



Mayor Depreo	
Councilmember L'Ecuier	At-Large
Vacant	Ward 1
Councilmember Moran	Ward 2
Councilmember Morgan	Ward 3
Councilmember Clark	Ward 4

AGENDA

REGULAR MEETING OF THE CITY COUNCIL

Tuesday, November 03, 2020

6:00 PM CST

Council Chambers, City Hall
and via teleconference, if necessary

Call to Order.

Invocation - Councilmember Morgan

Pledge of Allegiance

Roll Call

Confirm or Adjust Agenda Order

Presentation Agenda.

Council Comments.

- a. The next Regular Meeting of the City Council will be held Tuesday, November 17, 2020 at 6:00 p.m. in Council Chambers located in City Hall 5000 Diamondhead Circle.
- b. The Diamondhead Festival & BBQ Competition will be held November 14, 2020 from 11:00 a.m. to 6:00 p.m.
- c. Presentation honoring Mayor Thomas E. Schafer, IV.

City Manager's Report.

Public Comments on Agenda Items.

Policy Agenda.

Minutes:

2. Motion to approve the October 20, 2020 Minutes.

Ordinances:

Resolutions:

3. **2020-292:** Motion to adopt Resolution 2020-072 thereby abandoning the 5' drainage and utility easement along the common lot line between lots 24 and 25 as well as lots 25 and 26, Diamondhead Subdivision Phase 2, Unit 9. Carl Boyanton has requested an abandonment of easements for the purpose of constructing a single family home at 11440 Haleiwa Place.
4. **2020-295:** Motion to adopt Resolution 2020-073 thereby ratify and proclaiming the existence of a local emergency commencing at 4 p.m. October 26, 2020 due to Hurricane Zeta.
5. **2020-301:** Motion to adopt Resolution 2020-074 thereby declaring a vacancy in Ward 1 Council vacancy and setting the Special Election to fill the vacancy.
6. **2020-303:** Motion to adopt Resolution 2020-073 naming Michael Reso Designated Officer for UMB Bank for the city procurement card accounts.

- [7.](#) **2020-305:** Motion to adopt Resolution 2020-077 thereby appointing Simone Wiltz to serve as Deputy City Clerk.
- [8.](#) **2020-306:** Motion to adopt Resolution 2020-078 thereby requesting Governor Reeves declare a state of emergency due to the potential impact of Hurricane Zeta.

Consent Agenda:

- [9.](#) **2020-291:** Motion to approve final payment in the amount of \$19,913.38 to Moran Hauling, Inc. for East Aloha Widening.
- [10.](#) **2020-296:** Motion to declare that local emergencies no longer exist and further to terminate proclamations of local emergencies for Tropical Storm Marco and Tropical Storm Laura, Tropical Storm Sally and Hurricane Delta.
- [11.](#) **2020-297:** Motion to accept Substantial Completion of Roadway Improvements Project Phase 2 as of September 23, 2020.
- [12.](#) **2020-298:** Motion to declare the guard shack surplus and approve to advertise for Request for Proposals for the leasing of said property.
- 13.** **2020-299:** Motion to authorize advertisement for engineering services for the Park Ten, Leisure Time Lane and Leisure Time Drive extension (Gulf Coast Restoration Fund Grant Project).
- [14.](#) **2020-307:** Motion to approve payment to James J. Chiniche in the amount of \$1,470 for professional services relating to East Aloha Phase 1 bidding phase.
- 15.** **2020-308:** Motion to approve to advertise for debris monitoring services and debris removal and disposal services as the result of Hurricane Zeta.
- [16.](#) **2020-310:** Motion to ratify a Master Service Agreement Work Assignment with Covington Civil and Environmental in an amount not to exceed \$2,500 for review and assistance with project manual and specification for Debris Removal and Disposal Services.

Action Agenda.

- [17.](#) **2020-293:** Motion to approve the recommendation of the Planning Commission to grant a variance for Ms. Tammy Simms Fields and Mr. Scott C. Lippon to allow a carport within 7.5' (the closest point) and 11.5' (the farthest point) from the rear property line. The property address is 8912 Anahola Court. The tax parcel number is 067J-3-36-143.000. The case file number is 202000395.

Routine Agenda.

Claims Payable

- [18.](#) Motion to approve Docket of Claims (DKT157694 - DKT157758) in the amount of \$128,020.78.

Public Comments on Non-Agenda Items.

Executive Session - If Necessary

Adjourn/Recess.

NOTE: THE CITY OF DIAMONDHEAD WILL FURNISH APPROPRIATE AUXILIARY AIDS AND SERVICES WHERE NECESSARY TO AFFORD INDIVIDUALS WITH DISABILITIES AN EQUAL OPPORTUNITY TO SERVICES AND ACTIVITIES OF THE CITY. A WRITTEN REQUEST BY OR ON BEHALF OF QUALIFYING INDIVIDUALS SHALL BE SUBMITTED IN A TIMELY MANNER TO THE CITY CLERK.



Mayor Pro Tem Depreo	Item No.2.
Councilmember L'Ecuyer	A
Councilmember Moran	Ward 2
Councilmember Morgan	Ward 3
Councilmember Clark	Ward 4

MINUTES
REGULAR MEETING OF THE CITY COUNCIL
Tuesday, October 20, 2020
6:00 PM CST
Council Chambers, City Hall

Call to Order.

Invocation--Councilmember L'Ecuyer

Pledge of Allegiance

Roll Call

PRESENT

Mayor Pro Tem Nancy Depreo

Ward 3 Jamie Morgan

Ward 4 Charles Clark

Councilmember-At-Large Lindsay L'Ecuyer

ABSENT

Ward 2 Alan Moran

Confirm or Adjust Agenda Order

Motion made by Ward 3 Morgan, Seconded by Ward 4 Clark to amend agenda items 2020-277 to include accepting the resignation of Robert Redd, Diamondhead Water & Sewer District Commissioner, effective November 1, 2020 and further to approved the agenda as amended.

Voting Yea: Mayor Pro Tem Depreo, Ward 3 Morgan, Ward 4 Clark, Councilmember-At-Large L'Ecuyer

MOTION CARRIED UNANIMOUSLY

Presentation Agenda.

Council Comments.

- a. The next Regular Meeting of the City Council will be held Tuesday, November 3, 2020 at 6:00 p.m. in Council Chambers located in City Hall 5000 Diamondhead Circle.
- b. The Diamondhead Festival & BBQ Competition will be held November 14, 2020 from 11:00 a.m. to 6:00 p.m.

City Manager's Report.

1. Comprehensive Plan – Orion Planning is continuing their work on our comprehensive plan. Information from the last community meetings and surveys are all available for residents to review on the website: www.envisiondiamondhead2040.com. The planners would like to hear your comments over the next two weeks days before they start writing the draft plan.
2. Library – The library is open for residents in Diamondhead. They have health and safety guidelines in place to protect visitors.

3. Compensation for Employees for FY21 – I am asking the council to approve FY21 compensation to be effective October 20, 2020. I hope to have the salaries for council approve at one of our next meetings. This will allow us to pay the increase back to Oct 20. We are looking at an incentive-based pay program like the one D'Iberville currently uses. This is different from what we have done the last couple of years.
4. Initiative 65 – MML recently passed a resolution opposing Initiative 65 and asked member cities to do the same, since it would change the State Constitution. Our resolution opposes Initiative 65 and recommends approving Initiative 65A, which would allow the State Legislature to create laws that allow for the growth and sale of medical marijuana.
5. Generator at City Hall – I am asking the council to approve an annual maintenance contract with Taylor Power Systems for the generator at City Hall. This equipment has not been serviced by a professional company since we received it from the County in 2015. We need to service this equipment annually to make sure it will run properly in the event of an emergency.
6. GIS Services – The city currently has a work assignment with Digital Engineering to maintain our GIS software. I am asking the council to sign the new work assignment for FY21. We are billed based on usage under this contract.
7. Surplus Equipment – I am asking the council to declare several items as surplus equipment. Most of this equipment we inherited with the purchase of this building or from the POA, and we are not using it. By declaring the equipment surplus, we will be able to either throw it away or sell it.
8. Clark Auctions – I am asking the council for authorization to sign a contract with Clark Auctions to sell much of the surplus equipment. Clark will advertise and run the live auction on November 7, 2020.
9. SMPDD – The city maintains an open contract with SMPDD for assistance with economic development and grant writing. The renewal contract for FY21 is on the agenda for council consideration.
10. E. Aloha Improvements Phase I – We opened bids for phase 1 of the E. Aloha Improvements project. Submitted bids ranged from \$351K to \$557K. This is much higher than we expected since our MDA grant was for \$150K. In addition, Orion Planning has recommended some changes to this area to help revitalize this commercial area in our city. I am recommending that we decline all bids at this time to give us more time to adjust the plans to fit the vision of new comprehensive plan.
11. Appropriations – I am asking the council for authorization to distribute the funds allocated to several organizations in our FY21 budget.
12. Update on Private Development –
 - a. I-10 Clearing – Jeff Pressman received a permit from MDOT to clear 400 ft along I-10 in front of his property. He is doing that to show his property that is listed for sale.
 - b. Medical Office Building – Rick and Jonathan Marshall are developing a 20K sq ft. medical office building at the corner of Veterans and E. Aloha. The property has been cleared but the building permit has not been issued yet.
 - c. Elliott Homes Subdivisions – A development permit has been issued for the two subdivisions by Elliott Homes. They have started the land clearing and infrastructure development.
13. New Public Works Director Introduction – Stanley Bychurch
14. Election Commissioners. Resolution Board Members & Poll Workers - After a long election day, I would like to recognize and thank all of our poll workers, election commissioners, and resolution board members for their hard work and dedication as they serve this community. I have watched the long hours and hard work they all put in to host an election. Thank you!

