



MINUTES
REGULAR MEETING OF THE CITY COUNCIL
Tuesday, May 07, 2024
6:00 PM CST

Call to Order.

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

Invocation - Councilmember Clark

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 Austin Clark

Confirm or Adjust Agenda Order

Motion made by Ward 4 Clark, Seconded by Ward 2 Liese to adjust the agenda moving Item #15 - **2024-107**: Motion to approve and enter into Fire Protection Agreement with Hancock County Board of Supervisors and Diamondhead Fire District for fire protection services and the transfer of annual insurance rebate to Hancock Board of Supervisors solely for the support, operation and equipping Diamondhead Fire Department from Consent to Action and to remove from the table and delete Item 2 - **2023-274**: Motion to contribute up to \$40,000.00 for the Dog Park from the General Fund Balance. (Finley)

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, May 21, 2024 at 6:00 p.m. in Council Chambers located at City Hall.
- b. Proclamation - Better Hearing Month - Dr. Brittany Fischtziur
- c. Proclaiming Brain Cancer Awareness Month - "Go Gray in May"- Cindy Lamb
- d. Kodie Koenenn & Billy Owens - MDOT Project Update
- e. Machado Patano, Ben Sellers - Hilo Project Update
- f. Covington Civil and Environmental, Andrew Levens - Kolo Court Project Presentations
- g. Orion Planning, Bob Barber - Zoning Code Re Write

City Manager's Report.

CITY MANAGER REPORT

May 07, 2024

1. Park Ten Road –The contract is for 270 Calendar Days with an end date of June 1st. The contractor is requesting an additional 39 days due to the weather. If approved tonight, the new end date will be July 10th. The sidewalks will be formed this week. All curbs and gutters have been installed up to the DWSD Plant. The lighting subcontractor is completing the landscape lighting.
2. Noma Drive Restoration – The engineer has issued substantial completion paperwork for this project. A walkthrough is scheduled for next week to close out the project.
3. Beaux Vue 2 – Currently waiting for the schedule and the notice to proceed.
4. Bond Paving Diamondhead Drive – Contractor completed the punch list items. A final walkthrough is scheduled for Thursday.
5. Noma Drive Phase 1b – The project is out for bid. Bids are due on May 14th.
6. Kaleki Way – The contract is for 120 days with an end date of August 6th. The contractor has installed all the new driveway culverts on Amoka and Kaleki Way. They are currently working on restoring the resident's driveways. Once complete, they will start on phase 2 which will include working in the side and rear of properties on Ieke and DH Drive North. All required easements for this project have been acquired.
7. Bayou Drive – The contractor was issued the notice to proceed on May 6th. The project will be for 90 days and is currently scheduled to be completed by August 4th. Due to utility delays, the road will remain open.
8. Hilo Projects – Engineer will provide an update at tonight's meeting.
9. MDOT Roundabout Project & I-10 Widening Project – MDOT will provide an update at tonight's meeting.
10. Turnberry – Meeting with residents this morning to discuss the final design. The new design will require no additional easements to be needed.
11. Kolo Court – Engineer will provide final drawings at tonight's meeting. The project has been designed to remove the need for any additional easements.
12. Canal Dredging – MDEQ has scheduled an on-site meeting for May 23rd. Once completed, a grant agreement will be issued and presented to the council. The engineer will provide a design presentation at the June 4th council meeting.
13. Dog Park – The county asked to make a few minor changes to the title which has been completed. Once Neel-Schaffer updates the survey, the county will submit to the city the re-subdivision request. The current proposed parcel for Ochsner Medical is approximately 4.3 acres. Of that parcel, I estimate 0.6 acres or 25,000 sq ft. could be used for the dog park. The motion on the agenda tonight is in furtherance of the council's approved action to explorer developing this site for a dog park. The bid documents, the budget, and all contracts with Ochsner and/or Hancock County will still need further approval of the council.
14. Ahuli Place – Design work almost 90%. Should have presentation on the next agenda.
15. Kalae Street -- Design work almost 90%. Should have presentation on the next agenda.

