



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

## MINUTES

### REGULAR MEETING OF THE CITY COUNCIL

Tuesday, June 07, 2022

6:00 PM CST

Council Chambers, City Hall

#### Call to Order.

Mayor Depreo called the meeting to order at 6:00 p.m.

Invocation

Councilmember Liese

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

Pledge of Allegiance

Confirm or Adjust Agenda Order

Motion made by Ward 2 Liese, Seconded by Ward 4 Clark to make the following amendments to the agenda and to approve the agenda:

Add - 2022-207 - Motion to approve award quote for Diamondhead East Culvert Replacement to Moran Hauling, Inc. in the amount of \$18,583.80 plus additional work relating to work relating to rerouting a water main for a total project cost of \$29,788.05.

Amend - Motion to amend the Docket of Claims as revised (DKT159631-DKT159690) in the amount of \$384,534.07.

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.

Council Comments.

1. The next regularly scheduled City Council Meeting will be June 21, 2021 at 6:00 p.m. in Council Chambers located at 5000 Diamondhead Circle, Diamondhead, MS.
2. City Hall will be closed Monday, July 4, 2022 in observance of the Independence Day.
3. The City's July 4th Firework Display will be held at 9 p.m. Saturday July 2nd on the southside.
4. COL (R) Robert P. Johnson, Jr. - Memorial Day Presentation
5. Kyle Jones, Rostan Solutions - SWIFT Program
6. Adam Breeerwood, Pearl River Community College - New Stennis Campus and CTAP Program
- 7.. FY22 Year-end Projection - Jon McCraw, Comptroller
- 8.. General Obligation Bonds for Street Paving and Other Improvements - Mike Reso. Troy Johnston with Butler Snow and Jason Thomas with MS Municipal Advisors were present and addressed the Council.

#### City Manager's Report.

1. Tidelands Grants – I am asking for authorization to submit two FY24 Tidelands Grant Applications which are due by the end of the month. These will be considered by the State Legislature next Spring during their regular session. The first application is a \$100K planning grant for nature trails through the wetlands and a marine education center. The other grant application is for \$300K for dredging the waterways from the Jourdan River to the new waterfront project at the end of Noma Drive.
2. BCA Agreement – This is an agreement between the city and Barbeque Competitors Alliance to make the city's Festival a sanctioned BBQ Competition. The goal is to continue to grow this event to make it a signature event on the MS gulf coast.
3. Work Assignments for Machado Patano – There are 4 new work assignments with Machado that I am recommending. These are 4 separate drainage projects identified in the Waggoner Engineering Report. This will allow the engineer to begin analyzing the drainage area and to make a recommendation with cost estimate to the city for improving drainage. After this is done, we can decide if we want the engineering to begin designing and permitting the projects.
4. Advertising to Bid Dredging of Detention Ponds – We have received the permits to dredge the two detention ponds in Diamondhead. We are ready to advertise for bids. This is the "Lilly Pond" on Diamondhead Drive North and the "Miller Pond" off Diamondhead Drive East and I-10.
5. Main Street Association – I am asking for authorization to submit an LLC Certificate of Formation for the Diamondhead Main Street Association. This will establish a separate legal entity and not be part of the City of Diamondhead. It will be governed by a board of directors made up of local business owners and others.
6. Makiki Drainage – Pickering Engineering is recommending that the council accept the low bid of \$138K from J&A Excavation to get work started on the Makiki Drainage project. This will allow me to sign the contract and issue the notice to proceed.
7. Subdivision Regulation Updated – Now that the city has worked with two developers to build new subdivisions, the administration would like to work with Covington Engineering to update the ordinance based on several items that we feel are needed to protect the city and to help the developers.

**Public Comments on Agenda Items.**

Durrell Pelligrin addressed the Council with regard to drainage concerns and water intruding his garage.

**Policy Agenda.****Minutes:**

1. Approval of May 17, 2022 Regular Meeting Minutes.

Motion made by Ward 4 Clark, Seconded by Ward 3 Cumberland to approve the May 17, 2022 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****Resolutions:**

2. **2022-198:** Motion to adopt Resolution 2022-037 thereby authorizing the employment of professionals (Butler Snow, LLP as Bond Counsel, Municipal Advisors of Mississippi, Inc. as Advisor, Law office of Derek Cusick as City Counsel and Crews & Associates as Underwriters) in connection with the sale and issuance of General Obligation Bonds or to enter in loan or loans with the Mississippi Development Bank and for other related purposes.

