



MINUTES

REGULAR MEETING OF THE CITY COUNCIL

Tuesday, June 18, 2024

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 1 Shane Finley - via teleconference

Ward 2 Anna Liese

Ward 3 John Cumberland

Ward 4 Austin Clark

Confirm or Adjust Agenda Order

Motion made by Mayor Depreo, Seconded by Councilmember-At-Large Maher to adjust the agenda adding Item 2024-167: Motion to adopt Resolution 2024-029 to declare the closure of all city of Diamondhead offices on July 4 and 5, 2024 in observance of the Independence Holiday.

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 Tuesday, July 2 2024 at 6:00 p.m. in Council Chambers located at City Hall.
- b. Sanders Bennett - Eagle Scout Troop 210 Project Presentation
- c. Proclamation - Senior Abuse Day
- d. FY24 Budget Review and Year End Projections

City Manager's Report.

CITY MANAGER REPORT

June 18, 2024

1. Park Ten Road –The contract is for 309 Calendar Days with an end date of July 10th. All electrical wiring has been installed underground. Coast Electric poles will be removed once other contractors remove their equipment. The contractor is continuing with the sidewalk, irrigation, and lighting installation. Road work will start soon though weather may delay them.
2. Beaux Vue 2 – The contractor submitted the change order for this project. It will be on the next agenda. A notice to proceed date of July 8th has been set.
3. Kaleki Way – The contract is for 120 days with an end date of August 6th. Contractor has started the work on Ieke and DH Drive North.
4. Bayou Drive –The project is for 90 days with an end date of August 4th. The road work is complete. The final details of the project are being addressed by the contractor. Striping, sod, hydroseed and guard rails need to be installed before the road is reopened.
5. Noma Drive Phase 1b – The contractor has submitted all bonds and insurance. The notice to proceed date has been set for July 8th.
6. Gex Drive Lighting – The engineer has reviewed submittals. The contractor is working on getting all the materials and completing a project schedule.
7. Drainage Projects – All remaining ARPA funded projects are out for bid.
8. Canal Dredging – The RESTORE council is amending the original contract to extend the end dates. We will have to wait until this is complete before an award letter is issued.
9. Noma Drive Boardwalk – The grant agreement letter is on this agenda for approval as well as the work assignment for the engineer. Project timeline will be 3 months for design and 9 for completion.
10. Montjoy Creek – The engineer will present an update to the project at the July 2nd meeting. The engineer has sent the requested information to USACE. The wetland delineation is the only item left from the RAI.
11. Dog Park –The county plans to have the survey finished in advance of the BOS's July meeting wherein approval to submit the subdivision application to the City of Diamondhead will be obtained. The subdivision application and supporting documentation will then come to the City for the various approvals.
12. Coon Branch – The engineer will present the initial design at the July 2nd council meeting for these four GOMESA projects.
13. CRS – Beau and I met with Jennifer Rachal of Verisk for our kickoff meeting. We have scheduled the onsite visit for July 17th. Between now and then, Beau is collecting all documentation needed to provide to Verisk for our application.
14. Indian Hill – The permit to develop Indian Hill (fill old pond and direct stormwater to another pond) will be issued this week. The address will be 5409 W Aloha Dr. There is no proposed building on the property yet. This permit is just for the civil/stormwater work.
15. Prest Prop LLC – Property is being re-subdivided to sell off a portion to a developer to build an AutoZone store.

16. Procedural Ordinance – We are finalizing the procedural ordinance with input provided by the council. I will send it to the council next week for review and place it on the next agenda for approval.
17. Noma Drive Dredging – **No updated information this meeting.** The engineer expects to bid this summer. The project is to remove sediment in the Jourdan River to allow better boat access from the Noma Drive Boat Launch.
18. Noma Drive Nature Trail – **No updated information this meeting.** The engineer has designed a route for this project and will present it at the July 2nd meeting. This will be the first phase of this project. The city will continue to seek grants for the additional phases.
19. 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.
20. Kome Drive – **No updated information this meeting.** This will be to address driveway and landscape culverts on Kome Drive.
21. Kalipekona Pond -- **No updated information this meeting.** This project will dredge the south end of the pond to remove sediment.
22. 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.