16. Montjoy Creek – Received the Tidelands lease from the Secretary of State’s office. This lease agreement is on the agenda for your approval. The engineer will provide a design update at the June 4th council meeting.
17. Noma Drive Walking Trail – The engineer has completed the survey work for this project and is determining the best route for the walking trail.
18. Coon Branch – This is four GOMESA projects (Coon Branch, Lots 7 & 8, Koloa Street @ Ala Moana and Anahola Place). At this time, no additional easements are expected to be needed for this project. The engineer will present the initial design at the June 4th council meeting.
19. Noma Drive Dredging – 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.
20. Detention Ponds – Engineer has completed design on this project and will provide them to public works to complete the dredging.
21. Kome Drive – This will be to address driveway and landscape culverts on Kome Drive. This project is also on hold until all ARPA projects have completed the design phase.
22. Kalipekona Pond -- This project will dredge the south end of the pond to remove sediment. It will also redesign the weir and road culvert. This project is also on hold until all ARPA projects have completed the design phase.
23. Substation – This project is currently in the design phase. The project is to address the erosion behind the new substation and the exposed sewer pipes.
24. Noma Drive Boardwalk – **No updated information this meeting.** All easements have been recorded. MDEQ is going through the final steps with MS TIG getting everything approved and will be in touch regarding the subaward.
25. Pelican Cove Drainage Project – **No updated information this meeting.** Engineer has been provided the work assignment and will begin the surveying on this project.

Email Request Received

1. Alakoko Place – Councilmember asked about the rear ditch on this property. A work order was issued to Public Works. Project is on the PW’s list to clean out.
2. 8912 Anahola Court – Councilmember asked about drainage around this home as ditches are holding water. I have put in a work order with public works. **This will be addressed in the Coon Branch project.**
3. 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.
4. 10747 Lilnoe Way – Councilmember asked for a compliance check on this address. I turned the request over to the code enforcement officer.
5. 6655 Golf Club Drive – Councilmember reported the garage of the home receiving water during the major rain event last Wednesday. **Public works will determine the need.**
6. 9834 Pokai Way – Councilmember asked for a compliance check at this address. I have forwarded this to code enforcement. A letter was sent last month requesting the property to be cleaned up.

7. 8896 Kipapa Way – Councilmember asked for a compliance check at this address. I have forwarded this to code enforcement.
8. Alfonso Realty – Councilmember reported the building took on water during the rain event last Wednesday. **The issue is due to excess dirt pushed up against building. The dirt was removed.**
9. 73650 DH Drive North – Councilmember asked that resident’s ditch be cleaned out. A work order has been issued.
10. 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.
11. POA Lots – Councilmember forwarded a request from a resident about the lots being sold by the POA. The city is reviewing the lots available to determine if any would be unsuitable for building and better used as drainage lots for the city.
12. Kaleki Way Project – Councilmember asked about the project and the removal of landscape culverts. Also, the contractor had material on a homeowner’s property. **This was removed by the contractor.**
13. Kalae Street – Councilmember asked that the ditches need to be cleaned on Kalae Street. **This is part of the ARPA project and will be addressed.**
14. Realtor Signs – Councilmember expressed concern about certain realtors leaving their signs up in Diamondhead all week long. How is it fair for some realtors to get away with it and others not? **This has been discussed with code enforcement. No realtor is being provided special treatment.**
15. 2370 Coelho Way – Councilmember has reported compliance concern regarding this address. **This address has cleared up all previously reported issues. No new reports have been received by the city administration.**
16. 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.

Public Comments on Agenda Items.

Michael Leone - Kaleki Drainage Project

D J Malley - Kaleki Drainage Project

Penne Rappold - Friends of the Animal Shelter

Bill Atkinson - Zoning

Beverly O'Hara - Friends of the Animal Shelter, Zoning Map, Dog Park

Policy Agenda.