Public Comments on Agenda Items -None.

Policy Agenda.

Minutes:

2. Motion to approve October 6, 2020 Minutes.

Motion made by Ward 3 Morgan, Seconded by Ward 4 Clark to approve the October 6, 2020 Minutes.

Voting Yea: Mayor Pro Tem Depreo, Ward 3 Morgan, Ward 4 Clark, Councilmember-At-Large L'Ecuyer

MOTION CARRIED UNANIMOUSLY

Resolutions:

3. **2020-277:** Motion to adopt Resolution 2020-066 thereby appointing Bryon Griffith (Ward 4) to serve as Diamondhead Water & Sewer District Commission to fill an unexpired vacant term beginning November 1, 2020 and expiring September 28, 2024.

Motion made by Councilmember-At-Large L'Ecuyer, Seconded by Ward 3 Morgan to adopt Resolution 2020-066 thereby accepting resignation of Robert Redd as Diamondhead Water & Sewer Commissioner and further appointing Bryon Griffith (Ward 4) to serve as Diamondhead Water & Sewer District Commission to fill an unexpired vacant term beginning November 1, 2020 and expiring September 28, 2024.

Voting Yea: Mayor Pro Tem Depreo, Ward 3 Morgan, Ward 4 Clark, Councilmember-At-Large L'Ecuyer

MOTION CARRIED UNANIMOUSLY

4. **2020-273:** Motion to adopt Resolution 2020-067 thereby appointing Cindy Lamb (Ward 4) to Diamondhead Water & Sewer District Commission effective immediately and expiring September 28, 2025.

Motion made by Ward 4 Clark, Seconded by Councilmember-At-Large L'Ecuyer to adopt Resolution 2020-067 thereby appointing Cindy Lamb (Ward 4) to Diamondhead Water & Sewer District Commission effective immediately and expiring September 28, 2025.

Voting Yea: Mayor Pro Tem Depreo, Ward 3 Morgan, Ward 4 Clark, Councilmember-At-Large L'Ecuyer

MOTION CARRIED UNANIMOUSLY

5. **2020-282:** Motion to adopt Resolution 2020-068 thereby formally requesting from Hancock County the use of the large event tent for the annual Diamondhead Festival & BBQ Competition on November 14, 2020.

Motion made by Ward 3 Morgan, Seconded by Ward 4 Clark to adopt Resolution 2020-068 thereby formally requesting from Hancock County the use of the large event tent for the annual Diamondhead Festival & BBQ Competition on November 14, 2020.

Voting Yea: Mayor Pro Tem Depreo, Ward 3 Morgan, Ward 4 Clark, Councilmember-At-Large L'Ecuyer

MOTION CARRIED UNANIMOUSLY

6. **2020-284:** Motion to adopt Resolution 2020-069 thereby opposing Initiative 65 proposing an amendment to the Mississippi Constitution to legalize medical marijuana in conjunction with Mississippi Municipal League.

Motion made by Councilmember-At-Large L'Ecuyer, Seconded by Ward 4 Clark to adopt Resolution 2020-069 thereby opposing Initiative 65 proposing an amendment to the Mississippi Constitution to legalize medical marijuana in conjunction with Mississippi Municipal League.

Voting Yea: Mayor Pro Tem Depreo, Ward 3 Morgan, Ward 4 Clark, Councilmember-At-Large L'Ecuyer

MOTION CARRIED UNANIMOUSLY

7. **2020-287:** Motion to adopt Resolution 2020-071 thereby establishing October 20, 2020 as the effective date for compensation for all employees for FY21 and for other related matters.

Motion made by Ward 4 Clark, Seconded by Ward 3 Morgan, to adopt Resolution 2020-071 thereby establishing October 20, 2020 as the effective date for compensation for all employees for FY21 and for other related matters

Voting Yea: Mayor Pro Tem Depreo, Ward 3 Morgan, Ward 4 Clark, Councilmember-At-Large L'Ecuyer

MOTION CARRIED UNANIMOUSLY

8. **2020-288:** Motion to adopt Resolution 2020-070 thereby abandoning the 5' drainage and utility easements on each side of the common lot line between lots 8 and 9, DH PH 2, Unit 10, Block 3 for the purpose of constructing a new single family home. The parcel number is 067N-2-35-078.000. The proposed street address is 6414 Iona Street. The property owner is Kathleen Criss.

Motion made by Councilmember-At-Large L'Ecuyer, Seconded by Ward 3 Morgan to adopt Resolution 2020-070 thereby abandoning the 5' drainage and utility easements on each side of the common lot line between lots 8 and 9, DH PH 2, Unit 10, Block 3 for the purpose of constructing a new single family home. The parcel number is 067N-2-35-078.000. The proposed street address is 6414 Iona Street. The property owner is Kathleen Criss.

Voting Yea: Mayor Pro Tem Depreo, Ward 3 Morgan, Ward 4 Clark, Councilmember-At-Large L'Ecuyer

MOTION CARRIED UNANIMOUSLY**Consent Agenda:**

Motion made by Councilmember-At-Large L'Ecuyer, Seconded by Ward 4 Clark to approve the following items by consent:

9. **2020-274:** Motion to approve to enter into agreement with Taylor Power Systems for full-service annual maintenance in the amount of \$1,475 and follow-up inspection in the amount of \$200 of the generator located at City Hall.
10. **2020-275:** Motion to approve Master Service Agreement Work Assignment with Digital Engineering in the amount not to exceed \$12,000 for GIS system maintenance effective October 1, 2020.

11. **2020-278:** Motion to approve payments to Digital Engineering in the amount of \$3,400 for Paving Phase 2, \$9,172.28 MDOT Feasibility Study and \$1,797.50 developer plan/spec review.
12. **2020-279:** Motion to declare surplus property, establish value for intergovernmental transfer items and proceed with proper disposal of other items.
13. **2020-280:** Motion to authorize the City Manager to enter into an agreement with Clark Auctions to conduct a surplus property sale.
14. **2020-281:** Motion to approve payment in the amount of \$1,004 to Machado Patano for plan review services relating to the Dollar General building permit application.
15. **2020-283:** Motion to approve to enter into agreement with South Mississippi Planning and Development District for Economic Development Support and Grant Procurement and Administration for FY21 in an amount not to exceed \$6,000
16. **2020-285:** Motion to reject bids received for East Aloha Improvements Phase 1 Project.
17. **2020-286:** Motion to approve and authorize lump sum payment appropriations as allocated in the FY21 budget.
18. **2020-290:** Motion to approve Budget Amendments 2021-003, 2021-004,

Voting Yea: Mayor Pro Tem Depreo, Ward 3 Morgan, Ward 4 Clark, Councilmember-At-Large L'Ecuyer

MOTION CARRIED UNANIMOUSLY

Action Agenda.

19. **2020-289:** Motion to approve the resubdivision plat of Lot 26, DH PH 1, Unit 1, Block 11; 557 Aila Street

Motion made by Councilmember-At-Large L'Ecuyer, Seconded by Ward 4 Clark to approve the resubdivision plat of Lot 26, DH PH 1, Unit 1, Block 11; 557 Aila Street.

Voting Yea: Mayor Pro Tem Depreo, Ward 3 Morgan, Ward 4 Clark, Councilmember-At-Large L'Ecuyer

MOTION CARRIED UNANIMOUSLY

Routine Agenda.

Claims Payable

Motion made by Councilmember-At-Large L'Ecuyer, Seconded by Ward 4 Clark to approve the following claims payable and department reports:

Motion to approve Docket of Claims (DKT157642 - DKT157692) in the amount of \$195,59.36.

