



**MINUTES**  
**REGULAR MEETING OF THE CITY COUNCIL**  
**Wednesday, February 22, 2023**  
**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 Finley

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 the agenda to withdraw Agenda Item #18 - 2023-153: Motion to temporarily reduce Mayor's pay by \$1,300.00 from the budget amount and the funds in the amount of \$1,300.00 be distributed to the Diamondhead Senior Village, Inc. and to amend Agenda Item #15 - 2023-136 to read Motion to request use of kitchen by the Diamondhead Senior Village, Inc. and authorize legal counsel to amend contract.

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 March 7, 2023 at 6:00 p.m. in Council Chambers located at City Hall.
- b. Kodie Koenenn, Hancock County Board of Supervisors - County Update

City Manager's Report.

1. Bank Depository – The City received quotes for our bank depository. After discussion with some experts in the finance field, the City selected the variable rate.
2. Makiki Drive – Deferred to Executive Session.

3. Bayou Drive Kayak Launch Repairs – The City held the pre-construction meeting with Fair Tide Marine. A notice to proceed date will be determined once the contractor has all materials available for the project. The contract is a 45-calendar day job.
4. Lily Pond and I-10 Pond – The notice of award has been issued and the contractor is preparing all bonds and insurances needed for the project. Within the next 15 days, a preconstruction meeting will be held and a notice to proceed date will be determined. The contract will be 120 calendar days.
5. Park Ten Road – The City is waiting on the Will-Serve from DWSD before the project is advertised.
6. Twin Lakes Park – The CM spoke with MP Group and asked for an updated estimate for this project. At this time, I have not received this update. I will check back next week.
7. Drainage Pond – The topographic and hydrographic surveying has been completed. The engineer is now preparing to model each pond/drainage basin to develop the proposed improvements.
8. Traffic Study – The City Engineer is developing options for the intersection of Highpoint and County Club.
9. Phase 4 paving – The paving project is currently demobilized until the area around Bayou Circle is available to complete the project. DWSD said the contractor is in that area and should be completed within the next couple of weeks. The current end date of the project is February 15<sup>th</sup>.
10. Montjoy Creek – Permit information was submitted to MSDMR. The engineer received comments back from them in January and is currently working on the revisions. The main concern is the tidal marsh impacts.
11. Noma Improvements Site Work – The engineer has met with DWSD to discuss the water and sewer line and are incorporating the districts comments into the design. Additional drainage improvements are being added to the access road.
12. Noma Dredging – The City recently signed the applicant letter and returned it to the engineer to upload the information to MSDMR for the permit. The amount to be removed is about 4,000 CY.
13. Canal Dredging – The City also signed another agent letter for a permit for this project. The MSDMR wants a Submerged Aquatic Vegetation survey to be prepared.
14. State ARPA Grant – The City reapplied for state ARPA matching funds. If received, the City will have funding for 10 of the City current drainage projects.

At this time the Diamondhead School of Fine Arts was recognized for attending the meeting.

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

Dr. Jackson - Senior Center

Nancy Depreo - Senior Center

Mary Coyne - Senior Center

Bill Atkinson - Depository Agreement

**Action Agenda.**

At 7:16 p.m. Mayor Depreo recused herself from the meeting and turned the gavel over to Mayor Pro-tem Clark.

- 15. 2023-136:** Motion to request use of the kitchen by the Diamondhead Senior Village, Inc.

Motion made by Ward 3 Cumberland, Seconded by Councilmember-At-Large Maher to table the amended motion to request use of the kitchen by the Diamondhead Senior Village, Inc. and to authorize legal counsel to amend contract.

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

**MOTION CARRIED UNANIMOUSLY**

- 16. 2023-137:** Motion to request use of the chapel/storage room by the Diamondhead Senior Village.

Motion made by Ward 3 Cumberland, Seconded by Councilmember-At-Large Maher to table the request use of the chapel/storage room by the Diamondhead Senior Village.

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 1 Finley, Seconded by Councilmember-At-Large Maher to authorize City Manager to make recommendation for use of Activity Center, Chapel, and Kitchen.

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

**MOTION CARRIED UNANIMOUSLY**

At 7:22 p.m. Mayor Depreo returned to the meeting.

**Policy Agenda.**

**Minutes:**

- 1. Motion to approve the February 7, 2023 Regular Meeting Minutes.

