



MINUTES
REGULAR MEETING OF THE CITY COUNCIL
Tuesday, August 06, 2024
6:00 PM CST
Council Chambers, City Hall

Call to Order.

Mayor Pro Tempore Shane Finley called the meeting to order at 6:04 p.m.

Invocation - Mayor Pro Tempore Shane Finley

Pledge of Allegiance

Roll Call

PRESENT

Councilmember-At-Large Gerard Maher

Ward 1 Shane Finley (Mayor Pro Tempore)

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 3 Cumberland, Seconded by Councilmember-At-Large Maher 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, August 20, 2024 at 6:00 p.m. in Council Chambers located at City Hall.
- b. Constitution Week Proclamation
- c. Proclamation Barb Wittliff and Bob Bradley

City Manager's Report.

Tish Williams, Hancock County Chamber announced Ramada Inn as Diamondhead business of the year.

CITY MANAGER REPORT

August 06, 2024

1. MDOT Projects –The closed off ramp is expected to be completed by the end of this month. The MDOT district engineer is asking the contractor to repair the Exit 20 off ramp as soon as possible due to its condition. School bus traffic is trying to split the Diamondhead routes to accommodate the ramp closure. They will continue to monitor the traffic and make changes as needed.
2. Procedural Ordinance – The changes to the ordinance is as follows
 - a. Gender neutrality. Him/Her was inserted were needed.
 - b. Sec. 1-18. Decorum – Generally
...however, public comments may be made as set forth herein
3. Boy Scout Request – The Boy Scouts have requested the following
 - a. Council Chambers for PAC meetings once a month (200+ attendees). The meeting will be 1-2 hours. Snacks and drinks will be served.
 - b. Activity Center once a week for den meetings (10-20+ attendees).
 - c. Use of facility to hold a Blue & Gold Banquet once a year. (Scouts and parents, dinner, and program).
 - d. Use of facility to hold the Pine Wood Derby once a year. (48-foot, 6 lane-track will be installed)
 - e. Use of facility to hold the annual Awards Presentation.

The current rental agreement would have to be amended to allow the reoccurring use, allow use of council chambers, and waive the rental fee.

4. Park Ten Road –The contract is for 403 Calendar Days with a current end date of October 12th. The contractor is working forward from the DWSD building towards Park Ten Lanes. The contractor is working around the utility pole that is in the work path. The sidewalks and lighting are being installed on the Leisure Time extension roadway.
5. 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. The contractor has indicated that materials are three to four weeks out.
6. Kaleki Way – Two change orders are on tonight’s agenda. Change Order #02 is to adjust the contract total to account for the installed quantity differences. Change order #03 is to add additional piping and concrete structures in the resident’s back yard and between two lots. This change order also adds an additional 35 days to the contract. If approved, the new substantial completion date will be September 10th. The contractor has sodded most of the disturbed areas and will hydroseed the remaining areas.
7. Traffic Study – Two work assignments are on the agenda for traffic studies. The Highpoint signage review is at the request of the Highpoint HOA. Due to the increased traffic in the area, they would like additional signage. The second work assignment is a revised traffic study to review the need for an additional stop sign at Diamondhead Drive East and Golf Club Drive.
8. Noma Drive Phase 1b – – The notice to proceed was issued on July 8th. The contract is for 180 Calendar Days with a current end date of January 7th. The contractor has installed the cofferdam and started removing the existing boat ramp.
9. Gex Drive Lighting –This project has been completed and all punch list items have been resolved.

10. Drainage Projects – The contracts for the ARPA project have been signed. The engineer will arrange pre-construction meetings with the contractors in the coming weeks.
11. Canal Dredging – Contacted MDEQ regarding the grant agreement. Once received, it will be placed on the agenda for approval. The construction schedule is set to start in March/April of 2025.
12. Noma Drive Boardwalk – 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.
13. Coon Branch – Met with Harrison County engineer last month to discuss the stormwater. Chiniche Engineering is working on several options for design including the creation of detention ponds.
14. CRS – We have submitted all CRS documentation required for FEMA to process and approve our application by August 17th. This would make the city active in the program by April 2025. The city should enter the program as a Class 8 or 9. After one year in the program, the city can submit for Class 7.
15. Noma Drive Dredging – The engineer expects to advertise this project in September.
16. Dog Park – The county approved the survey at their meeting yesterday and will submit it to the city for approval at the August 20th meeting.
17. Montjoy Creek – **No updated information this meeting.** The engineer is waiting for the final permits to allow the project to go out for bid.
18. 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.
19. Kome Drive – **No updated information this meeting.** This will be to address driveway and landscape culverts on Kome Drive.
20. Kalipekona Pond -- **No updated information this meeting.** This project will dredge the south end of the pond to remove sediment.
21. 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.
22. Noma Drive Nature Trail – **No updated information this meeting.** The engineer presented the project to the council tonight.