Minutes:

1. Motion to approve the April 16, 2024 Regular Meeting Minutes.

Motion made by Ward 1 Finley, Seconded by Ward 4 Clark to approve the April 16, 2024 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 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

Resolutions:

4. **2024-106:** Motion to adopt Resolution 2024-020 to apply for HUD-EDI Grant in the amount of 2.2 million for Kalani Drive.

Motion made by Ward 2 Liese, Seconded by Ward 3 Cumberland to adopt Resolution 2024-020 to apply for HUD-EDI Grant in the amount of 2.2 million for Kalani Drive.

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

MOTION CARRIED UNANIMOUSLY

5. **2024-112:** Motion to adopt Resolution 2024-021 thereby acquiring by donation certain easement from Brian LeBourgeois for drainage purposes.

Motion made by Ward 3 Cumberland, Seconded by Ward 2 Liese to adopt Resolution 2024-021 thereby acquiring by donation certain easement from Brian LeBourgeois for drainage purposes.

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:

6. **2024-096:** Motion to approve MOA with Govdeals for the sale of surplus equipment.
7. **2024-097:** Motion to authorize City Attorney and City Manager to negotiate with owners of properties in the commercial district for acquisition of property for the location and construction of additional new right-of-ways to promote commercial development. All negotiated acquisitions must be approved by the City Council prior to final acceptance by the city.
8. **2024-098:** Motion to approve Change Order No. 2 to the contract with Bottom 2 Top Construction, LLC in the net amount of -\$300.08 for a total contract amount of \$4,135,461.48 and for an additional 39 contract days due to weather delays for the Commercial District Transformation Project Phase 1.
9. **2024-099:** Motion to adopt Seasonal Employee Policy and to establish an hourly rate of \$12.00 per hour for seasonal employees.
10. **2024-100:** Motion to approve the Federal Procurement and Purchasing Policy.
11. **2024-102:** Motion to approve Master Agreement Work Assignment in the amount of \$20,000.00 with Covington Civil & Environmental to serve a City Traffic Engineer.
12. **2024-103:** Motion to approve the FY2025 Budget Timeline.

- 13. **2024-104:** Motion to approve budget amendments.
- 14. **2024-105:** Motion to declare surplus Public Works equipment and proceed with disposal via on-line auction managed by GovDeals.
- 16. **2024-116:** Motion to enter into a forty (40) year public trust tidelands lease with the State of Mississippi for the Montjoy Creek Project beginning May 1, 2024.

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. **2024-107:** Motion to approve and enter into Fire Protection Agreement with Hancock County Board of Supervisors and Diamondhead Fire District for fire protection services and the transfer of annual insurance rebate to Hancock Board of Supervisors solely for the support, operation, and equipping Diamondhead Fire Department.

At 7:59 p.m. Councilmember Clark left the meeting.

Motion made by Ward 3 Cumberland, Seconded by Councilmember-At-Large Maher to approve and enter into Fire Protection Agreement with Hancock County Board of Supervisors and Diamondhead Fire District for fire protection services and the transfer of annual insurance rebate to Hancock Board of Supervisors solely for the support, operation, and equipping Diamondhead Fire Department.

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

MOTION CARRIED UNANIMOUSLY

At 8:00 p.m. Councilmember Clark returned to the meeting.

- 17. **2024-108:** Discussion of the Kaleki Drainage Project. (Depreo)

Motion made by Mayor Depreo, Seconded by Ward 1 Finley for discussion of the Kaleki Drainage Project.

NO ACTION TAKEN

- 18. **2024-109:** Motion to allow the Diamondhead Lions Club to place their sign of similar size and design next to the Rotary sign in the front and rear of Diamondhead. (Depreo)

Motion made by Mayor Depreo, Seconded by Ward 2 Liese to allow the Diamondhead Lions Club to place their sign of similar size and design next to the Rotary sign in the front and rear of Diamondhead.