21. Motion to approve Docket of Claims (DKT157693) in the amount of \$3,000.00.
22. Motion to approve Payroll Payables DKT167628 - 157640 in the amount of \$39,765.49, PRCLAIM059 in the amount of \$30,007.53, PRCLAIM060 in the amount of \$1,914.00 and PRCLAIM061 in the amount of \$28,817.53.
23. September 2020 Departmental Reports:
 - Police Department
 - Building Department

Code Enforcement
Privilege Licensing

24. September 2020 Financial Reports

Voting Yea: Mayor Pro Tem Depreo, Ward 3 Morgan, Ward 4 Clark, Councilmember-At-Large L'Ecuyer

MOTION CARRIED UNANIMOUSLY

Public Comments on Non-Agenda Items.

Bryon Griffith addressed the Council regarding the excellent manner in which the City's Building Department assisted with the construction of his new home.

Adjourn/Recess.

At 6:20 p.m. and with no further business to come before the Council at this time, motion made by Ward 3 Morgan, Seconded by Ward 4 Clark to adjourn.

Voting Yea: Mayor Pro Tem Depreo, Ward 3 Morgan, Ward 4 Clark, Councilmember-At-Large L'Ecuyer

MOTION CARRIED UNANIMOUSLY

Nancy Depreo
Mayor

Jeannie Klein
City Clerk

Resolution 2020-072
Agenda Item 2020-292

RESOLUTION AUTHORIZING THE MAYOR AND CITY COUNCIL (THE “GOVERNING BODY”) OF THE CITY OF DIAMONDHEAD, MISSISSIPPI (THE CITY), TO VACATE AND/OR ABANDON 5’ DRAINAGE/UTILITY EASEMENTS ON EACH SIDE OF THE COMMON LOT LINE BETWEEN LOTS 24 AND 25 AS WELL AS LOTS 25 AND 26, BLK 2, UNIT 9, PHASE 2, HANCOCK COUNTY, MS LOCATED WITHIN THE CITY OF DIAMONDHEAD

WHEREAS, the Mayor and City Council (the Governing Body) of the City of Diamondhead, Mississippi (the City), acting for and on behalf of the City, hereby finds and determines as follows:

1. The City currently possesses 5’ drainage and utility easements on Lots 24, 25 and 26, Blk 2, Unit 9, Phase 2. The request is to abandon 5’ of drainage and utility easements on each side of the common lot lines between 24 and 25 as well as 25 and 26, Phase 2, Unit 9, Block 2 (see Exhibit A dated 9-01-2020 by David L. Hattaway).
2. Carl Boyanton is the owner of this property and have submitted plans to construct a house. The newly assigned address is 11440 Haleiwa Place.
3. Comments from the Diamondhead Water and Sewer District, Diamondhead Public Works Department, Coast Electric Power Association have no objections.
4. Further, the City hereby abandons and/or vacates the 5’ of drainage and utility easements on each side of the common lot lines between lots 24 and 25 as well as 25 and 26, Phase 2, Unit 9, Block 2. (see Exhibit A dated 9-01-2020 by David L. Hattaway), notwithstanding, retaining the 10’ drainage and utility easements on the front and rear of the property.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY, AS FOLLOWS:

SECTION 1. That the Governing Body of the City will hereby abandon the selected drainage/utility easements as described in bullet #4.

SECTION 2. It is agreed and understood that Carl Boyanton or their representative will be responsible for the filing of all necessary documents with the Chancery Clerk of Hancock County, Mississippi.

The above and foregoing resolution, after having been first reduced to writing, was introduced by Councilmember _____, seconded by Councilmember _____

Resolution 2020-072
Agenda Item 2020-292

and the question being put to a roll call vote, the result was as follows:

	Aye	Nay	Absent
Councilmember Ward 1 (vacant)	___	___	___
Councilmember Moran	___	___	___
Councilmember Morgan	___	___	___
Councilmember Clark	___	___	___
Councilmember L'Ecuyer	___	___	___
Mayor Depreo	___	___	___

The motion having received the affirmative vote of a majority of all of the members of the Governing Body, the Mayor declared the motion carried and the resolution adopted, this the _____ day of _____, 2020.

MAYOR

ATTEST:

CITY CLERK

(SEAL)

EXHIBIT A

Item No.3.



CERTIFICATE: This is to certify that I have made a survey of the following described property and that said survey is true and correct to the best of my knowledge and belief.

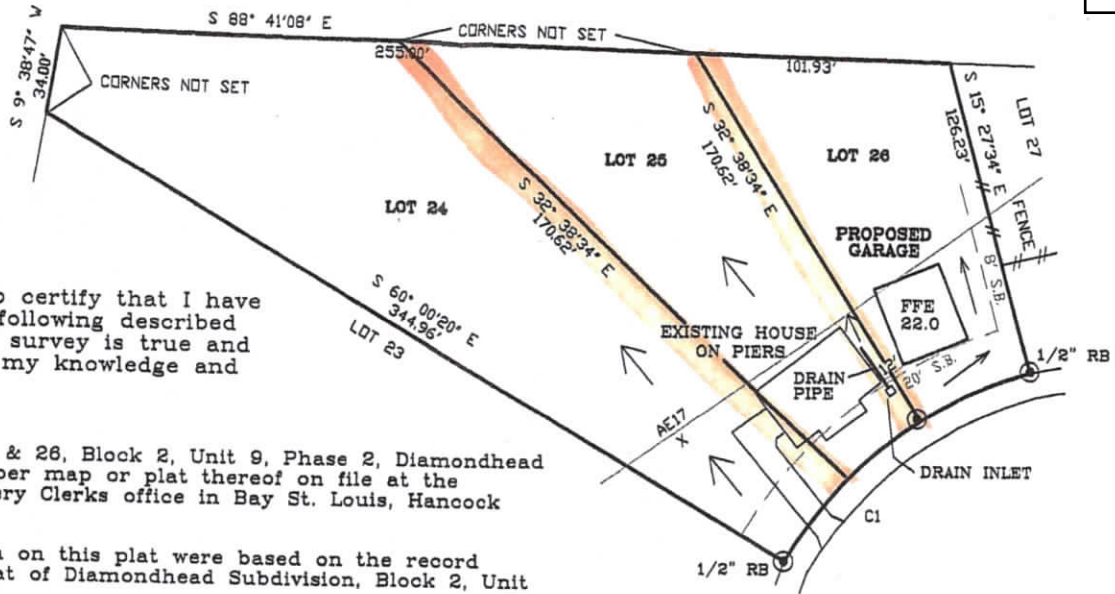
DESCRIPTION: Lot 24, 25 & 26, Block 2, Unit 9, Phase 2, Diamondhead Subdivision, Phase 2, as per map or plat thereof on file at the Courthouse in the Chancery Clerks office in Bay St. Louis, Hancock County, Mississippi.

NOTE: All bearings shown on this plat were based on the record bearing of the Official Plat of Diamondhead Subdivision, Block 2, Unit 9, Phase 2.

REFERENCE MATERIAL:

- 1) Official Plat of Diamondhead Subdivision, Block 2, Unit 9, Phase 2.

- © F.I.P. Found (as listed)
- S.I.P. Set 1/2" Rebar



SWALE

DRAINAGE DIRECTION

PROPERTY LINE CURVE DATA				
CURVE	RADIUS	LENGTH	CHORD	BEARING
C1	165.00'	127.40'	75.15'	S08°11'28"E



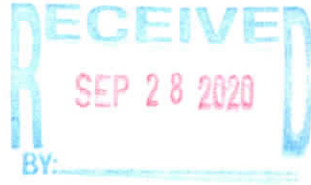
HATTAWAY ENGINEERING INC.			
P.O. BOX 363			
CARRIERE, MISSISSIPPI 39426			
SCALE: 1" = 50'	APPROVED BY:	DRAWN BY: DLH	
DATE: 09/01/20	DAVID L. HATTAWAY	CLASS "B" SURVEY	
SURVEY FOR: CARL BOYANTON			
DAVID L. HATTAWAY, P.E. 12611		DRAWING NUMBER	
P.L.S. 3018		SUB/ DIAMONDHEAD/ LOT24-26	

