



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

MINUTES

REGULAR MEETING OF THE CITY COUNCIL

Tuesday, April 05, 2022
6:00 PM CST
Council Chambers, City Hall

Call to Order.

Mayor Depreo called the meeting to order at 6:02 p.m.

Invocation -Councilmember Clark

Pledge of Allegiance

Roll Call

PRESENT

Mayor Nancy Depreo
Councilmember-At-Large Gerard Maher
Ward 1 Shane Finley
Ward 4 Charles Clark

Jeannie Klein, City Clerk read aloud a letter to the Mayor and Council received from Councilmember Ward 3 Sheppard. Sheppard announced that he was relocating from Ward 3 to Ward 2 later in the month, would no longer be eligible to serve the residents of Ward 3, and therefore tendered his resignation effectively immediately. In his letter, Councilmember Sheppard officially announced his candidacy for the Ward 2 vacancy.

Confirm or Adjust Agenda Order

Motion made by Mayor Depreo, Seconded by Councilmember-At-Large Maher to amend agenda Item 2022-118 Resolution 2022-028 to include a declaration of vacancy in Ward 3, including a Special Election for Ward 3 on May 10, 2022 Special Election Ballot and further to move said agenda item to the Policy Agenda and to add the following consent agenda item:

19 a. Motion to authorize submitting to Mississippi Municipal League for its Excellence Award the 2nd Annual Dog Park Day.

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

MOTION CARRIED UNANIMOUSLY

Presentation Agenda.

Council Comments.

1. The next Regular Meeting of the City Council will be held April 19, 2022 at 6:00 p.m. in Council Chambers at Diamondhead City Hall.
2. The 2nd Annual Dog Park Day will be held Saturday, April 9th from 11 a.m. to 4 p.m. on the south side.

3. Celebration commemorating the City of Diamondhead 10th Anniversary of Incorporation will be held at City Hall on Tuesday April 26th at 5:30 p.m.
4. Presentation of Proclamation - April 2022 Child Abuse Awareness and Prevention Month
5. Hancock County CASA Update - Cynthia Chauvin, Director
6. Bob Barber with Orion Planning & Design - Gateway Master Plan
7. Cara Wagner, Pickering Firm, Inc. - Kolo Court Drainage Update

City Manager's Report.

1. E. Aloha Drive Improvements – The contractor is working hard on the E. Aloha improvements project. The project is divided into 3 segments for road closures. They are currently working on section 1. Please drive safely in this area while people are working. This project is scheduled to take 75 days.
2. Chinichi Work Assignment – I am asking for authorization to sign an amendment to the current work assignment with Chinichi for E. Aloha. This is to add the relocation of a water line from the roadway to the side of the road and to create the driveway to the north shopping center directly across from Rouses. Rouses has agreed to give us an easement for this driveway. I hope to have a change order for this extra work on the next agenda.
3. Cruisin The Coast – We have established a steering committee for Cruisin the Coast. If anyone is interested in helping plan this great event, please let me know. There is also a request to enter into our agreement with Cruisin the Coast and to pay the fee of \$4K.
4. 4th of July Fireworks – I have the contract for the fireworks for a 4th of July event and will have this for council approval on next agenda. The event will be Saturday, July 2nd, and I have started making some initial plans. As of now, I would like to know if the council is good with music from 6-9 with food trucks on the festival grounds. The fireworks display will be at 9pm for 20 minutes.
5. Makiki Drainage – We received the permit for Makiki Drainage yesterday. Pickering is working on our advertisement and I intend to request authorization to advertise this drainage project at the next meeting of the council. Pickering has already presented the plans to the council.
6. Noma Drive Waterfront Project and Montjoy Creek Improvements – We are waiting on the permit from this project. The city had to hire an archeologist as part of this permit process. Once we get a permit, we will finalize the plans and request authorization to bid the project.
7. Diamondhead Drive East Pond and Lilly Pond Dredging – We are waiting on the permit for restoring the detention pond on Diamondhead Drive East. Once we have the permit, we will request authorization to bid the project.
8. Beau Vue Phase II Drainage – Digital Engineering has completed the hydraulic analysis, and they are working on the findings and conceptual design options. They will be ready to make a presentation to the Council at the April 19 meeting.
9. Ahuli Drainage Project – I am asking for authorization to sign a new work assignment with Pickering Engineering for Ahuli Drainage Project. This area drains into the retention pond south of Diamondhead Drive East. This was previously analyzed by Pickering engineering, and we continue to get many complaints about drainage in this area. Since it is taking so long to get permits, I think it is best that we begin the engineering on this project.