Motion made by Ward 3 Cumberland, Seconded by Ward 4 Clark to approve the February 7, 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**

**Resolutions:**

- 2. 2023-140:** Motion to adopt Resolution 2023-012 thereby abandoning a 5' drainage/utility easement on each side of the common property line between lots 4 and 5, Diamondhead Phase 2, Unit 1, Block 10. The parcel number is 132R-0-10-164.000. The physical street address is 1334 Enos Street. (Blain)

Motion made by Ward 3 Cumberland, Seconded by Councilmember-At-Large Maher to adopt Resolution 2023-012 thereby abandoning a 5' drainage/utility easement on each side of the common property line between lots 4 and 5, Diamondhead Phase 2, Unit 1, Block 10. The parcel number is 132R-0-10-164.000. The physical street address is 1334 Enos Street. (Blain)

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

**MOTION CARRIED UNANIMOUSLY**

- 3. PUBLIC HEARING - 2023-142:** Motion to adopt Resolution 2023-013 to adjudicate that the property and abandoned vehicle located at 18896 Kipapa Way (parcel number 067K-1-36-170.000) is in a state of uncleanliness or a menace to the public health, safety and general welfare of the community. Authorization to advertise for bids and/or obtain quotes to perform the necessary services to cut and destroy the weeds growing; remove all tires, inoperable lawn mowers/equipment, inoperable grill/parts, scrap lumber, bricks/concrete blocks, exercise equipment, patio umbrellas, plastic oil/laundry containers, bed frame(s), miscellaneous pipes, toilet, non-functional outdoor furniture, laundry basket, branches/limbs/leaves, refrigerator, office chair base, water hoses, damaged fence pickets, pallets, miscellaneous scrap metal, generator, broken wheel barrows, empty flower pots, power washer, gas cans/funnels, edging, auto ramps, bundle of shingles, table saw, wire fencing, tiller, saw horse(s), limbs, trash and debris to a proper disposal site and remove the unlicensed vehicle from the property and assess the costs to said property and for other related purposes. Property owner is Patrick Tasselin.

Mayor Depreo called on three (3) occasions for Patrick Tasselin or a representative thereof to come forward. With no one coming forward, the public hearing was closed.

Motion made by Ward 4 Clark, Seconded by Mayor Depreo Motion-to adopt Resolution 2023-013 to adjudicate that the property and abandoned vehicle located at 18896 Kipapa Way (parcel number 067K-1-36-170.000) is in a state of uncleanliness or a menace to the public health, safety and general welfare of the community. Authorization to advertise for bids and/or obtain quotes to perform the necessary services to cut and destroy the weeds growing; remove all tires, inoperable lawn mowers/equipment, inoperable grill/parts, scrap lumber, bricks/concrete blocks, exercise equipment, patio umbrellas, plastic oil/laundry containers, bed frame(s), miscellaneous pipes, toilet, non-functional outdoor furniture, laundry basket, branches/limbs/leaves, refrigerator, office chair base, water hoses, damaged fence pickets, pallets, miscellaneous scrap metal, generator, broken wheel barrows, empty flower pots, power washer, gas cans/funnels, edging, auto ramps, bundle of shingles, table saw, wire fencing, tiller, saw horse(s), limbs, trash and debris to a proper disposal site and remove the unlicensed vehicle from the property and assess the costs to said property and for other related purposes. Property owner is Patrick Tasselin.

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

**MOTION CARRIED UNANIMOUSLY**

4. **2023-145:** Motion to adopt Resolutions 2023-014 thereby authorizing the preparation and submittal of an application for the FY23 Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Program for the Commercial District Transformation Project in the amount of \$11,000,000 (\$10,000,000 Federal Share), committing matching funds (\$1,000,000 Local Share) and for other related purposes.

Motion made by Councilmember-At-Large Maher, Seconded by Ward 3 Cumberland to adopt Resolutions 2023-014 thereby authorizing the preparation and submittal of an application for the FY23 Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Program for the Commercial District Transformation Project in the amount of \$11,000,000 (\$10,000,000 Federal Share), committing matching funds (\$1,000,000 Local Share) 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**

**Consent Agenda:**

Motion made by Ward 3 Cumberland, Seconded by Ward 2 Liese to approve the following consent items:

5. **2023-133:** Motion to approve payments to Orion Planning + Design for January 2023 services in the amount of 2,875.70 for Zoning Code Rewrite and in the amount of \$170.00 for consulting related to Gateway and Phase II of street construction (West Aloha).
6. **2023-134:** Motion to approve payment to Covington Civil & Environmental, LLC for the Commercial District Transformation Project in the amount of \$32,136.90 and in the amount of \$7,751.30, for the Commercial District Transformation Project-Noma Drive Improvements in the amount of \$14,400.00 and in the amount of \$7,490.00, for the Traffic Impact Study in the amount of \$2,310.00, for the Bayou Drive Drainage Analysis in the amount of \$1,170.00, for the Subdivision Regulations Update in the amount of \$1,100.00, for Site Development Plan Reviews in the amount of \$1,178.75 and for the Stormwater Master Plan in the amount of \$14,718.00.
7. **2023-135:** Motion to approve payment in the amount of \$15,000.00 to MP Design Group for Twin Lakes Fishing Pier & Trail and in the amount of \$2,795.00 for Hilo Way Drainage.
8. **2023-138:** Motion to approve payments to Pickering Firm, Inc. in the amount of \$1,720.00 for Ahuli Drainage Improvements.
9. **2023-139:** Motion to approve payments to Chiniche Engineering & Surveying in the amount of \$5,035.00 for the Canal Dredging Project, in the amount of \$2,589.50 for Drainage Pond Remediation Project, in the amount of \$1,639.00 for Noma Drive Dredging and in the amount of \$1,223.00 for Noma Drive Improvements Project.
10. **2023-141:** Motion to approve Pay Application 2 in the amount of \$4,284.90 to Moran Hauling for Hilo Way Drainage Improvements.
11. **2023-143:** Motion to approve payments to Pickering Firm, Inc. in the amount of \$8,000.00 and in the amount of \$6,000.00 for Makiki Drive and Kui Place.
12. **2023-149:** Motion to approve Memorandum of Agreement Between The City of Diamondhead and Purcell Co., Inc. to build and construct a pedestrian pathway that will be located at the end of Noma Drive.