Carl Boyanton

11440 Haleiwa Place

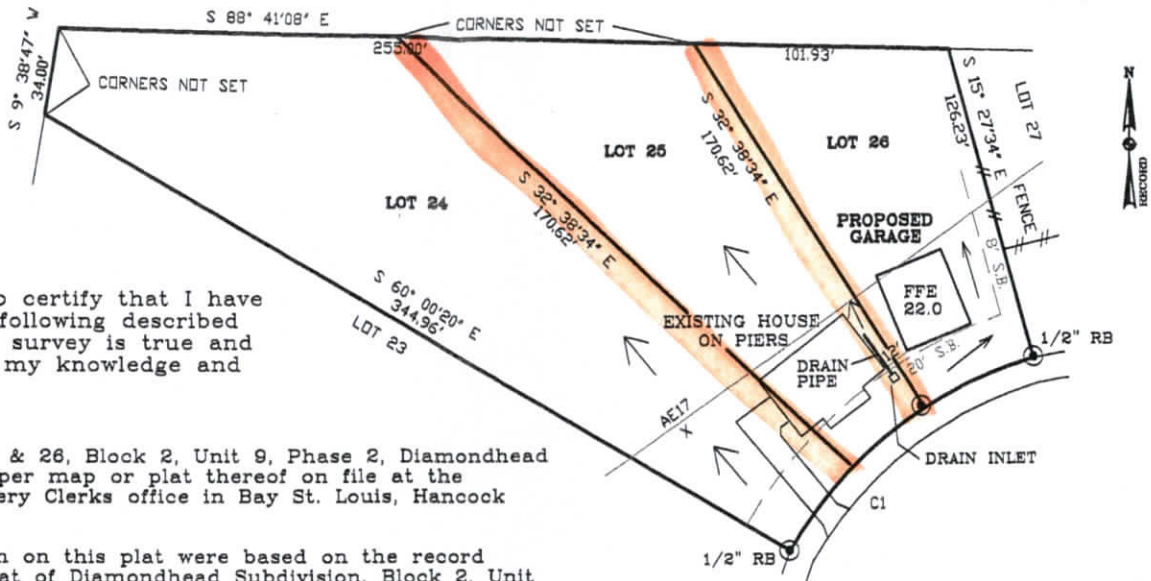
Diamondhead, MS 39525

9/28/2020



RE: Easement

I would like to request to change the 5 foot utility easement between my lots along common lot lines for my lots 24 and 25 as well as lots 25 and 26. These lots have all been combined into 1 lot.



CERTIFICATE: This is to certify that I have made a survey of the following described property and that said survey is true and correct to the best of my knowledge and belief.

DESCRIPTION: Lot 24, 25 & 26, Block 2, Unit 9, Phase 2, Diamondhead Subdivision, Phase 2, as per map or plat thereof on file at the Courthouse in the Chancery Clerks office in Bay St. Louis, Hancock County, Mississippi.

NOTE: All bearings shown on this plat were based on the record bearing of the Official Plat of Diamondhead Subdivision, Block 2, Unit 9, Phase 2.

REFERENCE MATERIAL:

- 1) Official Plat of Diamondhead Subdivision, Block 2, Unit 9, Phase 2.

- F.I.P. Found (as listed)
- S.I.P. Set 1/2" Rebar

← SWALE ↗ DRAINAGE DIRECTION

PROPERTY LINE CURVE DATA				
CURVE	RADIUS	LENGTH	CHORD	BEARING
C1	165.00'	127.40'	75.15'	S08°11'28"E



HATTAWAY ENGINEERING INC.
P.O. BOX 363
CARRIERE, MISSISSIPPI 39426

SCALE 1" = 50'	APPROVED BY: DAVID L. HATTAWAY	DRAWN BY: DLH
DATE: 09/01/20	CLASS "B" SURVEY	

SURVEY FOR: CARL BOYANTON

DAVID L. HATTAWAY, P.E. 12611 P.L.S. 3018	DRAWN FOR: SUB/DIAMONDHEAD/LOT24-26
--	-------------------------------------

Carl Boyanton
11440 Haleiwa Place
Diamondhead, MS 39525

RE: easement 9/25/2020



This letter is acknowledgement that I am abandoning the easement between my lots 25 and 26.

I approve - Maria H. Smith
I Approve *[Signature]* *10-14-20*

Abandonment of Easement Request



Ronald,

I have reviewed the request to abandon the side lot easements between lots 24 and 25 and also lots 25 and 26 located at 11440 Haleiwa Place. Coast Electric agrees to abandon this five foot drainage and utility easement.

If you have any questions, please give me a call.

Thanks,

Kendall Ladner

Director of System Engineering

(228) 363-7318

DIAMONDHEAD WATER & SEWER DISTRICT

REQUEST FOR AN ABANDONMENT OF EASEMENT

DATE: 9/28/2020PROPERTY OWNER OR OWNERS: Carl Boynton - CG Capital, LLC
11440 Haleiwa PlacePHONE NUMBER: 504-329-7545EMAIL ADDRESS: carllester58@gmail.com

DESIRE TO HAVE UTILITY EASEMENT ABANDONED BETWEEN:

PROPERTY DESCRIPTION: PHASE 2 UNIT 9 BLOCK 2 LOT 26PHASE 2 UNIT 9 BLOCK 2 LOT 25

PHASE _____ UNIT _____ BLOCK _____ LOT _____

PROPERTY ADDRESS: 11440 Haleiwa PlaceCUSTOMER SIGNATURE: 

OFFICE USE ONLY:

DATE APPROVED: 9/30/2020APPROVED BY: ABANDONMENT FEE: \$50.00 Per 9/28/20APPROVED BY BOARD: Motion 9.2 @ 10/15/2020 TCEMAILED COPY: (SIGN/DATE) Per 10/16/20

PROCLAMATION OF EXISTENCE OF A LOCAL EMERGENCY
(by the City Manager, Mayor and City Council, City of Diamondhead)

WHEREAS, the City Manager, Mayor and City Council of the City of Diamondhead,
does hereby find that conditions of extreme peril to the safety of persons and
property have arisen within said county, caused by
Tropical Storm Zeta

commencing on or about 4 P.M. on the 26 day of October, 2020
and

WHEREAS, the aforesaid conditions of extreme peril warrant and necessitate the proclamation
of the existence of a local emergency in order to provide for the health and safety of the citizens
and the protection of their property within the affected jurisdiction;

NOW, THEREFORE, IT IS HEREBY PROCLAIMED that in accordance with Section 33-15-
17(d), Mississippi Code of 1972, as amended, a local emergency now exists throughout said
City; and shall be reviewed every thirty (30) days until such local emergency is no longer in
effect and proclaimed terminated by the City Council of Diamondhead, State of Mississippi.

IT IS FURTHER PROCLAIMED AND ORDERED that all City agencies and departments shall
render all possible assistance and discharge their emergency responsibilities as set forth in the
City Emergency Operations Plan.

DATE: 10/26/20

Nancy Depree
Mayor, City of Diamondhead

ATTEST: Shamie Klein
City Clerk for the
City of Diamondhead

[Signature]
City Manager

[Signature]
Council, District 1

[Signature]
Council, District 2

[Signature]
Council, District 3

[Signature]
Council, District 4

[Signature]
Council, District 5

COUNCIL AT-LARGE

Hancock County
State of Mississippi

MEMA DR-3 (Rev 12.01)



SPECIAL ELECTION

A vacancy having occurred on the City Council, Ward 1, of the City of Diamondhead, Mississippi by virtue of Councilmember Depreo, Ward 1, elected to serve as Mayor of the City of Diamondhead during a special election having occurred October 20, 2020.

IT IS HEREBY ORDERED THAT:

Pursuant to Mississippi Code Annotated Section 23-15-857, on December 8, 2020, a special municipal election is hereby ordered to be held in Ward 1 in the City of Diamondhead, Hancock County, Mississippi, for the purpose of electing a City Councilmember to fill the vacancy resulting from the October 20, 2020 Special Election whereby Ward 1 Councilmen Depreo Council was elected Mayor of the City of Diamondhead, Mississippi.

IT IS FURTHER ORDERED THAT:

Each candidate for the said office is required by law to qualify by 5:00 p.m. at least twenty (20) days November 18, 2020 prior to the set date for the said election. Each candidate shall qualify by Petition filed with City Clerk, which Petition shall be signed by not less than fifty (50) qualified electors of Ward 1. No qualifying fee shall be required of any candidate.

If no candidate of Ward 1 in said election receives a majority of the votes cast therein, the two candidates receiving the highest number of votes shall have their names placed on the ballot for a run-off election to be held three (3) weeks, thereafter on December 29, 2020.

So, **RESOLVED, ORDERED AND DIRECTED** by the Mayor and City Council of the City of Diamondhead, Mississippi that a special election of Ward 1 Residents shall be held on Tuesday, December 8, 2020.

