



**MINUTES**  
**REGULAR MEETING OF THE CITY COUNCIL**  
**Tuesday, July 18, 2023**  
**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 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 Ward 1 Finley, Seconded by Ward 3 Cumberland to adjust the agenda whereby tabling action item **2023-274**: Motion to contribute up to \$40,000.00 for the Dog Park from the General Fund Balance.

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 August 1, 2023 at 6:00 p.m. in Council Chambers located at City Hall.
- b. Starr Chapman, Attorney General's Office - Identity Theft and Scam Prevention Presentation.

**City Manager's Report.**

1. Park Ten Road – Bids were opened last week but are still under review by the engineer.
2. Phase 4 paving – The paving project is currently demobilized. A culvert project is being completed in the area. Once done, the paving project can be finished. The engineer has asked that we meet prior to restarting. The contract end date of July 31<sup>st</sup>.
3. Diamondhead Drive Paving – Bids were due July by 18<sup>th</sup> and have been opened. A recommendation will be on the August council meeting agenda to award.
4. Noma Drive Boat Launch – Phase 1a has been awarded. The construction documents are being completed and a work schedule should be provided soon. A groundbreaking will be held on July 25<sup>th</sup>.
5. Makiki Drive – The city engineer has developed the specifications to complete the project. They expect to have the drawings available for approval on the next agenda.
6. Stormwater Projects – Most of the state ARPA matching funds grant agreements have been received from the state. Engineer task orders are on the agenda for approval.
7. Hilo Way – Engineer has provided three suggestions to help with the issue. The city is working on implementing the three suggestions and will continue to monitor the situation to determine if follow-up is needed. Public works will install a berm in the median to divert the water past the homeowner's driveway.
8. Montjoy Creek – The engineer needs to finalize the pier location and easement. They were looking at the easement location last week from Banyon across the front of the pump station and across the creek and then through the woods. They are going to adjust the pier location and request an easement from the property owner.
9. Noma Drive Waterfront – The engineer has received some minor comments from USACE about the wetland's location. The engineer will address the concerns and return them by the middle of this week.

**Email Request Received**

1. Poki Place – Trees were removed from a lot on this street. The building department was asked to check the site to determine if tree ordinance was followed. It was determined that five pine trees were cut and removed from the site. The stumps are still on the lot. No evidence of any protected trees was found.
2. Montjoy Creek – Request from resident that Montjoy Creek be mowed. Project closed.
3. Analii Street – Request from resident to stripe Analii Street. I have already asked the engineer to provide a price from the contractor.
4. Lily Pond – Resident contacted the city regarding the silt fencing was down in several areas around the pond. I asked PW to check on this on Monday (10<sup>th</sup>). Public Works needs to remove the sediment prior to repairing the silt fencing, current weather conditions have prevented this.
5. Anahola Place – Resident asked that neighbor's ditch be cleaned out. A work order was created. Project was completed on the 13<sup>th</sup>.
6. Cul-de-sac Rabbit Run – Request to clean up overgrowth and to trim tree branches. Work order was created.

7. Drainage Ditch – Request to clean out drainage ditch behind 3, 4, and 5 Rabbit Run. Work order was created.
8. Timber Park, Wilderness Run and Holly Corner – Drain inlets are covered by leaves. Work order was created.
9. Coelho Way – Resident provided photos of road damage due to water line leak. Diamondhead Water and Sewer Department was contacted to get information regarding the water line leak. The leak has been repaired as of March 10<sup>th</sup>. It is on their “restoration list” to patch once it becomes cost effective.
10. Kaleki Way – Resident is concerned that drainage ditches are obstructed with debris. Work order was created.
11. Landscape Culvert – Reported that a landscape culvert was being installed at 74606 Diamondhead Drive North. This was a permitted driveway extension and not a landscape culvert.
12. Pokai Street – Resident at 9728 Pokai Street concerned about the water backing up in the ditch. Public Works cleaned out the ditch and put rip rap around outlet culvert.
13. #15 Pond – Resident expressed concern about the condition of pond due to stormwater runoff. The building department is checking to make sure all erosion control measures are being followed.

Ben Benvenuti, City Engineer and Gerrod Kilpatrick, Engineer MP Designs spoke on potential dog park sites and plans.

Councilmember Liese requested the Diamondhead Water and Sewer District correspondence dated July 11, 2023 become an official part of the minutes.

