



## **MINUTES**

### **REGULAR MEETING OF THE CITY COUNCIL**

**Tuesday, August 01, 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 Liese

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 adding Item #12-

**2023-296:** Motion to accept and award the low quote received from Moran Hauling Inc. in the amount of \$1,068,927.55 for Noma Drive Improvements and authorize the City Manager to execute the contract for same and to issue the notice to proceed as appropriate.

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 15, 2023 at 6:00 p.m. in Council Chambers located at City Hall.

## City Manager's Report.

1. Park Ten Road – Bids were opened July 7<sup>th</sup>. Covington Engineering has reviewed the bids and provided a notice of award. The request to approve this award is on tonight's agenda. This will be Phase I of the Commercial District Transformation Project.
2. Noma Drive Restoration – Bids were opened on July 28<sup>th</sup>. I am requesting to add the award to the lowest bidder based on the engineer's recommendation after certifying the bids. This will be Phase II of the Commercial District Transformation Project.
3. Phase 4 paving – The paving project is set to re-mobilize on August 21<sup>st</sup>. A new change order is being presented on this agenda to move the contract end date. The new contract end date for this project will be September 15<sup>th</sup>.
4. Diamondhead Drive Paving – A recommendation is on this agenda for approval. This project will pave the entire Diamondhead Drive loop.
5. Noma Drive Utility Improvements – Phase 1a. notice to proceed was issued July 20<sup>th</sup>. The contract is for 45 days with final payment due in 60 days. This puts a contract end date of September 2<sup>nd</sup>.
6. Makiki Drive – The final drawings and a list of local contractors have been sent to the bonding company for their review. The city has also received a draft tender agreement from the bonding company.
7. Stormwater Project – The stormwater project grant agreement is on the agenda for approval. Once approved it will be sent back to the state for approval. I will have the engineer task order on the next agenda for approval.
8. Hilo Way – A new task order for the engineer is on the agenda for approval. The engineer will provide a new design based on his provided suggestions.
9. ARPA/GOMESA Projects – The following projects have been assigned to an engineering firm and are currently in the design phase.
  - a. Coon Branch
  - b. Koloa Steet @ Ala Moana
  - c. Lots 7 & 8
  - d. Kolo Court
  - e. Turnberry
  - f. Ahuli Place
  - g. Kaleki Way
  - h. Kalae Street
  - i. Hilo Way -- West
  - j. Hilo Way to Hapuna Place
  - k. Hilo Way at Koko Street
  - l. Aukai Place/DH Dr East
  - m. DH Drive East/Kalani
  - n. Veterans/Substation
  - o. Bayou Drive Culvert

### Email Request Received

1. Lily Pond – The silt fencing is down in several areas around the pond. Public Works will address these areas and continue to monitor and repair the silt fencing until grass grows.
2. Cul-de-sac Rabbit Run – Request to clean up overgrowth and to trim tree branches. Work order is still open.
3. Drainage Ditch – Request to clean out drainage ditch behind 3, 4, and 5 Rabbit Run. Work order is still open.
4. Timber Park, Wilderness Run and Holly Corner – Drain inlets are covered by leaves. Work was completed on July 17<sup>th</sup>.
5. Kaleki Way – Resident is concerned that drainage ditches are obstructed with debris. Work was completed on July 14<sup>th</sup>.
6. #15 Pond – Resident expressed concern about the condition of pond due to stormwater runoff. Silt fencing was repaired by the contractor.
7. Ahuli – Residents have asked about this project. Currently it is in the design phase with the engineer.
8. I-10 & Gex Drive Lights – Resident informed me that most of the lights on I-10 and Gex Drive were not working. Electrical vendor has been contacted, waiting on date available.
9. 8 Wilderness Run – HOA president requesting removal of gravel placed by homeowner from right-of-way. Public works is scheduled to start this work on Monday.
10. Yellow House by Water Tower – Received email regarding this home. Derek has sent the owner an email advising him that if he does not have a plan in place by Tuesday the city will start the process to have the home declared a nuisance.
11. 6621 Golf Club Drive – Received email regarding the residence. First it does not have a fence around the pool which is in a backyard, and second, the pool is filled with stagnant water for as long as the neighbors can remember. Code enforcement has been given the address and will contact the homeowner.

Public Comments on Agenda Items-None

### Policy Agenda.

### Minutes:

1. Motion to approve the July 18, 2023 Regular Meeting Minutes.

Motion made by Ward 4 Clark, Seconded by Ward 1 Finley to approve the July 18, 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**



**Tabled:**

2. **2023-274:** Motion to contribute up to \$40,000.00 for the Dog Park from the General Fund Balance. (Finley)

**NO ACTION TAKEN****Resolutions:**

3. **2023-290:** Motion to adopt Resolution **2023-031** to approve a Text Amendment to the Sign Ordinance Article 10.4.10 – Window Signs. The proposed text amendment is to remove “A permanent window sign shall be classified as a wall sign.” Article 10.5.2 On-Premises Attached Signs c; Place a black square in the table in zoning districts C-1, C-2, PFR, T, and I [The black square means a sign permit is required]. Article 10.6 Dimensional Requirements, Number of Signs and Special Conditions; Sign Type #8 Window Signs; Area; “Change 50% to 25% of window area.”, Special Conditions; remove “None” and replace with “Rope lighting of any kind/type within the window casements is prohibited. Window lighting shall only be operational during business hours.” Article 10.7 - Exempt Signs, delete “10.c Windows.” Article 10.10.1 Non-Conforming Existing Signs; Insert “All window signs which are not in conformance with the Ordinance shall be unlawful one (1) year after the passage of the window sign text amendment.” The Case File Number is 202300332.