Email Request Received

1. 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.
2. 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. **Public works has spoken with the property owner and will address all issues.**
3. 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.
4. 85542 DH Drive West – Councilmember asked for a compliance review on this address. Code enforcement has already contacted the property owner. If they do not comply, a citation will be issued.

5. 7949 Hilo Way – Councilmember asked about erosion around culvert. A work order was created. **Public works placed rip rap around the culverts to prevent further erosion.**
6. 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 will review the area to determine course of action.
7. Alawai and DH Drive East – Councilmember asked that the shrubs in the median be trimmed to provide better line of site. **Public works has trimmed the shrubs.**
8. 7446 Turnberry Drive – Councilmember asked to put rip rap to stabilize ditch bank and prevent the erosion. A work order has been issued.

Motion made by Ward 4 Clark, Seconded by Ward 2 Liese to enter closed session to determine the need for executive session.

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

MOTION CARRIED UNANIMOUSLY

Motion made by Ward 4 Clark, Seconded by Ward 2 Liese to enter executive session.

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

MOTION CARRIED UNANIMOUSLY

Motion made by Ward 4 Clark, Seconded by Ward 2 Liese to exit executive session.

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

MOTION CARRIED UNANIMOUSLY

Motion made by Ward 4 Clark, Seconded by Ward 2 Liese to exit closed session.

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

MOTION CARRIED UNANIMOUSLY

City Attorney, Derick Cusick announced the council entered executive session for a personnel matter involving the City Clerk and no official action of record was taken.

Public Comments on Agenda Items.

Howard Thickman - Change Order to Kaleki Way

Michael Zeringue - P & Z Denial Variance Reconsider

Ron Rhoades - No Objection to P & Z Variance Request for Michael Zeringue

Von Biggs - Allocate Diamondhead SPCA Funds to Friends of Animal Shelter

Council Comments - None

Policy Agenda.

Minutes:

1. Motion to approve the July 16, 2024 Recess Meeting Minutes.

Motion made by Ward 2 Liese, Seconded by Ward 1 Finley to approve the July 16, 2024 Recess Meeting Minutes.

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

MOTION CARRIED UNANIMOUSLY

2. Motion to approve the July 16, 2024 Regular Meeting Minutes.

Motion made by Ward 4 Clark, Seconded by Ward 2 Liese to approve the July 16, 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

3. Motion to approve the July 23, 2024 Recess Meeting Minutes.

Motion made by Ward 4 Clark, Seconded by Ward 1 Finley to approve the July 23, 2024 Recess Meeting Minutes.

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

Abstaining: Ward 3 Cumberland

MOTION CARRIED UNANIMOUSLY

Tabled Matters:

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

5. **2024-188:** Motion to adopt Text Amendment to the Procedural Ordinance 2019-003.2.

Motion made by Ward 2 Liese, Seconded by Ward 1 Finley to move from the table to action, motion to adopt Text Amendment to the Procedural Ordinance.

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 2 Liese to approve the following consent items:

6. **2024-196:** Motion to approve Change Order No. 2 to the contract with LJ Construction Inc. in the net amount of \$57,336.47 for a total contract amount of \$796,461.60 for the Kaleki Way Drainage Project.
7. **2024-197:** Motion to approve Change Order No. 3 to the contract with LJ Construction Inc. in the net amount of \$29,961.96 for a total contract amount of \$826,423.56 for the Kaleki Way Drainage Project.
8. **2024-198:** Motion to approve Pay Application 3 in the amount of \$188,925.70 to LJ Construction, Inc., for the Kaleki Way Drainage Project.
9. **2024-199:** Motion to approve reallocation of Tidelands FY23 Noma Drive Waterfront Improvements Project \$1,025,166.57 to Tidelands FY24 Dredging for Noma Drive Boat Launch Access funds in the amount of \$300,000 for total \$1,325,166.57 and to authorize amended application to the MS Department of Marine Resources for same.
10. **2024-200:** Motion to approve revised Grant Agreements for Gulf Coast Restoration Fund Projects FY21- GCRF21-05, FY22- GCRF22-05 and FY23- GCRF23-05 Commercial District Transformation Projects.
11. **2024-201:** Motion to accept the form of the FY25 Budget, set the public hearing for August 20, 2024 at 6:00 p.m. and approve the advertisement providing public notice of same.
12. **2024-204:** Motion to approve payments to Chiniche Engineering & Surveying in the amount of \$3,805.00 for Tidelands Nature Trail (Noma Drive).
13. **2024-205:** Motion to approve Traffic Engineering Work Assignment 30-1 with Covington Civil and Environmental, LLC in the amount of \$2,400.00 for Highpoint Signage Review.
14. **2024-206:** Motion to approve Traffic Engineering Work Assignment 30-2 with Covington Civil and Environmental, LLC in the amount of \$7,500.00 for Diamondhead Drive East/Golf Club Drive Intersection Stop Sign Warrant Study.
15. **2024-207:** Motion accept substantial completion and to approve payment in the amount of \$54,038.61 to Commercial Electric of LB Inc for the Gex Drive Lighting Project.
16. **2024-208:** Motion to approve amendment to Work Assignment with Chiniche Engineering & Surveying in the amount of \$17,516.00 for the Canal Dredging Improvements Project.

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

MOTION CARRIED UNANIMOUSLY

Action Agenda.

- 17. Motion 2024-202:** Motion to concur with the Planning Commission recommendation to deny a variance from the Zoning Ordinance to allow the placement of a fence within 4' of the adjoining golf course property line. The property address is 5626 Ahuawa Place. The tax parcel number is 131C-1-13-162.000. The property is in the R-10 zoning district. The fence setback on property adjoining the golf course is 10'. The variance requested is 6'. The Case File Number is 202400217. The Planning Commission voted to deny 6-0.

Motion made by Ward 2 Liese, Seconded by Ward 3 Cumberland to discuss the Planning Commission recommendation to deny a variance from the Zoning Ordinance to allow the placement of a fence within 4' of the adjoining golf course property line. The property address is 5626 Ahuawa Place. The tax parcel number is 131C-1-13-162.000. The property is in the R-10 zoning district. The fence setback on property adjoining the golf course is 10'. The variance requested is 6'. The Case File Number is 202400217. The Planning Commission voted to deny 6-0.

Motion made by Ward 3 Cumberland, Seconded by Ward 2 Liese to overturn the recommendation of the Planning and Zoning Commission and thereby granting the variance to allow the placement of a fence within 4' of the adjoining golf course property line. The property address is 5626 Ahuawa Place. The tax parcel number is 131C-1-13-162.000. The property is in the R-10 zoning district. The fence setback on property adjoining the golf course is 10'. The variance requested is 6'. The Case File Number is 202400217. The Planning Commission voted to deny 6-0.

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

MOTION CARRIED UNANIMOUSLY

- 18. 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)

Motion made by Ward 3 Cumberland, Seconded by Ward 1 Finley to table 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 to the next regular council meeting.

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

MOTION CARRIED UNANIMOUSLY

- 5. 2024-188:** Motion to adopt Text Amendment to the Procedural Ordinance 2010-003.2.

Motion made by Ward 2 Liese, Seconded by Ward 3 Cumberland Motion to adopt Text Amendment to the Procedural Ordinance 2019-003.2 with section number correction 120-122.

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

19. Motion to approve Docket of Claims (DKT231987 - DKT232030) in the amount of \$335,464.29.

Motion made by Ward 2 Liese, Seconded by Councilmember-At-Large Maher to approve Docket of Claims (DKT231987 - DKT232030) in the amount of \$335,464.29.

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

Council Closing Comments - None

Adjourn/Recess.

At 8:28 p.m. with no further business to come before the council, motion made by Ward 4 Clark, Seconded by Ward 1 Finley 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