10. Donation of Bench – The Garden Club is donating a new bench to add to Malahui Garden. I am also working with friends of Jim Hightower to also donate a bench and tree to this same park.
11. Truck Purchase – As part of our FY22 budget, I am asking for authorization to purchase a new truck for the building department using the state contract pricing.
12. Dump Truck – As part of our FY22 budget, I am asking for authorization to advertise for competitive bids for the purchase of a new dump truck. This smaller truck will replace the larger truck we currently have. The smaller truck does not require a CDL. We will be selling the larger truck once the new truck is received.
13. Travel Expenses – I am asking for authorization to travel to the Economic Vitality Training in Greenville, MS in April as part of the training from MS Main Street.
14. Orion Planning – I am asking for authorization to accept a proposal from Orion for the design for the protected bike lane on Diamondhead Drive loop, Gex, Airport Drive, and Vaught Circle. The original plan was to design a protected multimodal lane, which they did. By using a protected bike lane, the cost for construction is about \$400K less. We would like to convert this plan to protected bike lanes and add these other streets for future planning. This was all part of the comprehensive plan.
15. Attorney Comments about quorum and voting of the city council until the positions for wards 2 and 3 are filled.

Public Comments on Agenda Items -None.

Policy Agenda.

1. **2022-118:** Motion to adopt Resolution 2022-028 thereby declaring that vacancies exist in Ward 2 Council effective March 23, 2022 and in Ward 3 Council effective April 5, 2022, ordering a Special Election to be held May 10, 2022 and for other related purposes.

Motion made by Ward 4 Clark, Seconded by Councilmember-At-Large Maher to adopt Resolution 2022-028 thereby declaring that a Ward 2 Council vacancy exists effective March 23, 2022 and Ward 3 Council vacancy exists effective April 5, 2022, ordering a Special Election to be held May 10, 2022 and for other related purposes.

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

MOTION CARRIED UNANIMOUSLY

Minutes:

2. Motion to approve the March 15, 2022 Regular Meeting Minutes.

Motion made by Ward 4 Clark, Seconded by Ward 1 Finley to approve the March 15, 2022 Regular Meeting Minutes.

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

MOTION CARRIED UNANIMOUSLY

Resolutions:

3. **2022-027:** Motion to adopt Resolution 2022-027 thereby appointing Julie Boudreaux, Sue Favre and Ronald Layel to serve as Municipal Election Commissioners.

Motion made by Ward 1 Finley, Seconded by Councilmember-At-Large Maher to adopt Resolution 2022-027 thereby appointing Julie Boudreaux, Sue Favre and Ronald Layel to serve as Municipal Election Commissioners.

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

MOTION CARRIED UNANIMOUSLY

4. **2022-127:** Motion to adopt Resolution 2022-029 thereby acquiring by donation real property (Lot 20, Blk2 Unit 5, Phase 2) for drainage and greenspace from Wallace H. Smith, III.

Motion made by Ward 4 Clark, Seconded by Councilmember-At-Large Maher to adopt Resolution 2022-029 thereby acquiring by donation real property (Lot 20, Blk2 Unit 5, Phase 2) for drainage and greenspace from Wallace H. Smith, III.

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

MOTION CARRIED UNANIMOUSLY

5. **2022-131:** Motion to adopt Resolution 2022-031 to approve a text amendment in accordance with the Zoning Ordinance Article 2.8 (Amendment Rezoning Procedure). The proposed text amendment will make the following change to Zoning Ordinance Article 5 - General Regulations, Article 5.6.4 - Ownership, add "not" after "shall" in the last sentence to read "A nonconforming use of land or structure shall not lose its nonconforming status upon the sale to a new owner." The Case file Number is 202200081.

Motion made by Councilmember-At-Large Maher, Seconded by Ward 1 Finley to adopt Resolution 2022-031 to approve a text amendment in accordance with the Zoning Ordinance Article 2.8 (Amendment Rezoning Procedure). The proposed text amendment will make the following change to Zoning Ordinance Article 5 - General Regulations, Article 5.6.4 - Ownership, add "not" after "shall" in the last sentence to read "A nonconforming use of land or structure shall not lose its nonconforming status upon the sale to a new owner." The Case file Number is 202200081.