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

MOTION CARRIED UNANIMOUSLY

- 19. 2024-110:** Motion to authorize city manager to review budget and suggest a budget amendment to provide annual support to the Friends of the Hancock County Animal Shelter and present the amendment at the May 21, 2024 meeting. (Depreo)

Motion made by Mayor Depreo, Seconded by Councilmember-At-Large Maher to authorize city manager to review budget and suggest a budget amendment to provide monthly support to the Friends of the Hancock County Animal Shelter and present the amendment at the May 21, 2024 meeting.

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

MOTION CARRIED UNANIMOUSLY

- 20. 2024-111:** Motion to authorize city manager to notify every resident in a project area when the notice to proceed has been issued to the contractor and the date work will begin in their area with but not limited to, door hangers, Facebook post, and Eblast. (Depreo)

Motion made by Mayor Depreo, Seconded by Ward 1 Finley to authorize city manager to notify every resident in a project area when the notice to proceed has been issued to the contractor and the date work will begin in their area with but not limited to, door hangers, Facebook post, and Eblast, at his discretion.

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

MOTION CARRIED

- 21. 2024-114:** Motion to concur with the Planning Commission recommendation to approve the proposed Text Amendment to the Code of Ordinances Appendix A - Zoning. The proposed text amendment is a comprehensive revision of the Zoning Ordinance to reflect Envision Diamondhead 2040, the city's Comprehensive Plan. Case File Number is 202300448.

Motion made by Ward 1 Finley, Seconded by Ward 2 Liese to concur with the Planning Commission recommendation to approve the proposed Text Amendment to the Code of Ordinances Appendix A - Zoning. The proposed text amendment is a comprehensive revision of the Zoning Ordinance to reflect Envision Diamondhead 2040, the city's Comprehensive Plan. Case File Number is 202300448.

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

MOTION CARRIED

- 22. 2024-113:** Motion for discussion of the Beaux Vue Drainage Project. (Liese)

Motion made by Ward 2 Liese, Seconded by Ward 3 Cumberland for discussion of the Beaux Vue Drainage Project.

NO ACTION TAKEN

- 23. 2024-115:** Motion to authorize City Manager to negotiate with Ochsner Medical Center to acquire land necessary to build the Diamondhead Dog Park, to approve a budget amendment to allocate

\$50,000.00 from the general fund for the construction of the dog park and to amend the master service agreement work assignment with MP Design to redesign the dog park plans.

Motion made by Ward 2 Liese, Seconded by Ward 1 Finley to authorize City Manager to negotiate with Ochsner Medical Center to acquire land necessary to build the Diamondhead Dog Park, to approve a budget amendment to allocate \$50,000.00 from the general fund for the construction of the dog park and to amend the master service agreement work assignment with MP Design to redesign the dog park plans.

Motion to amend made by Ward 2 Liese, Seconded by Ward 1 Finley to negotiate with Ochsner Medical Center to acquire land necessary to build the Diamondhead Dog Park, to suggest a budget amendment to allocate money from the general fund for the construction of the dog park and to amend the master service agreement work assignment with MP Design to redesign the dog park plans.

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

- 24. Motion to approve Docket of Claims (DKT231702 - DKT231734) in the amount of \$84,212.23.

Motion made by Ward 3 Cumberland, Seconded by Ward 4 Clark to approve Docket of Claims (DKT231702 - DKT231734) in the amount of \$84,212.23.

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.

Jesse Harwood - Social Media (Facebook), Dog Park, Library Funding, Conduct at Council Meetings in the audience.

Harry Cagle - Gex Drive Lighting, Dog Park, Kaleki Drainage Project

Adjourn/Recess.

At 8:59 p.m. with no further business to come before the council, motion made by Ward 1 Finley, Seconded by Ward 3 Cumberland.

Voting Yea: Mayor Depreo, 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