The above and foregoing Resolution, after having been first reduced to writing, was introduced by Councilmember _____, seconded by Councilmember _____, and was adopted on November 3, 2020 by the following roll call vote:

	Aye	Nay	Absent	
Vacancy Ward 1	_____	_____	_____	
Councilmember Moran	_____	_____	_____	
Councilmember Morgan	_____	_____	_____	
Councilmember L'Ecuier	_____	_____	_____	seal
Mayor Depreo	_____	_____	_____	

Nancy Depreo, Mayor

Attest: _____
Jeannie Klein, City Clerk

ORGANIZATION RESOLUTION AND AGREEMENT FOR CREDIT CARD PROGRAM

Jeannie Klein, who is the undersigned Recordkeeper for City of Diamondhead, (the "Organization"), a Municipality (type of entity) organized under the laws of Mississippi (state), does hereby certify:

1. That he/she is the Secretary or Assistant Secretary, or an officer, partner, owner, principal, manager, member or other person having lawful custody of the official records of the above Organization (the "Recordkeeper") and is authorized to provide this document to UMB Bank, n.a. ("Bank").
2. That at a meeting of the governing body of the Organization duly held on November 3, 2020 (date) and at which a quorum was present and acting throughout, or pursuant to the unanimous written consent of its members, the following Resolution and Agreement was duly adopted and approved and is currently in full force and effect, and has not been amended or rescinded:

RESOLVED, that a credit card authority for this Organization be established by the Designated Officer named in the section immediately below with UMB Bank, n.a., and that separate accounts and credit cards ("Cards") under said authority be opened and issued by Bank in the name of this Organization for use by employees and agents of this Organization who are identified from time to time by the Designated Officer, or by any successor to the Designated Officer identified from time to time by the Recordkeeper (or by the successor to the Recordkeeper), and that the Organization authorizes the use of the Cards in accordance with the Cardholder Agreement that is sent by Bank with the Cards; and

RESOLVED FURTHER, that Michael Reso is the Designated Officer referred to in the above section of this Resolution, and that the Designated Officer or any successor to the Designate Officer designated in writing by the Recordkeeper (or by a successor Recordkeeper) may from time to time: request that Cards be issued in the name of this Organization; request that the credit limits and purchase controls be changed on existing Cards issued in the name of this Organization; designate additional persons authorized to use Cards issued by Bank in the name of this Organization; request termination of use of existing Cards; and communicate other pertinent information to Bank; and

RESOLVED FURTHER, that the forgoing resolution shall remain in full force and effect until written notice of an amendment or rescission thereof is delivered to and receipted for by Bank; and

RESOLVED FURTHER, that the Recordkeeper be and he/she is hereby authorized and directed to certify to Bank this resolution and that the Recordkeeper signing this Resolution and Agreement or any person designated in writing by the Recordkeeper, is authorized to certify to the Bank the names and signatures of persons authorized to act on behalf of the Organization under the foregoing Resolution and Agreement, and from time to time hereafter, as additions to or changes in the identity of said Recordkeeper are made, such Recordkeeper or designee shall immediately report, furnish and certify such changes to the Bank, and shall submit to Bank a new incumbency certificate or other document reflecting such changes in order to make such changes effective; and

RESOLVED FURTHER, that the foregoing resolution was adopted in accordance with the governing documents of the Organization, and that such resolution is now in full force and effect.

IN WITNESS WHEREOF, the undersigned Recordkeeper has subscribed his or her name and, if appropriate or required, applied the seal of the Organization to this Resolution and Agreement as of this 3rd day of November, 2020.

RECORDKEEPER

Signature by Secretary, Assistant Secretary, or other Person certifying to this Resolution and Agreement

Signature
Name: Jeannie Klein
Title: City Clerk

ADDITIONAL OFFICER

Signature by Second Person, certifying to incumbency of Recordkeeper

Signature
Name: Nancy Depreo
Title: Mayor

Affix Seal, if required by Organization's governing documents.

Additional Signatures of Members, Partners or Other Required Persons

Item No.6.

The undersigned persons, being Members, General Partners, or other persons required under the governing documents of the foregoing Organization Resolution and Agreement for Credit Card Program, hereby consent to the adoption thereof.

Signature
Name: Alan Moran
Title: Ward 2 Councilmember

Signature
Name: Vacant
Title: Ward 1 Councilmember

Signature
Name: Jamie W. Moran
Title: Ward 3 Councilmember

Signature
Name:
Title:

Signature
Name: Charles "Chuck" Clark
Title: Ward 4 Councilmember

Signature
Name:
Title:

Signature
Name: Lindsay L'Ecuier
Title: At-large Councilmember

Signature
Name:
Title:

Guidelines for Completion for Customers that are U.S. legal entities:

- **Corporation:** The Recordkeeper signing above should be the corporate secretary or assistant secretary. The second person may be the Chairman, President, CEO, a Board member, the Treasurer or the CFO.
- **Partnership, Limited Liability Partnership, Limited Liability Company, or Sole Proprietor:** All general partners, all members, or the sole proprietor must sign this form, unless Organization's governing documents specify that a manager, managing general partner or other person may act. In any event, a second general partner or member must sign in the second place. Sole proprietors do not require a second signature.
- **Governmental Entity:** The Treasurer must sign in the first place, unless the Organization's charter specifies otherwise. The entity's Chairperson, Vice Chairperson, or Counsel must sign in the second place.

RESOLUTION 2020-077
AGENDA ITEM 2020-305

RESOLUTION OF THE CITY OF DIAMONDHEAD REAPPOINTING SIMONE WILTZ TO SERVE AS
DEPUTY CITY CLERK

The City of Diamondhead hereby brings forth a Resolution appointing Simone Wiltz as Deputy City Clerk to serve the City of Diamondhead pursuant to Miss. Code Ann §21-15-23 and consistent with the following:

WHEREAS, the City of Diamondhead is authorized pursuant to Miss. Code Ann §21-15-23 to appoint a Deputy City Clerk whom shall have all of the power and authority that the is vested in the City Clerk;

WHEREAS, the City of Diamondhead desires to have a Deputy Clerk assist the City Clerk and in case of the City Clerk's absence, removal or resignation, fulfill the City Clerk's duties and obligations as Interim City Clerk;

WHEREAS, the City of Diamondhead desires to appoint Simone Wiltz to serve as Deputy City Clerk and that the employee's rate of pay shall remain the same;

WHEREAS, the Deputy City Clerk shall also have other duties under the management of the City Manager, the Deputy Clerk shall remain under the management of the City Manager, unless otherwise determined by Council.

NOW THEREFORE BE IT RESOLVED, that the City of Diamondhead does hereby appoint Simone Wiltz to serve as Deputy City Clerk consistent with the provisions set forth above and that the City Manager, City Clerk and/or Deputy Clerk take appropriate actions to ensure such reappointment complies with all requirements of Mississippi Law.

THE ABOVE AND FOREGOING RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF DIAMONDHEAD, AFTER HAVING FIRST BEEN REDUCED TO WRITING, WAS INTRODUCED BY COUNCILMEMBER _____, SECONDED BY COUNCILMEMBER _____, AND THE MATTER BEING PUT TO VOTE, I HEREBY CERTIFY THAT THE ABOVE AND FOREGOING RESOLUTION WAS ADOPTED IN THE AFFIRMATIVE BY THE FOLLOWING VOTE OF COUNCIL OF THE CITY OF DIAMONDHEAD ON THE ____ DAY OF _____, 2017.

	Aye	Nay
Mayor Depreo	_____	_____
Councilmember L'Ecuyer	_____	_____
Councilmember Ward 1	VACANT	
Councilmember Moran	_____	_____
Councilmember Morgan	_____	_____
Councilmember Clark	_____	_____

Approved: _____
NANCY DEPREO, MAYOR

Attest:

Jeannie Klein, City Clerk

RESOLUTION REQUESTING GOVERNOR TO PROCLAIM**A STATE OF EMERGENCY**

WHEREAS, on OCTOBER, 2020, the Board of Supervisors (City Council) of the County of DIAMONDHEAD found that due to the impact (or imminent threat) of HURRICANE ZETA a condition of extreme peril (earthquake, flood, hazmat, hurricane, severe storm, other) to life and property did exist in HANCOCK County; and

WHEREAS, on OCTOBER, 2020, in accordance with State Law 33-15-17(d) the Board of Supervisors declared that an emergency does exist throughout said county; and

WHEREAS, it has now been found that local resources are unable to cope with the effects of said emergency;

NOW, THEREFORE, IT IS HEREBY DECLARED AND ORDERED that a copy of this declaration be forwarded to the Governor of Mississippi with the request that he proclaim the County (City) of DIAMONDHEAD to be in a State of Emergency; and

IT IS FURTHER RESOLVED that MICHEAL RESO, CITY MANAGER (Person) (Title) is thereby designated as the authorized representative of the County (City) of DIAMONDHEAD for the purpose of receipt, processing, and coordination of all inquiries and requirements necessary to obtain available State and Federal assistance.

DATE: 10/27/20

ATTEST:

Clerk of the Board of Supervisors (or City),
County of:
DIAMONDHEAD
State of Mississippi

Nancy Depreo
Mayor (Board President)

James E. Smith
Board Member

Alan Morad
Board Member

James Whitel
Board Member

Chris Clark
Board Member



2020-307

Item No.9.