Motion made by Councilmember-At-Large Maher, Seconded by Ward 2 Liese to adopt Resolution 2022-037 thereby authorizing the employment of professionals (Butler Snow, LLP as Bond Counsel, Municipal Advisors of Mississippi, Inc. as Advisor, Law office of Derek Cusick as City Counsel and Crews & Associates as Underwriters) in connection with the sale and issuance of General Obligation Bonds or to enter in loan or loans with the Mississippi Development Bank and for other related purposes.

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

**MOTION CARRIED UNANIMOUSLY**

3. **2022-199:** Motion to adopt Resolution 2022-038 thereby declaring intent to issue and sell General Obligation Bonds pursuant to the City Bond Act or issue and sell the bond to the Mississippi Development Bank either in an aggregate principal amount not to exceed \$6,000,000 and for other related purposes.

Motion made by Ward 4 Clark, Seconded by Councilmember-At-Large Maher to adopt Resolution 2022-038 thereby declaring intent to issue and sell General Obligation Bonds pursuant to the City Bond Act or issue and sell the bond to the Mississippi Development Bank either in an aggregate principal amount not to exceed \$6,000,000 and for other related purposes.

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

**MOTION CARRIED UNANIMOUSLY**

4. **2022-199:** Motion to adopt Resolution 2022-039 authorize application to the MS Department of Marine Resources FY24 Tidelands Fund in the amount of \$100,000 for a planning grant for Nature Trails and Education Center.

Motion made by Ward 3 Cumberland, Seconded by Ward 2 Liese to adopt Resolution 2022-039 authorize application to the MS Department of Marine Resources FY24 Tidelands Fund in the amount of \$100,000 for a planning grant for Nature Trails and Education Center.

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

**MOTION CARRIED UNANIMOUSLY**

5. **2022-200:** Motion to adopt Resolution 2022-040 to the MS Department of Marine Resources for FY24 Tidelands funding in the amount of \$300,000 for Waterway Restoration at Noma Drive Waterfront Project.

Motion made by Ward 3 Cumberland, Seconded by Ward 2 Liese to adopt Resolution 2022-040 to the MS Department of Marine Resources for FY24 Tidelands funding in the amount of \$300,000 for Waterway Restoration at Noma Drive Waterfront Project.

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

**MOTION CARRIED UNANIMOUSLY**

6. **2022-202:** Motion adopt Resolution 2022-041 to acquire by donation certain real property from the Diamondhead Water & Sewer District located within the City Right-of-Way Acquisition and Roadway Construction.

Motion made by Ward 4 Clark, Seconded by Councilmember-At-Large Maher to adopt Resolution 2022-041 to acquire by donation certain real property from the Diamondhead Water & Sewer District located within the City Right-of-Way Acquisition and Roadway Construction.

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

**MOTION CARRIED UNANIMOUSLY**

7. **2022-203:** Motion to adopt Resolution 2022-042 thereby abandoning a 5' drainage/utility easement on each side of the common property line between Lots 7 and 53, Diamondhead Phase 2, Unit 4A, Block 11 for the purposes of constructing an accessory structure. The physical address is 9542 Laa La Place; parcel numbers are 067F-2-26-064.000 and 067F-2-26-066.000. (Turner)

Motion made by Ward 3 Cumberland, Seconded by Ward 2 Liese to adopt Resolution 2022-042 thereby abandoning a 5' drainage/utility easement on each side of the common property line between Lots 7 and 53, Diamondhead Phase 2, Unit 4A, Block 11 for the purposes of constructing an accessory structure. The physical address is 9542 Laa La Place; parcel numbers are 067F-2-26-064.000 and 067F-2-26-066.000. (Turner)

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

**MOTION CARRIED UNANIMOUSLY**

8. **2022-203:** Motion to adopt Resolution 2022-043 thereby appointing Ginger Cook (Ward 3) to serve as Planning & Zoning Commissioner to fill an unexpired term expiring March 2023.