Email Request Received

1. 84126 Bayou Drive – Councilmember asked about two lots next to this address that were initially cleared by a contractor but have been left with a few trees and trash on the property. I have asked code enforcement to contact the current lot owner. **The property owner has been contacted.**
2. 8896 Kipapa Way – Councilmember asked for a compliance check at this address. I have forwarded this to code enforcement. **Code enforcement contact property owner.**
3. Beaux Vue/Highpoint Ditch – Councilmember asked about the outfall ditch of Beaux Vue and Highpoint not draining. A work order was created to reshape the ditch. **Public Works is on another large job at this time.**
4. 568 Ahuli Place – Councilmember has reported that the ditch needs to be cleaned at and near this address. A work order has been created for public works. **This will be addressed after the Ahuli Place project is completed.**
5. Diamondhead Drive East – Councilmember asked about tree limbs around the East Rec area of DH Drive East are hanging over the road and need to be trimmed. A work order has been created.
6. City Hall Gazebo – Councilmember informed me the handicap rail on the gazebo is broken. A work order has been created. **The Rail has been fixed.**
7. Maui Place – Councilmember received an email about several issues in this area. I have contacted animal control to address issues. Code enforcement will also be contacting residents regarding concerns in the area.
8. 79326 Diamondhead Drive East – Councilmember asked for public works to clean and reshape major drainage ditch next to this residence. A work order was created.
9. 63781 Diamondhead North – Councilmember emailed about there being glass on the street in front of resident's home. **Glass was cleaned up.**

10. Kaleki Way Project – Councilmember asked about the company hired to do the drainage is piecing together cement drainage pipes together with a cement collar, but it doesn't appear to have cement sealing the bottom of the concrete pipe. This would cause water leakage. Lastly, the pipe already contains a good amount of dirt, debris and water bottles due to the length of time taking to seal the pipes together. This is going to clog drainage and slow down water. **The contractor does not put pipe together with cement sealant it is a tar substance called ram neck on arch pipe or a rubber gasket on round pipe.**
11. The Oaks – HOA asked about removing "popcorn" trees from the area. A work order has been created for public works.

Public Comments on Agenda Items.

Beverly O'Hara - Action Item - 2024-155 Appointments of City Manager, City Attorney and City Clerk and 2024-156: Election Offenses

Council Comments.

Policy Agenda.

Minutes:

1. Motion to approve the June 4, 2024 Regular Meeting Minutes.
Motion made by Ward 3 Cumberland, Seconded by Ward 4 Clark to approve the June 4, 2024 Regular Meeting Minutes.
Voting Yea: Mayor Depreo, Councilmember-At-Large Maher, Ward 1 Finley, Ward 3 Cumberland, Ward 4 Clark
Abstain: Ward 2 Liese

MOTION CARRIED

Tabled Matters:

2. **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:

3. **2024-163:** Motion to adopt Res 2024-027 authorizing grant application for FY26 Tidelands Funding to the MS Department of Marine Resources for the Montjoy Creek Nature Trail Connection.
Motion made by Councilmember-At-Large Maher, Seconded by Ward 4 Clark to adopt Res 2024-027 authorizing grant application for FY26 Tidelands Funding to the MS Department of Marine Resources for the Montjoy Creek Nature Trail Connection.
Voting Yea: Mayor Depreo, Councilmember-At-Large Maher, Ward 1 Finley, Ward 2 Liese, Ward 3 Cumberland, Ward 4 Clark

MOTION CARRIED UNANIMOUSLY

4. **2024-165:** Motion to adopt Res 2024-028 recognizing, designating and declaring the Diamondhead Public Works facility to be critical in preparation for, responding to and recovering from emergencies.

Motion made by Ward 4 Clark, Seconded by Councilmember-At-Large Maher to adopt Res 2024-028 recognizing, designating and declaring the Diamondhead Public Works facility to be critical in preparation for, responding to and recovering from emergencies.

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

MOTION CARRIED UNANIMOUSLY

21. **2024-167:** Motion to adopt Resolution 2024-029 to declare the closure of all City of Diamondhead offices on July 4 and 5, 2024 in observance of the Independence Holiday.

Motion made by Ward 3 Cumberland, Seconded by Ward 2 Liese to adopt Resolution 2024-029 to declare the closure of all City of Diamondhead offices on July 4 and 5, 2024 in observance of the Independence Holiday.

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

5. **2024-151:** Motion to approve payments in the amount of \$2,136.25 to Digital Engineering for Beaux Vue Phase 2 Drainage Improvements.
6. **2024-152:** Motion to approve Pay Application 2 in the amount of \$212,661.74 to LJ Construction, Inc., for the Kaleki Way Drainage Project.
7. **2024-153:** Motion to approve Pay Application 9 in the amount of 328,587.26 to Bottom 2 Top Construction, LLC for the Commercial District Transformation Project Phase I.
8. **2024-154:** Motion to approve Pay Application 1 in the amount of \$174,192.95 to Moran Hauling Inc., for Bayou Drive Drainage Project.
9. **2024-158:** Motion to approve payments to Chiniche Engineering & Surveying in the amount of \$11,665.00 for Coon Branch Drainage.
10. **2024-159:** Motion to approve Mississippi Department of Environmental Quality Sub Award Agreement for the Jourdan River Boardwalk Project.
11. **2024-160:** Motion to approve amended contract agreement with Rostan Solutions, LLC to extend current contract for one(1) year expiring March 25, 2025 and to further amend the professional services agreement to extend two (2) additional years for a total six (6) years from the effective date of service agreement expiring March 25, 2027.
12. **2024-161:** Motion to approve Change Order No. 1 to the contract with Moran Hauling in the net amount of \$3,796.01 for a total contract amount of \$250,336.01 for the Bayou Drive Drainage Project.