Phone: 228.222.4626 Fax: 228.222.4390
www.diamondhead.ms.gov

October 27, 2020

Mayor and Council
City of Diamondhead
5000 Diamondhead Circle
Diamondhead, MS 39525

Dear Councilmembers:

Re: Payment to James J. Chinche – East Aloha Phase 1 - Bidding

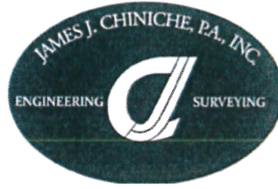
Attached for your review and consideration is an invoice for payment to James J. Chiniche in the amount of \$1,470 for professional services relating to the bidding phase of East Aloha Phase 1.

If you find this invoice to be in order, please proceed with payment.

Sincerely,


Michael Reso
City Manager

MR:jk



October 23, 2020

Michael Reso, City Manager
City of Diamondhead
5000 Diamondhead Circle
Diamondhead, MS 39525

RE: Pay Application #3 Final for the East Aloha Dr. Widening Project
STP-0045-00(028) LPA 107584-701000

Dear Mr. Reso,

Please find attached Pay Application #3 Final for Moran Hauling, LLC for the amount due of \$19,713.38 for work completed on the East Aloha Widening Project. Please include Pay Application #3 Final on the agenda for the Council Meeting for approval.

This project was completed on schedule and under budget. We hope you are pleased with the final product and it was a pleasure working with the City of Diamondhead and Moran Hauling on this project.

Thank you for your consideration with this matter and if you should have any questions or need any additional information, do not hesitate to contact me at (228) 467-6755 or jason@jjceng.com

Thank you,

Jason Chiniche, P.E.
Project Manager

CC: Jeannie Klein, City Clerk

Enclosures

LPA-001 v 1.2

MISSISSIPPI DEPARTMENT OF TRANSPORTATION

STP-0045-00(028)/107584701

Revised Apr. 02, 2009

Contractor's Estimate - Recap Sheet

Printed: 09/02/2020 08:56 am

Vendor Number	3100027173 0	Completion Date	00/00/0000
Contract ID	LSTP004500028	Time Units / Days to be Allowed	31.00
In Account With	City of Diamondhead 5000 Diamondhead Circle, Diamondhead, MS, 39525		
FMS Contract Number	OC000001242		
Estimate Number	0003 FINAL		
Project County: HANCOCK (23)		Period	03/30/2020 Thru
Project Number: 107584701000 [STP-0045-00(028)/107584701]		Current Period	Previous Estimate
Total Cost (Participating)		\$19,713.38	\$153,141.13
Total Cost		\$19,713.38	\$153,141.13
Project Total		\$19,713.38	\$153,141.13
% Matching Funds Deduction for LPA 20.00000 %		(\$3,942.68)	(\$30,628.23)
Total Net Amount Owed to LPA		\$15,770.70	\$122,512.90
Total Contract Net Work Due		\$15,770.70	\$122,512.90
Time Units / Days Used		2.000000	13.750000
Contract % Complete (Dollars)		11.40 %	88.60 %
Contract % Elapsed Time		6.450000%	44.350000%
			50.810000 %

Quantities Checked

Original Signed

Chiniche, Jason (16-10)

Project Engineer

LPA Official:

Approved:

Chief Engineer by

Original Signed

Lee Frederick, P.E.

LPA Engineer

Completion Date: 00/00/0000

Calendar Days to be Allowed: 31.00

Total Contract Bid Amount: \$185,706.68

Total Contract Current Amount: \$172,854.50

Productive Days to be Allowed: 31.000000

Total Productive Days Assessed: 15.750000

Contract % Elapsed Time (Productive Days): 50.810000 %

Progress of Project: 49.190000%

C/AID002 v 1.7

MISSISSIPPI DEPARTMENT OF TRANSPORTATION

STP-0045-00(028)/107584701

Revised Oct. 10, 2008

Contractor's Estimate - Detail Sheet

Printed: 09/02/2020

Vendor Number	3100027173 0			Date Let	10/24/2019		MPC	Not Found		
Contract ID	LSTP004500028			Award Date	01/27/2020					
In Account With	City of Diamondhead 5000 Diamondhead Circle, Diamondhead, MS, 39525									
Surety	Default Surety For LPA Contract									
FMS CC Number	OC600001242									
Estimate Number	0003 FINAL			Period	03/30/2020 Thru 05/11/2020					
Project Number	107584701000 STP-0045-00(028)/107584701 HANCOCK (23)			Category		Roadway				
Line No	Item Number	AC	Item	Total Quantities			Unit	Unit Price	Amount	
				Final Adjusted Contract Qty	Current	Allowed-to-Date			Current	Allowed-to-Date
1	0010		Clearing and Grubbing	1.000	0.000	1.000	LS	5,000.00	0.00	5,000.00
1	0020		Removal of Pipe, 8" And Above	25.000	0.000	25.000	LF	5.25	0.00	131.25
1	0030		Removal of Trees Greater Than 6"	20.000	0.000	20.000	E/A	470.00	0.00	9,400.00
1	0040		Unclassified Excavation, LVM, AH	0.000	0.000	0.000	CY	7.80	0.00	0.00
1	0050		Borrow Excavation, AH, LVM, Class B5	430.000	0.000	430.000	CY	15.50	0.00	6,665.00
1	0060		Excess Excavation, LVM, AH	1,605.000	0.000	1,605.000	CY	7.80	0.00	12,519.00
1	0070		Agricultural Limestone	0.000	0.000	0.000	TON	500.00	0.00	0.00
1	0080		Hydroseeding	0.500	0.000	0.500	ACRFL	5,181.35	0.00	2,590.68
1	0090		Inlet Siltation Guard	0.000	0.000	0.000	E/A	1,450.00	0.00	0.00
1	0100		Wattles, 12"	40.000	0.000	40.000	LF	5.20	0.00	208.00
1	0110		Size 825B Crushed Stone Base, LVM	736.650	41.070	736.650	CY	47.50	1,950.83	34,990.88
1	0120		12.5-mm, MT, Asphalt Pavement	427.100	0.000	427.100	TON	104.00	0.00	44,418.40
1	0130		Asphalt for Tack Coat	125.000	0.000	125.000	GAL	10.50	0.00	1,312.50
1	0140		Saw Cut, Full Depth	40.000	0.000	40.000	LF	10.50	0.00	420.00
1	0150		Class "B" Structural Concrete, Minor Structures	0.000	0.000	0.000	CY	1,000.00	0.00	0.00
1	0160		18" x 11" Concrete Arch Pipe, Class A III	40.000	0.000	40.000	LF	65.00	0.00	2,600.00
1	0170		22" x 13" Concrete Arch Pipe, Class A IV	8.000	0.000	8.000	LF	65.00	0.00	520.00
1	0190		Additional Construction Signs	0.000	0.000	0.000	SF	10.00	0.00	0.00
1	0200		Remove and Reset Signs, All Sizes	0.000	0.000	0.000	E/A	200.00	0.00	0.00
1	0220		4" Thermoplastic Edge Stripe, Continuous White	1,576.000	1,576.000	1,576.000	LF	1.10	1,733.60	1,733.60
1	0230		4" Thermoplastic Traffic Stripe, Continuous White	1,576.000	1,576.000	1,576.000	LF	1.10	1,733.60	1,733.60
1	0240		4" Thermoplastic Traffic Stripe, Continuous Yellow	1,798.000	1,798.000	1,798.000	LF	1.10	1,977.80	1,977.80

