Stewardship Trust Fund in the amount of \$500,000 for Montjoy Creek Trailhead.

Motion made by Councilmember-At-Large Maher, Seconded by Ward 2 Liese to adopt Resolution 2024-034 to authorize grant application to Mississippi Outdoor Stewardship Trust Fund in the amount of \$500,000 for Montjoy Creek Trailhead.

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

MOTION CARRIED UNANIMOUSLY

- 7. 2024-221:** Motion to adopt Resolution 2024-035 thereby abandoning a 5' drainage/utility easement on each side of the common property line between lots 5 and 6, Golf Terrace Estates Phase 1. The parcel number is 067K-2-36-156.000. The physical street address is 8715 Diamondhead Drive West.

Motion made by Ward 3 Cumberland, Seconded by Ward 4 Clark to adopt Resolution 2024-035 thereby abandoning a 5' drainage/utility easement on each side of the common property line between lots 5 and 6, Golf Terrace Estates Phase 1. The parcel number is 067K-2-36-156.000. The physical street address is 8715 Diamondhead Drive West.

Voting Yea: 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 3 Cumberland, Seconded by Ward 4 Clark to approve the following consent items:

8. **2024-209:** Motion to approve Pay Application 4 in the amount of \$53,422.15 to LJ Construction, Inc., for the Kaleki Way Drainage Project.
9. **2024-210:** Motion to approve payment to Chiniche Engineering & Surveying in the amount of \$1,737.50 for Canal Dredging, in the amount of \$8,297.25 for Pond 6 Drainage Analysis, in the amount of \$5,292.50 for Coon Branch Drainage, in the amount of \$4,027.50 for Jourdan River Boardwalk and in the amount of \$1,002.75 for GIS.
10. **2024-211:** Motion to approve payment in the amount of \$7,900.00 to Covington Civil & Environmental, LLC for for Commercial District Phase III Project, in the amount of \$41,150.00 for Bank Stabilization Project, in the amount of \$2,033.75 for WA 29 Unit Price Repair Contract, in the amount of \$1,300.00 for Bayou Drive Drainage Project, in the amount of \$2,500.00 for Kolo Court Project, in the amount of \$2,250.00 for Kalae Drainage, in the amount of \$2,500.00 for Ahuli Drainage, in the amount of \$5,550.00 for East Aloha and Veterans Drive Substation Project and in the amount of \$14,837.69 for Commercial District Transformation Project.
11. **2024-213:** Motion to accept substantial completion and to approve final payment in the amount of \$13,276.40 to Moran Hauling, Inc for the Bayou Drive Drainage Project.
12. **2024-214:** Motion to approve Budget Amendments 2024-004.
13. **2024-215:** Motion to approve Interfund Transfer additional local match grant funds in the amount of \$60,426.12 from the General Fund to Fund 157 East Aloha Improvements Phase II.
14. **2024-216:** Motion to approve Pay Application 11 in the amount of \$172,353.15 to Bottom 2 Top Construction, LLC for the Commercial District Transformation Project Phase I.
15. **2024-218:** Motion to advertise for bids for Noma Drive Dredging Project.

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

MOTION CARRIED UNANIMOUSLY

Action Agenda.

16. **2024-212:** Motion to disavow the actions that took place in the parking lot of City Hall on July 26, 2024, involving Mayor Nancy Depreo & her son Anthony Depreo. Taking pictures of license plates in the parking lot & threatening to run the license plates in order to determine if the party was using the activity center for free is not a representation of our City, the City Administration, or the City Council. The activity center was lawfully rented. The actions taken by Mayor Depreo are hers and hers alone. They do not represent the Diamondhead City Council nor do we approve of this type of conduct. No credible evidence of misconduct by the City Clerk has ever been produced to the City

Council. We do not believe any of the accusations made about the City Clerk during the events that took place on July 26, 2024. (Cumberland)

Motion made by Ward 3 Cumberland, Seconded by Councilmember-At-Large Maher to disavow the actions that took place in the parking lot of City Hall on July 26, 2024, involving Mayor Nancy Depreo & her son Anthony Depreo. Taking pictures of license plates in the parking lot & threatening to run the license plates in order to determine if the party was using the activity center for free is not a representation of our City, the City Administration, or the City Council. The activity center was lawfully rented. The actions taken by Mayor Depreo are hers and hers alone. They do not represent the Diamondhead City Council nor do we approve of this type of conduct. No credible evidence of misconduct by the City Clerk has ever been produced to the City Council. We do not believe any of the accusations made about the City Clerk during the events that took place on July 26, 2024.

Councilmember Maher read aloud correspondence from Michael Casano with The Casano Law Firm, P.A. to the Mayor and Council relating to his client Jeannie Klein, City Clerk and the incident. Correspondence is a part of the meeting record and is on file in the minute folder.

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

MOTION CARRIED UNANIMOUSLY

17. **2024-219:** Motion to approve the re-subdivision of Diamondhead Commercial Area NE I-10 Diamondhead, Lots 17, 18, and 19. The property owner is Hancock County. The property address is 4550 Sheppard Square. The Tax Parcel number is 131E-1-13-005.000.

Motion made by Ward 2 Liese, Seconded by Ward 4 Clark to approve the re-subdivision of Diamondhead Commercial Area NE I-10 Diamondhead, Lots 17, 18, and 19. The property owner is Hancock County. The property address is 4550 Sheppard Square. The Tax Parcel number is 131E-1-13-005.000.

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

MOTION CARRIED UNANIMOUSLY

Routine Agenda.

Claims Payable

18. Motion to approve Payroll Payables PRCLAIM10203 in the amount of \$27,972.50, PRCLAIM10204 in the amount of \$28,751.40, PRCLAIM10205 in the amount of \$3,048.79 and Docket of Claims (DKT231977-DKT231986) in the amount of \$46,034.32.

Motion made by Ward 2 Liese, Seconded by Councilmember-At-Large Maher to approve Payroll Payables PRCLAIM10203 in the amount of \$27,972.50, PRCLAIM10204 in the amount of \$28,751.40, PRCLAIM10205 in the amount of \$3,048.79 and Docket of Claims (DKT231977-DKT231986) in the amount of \$46,034.32.

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

MOTION CARRIED UNANIMOUSLY

19. Motion to approve Docket of Claims (DKT232040 - DKT232073) in the amount of \$516,561.01.

Motion made by Councilmember-At-Large Maher, Seconded by Ward 4 Clark to approve Docket of Claims (DKT232040 - DKT232073) in the amount of \$516,561.01.

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

MOTION CARRIED UNANIMOUSLY

Department Reports

Motion made by Ward 3 Cumberland, Seconded by Ward 2 Liese to approve department reports.

- a. June and July 2024 Financials
- b. Police
Court
Code Enforcement
Building

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

MOTION CARRIED UNANIMOUSLY

Public Comments on Non-Agenda Items - None

Adjourn/Recess.

At 7:07 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: 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