Motion made by Ward 2 Liese, Seconded by Ward 4 Clark to adopt Resolution 2022-043 thereby appointing Ginger Cook (Ward 3) to serve as Planning & Zoning Commissioner to fill an unexpired term expiring March 2023.

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

**MOTION CARRIED UNANIMOUSLY**

9. **2022-204:** Motion to adopt Resolution 2022-044 thereby appointing Kristy Nicaud (Ward 2) to serve Planning & Zoning Commissioner to fill a vacancy for 3-year term expiring March 2025.

Motion made by Ward 4 Clark, Seconded by Ward 3 Cumberland adopt Resolution 2022-044 thereby appointing Kristy Nicaud (Ward 2) to serve Planning & Zoning Commissioner to fill a vacancy for 3-year term expiring March 2025.

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

**MOTION CARRIED UNANIMOUSLY**

**Consent Agenda:**

Motion made by Mayor Depreо, Seconded by Councilmember-At-Large Maher to move 2022-166 to the Action Agenda.

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

**MOTION CARRIED UNANIMOUSLY**

Motion made by Ward 1 Finley, Seconded by Ward 4 Clark to approve the following Consent Agenda items 10-12 and 14-27):

10. **2022-183:** Motion to approve Barbecue Competitors Alliance (BCA) Sanctioning Fee in the amount of \$60 for the 2022 Diamondhead Festival BBQ Competition and to enter into agreement with event coordinators to include travel reimbursement and other fees.
11. **2022-184:** Motion to approve payments to Pickering Firm in the amount of \$12,227.50 for Ahui Drainage Improvements, \$1,140.00 for Strategic Initiatives & Project Agreement, \$750.75 for Makiki Drive and Kui Place.
12. **2022-185:** Motion to approve Pay Application 2 in the amount of \$121,594.94 to Moran Hauling, Inc. for East Aloha Improvements Phase 1.
14. **2022-187:** Motion to approve Master Service Agreement Work Assignment with Machado Patano in the amount of \$5,000 for drainage analysis with preliminary engineering/cost estimating for Diamondhead Drive East near Aukai Place identified as #3.05 in the Hancock County Watershed-Based Stormwater Assessment and Management Plan, December 2019 by Waggoner Engineering.
15. **2022-188:** Motion to approve Master Service Agreement Work Assignment with Machado Patano in the amount of \$8,000 for Hilo Way to Hapuna Place identified as #3.06 in the Hancock County

Watershed-Based Stormwater Assessment and Management Plan, December 2019 by Waggoner Engineering.

- 16. 2022-190:** Motion to approve Master Service Agreement Work Assignment with Machado Patano in the amount of \$7,500 for drainage analysis with preliminary engineering/cost estimating for Hilo Way West identified as #3.22 in the Hancock County Watershed-Based Stormwater Assessment and Management Plan, December 2019 by Waggoner Engineering.
- 17. 2022-187:** Motion to approve Master Service Agreement Work Assignment with Machado Patano in the amount of \$7,500 for drainage analysis with preliminary engineering/cost estimating for Hilo Way to Koko Street identified as #3.23 in the Hancock County Watershed-Based Stormwater Assessment and Management Plan, December 2019 by Waggoner Engineering.
- 18. 2022-194:** Motion to advertise for bids for the dredging Diamondhead Dr. East Retention Pond Project #3.24 and Lilly Pond Dredging Project #5.09 as identified in the Hancock County Watershed-Based Stormwater Assessment and Management Plan, December 2019 by Waggoner Engineering.
- 19. 2022-196:** Motion to authorize the City Manager to work with MEMA and FEMA to determine if SWIFT Pilot Program would benefit repetitive loss property owners.
- 20. 2022-197:** Motion to authorize participation in the PetSafe "Bark for Your Dog Park" competition.
- 21. 2022-205:** Motion to approve payments to Chiniche Engineering & Surveying in the amount of \$5,930 for E. Aloha Improvements Phase 1 Redesign and in the amount of \$3,729.65 Bayou Drive Kayak Launch Improvements.
- 22. 2022-208:** Motion to authorize the filing an LLC Certificate of Formation for Diamondhead Main Street Association with \$50 filing fee and further to authorize a \$1,000 allocation to the association.
- 23. 2022-209:** Motion to accept and award the low bid received for Makiki Drive Culvert Replacement to J&A Excavation, Inc. in the amount of \$138,945.00 and further to authorize the City Manager to issue Notice to Proceed and execute contract for same.
- 24. 2022-210:** Motion to approve Master Service Agreement Work Assignment in the amount of \$24,500 for Crops permitting, coordination, surveying and testing for the Noma Drive Water Front dredging project (Tidelands).
- 25. 2022-211:** Motion to approve Master Service Agreement Work Assignment in the amount of \$5,500 with Covington Civil & Environmental to amend the Subdivision Regulations.
- 26. 2022-212:** Motion to approve payments to Covington Civil & Environmental in the amount of \$19,294.00 for Commercial District Transformation Project and in the amount of \$14,718.00 for Stormwater Master Plan - Watershed A Phase II.
- 27. 2022-213:** Motion to approve payment to Compton Engineering in the amount of \$5,617.50 for Anahola & Hana Place Drainage Project.