Line No	Item Number	AC	Item	Total Quantities			Unit	Unit Price	Amount	
				Final Adjusted Contract Qty	Current	Allowed-to-Date			Current	Allowed-to-Date
1	0250	626-H1004	Thermoplastic Legend, White	92.000	92.000		SF	21.00	1,932.00	1,932.00
1	0260	627-L001	Two-Way Yellow Reflective High Performance Raised Markers	21.000	21.000		E/A	11.00	231.00	231.00
1	0270	630-A001	Standard Roadside Signs, Sheet Aluminum, 0.080" Thickness	60.360	60.360		SF	30.00	1,810.80	1,810.80
1	0280	630-C003	Steel U-Section Posts, 3.0 lb/ft	108.000	108.000		LF	20.00	2,160.00	2,160.00
Total Roadway Items									13,529.63	132,354.51
Total Participating Direct Items									13,529.63	132,354.51
Total Non-Participating Direct Items									0.00	0.00
Total Direct Items on Contract = 132,354.50									13,529.63	132,354.51
Dependent Items										
Par Line No	Item Number	AC	Item	Total Quantities			Unit	Unit Price	Amount	
				Contract Qty	Current	Allowed-to-Date			Current	Allowed-to-Date
1	0180	618-A001	Maintenance of Traffic	1.000000	0.2425	1.0000	LS	10,500.00	2,546.25	10,500.00
1	0210	620-A001	Mobilization	1.000000	0.0000	1.0000	LS	15,000.00	0.00	15,000.00
1	0290	699-A001	Roadway Construction Stakes	1.000000	0.2425	1.0000	LS	15,000.00	3,637.50	15,000.00
Total Participating Dependent Items									6,183.75	40,500.00
Total Non-Participating Dependent Items									0.00	0.00
Total Dependent Items									6,183.75	40,500.00
Total Project Participating Construction Items									19,713.38	172,854.51
Total Project Non-Participating Construction Items									0.00	0.00
Total Project Construction Items									19,713.38	172,854.51
Stockpiled Material Adjustments										
Line No	Item Number		Item Description	Adjustment Description					Current	Allowed-to-Date
Total Participating Stockpiled Material Adjustments									0.00	0.00
Total Participating Costs (on CAD001)									19,713.38	172,854.51
Total Non-Participating Costs (on CAD001)									0.00	0.00
Project: 107584701000 STP-0045-00(028)/107584701									19,713.38	172,854.51
Fuel And Material Adjustments										
Line No	Item Number		Item Description	Adjustment Description				Price Difference	Current	Allowed-to-Date
Total Participating Fuel And Material Adjustments									0.00	0.00
Total Non-Participating Fuel And Material Adjustments									0.00	0.00

Total Fuel And Material Adjustments		0.00	0.00
Total Construction Cost on Contract = 172,854.50		Total Contract Net Work Due (on CAD001)	19,713.38
			172,854.51

Revised: 12/13/2012

STATEMENT OF LOCAL PUBLIC AGENCY PROGRESS AND FINAL ESTIMATES FOR CONSTRUCTION

LPA-001 and LPA-002

State of Mississippi

County: HancockLocal Public Agency (LPA): City of DiamondheadProject Number: STP-0045-00(028)LPA /107584701

Project Description:

Road widening with the addition of bike lanes on both sides

Project Engineer/Architect's Name: Jason Chiniche, PE

I, Jason Chiniche, hereby verify for the attached estimate on the above listed project that:

- a. All computations have been checked and are correct.
- b. The final total amount allowed to the contractor is accurate and proper.
- c. The last payment to the contractor is the difference between the amount previously paid the contractor and the total amount owed to the contractor.
- d. All quantities listed are accurate and proper.
- e. I understand that payment to the contractor will be based exclusively on my signature on the LPA-001 for which I bear full responsibility.

Professional stamp/seal

19732

Sworn to and subscribed before me this

23rd

day of

October

2020

Project Engineer/Architect (signature)

My Commission Expires:

2/12/23

Notary (signature)

CSD-765
Rev 01/2015

MISSISSIPPI DEPARTMENT OF TRANSPORTATION
ASSESSMENT REPORT FOR AVAILABLE WORKING DAYS

Date: 8/31/2020
Project No: STP-0045-00(028)/107584701
County: HANCOCK (23)
PERIOD 3/1/2020 To 3/31/2020

March	1	0	17	0
Month	2	1	18	1
	3	1	19	0
	4	1	20	0
	5	1	21	0
	6	1	22	0
	7	0	23	1
	8	0	24	1
	9	0	25	0
	10	1	26	0
	11	0	27	0
	12	0	28	0
	13	0	29	0
	14	0	30	0
	15	0	31	0
	16	0		

TOTAL WORKING DAYS ASSESSED DURING THIS PERIOD

9

TOTAL WORKING DAYS PREVIOUSLY ASSESSED

4.75

TOTAL WORKING DAYS ASSESSED

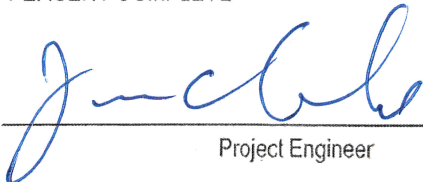
13.75

TOTAL WORKING DAYS ALLOWED

31

PERCENT COMPLETE

44.35 %


Project Engineer

Original: Contractor
Copies: Project File
District Engineer

FOR CONTRACTOR USE


Contractor's Signature

I ☒ Agree / ☐ Disagree with the working days assessed during this period. If disagree is marked, please provide a written explanation.

The Contractor shall sign, mark appropriate box above, and return the original to the Project Engineer with a copy to MDOT Construction Division, 401 North West Street, Jackson, MS 39201.

CSD-765
Rev 01/2015

MISSISSIPPI DEPARTMENT OF TRANSPORTATION
ASSESSMENT REPORT FOR AVAILABLE WORKING DAYS

Date: 8/31/2020
Project No: STP-0045-00(028)/107584701
County: HANCOCK (23)
PERIOD 4/1/2020 To 4/30/2020

April	1	0	17	0
Month	2	0	18	0
	3	1	19	0
	4	0	20	0
	5	0	21	0
	6	0	22	0
	7	0	23	0
	8	0	24	1
	9	0	25	0
	10	0	26	0
	11	0	27	0
	12	0	28	0
	13	0	29	
	14	0	30	0
	15	0	31	
	16	0		

TOTAL WORKING DAYS ASSESSED DURING THIS PERIOD

2

TOTAL WORKING DAYS PREVIOUSLY ASSESSED

13.75

TOTAL WORKING DAYS ASSESSED

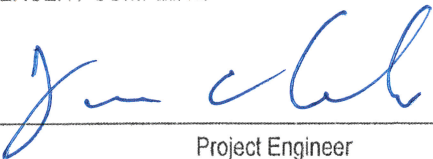
15.75

TOTAL WORKING DAYS ALLOWED

31

PERCENT COMPLETE

50.81 %


Project Engineer

Original: Contractor
Copies: Project File
District Engineer

FOR CONTRACTOR USE



Contractor's Signature

I ☒ Agree / ☐ Disagree with the working days assessed during this period. If disagree is marked, please provide a written explanation.

The Contractor shall sign, mark appropriate box above, and return the original to the Project Engineer with a copy to MDOT Construction Division, 401 North West Street, Jackson, MS 39201.

CSD-765
Rev 01/2015

MISSISSIPPI DEPARTMENT OF TRANSPORTATION
ASSESSMENT REPORT FOR AVAILABLE WORKING DAYS

Date: 8/31/2020
Project No: STP-0045-00(028)/107584701
County: HANCOCK (23)
PERIOD 5/1/2020 To 5/31/2020

<u>May</u>	1	<u>0</u>	17	<u> </u>
<u>Month</u>	2	<u>0</u>	18	<u> </u>
	3	<u>0</u>	19	<u> </u>
	4	<u>0</u>	20	<u> </u>
	5	<u>0</u>	21	<u> </u>
	6	<u>0</u>	22	<u> </u>
	7	<u>0</u>	23	<u> </u>
	8	<u> </u>	24	<u> </u>
	9	<u> </u>	25	<u> </u>
	10	<u> </u>	26	<u> </u>
	11	<u> </u>	27	<u> </u>
	12	<u> </u>	28	<u> </u>
	13	<u> </u>	29	<u> </u>
	14	<u> </u>	30	<u> </u>
	15	<u> </u>	31	<u> </u>
	16	<u> </u>		

TOTAL WORKING DAYS ASSESSED DURING THIS PERIOD

0

TOTAL WORKING DAYS PREVIOUSLY ASSESSED

15.75

TOTAL WORKING DAYS ASSESSED

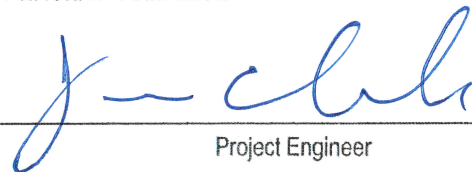
15.75

TOTAL WORKING DAYS ALLOWED

31

PERCENT COMPLETE

50.81 %


Project Engineer

Original: Contractor
Copies: Project File
District Engineer

FOR CONTRACTOR USE


Contractor's Signature

☒ Agree / ☐ Disagree with the working days assessed during this period. If disagree is marked, please provide a written explanation.

The Contractor shall sign, mark appropriate box above, and return the original to the Project Engineer with a copy to MDOT Construction Division, 401 North West Street, Jackson, MS 39201.

