



**MINUTES**  
**REGULAR MEETING OF THE CITY COUNCIL**  
**Tuesday, October 03, 2023**  
**6:00 PM CST**

**Call to Order.**

Mayor Depreo called the meeting to order at 6:06 p.m.

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

Ward 4 Charles Clark

Confirm or Adjust Agenda Order

Motion made by Mayor Depreo, Seconded by Ward 1 Finley to adjust agenda adding the following-

**Action Agenda**

- 21. 2023-356:** Motion to accept and award low bid received from Bottom 2 Top Construction LLC in the amount of \$143,062.02 for Makiki Drive Drainage Improvements per the recommendation of the City Engineer and authorize the City Manager to execute the contract for same and to issue the notice to proceed as appropriate.

**Consent Agenda to Action Agenda**

- 11. 2023-352:** Motion to authorize the City Manager to engage the architect/engineer for the Diamondhead Dog Park for conceptual design/revisions for proposed dog park site on property in the vicinity of East Hancock Library as requested from the Hancock County Board of Supervisors.
- 14. 2023-355:** Motion to approve the final proposed pathway design for the Montjoy Creek Tidelands project.

Voting Yea: Mayor Depreo, 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 October 17, 2023 at 6:00 p.m. in Council Chambers located at City Hall.
- b. The 11th Annual Blessing of the Classics will be Wednesday, October 4th from 1 p.m. - 7 p.m. at City Hall. Cruisers, live music and food on the Town Green. Cruisers' parade to the blessing circle will be from 4 p.m. - 5 p.m.
- c. Diamondhead Police Department's National Night Out will be held on Thursday, October 12, 2023 from 5:30 p.m. - 7:00 p.m. at City Hall.
- d. The Red Bean Cookoff sponsored by CASA and The City of Diamondhead will be held on Saturday, October 14, 2023 from 4:00 p.m. - 7:00 p.m. at Diamondhead City Hall.
- e. The Diamondhead BBQ and Brews will be held Saturday, November 11, 2023 from 3:00 p.m. - 8:00 p.m. at City Hall.

Council Comments.

City Manager's Report.

**CITY MANAGER REPORT**

October 03, 2023

1. Makiki Drive – Bids have been received and an award letter provided by the engineering firm. We are adding this to the agenda to award. Legal counsel has received a settlement offer from the bonding company and is hopeful they can present a final settlement at the next council meeting.
2. Park Ten Road – The contractor started on September 5<sup>th</sup>. The contract is for 270 Calendar Days with an end date of June 1<sup>st</sup>. The contractor will be working on mucking the roadbed and then begin hauling dirt. This is Phase I of the Commercial District Transformation Project.
3. Noma Drive Restoration – The contractor started on September 11<sup>th</sup>. The contract is for 150 Calendar Days with an end date of February 7<sup>th</sup>. The contractor has completed most of the multimodal pathway and will start road work next week. 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 notice to proceed is set for October 9<sup>th</sup>. The contract is for 150 Calendar Days with an end date of March 6<sup>th</sup>. This project will pave Diamondhead Drive North, East, and West. It will also remove the two lanes on DH Drive East and install the multimodal lane to match the rest of the loop.
6. Kaleki Way – Received 60% drawing from engineer last week.
7. MMPA Suit – Bottlenose dolphin are killed and seriously injured by long term exposure to very low salinity levels. The extended 2019 openings of the Bonnet Carre Spillway were identified by scientists as the cause of an extremely high number of bottlenose dolphin deaths and injuries in the Mississippi Sound. The Marine Mammal Protection Act prohibits actions that kill or disrupt the essential behaviors of marine mammals like the bottlenose dolphin. Federal agencies like the U.S. Army Corps of Engineers can obtain a permit that allows them to take actions injuring marine

mammals, but the permitting process requires assessing additional ways of protecting the marine mammals. The Corps has never obtained such a permit for the Bonnet Carre Spillway.

8. Montjoy Creek – Met with property owner regarding required easement. The owner is willing to grant a 15-foot easement to the city from top of bank of Montjoy Creek. The map showing the walking path and the needed easement is included in the agenda packet.
9. Noma Drive Easement – This is one of two easements for the multimodal lane on the Noma Drive project. We are working with the second property owner and should have it on the next agenda.
10. Mayor Depreo – Appointed to the Southern District Executive Committee for MML.
11. City of Diamondhead – The city has received the MS APA Chapter Award for Outstanding Large Project (Under 15k). This is for the Envision Diamondhead Comprehensive Plan 2040.
12. Code Enforcement – The city has hired a full-time code enforcement officer. AJ Gambino will begin full-time starting the week of the 9<sup>th</sup>.
13. ARPA/GOMESA Projects – The following projects have been assigned to an engineering firm and are currently in the design phase.
 