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

MOTION CARRIED UNANIMOUSLY

Consent Agenda:

Motion made by Ward 1 Finley, Seconded by Ward 4 Clark to approve the following consent agenda by items:

6. **2022-116:** Motion to approve Final Pay Application in the amount of \$13,253.75 to Bottom 2 Top Construction for the Hilo Street Culvert Replacement Project.
7. **2022-119:** Motion to approve Master Service Agreement Work Assignment with Pickering Engineering for Ahuli Drainage Project.
8. **2022-120:** Motion to approve payments for professional services to Pickering Firm, Inc. for projects in the amount of \$890.00 for Hilo Street Culvert Replacement, \$3,890.00 for the Lilly Pond Dredging Project, \$7,096.75 for Makiki Drive and Lui Place Culvert Rehabilitation, and \$3,835.00 for Diamondhead Drive Pond Dredging.
9. **2022-122:** Motion to approve payments to Machado Patano for professional services in the amount of \$1,500.00 for City Hall Parking Lot and \$1,687.50 for Hilo Way Drainage.

10. **2022-123:** Motion to approve Pay Application No. 4 to Moran Hauling, Inc. in the amount of \$109,150.77 for the City Hall Parking Lot.
11. **2022-124:** Motion to accept the donation in the amount of \$637.50 from the Diamondhead Garden Club for the purchase of a bench for Malahui Garden.
12. **2022-125:** Motion to approve to purchase through State Contract No. 8200059544 one (1) Ram 1500 truck for the Building Department from Kirk Auto World, Inc. in the amount of \$27,297.00.
13. **2022-126:** Motion to enter in to agreement with Cruisin' the Coast for the Annual Blessing of the Classics to be held on October 5th, authorize payment of the event fee in the amount of \$4,000 and for other related purposes.
14. **2022-128:** Motion to approve Master Service Agreement Work Assignment with Chiniche Engineering & Surveying in the amount of \$15,742.50 for professional services for East Aloha Phase 1 amendments.
15. **2022-129:** Motion to approve to advertise for competitive bids for the purchase of a dump truck for the Public Works Department.
16. **2022-132:** Motion to approve an increase the allocation an additional \$1,500 for 2nd Annual Dog Park Day Event.
17. **2022-133:** Motion to approve payments to Chiniche Engineering & Surveying in the amount of \$727.50 for Montjoy Creek Improvements and \$7,810.75 for Elast Aloha Phase 1.
18. **2022-133:** Motion to authorize travel and related expenses for Michael Reso to attend Economic Vitality Training (MS Main Street) to be held April 21 - 22, 2022 in Greenville.
19. **2022-134:** Motion to accept the proposal in the amount of \$16,920 from Orion Planning & Design for the design and bidding phases of protected bike lanes for Diamondhead Drive, Kalani, Gex, Yacht, Airport Drives and Vaught Circle.
- 19 a. Motion to authorize submitting to Mississippi Municipal League for its Excellence Award the 2nd Annual Dog Park Day.

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

MOTION CARRIED UNANIMOUSLY

Routine Agenda.

Claims Payable

20. Motion to approve the Docket of Claims (Claims DKT159415 - DKT159461) in the amount of \$487,619.01.

Motion made by Ward 4 Clark, Seconded by Councilmember-At-Large Maher to approve the Docket of Claims (Claims DKT159415 - DKT159461) in the amount of \$487,619.01.

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

MOTION CARRIED UNANIMOUSLY

Public Comments on Non-Agenda Items.

George Byrd addressed the Council regarding erosion/drainage issues at his residence on Ahi Ahi Place.

Executive Session

Motion made by Mayor Depreo, Seconded by Ward 4 Clark to go into closed session to determine the necessity for an executive session.

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

MOTION CARRIED UNANIMOUSLY

Motion made by Mayor Depreo, Seconded by Ward 4 Clark to enter executive session pursuant MS Code 25-41-7 (4)(b) for strategy session regarding potential litigation involving Heath Ladner.

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

MOTION CARRIED UNANIMOUSLY

City Attorney, Derek Cusick, announced to the public that the City Council had voted to go into executive session pursuant to MS Code 25-41-7(4)(b) for strategy session regarding potential litigation involving Heath Ladner.

Motion made by Mayor Depreo, Seconded by Ward 4 Clark to exit executive session.

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

MOTION CARRIED UNANIMOUSLY

At 7:50 p.m. motion made by Mayor Depreo, seconded by Councilmember-At-Large Maher to exit closed session.

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

MOTION CARRIED UNANIMOUSLY

City Attorney announced that while in executive session, no official action of record was taken.

Motion made by Mayor Depreo, Seconded by Ward 1 Finley to negotiate with Heath Ladner for settlement of 2 claims.

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

MOTION CARRIED UNANIMOUSLY

Adjourn/Recess.

At 7:51 p.m. and with no further business to come before the Council. motion made by Ward 4 Clark, seconded by Councilmember-At-Large Maher to adjourn.

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

MOTION CARRIED UNANIMOUSLY

Nancy Depreo
Mayor

Jeannie Klein
City Clerk