Public Comments on Agenda Items-None.

## Policy Agenda.

### Minutes:

1. Motion to approve the July 5, 2023 Regular Meeting Minutes.

Motion made by Ward 1 Finley, Seconded by Ward 4 Clark to approve the July 5, 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**

2. Motion to approve the July 5, 2023 Recess Meeting Minutes.

Motion made by Ward 1 Finley, Seconded by Councilmember-At-Large Maher to approve the July 5, 2023 Recess 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:**

3. **2023-281:** Motion to adopt Resolution 2023-029 thereby authorizing an application to the Mississippi Development Authority for a FY24 Gulf Coast Restoration Fund Grant in the amount of \$2,500,000 (80% or \$2,000,000 GCRF share and 20% or \$500,000 local match funding) for the Commercial District Transformation Project, more specifically Gex Road and Park Ten Drive and Gex Road to the Town Center and for other related purposes.

Motion made by Ward 1 Finley, Seconded by Ward 4 Clark to adopt Resolution 2023-029 thereby authorizing an application to the Mississippi Development Authority for a FY24 Gulf Coast Restoration Fund Grant in the amount of \$2,500,000 (80% or \$2,000,000 GCRF share and 20% or \$500,000 local match funding) for the Commercial District Transformation Project, more specifically Gex Road and Park Ten Drive and Gex Road to the Town Center 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. **2023-282:** Motion to adopt Resolution 2023-030 thereby authorizing the City Manager to make application to Mississippi Department of Marine Resources for FY24 GOMESA funding in the amount of \$2,000,000 for Phase 1 Bank Stabilization Project and for other related purposes.

Motion made by Ward 1 Finley, Seconded by Ward 4 Clark to adopt Resolution 2023-030 thereby authorizing the City Manager to make application to Mississippi Department of Marine Resources for FY24 GOMESA funding in the amount of \$2,000,000 for Phase 1 Bank Stabilization Project 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 4 Clark to approve the following consent items:

5. **2023-272:** Motion to approve payments to Pickering in the amount of \$1,485.00 for Lily Pond Dredging, in the amount of \$1,350.00 for Diamondhead Dr. East Retention Pond Dredging and in the amount of \$3,282.50 for Ahuli Drainage Improvements.
6. **2023-273:** Motion to approve the amended and restated Grant Agreements with Mississippi Development Authority for Gulf Coast Restoration Fund Program for FY20, FY21 and FY22.
7. **2023-276:** Motion to approve participation in the U.S. Army Career Skills Program and authorize the City Manager to execute the agreement for same.
8. **2023-277:** Motion to authorize the City Clerk to provide notice of a Public Hearing to be held August 15, 2023 at 6:00 p.m. in Council Chambers for redistricting election wards.
9. **2023-278:** Motion to authorize Master Service Agreement Work Assignments for Drainage Design with MP Design Group for WA9-Diamondhead Drive East near Aukai Place in the amount of \$9,000.00, WA10-Hilo Way at Koko Street in the amount of \$9,000.00, WA11-Hilo Way to Hapuna Place in the amount of \$9,000.00 and WA12-Hilo Way West in the amount of \$9,000.00. (ARPA)

10. **2023-280:** Motion to approve payments to Chiniche Engineering & Surveying in the amount of \$837.50 for Canal Dredging, in the amount of \$1,092.50 for GIS in the amount of \$2,570.00 for Noma Drive Improvements and in the amount of \$1,558.00 for Montjoy Creek.
11. **2023-279:** Motion to approve payments to Covington Civil & Environmental, LLC in the amount of \$24,000.00 for Bank Stabilization Project.
12. **2023-283:** Motion to approve payments to Digital Engineering in the amount of \$7,018.75 for Bond Paving Project and in the amount of \$1,621.25 for Beaux Vue Ph 2 Drainage Improvements.
13. **2023-284:** Motion to approve Pay Application Four(4) to JLB Contractors, Inc. in the amount of \$167,840.61 for Diamondhead Drive East and Lily Pond Dredging.
14. **2023-285:** Motion to authorize Master Service Agreement Work Assignments for Drainage Design with Covington Civil & Environmental for WA3-Kaleki Way Drainage Project in the amount of \$71,500.00, in the amount of WA4-Kalae Drainage Project the amount of \$19,500.00, and WA5-Turnberry Drainage Project in the amount of \$51,500.00. (ARPA)
15. **2023-286:** Motion to approve the contract modification form for the Mississippi Gulf Coast Restoration Fund Program for FY20, FY21 and FY
16. **2023-287:** Motion to authorize the City Manager to request the MS Department of Marine Resources reallocate remaining FY22 Tidelands funds in the amount of \$800,000.00 to the FY23 Tidelands 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.**

18. **2023-275:** Motion to accept the form of the FY24 Budget, set the public hearing for August 15, 2023 at 6:00 p.m. and approve the advertisement providing public notice of same.