<ol style="list-style-type: none"> <li>a. Coon Branch</li> <li>c. Lots 7 &amp; 8</li> <li>e. Turnberry</li> <li>g. Kome Drive</li> <li>i. Hilo Way -- West</li> <li>k. Hilo Way at Koko Street</li> <li>m. DH Drive East/Kalani</li> <li>o. Bayou Drive Culvert</li> <li>q. Fairway Drive</li> </ol>	<ol style="list-style-type: none"> <li>b. Koloa Steet @ Ala Moana</li> <li>d. Kolo Court</li> <li>f. Ahuli Place</li> <li>h. Kalae Street</li> <li>j. Hilo Way to Hapuna Place</li> <li>l. Aukai Place/DH Dr East</li> <li>n. Veterans/Substation</li> <li>p. Anahola Place</li> </ol>
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#### Public Comments on Agenda Items.

Gary Parnigoni - New Road on Noma Drive/Zoning Change

Anette Williams - Zoning Change

Sonny Wehrman - Zoning Change

Michelle Wehrman - Zoning Change

Raymond Walters - Zoning Change

Mo Landry - Zoning Change

Theo Resher - Zoning Change

Louis Mounicou - Zoning Change

Olga Mounicou - Zoning Change

Cynthia Ybarra - Zoning Change

Chris Martone - Zoning Change

Betty Whittington - Zoning Change

Rita Gaupp - Zoning Change

Paul Brown - Zoning Change

Joel Blackledge - Legal Counsel for residents in opposition of Zoning Change

Laura Guneau - Zoning Change

Pat Kleinedordt - Zoning Change

P.J. Mauffray - Legal Counsel for Cure Land Company, LLC

Frank Genzer - Developer for Cure Land Company, LLC

## **Policy Agenda.**

### **Minutes:**

1. Motion to approve the September 19, 2023 Regular Meeting Minutes.

Motion made by Ward 4 Clark, Seconded by Ward 3 Cumberland to approve the September 19, 2023 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 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**

### **Resolutions:**

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 Ward 3 Cumberland, Seconded by Ward 2 Liese to table adopting 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) until the October 17, 2023, regular meeting of the Council. 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, Ward 4 Clark

**MOTION CARRIED UNANIMOUSLY**

**Consent Agenda:**

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

4. **2023-339:** Motion to approve an amended application to the Department of Marine Resources for FY23 Tidelands - Noma Drive Public Access.
5. **2023-340:** Motion for the City of Diamondhead to join in the latest efforts of the Mississippi Sound Coalition with respect to the Bonnet Carre' Spillway and the Marine Mammal Protection Act.
6. **2023-343:** Motion to accept Substantial Completion of the Diamondhead Roadway Improvements Ph 4 Project as of September 14, 2023.
7. **2023-344:** Motion to approve the Municipal Compliance Questionnaire for Fiscal Year 2023.
8. **2023-345:** Motion to approve the sole source purchase of ten (10) BodyWorn and Rocket In-car Video System hardware bundles from Metrix Solutions, Inc. for the Police Department and to enter into agreement for five years for the total amount of \$142,453.65 to be paid in annual installments in the amount of \$28,490.73.
9. **2023-346:** Motion to approve annual supplementation services in the amount of \$3,473.70 with CivicPlus (formerly Municode) for ordinance updating.
10. **2023-347:** Motion to approve Pay Application 5 in the amount of \$149,952.04 to Huey P. Stockstill, LLC Diamondhead Roadway Improvements Ph 4.
12. **2023-353:** Motion to approve payment to the Hancock County Board of Supervisors in the amount of \$61,564.30 representing fire rebates funds received for equipping the Diamondhead Fire Department.
13. **2023-354:** Motion to acquire by purchase 360 sq. ft. of Part of Lot 2, Blk. 1, Phase 3 (Noma Drive) in the amount of \$2.00 per sq. ft. for a total purchase price of \$780.00 from Jane Williams for easement.

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

**MOTION CARRIED UNANIMOUSLY****Action Agenda.**

15. **2023-338:** Motion to accept donation of a picnic table from Rotary Club of Central Hancock for the Town Green. (Depreo)

Motion made by Mayor Depreo, Seconded by Councilmember-At-Large Maher to accept donation of a picnic table from Rotary Club of Central Hancock for the Town Green.

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

**MOTION CARRIED UNANIMOUSLY**

- 16. 2023-341:** Motion by Chad Ambrose for an exception to the City Council's moratorium on the installation of landscape culverts at his property located at 7416 Turnberry Way.

Motion made by Ward 3 Cumberland, Seconded by Ward 1 Finley to approve a request by Chad Ambrose for an exception to the City Council's moratorium on the installation of landscape culverts at his property located at 7416 Turnberry Way.

Pat Rich, Planning and Zoning Administrator Chad Ambrose, Landowner and Andrew Levens, Covington Civil and Environmental, LLC spoke about the installation of the landscape culverts.