Motion made by Ward 3 Cumberland, Seconded by Mayor Depreo to adopt Resolution **2023-031** to approve a Text Amendment to the Sign Ordinance Article 10.4.10 – Window Signs. The proposed text amendment is to remove “A permanent window sign shall be classified as a wall sign.” Article 10.5.2 On-Premises Attached Signs c; Place a black square in the table in zoning districts C-1, C-2, PFR, T, and I [The black square means a sign permit is required]. Article 10.6 Dimensional Requirements, Number of Signs and Special Conditions; Sign Type #8 Window Signs; Area; “Change 50% to 25% of window area.”, Special Conditions; remove “None” and replace with “Rope lighting of any kind/type within the window casements is prohibited. Window lighting shall only be operational during business hours.” Article 10.7 - Exempt Signs, delete “10.c Windows.” Article 10.10.1 Non-Conforming Existing Signs; Insert “All window signs which are not in conformance with the Ordinance shall be unlawful one (1) year after the passage of the window sign text amendment.” The Case File Number is 202300332.

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 Councilmember-At-Large Maher to approve the following consent items:

4. **2023-288:** Motion to accept and award the low quote received from Warren Paving, Inc. in the amount of \$3,339,408.85 for Bond Paving Project and authorize the City Manager to execute the contract for same and to issue the notice to proceed as appropriate.
5. **2023-289:** Motion to approve Mississippi Department of Environmental Quality Subaward Agreement for Mississippi Municipal and County Water Infrastructure Grant.
6. **2023-291:** Motion to approve work assignment with Machado Patano, PLLC for Hilo Way Drainage in an amount not to exceed \$10,000.00.
7. **2023-293:** Motion to approve Change Order No. 5 for forty six (46) additional days to the contract with Huey P. Stockstill, LLC. for the Roadway Improvements Phase 4 with no change to contract price.
8. **2023-294:** Motion to accept and award the low quote received from Bottom 2 Top Construction, LLC. in the amount of \$4,173,187.31 for the Commercial District Transformation Project Phase I and authorize the City Manager to execute the contract for same and to issue the notice to proceed as appropriate.
9. **2023-295:** Motion to approve Addendum to the Lease Agreement for the Noma Drive Ballfield property with Diamondhead Country Club & Property Owners Association Inc.
12. **2023-296:** Motion to accept and award the low quote received from Moran Hauling Inc. in the amount of \$1,068,927.55 for Noma Drive Improvements and authorize the City Manager to execute the contract for same and to issue the notice to proceed as appropriate.

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.**

10. **2023-292:** Motion to approve the Planning Commission recommendation to allow Teresa and Brian Leatherman a variance from the Zoning Ordinance (Article 4.19) to construct a covered patio (36.26' x 11.4') within 17.9' of the rear property line. The property address is 7518 Augusta Way. The tax parcel number is 067M-2-35-007.000. The property is in an R-1 zoning district. The rear yard setback is 20'. The variance requested for the covered patio is 2.1'. The Case File Number is 202300282.

Motion made by Ward 2 Liese, Seconded by Ward 4 Clark to approve the Planning Commission recommendation to allow Teresa and Brian Leatherman a variance from the Zoning Ordinance (Article 4.19) to construct a covered patio (36.26' x 11.4') within 17.9' of the rear property line. The property address is 7518 Augusta Way. The tax parcel number is 067M-2-35-007.000. The property is in an R-1 zoning district. The rear yard setback is 20'. The variance requested for the covered patio is 2.1'. The Case File Number is 202300282.

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**

11. Motion to approve Docket of Claims (DKT230917 - DKT230946) in the amount of \$52,849.47.

Motion made by Ward 1 Finley, Seconded by Ward 4 Clark to approve Docket of Claims (DKT230917 - DKT230946) in the amount of \$52,849.47.

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.**

Byron Griffith - Proposed Dog Park location at Twin Lakes.

**Executive Session - If Necessary**

Motion made by Mayor Depreo, Seconded by Ward 1 Finley to enter closed session to determine the need for executive session at 6:26 pm.

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 1 Finley to enter into executive session pursuant to 25-41-7,4(b) strategy sessions or negotiations with respect to prospective litigation, litigation or the issuance of an appealable order in relation to the Makiki Drainage Project performance bond negotiations.

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 1 Finley to authorize City Attorney to make a demand to the surety for the Makiki Project for the full penal amount plus liquidated damages.

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 1 Finley 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**

Motion made by Mayor Depreo, Seconded by Ward 1 Finley to exit closed session at 6:48 pm.

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 authorize City Attorney to make a demand to the surety for the Makiki Project for the full penal amount plus liquidated damages.

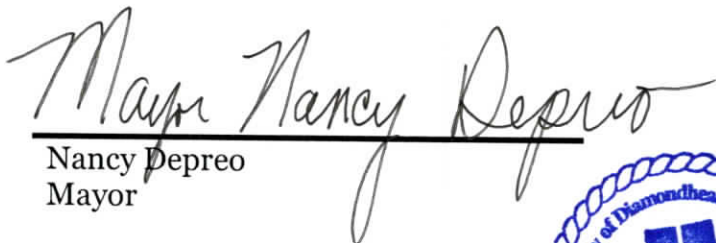
No further action of record was taken.

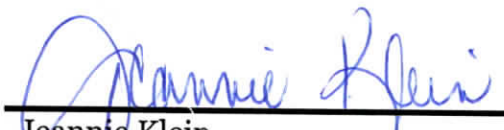
**Adjourn/Recess.**

At 6:50 p.m. with no further business to come before the council, motion made by Mayor Depreo, Seconded by Ward 4 Clark 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