13. **2024-162:** Motion to approve payments to Covington Civil & Environmental, LLC in the amount of \$8,117.50 for Gex Drive Lighting and irrigation Replacement, in the amount of \$15,895.00 for Kolo Court, in the amount of \$18,000.00 for Kaleki Way Drainage Project, in the amount of \$84,520.00 for Ahuli Drainage Project, and in the amount of \$4,605.00 for Kalae Drainage Project.
14. **2024-164:** Motion to approve Work Assignment under the Master Service Agreement with Chiniche Engineering & Surveying in the amount not to exceed \$261,030.50 for Noma Drive Waterfront Improvements Phase 2.
15. **2024-166:** Motion to approve amendment to Work Assignment with Chiniche Engineering & Surveying in the amount of \$1,800.00 for the Montjoy Creek Trail Project.

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.

16. **2024-155:** Pursuant to MS Code § 21-9-27 (2020), The city manager shall hold office for such period (not to exceed four years for any one specified period) as may be provided by ordinance, and shall be eligible for reemployment, successively or otherwise.

Motion to add to city ordinances qualifications for appointments shall be solicited at the beginning of the first term of office for city manager, city attorney, and city clerk. (Depreo)

MOTION DIED FOR LACK OF ACTION

17. **2024-156:** Motion to discuss MS Code § 21-9-71 (2020) Council-Manager Form of Government § 21-9-71. Election offenses.
Any officer or employee other than the mayor and councilmen of any such city, who shall solicit or attempt to influence any person to vote for any particular candidate at any election held in such city, or who shall in any manner contribute any money, labor or other valuable thing to any person or organization for election purposes, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not exceeding One Hundred Dollars (\$100.00), or by imprisonment in the county jail not exceeding thirty days, or by both such fine and imprisonment. (Depreo)

MOTION DIED FOR LACK OF ACTION

18. **2024-157:** Pursuant to MS Code § 21-15-25 (2019), The governing authorities may annually appoint an attorney-at-law for the municipality, prescribe his duties and fix his compensation. Motion to advertise for request for qualifications for city attorney and set the compensation not to exceed \$75,000 per year. (Depreo)

Motion made by Mayor Depreo to advertise for request for qualifications for city attorney and set the compensation not to exceed \$75,000 per year.

MOTION DIED FOR LACK OF SECOND

Routine Agenda.**Claims Payable**

19. Motion to approve Docket of Claims (DKT231832- DKT231864) in the amount of \$1,133,857.89.

Motion made by Councilmember-At-Large Maher, Seconded by Ward 4 Clark o approve Docket of Claims (DKT231832- DKT231864) in the amount of \$1,133,857.89.

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

MOTION CARRIED UNANIMOUSLY

20. Motion to approve Payroll Payables APPKT 02189 (DKT231823 -DKT231831) in the amount of \$61,848.43, PRCLAIM10199 in the amount of \$30,045.48, PRCLAIM010200 in the amount of \$31.092.25, PRCLAIM10201 in the amount of \$29,161.47 and PRCLAIM10202 in the amount of \$3.048.79.

Motion made by Ward 3 Cumberland, Seconded by Councilmember-At-Large Maher to approve Payroll Payables APPKT 02189 (DKT231823 -DKT231831) in the amount of \$61,848.43, PRCLAIM10199 in the amount of \$30,045.48, PRCLAIM010200 in the amount of \$31.092.25, PRCLAIM10201 in the amount of \$29,161.47 and PRCLAIM10202 in the amount of \$3.048.79.

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

MOTION CARRIED UNANIMOUSLY**Department Reports**

- a. April 2024 Financials

- b. Court

Police

Code Enforcement

Building

- c. May 2024 Financials

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

- a. April 2024 Financials

- b. Department Reports:

Court, Police, Code Enforcement and Building

- c. May 2024 Financials

Voting Yea: Mayor Depreo, 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.

Scott Harvanek - Elected Officials Social Media Accounts

Beverly O'Hara - Removal of Magnolia Trees for Exit 16 Construction

Council Closing Comments

Adjourn/Recess.

At 7:01 p.m. with no further action to come before the council motion made by Councilmember-At-Large Maher , Seconded by Ward 4 Clark to recess until July 2, 2024 at 5:30 p.m.

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

MOTION CARRIED UNANIMOUSLY

Nancy Depreo
Mayor

Jeannie Klein
City Clerk