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

**MOTION CARRIED UNANIMOUSLY**

**Action Agenda.**

**13. 2022-186:** Motion to accept the Memorandum of Agreement with MDOT for East Aloha Improvements Phase 2 and authorize City Manager Reso to execute same.

Motion made by Ward 3 Cumberland, Seconded by Ward 4 Clark to accept the Memorandum of Agreement with MDOT for East Aloha Improvements Phase 2 and authorize City Manager Reso to execute same.

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

**MOTION CARRIED UNANIMOSLY**

**28. 2022-206:** Motion to concur with the Planning Commission recommendation to deny Taco Bell's request for a variance from the Zoning Ordinance (Article 4.19) to allow the construction of a monument sign within 0' of the property line; to deny the request for the west facing tower sign; and to approve the request to allow wall mounted signs on the south facing side of the building. The case file number is 202200200.

Motion made by Ward 2 Liese, Seconded by Ward 4 Clark to concur with the Planning Commission recommendation to deny Taco Bell's request for a variance from the Zoning Ordinance (Article 4.19) to allow the construction of a monument sign within 0' of the property line; to deny the request for the west facing tower sign; and to approve the request to allow wall mounted signs on the south facing side of the building. The case file number is 202200200.

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

**MOTION CARRIED UNANIMOUSLY**

**Routine Agenda.**

**Claims Payable**

**29.** Motion to approve the Docket of Claims (Claims DKT159631 - DKT159690) in the amount of \$384,534.07.

Motion made by Ward 1 Finley, Seconded by Ward 2 Liese to approve the Docket of Claims as amended (DKT159631 – DKT159690) in the amount of \$384,534.07.

Voting Yea: Mayor Depreо, 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.**

**Executive Session**

Motion made by Mayor Depreо, Seconded by Ward 1 Finley At 8:09 p.m. to enter closed session to determine the necessity for executive session.

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

**MOTION CARRIED UNANIMOUSLY**

Motion made by Mayor Depreо, Seconded by Ward 1 Finley to enter executive session for discussion of personnel matters related to the City Manager, pursuant to 25-41-7(4)(a).

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

**MOTION CARRIED UNANIMOUSLY**

Attorney Cusick announced to those in attendance that the Council had entered executive session for discussion of personnel pursuant to 25-41-7(4)(a).

**EXIT EXECUTIVE SESSION**

At 9:14 p.m., motion was made by Mayor Depreо, Seconded by Councilmember Finley to exit executive session.

**MOTION CARRIED UNANIMOUSLY****EXIT CLOSED SESSION**

At 9:14 p.m., motion was made by Mayor Depreо, Seconded by Councilmember Finley to exit executive session.

**MOTION CARRIED UNANIMOUSLY**

Attorney Cusick announced that while in executive session, no official action of records was taken.

**Adjourn/Recess.**

At 9:15 p.m. and with no further business to come before the Council at this time, Councilmember Finley moved, seconded by Councilmember Maher to recess until Friday, June 19, 2022 at 1:00 p.m.

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

**MOTION CARRIED UNANIMOUSLY**

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Nancy Depreо  
Mayor

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Jeannie Klein  
City Clerk