Voting Yea: Ward 1 Finley, Ward 3 Cumberland, Ward 4 Clark

Voting Nay: Mayor Depreo, Councilmember-At-Large Maher, Ward 2 Liese

**MOTION FAILED**

- 17. 2023-342:** Motion to have Planning and Zoning Commission recommend new policy related to landscape culverts.

Motion made by Mayor Depreo, Seconded by Ward 2 Liese to have Planning and Zoning Commission recommend new policy related to landscape culverts.

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

**MOTION CARRIED UNANIMOUSLY**

- 18. 2023-349:** Motion to approve the Planning Commission recommendation to allow Mike Scardino a variance from the Zoning Ordinance (Article 4.19) to allow the construction of a fence within 5' of the front property line. The property address is 10846 Koloa Street. The tax parcel number is 067H-2-25-141.000. The property is in an R-2 zoning district. The front yard setback is 20'. The variance requested for the fence is 15'. The Case File Number is 202300416.

Motion made by Ward 3 Cumberland, Seconded by Ward 4 Clark to approve the Planning Commission recommendation to allow Mike Scardino a variance from the Zoning Ordinance (Article 4.19) to allow the construction of a fence within 5' of the front property line. The property address is 10846 Koloa Street. The tax parcel number is 067H-2-25-141.000. The property is in an R-2 zoning district. The front yard setback is 20'. The variance requested for the fence is 15'. The Case File Number is 202300416.

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

**MOTION CARRIED UNANIMOUSLY**

- 19. 2023-348:** Motion to approve the Planning Commission recommendation to allow D. R. Horton a variance from the Zoning Ordinance (Article 4.19) to allow the construction of a residence within 15' of the rear property line. The property address is 87134 High Point Drive. The legal description is The Preserve Phase 1, Lot 7. The property is in an R-2 zoning district. The rear yard setback is 20'. The variance requested is 5'. The Case File Number is 202300389.

Motion made by Ward 3 Cumberland, Seconded by Ward 1 Finley to approve the Planning Commission recommendation to allow D. R. Horton a variance from the Zoning Ordinance (Article 4.19) to allow the construction of a residence within 15' of the rear property line. The property

address is 87134 High Point Drive. The legal description is The Preserve Phase 1, Lot 7. The property is in an R-2 zoning district. The rear yard setback is 20'. The variance requested is 5'. The Case File Number is 202300389.

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

**MOTION CARRIED UNANIMOUSLY**

**20. 2023-351:** Motion to direct the City Manager to trademark the City Logo. (Liese)

Motion made by Ward 2 Liese, Seconded by Ward 1 Finley to direct the City Manager to trademark the City Logo.

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

Voting Nay: Mayor Depreo

**MOTION CARRIED**

**21. 2023-356:** Motion to accept and award low bid received from Bottom 2 Top Construction LLC in the amount of \$143,062.02 for Makiki Drive Drainage Improvements per the recommendation of the City Engineer and authorize the City Manager to execute the contract for same and to issue the notice to proceed as appropriate.

Motion made by Ward 4 Clark, Seconded by Councilmember-At-Large Maher to accept and award low bid received from Bottom 2 Top Construction LLC in the amount of \$143,062.02 for Makiki Drive Drainage Improvements per the recommendation of the City Engineer and 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, Ward 4 Clark

**MOTION CARRIED UNANIMOUSLY**

**11. 2023-352:** Motion to authorize the City Manager to engage the architect/engineer for the Diamondhead Dog Park for conceptual design/revisions for proposed dog park site on property in the vicinity of East Hancock Library as requested from the Hancock County Board of Supervisors.

Motion made by Ward 2 Liese, Seconded by Ward 3 Cumberland to engage the architect/engineer for the Diamondhead Dog Park for conceptual design/revisions for proposed dog park site on property in the vicinity of East Hancock Library as requested from the Hancock County Board of Supervisors.

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

Voting Nay: Mayor Depreo

**MOTION CARRIED**

- 14. 2023-355:** Motion to approve the final proposed pathway design for the Montjoy Creek Tidelands project.

Motion made by Ward 3 Cumberland, Seconded by Ward 4 Clark to approve the final proposed pathway design for the Montjoy Creek Tidelands project.

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

**MOTION CARRIED UNANIMOUSLY**

#### **Routine Agenda.**

#### **Claims Payable**

21. Motion to approve Docket of Claims (DKT231096 - DKT231136) in the amount of \$345,444.46.

Motion made by Ward 1 Finley, Seconded by Ward 4 Clark to approve Docket of Claims (DKT231096 - DKT231136) in the amount of \$345,444.46.

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

Voting Nay: Mayor Depreo

**MOTION CARRIED**

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

Molly Kooney - Construction runoff near her home.

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

At 8:13 p.m. with no further business to come before the council motion made by Ward 4 Clark, Seconded by Councilmember-At-Large Maher to adjourn.

Voting Yea: Mayor Depreo, Councilmember-At-Large Maher, Ward 1 Finley, 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