- 13. **2023-150:** Motion to approve Memorandum of Agreement Between The City of Diamondhead and Michael Casano to build and construct a pedestrian pathway that will be located at the end of Noma Drive.
- 14. **2023-152:** Motion to award Depository Services to The First Bank for a term of four (4) years beginning March 2023 with a variable interest rate of 25 basis point below the 90-day Treasury Bill and to approve Hancock Whitney Bank and The Peoples Bank as alternate investments purposes.

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.**

- 17. **2023-151:** Motion for discussion and possible action regarding the establishment of an Architectural Review Board.

Motion made by Ward 2 Liese, Seconded by Ward 3 Cumberland for discussion and possible action regarding the establishment of an Architectural Review Board.

**NO ACTION TAKEN**

At 7:42 p.m. Councilmember-At-Large Maher exited the meeting.

**Routine Agenda.**

**Claims Payable**

- 19. Motion to approve Payroll Payable Claims DKT230461 - DKT230471 in the amount of \$44,193.71, Payroll Payables Claims DKT230472 in the amount of \$591.20, PRCLAIM000151 in the amount of \$27,662.85 and PRCLAIM000152 in the amount of \$2,523.58.

Motion made by Ward 4 Clark, Seconded by Ward 1 Finley to approve Payroll Payable Claims DKT230461 - DKT230471 in the amount of \$44,193.71, Payroll Payables Claims DKT230472 in the amount of \$591.20, PRCLAIM000151 in the amount of \$27,662.85 and PRCLAIM000152 in the amount of \$2,523.58.

Voting Yea: Mayor Depreo, Ward 1 Finley, Ward 2 Liese, Ward 3 Cumberland, Ward 4 Clark

**MOTION CARRIED UNANIMOUSLY**

At 7:43 p.m. Councilmember-At-Large returned to the meeting.

- 20. Motion to approve Docket of Claims (DKT230476- DKT230503) in the amount of \$232,300.80.

Motion made by Ward 1 Finley, Seconded by Ward 2 Liese to approve Docket of Claims (DKT230476- DKT230503) in the amount of \$232,300.80.

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**

Motion made by Ward 3 Cumberland, Seconded by Ward 4 Clark to approve the following Department and Financial Reports:

- a. Building Reports
  - Court Reports
  - Police Reports
- b. December 2022 Financial Reports
- c. January 2023 Financial Reports

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-None**

**Executive Session - If Necessary**

At 7:44 p.m., Motion made by Mayor Depreo, Seconded by Ward 3 Cumberland to enter closed session to determine the necessity for an executive session.

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

**MOTION CARRIED UNANIMOUSLY**

Motion made by Mayor Depreo, Seconded by Ward 3 Cumberland to enter executive session for personnel matters pursuant to MS Code 25-41-7 4(b) and Acquisition of Property pursuant to MS Code 25-41-7-4(g).

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

**MOTION CARRIED UNANIMOUSLY**

Motion made by Mayor Depreo, Seconded by Ward 3 Cumberland to reject offer from attorney to settle in the matter of Bychurch.

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

**MOTION CARRIED UNANIMOUSLY**

Motion made by Mayor Depreo, Seconded by Ward 3 Cumberland to authorize City Manager to negotiate with Property Owners Association for properties, to negotiate with property owners in the downtown business area for drainage easements and with residents on Makiki and Kolo Court for additional easements.

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

**MOTION CARRIED UNANIMOUSLY**

Motion made by Mayor Depreo, Seconded by Ward 3 Cumberland to exit executive session.

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

**MOTION CARRIED UNANIMOUSLY**

At 8:16 p.m. Motion made by Mayor Depreo, Seconded by Ward 3 Cumberland to exit closed session.

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

**MOTION CARRIED UNANIMOUSLY**

City Attorney Cusick announced for the record that while in Executive Session, the Council took the following action:

To reject offer from attorney to settle in the matter of Bychurch and to authorize City Manager to negotiate with Property Owners Association for properties, to negotiate with property owners in the downtown business area for drainage easements and with residents on Makiki and Kolo Court for additional easements.

**Adjourn/Recess.**

At 8:17 p.m., with no further business to come before the Council, motion was made by Ward 3 Cumberland, 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