Motion made by Ward 1 Finley, Seconded by Ward 3 Cumberland to accept the form of the FY24 Budget, set the public hearing for August 15, 2023 at 6:00 p.m. and approve the advertisement providing public notice of same.

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**

19. Motion to approve Payroll Payables Claims PRCLAIM10164 in the amount of \$1,523.58, PRCLAIM01376 in the amount of \$28,867.27, PRCLAIM010166 in the amount of \$30,210.06 and DKT230867-DKT230876 in the amount of \$56,521.25.



Motion made by Ward 4 Clark, Seconded by Ward 1 Finley to approve Payroll Payables Claims PRCLAIM10164 in the amount of \$1,523.58, PRCLAIM01376 in the amount of \$28,867.27, PRCLAIM010166 in the amount of \$30,210.06 and DKT230867-DKT230876 in the amount of \$56,521.25.

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 Docket of Claims (DKT230877-DKT230916) in the amount of \$884,460.35.

Motion made by Ward 1 Finley, Seconded by Ward 4 Clark to approve Docket of Claims (DKT230877-DKT230916) in the amount of \$884,460.35.

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 1 Finley, Seconded by Councilmember-At-Large Maher to approve the following Reports:

- a. Department Reports

Building

Court

Police

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**

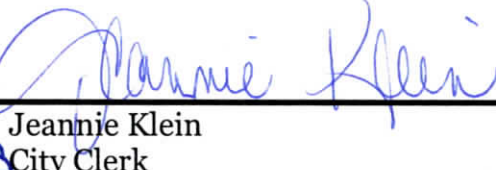
**Adjourn/Recess.**

At 7:27 p.m. with no further business to come before the Council, motion made by Ward 4 Clark, Seconded by Councilmember-At-Large Maher to adjourn the meeting.

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





*Water Is Life*

July 11, 2023

City Manager, Jon McCraw  
City of Diamondhead  
5000 Diamondhead Circle  
Diamondhead, MS 39525

Mr. McCraw,

This letter is intended to serve as official notice by the Diamondhead Water & Sewer District to the City of Diamondhead that an underground sanitary sewer pipeline and a sanitary sewer manhole structure exists within the area of the City's proposed dog park on the northeast bank of the lower lake along Diamondhead Drive West as shown in the construction drawings. Neither the pipeline, which is a gravity line, nor the manhole can be relocated. As with all manholes within the District's system, access is critical in that the manholes serve as relief points for the entire sanitary sewer system *i.e.*, flood events, blocked lines, *etc.*, by serving as overflow points. The manhole at Twin Lakes has numerous documented events in which the manhole has had to serve as a relief point.

A secondary concern is the proposed "fishing pier". As designed and illustrated, the pier is proposed to be constructed on top of the underground sewer piping. Construction of any type within the utility easement of the Diamondhead Water & Sewer District is prohibited. Any exception to this prohibition must be approved by the Board of Commissioners of the District, under such terms and conditions as the Board deems appropriate to protect the interests of the District, prior to commencement of any construction. Should the City elect to proceed with construction prior to obtaining the requisite approval of the District, the City assumes all risks associated therewith.

The District applauds the City's efforts to expand services and amenities for our shared customer base. This letter should in no way be interpreted as opposition to the dog park or its proposed location, but rather as notification that there are challenges and risks associated with said location. Provided the City is aware of the District's concerns about servicing its sanitary sewer system and the risks the City is assuming by proceeding with construction over that sanitary sewer system, the District has no objection to the project as proposed.

DIAMONDHEAD WATER & SEWER DISTRICT

  
David Carden, General Manager

cc: Chairman, Bryon Griffith  
Legal Counsel, Tricia Tisdale