OCR-484-LPA
Rev. 8/2017

LPA PROJECT

CERTIFICATION OF PAYMENTS TO SUBCONTRACTORS

Project No: STP-0045-00(028)LPA 107584-701000 County: Hancock

Prime Contractor: Moran Hauling

Project Engineer: Chiniche Engineering and Surveying

THIS IS TO CERTIFY THAT PAYMENT HAS BEEN MADE TO THE FOLLOWING SUBCONTRACTING FIRMS FOR THE AMOUNT INDICATED FOR WORK PERFORMED OR MATERIALS/SUPPLIES PURCHASED, ON THE REFERENCED PROJECT TO SATISFY THE DBE REQUIREMENTS. *** THIS REPORT IS SUBJECT TO AUDIT ***

Prime Contractor	Date of Payment	Amount Paid This Period	Total Paid to Date
DBE <input type="checkbox"/> Yes / <input type="checkbox"/> No			

DBE Firm (listed on OCR-481 to meet Project Goal)	Type of Firm	Date of Payment	Amount Paid This Period	Total Paid to Date	Amount of Retainage Withheld	Amount of Retainage Paid	Percent of Retainage Paid	% Sub-Contract Complete

DBE Firm (not listed on OCR-481 to meet Project Goal)	Type of Firm	Date of Payment	Amount Paid This Period	Total Paid to Date	Amount of Retainage Withheld	Amount of Retainage Paid	Percent of Retainage Paid	% Sub-Contract Complete

Non-DBE Firm	Type of Firm	Date of Payment	Amount Paid This Period	Total Paid to Date	Amount of Retainage Withheld	Amount of Retainage Paid	Percent of Retainage Paid	% Sub-Contract Complete

Brandon Suit
Submitted by
Project Manager
Title

Total DBE Project Goal: 8

Date: 5-07-2020

*** INSTRUCTIONS ***

- Contractor must submit this report for **EVERY PROJECT** each month to the Project Engineer.
- If no payments are made this period, submit a negative or no change report to the Project Engineer.
- The Project Engineer will attach a copy of the OCR-484 to the Monthly Estimate; Project Engineer will submit original to the Office of Civil Rights.
- Progress estimates will be withheld if Contractor fails to submit OCR-484.
- Type of firm is either (S) for Supplier, (C) for Contractor, (B) for Professional, (M) for Miscellaneous, or (CS) for Consultant.

PROCLAMATION OF EXISTENCE OF A LOCAL EMERGENCY
(by the City Manager, Mayor and City Council, City of Diamondhead)

WHEREAS, the City Manager, Mayor and City Council of the City of Diamondhead, does hereby find that conditions of extreme peril to the safety of persons and property have arisen within said county, caused by

Tropical Storm Marco and Tropical Storm Laura

commencing on or about 1200 on the 23 day of August, 20 20
and

WHEREAS, the aforesaid conditions of extreme peril warrant and necessitate the proclamation of the existence of a local emergency in order to provide for the health and safety of the citizens and the protection of their property within the affected jurisdiction;

NOW, THEREFORE, IT IS HEREBY PROCLAIMED that in accordance with Section 33-15-17(d), Mississippi Code of 1972, as amended, a local emergency now exists throughout said City; and shall be reviewed every thirty (30) days until such local emergency is no longer in effect and proclaimed terminated by the City Council of Diamondhead, State of Mississippi.

IT IS FURTHER PROCLAIMED AND ORDERED that all City agencies and departments shall render all possible assistance and discharge their emergency responsibilities as set forth in the City Emergency Operations Plan.

DATE: August 23, 2020

ATTEST:

Marnie Klein
City Clerk for the
City of Diamondhead

[Signature]
City Manager

Nancy Depina
Mayor, City of Diamondhead
PRO TEM

[Signature]
Council, District 1
[Signature]
Council, District 2

[Signature]
Council, District 3

[Signature]
Council, District 4

[Signature]
Council, District 5
At-Large

Hancock County
State of Mississippi

MEMA DR-3 (Rev 12.01)

PROCLAMATION OF EXISTENCE OF A LOCAL EMERGENCY
 (by the City Manager, Mayor and City Council, City of Diamondhead)

WHEREAS, the City Manager, Mayor and City Council of the City of Diamondhead,
 does hereby find that conditions of extreme peril to the safety of persons and
 property have arisen within said county, caused by

Tropical Storm Sally

commencing on or about 0800 on the 13 day of September, 20 20
 and

WHEREAS, the aforesaid conditions of extreme peril warrant and necessitate the proclamation
 of the existence of a local emergency in order to provide for the health and safety of the citizens
 and the protection of their property within the affected jurisdiction;

NOW, THEREFORE, IT IS HEREBY PROCLAIMED that in accordance with Section 33-15-
 17(d), Mississippi Code of 1972, as amended, a local emergency now exists throughout said
 City; and shall be reviewed every thirty (30) days until such local emergency is no longer in
 effect and proclaimed terminated by the City Council of Diamondhead, State of Mississippi.

IT IS FURTHER PROCLAIMED AND ORDERED that all City agencies and departments shall
 render all possible assistance and discharge their emergency responsibilities as set forth in the
 City Emergency Operations Plan.

DATE: September 13, 2020

ATTEST:

Tramie H. H. H.
 City Clerk for the
 City of Diamondhead

[Signature]
 City Manager

Nancy Depue
 Mayor, City of Diamondhead
 PRO TEM

[Signature]
 Council, District 1

[Signature]
 Council, District 2

[Signature]
 Council, District 3

[Signature]
 Council, District 4

[Signature]
 Council, District 5 *AT LARGE*

Hancock County
 State of Mississippi

MEMA DR-3 (Rev 12.01)



PROCLAMATION OF EXISTENCE OF A LOCAL EMERGENCY
 (by the City Manager, Mayor and City Council, City of Diamondhead)

WHEREAS, the City Manager, Mayor and City Council of the City of Diamondhead,
 does hereby find that conditions of extreme peril to the safety of persons and
 property have arisen within said county, caused by
Hurricane Delta

commencing on or about 0700 on the 7th day of October, 2020
 and

WHEREAS, the aforesaid conditions of extreme peril warrant and necessitate the proclamation
 of the existence of a local emergency in order to provide for the health and safety of the citizens
 and the protection of their property within the affected jurisdiction;

NOW, THEREFORE, IT IS HEREBY PROCLAIMED that in accordance with Section 33-15-
 17(d), Mississippi Code of 1972, as amended, a local emergency now exists throughout said
 City; and shall be reviewed every thirty (30) days until such local emergency is no longer in
 effect and proclaimed terminated by the City Council of Diamondhead, State of Mississippi.

IT IS FURTHER PROCLAIMED AND ORDERED that all City agencies and departments shall
 render all possible assistance and discharge their emergency responsibilities as set forth in the
 City Emergency Operations Plan.

DATE: 10/7/2020

ATTEST:

[Signature]
 City Clerk for the
 City of Diamondhead

[Signature]
 City Manager

Hancock County
 State of Mississippi

MEMA DR-3 (Rev 12.01)

Nancy Deprio
 Mayor, City of Diamondhead
 PRO TEM

[Signature]
 Council, District 1

[Signature]
 Council, District 2

[Signature]
 Council, District 3

[Signature]
 Council, District 4

[Signature]
 Council, District 5

AT-LARGE-COUNCIL

CERTIFICATE OF PARTIAL SUBSTANTIAL COMPLETION

Warren Paving, Inc.
Diamondhead Roadway Improvements
DATE OF ISSUANCE: October 9, 2020

OWNER: City of Diamondhead	ENGINEER: Digital Engineering
CONTRACTOR: Warren Paving, Inc.	DE PROJECT NO.: 729-1000-14
PROJECT: Diamondhead Roadway Improvements – Phase 2	

This Certificate of Substantial Completion applies to all Work under the Contract Documents.

TO: City of Diamondhead
OWNER

AND TO: Warren Paving, Inc.
CONTRACTOR

The Work to which this Certificate applies has been inspected by authorized representatives of OWNER, CONTRACTOR, AND ENGINEER, and that Work is hereby declared to be substantially complete in accordance with the Contract Documents on

September 23, 2020

DATE OF SUBSTANTIAL COMPLETION

A tentative list of items to be completed or corrected is attached hereto. This list may not be all-inclusive, and the failure to include an item does not alter the responsibility of CONTRACTOR to complete all the Work in accordance with the Contract Documents. The items on the attached tentative list shall be completed or corrected by CONTRACTOR within thirty (30) days of the above Date of Issuance.

The responsibilities between OWNER and CONTRACTOR for security, operation, safety,

Certificate of Substantial Completion
Diamondhead Roadway Improvements – Phase 2
Page 2 of 3

maintenance, utilities, insurance, and warranties and guarantees shall be as follows:

RESPONSIBILITIES

OWNER: Owner assumes responsibility for security and maintenance.

CONTRACTOR: Contractor to complete the attached list of items to be corrected or completed and provide one full year warranty.

The following documents are attached to and made a part of this Certificate:


Tentative List of Items to be Completed or Corrected

This Certificate does not constitute an acceptance of Work not in accordance with the Contract Documents nor is it a release of CONTRACTOR's obligation to complete the Work in accordance with the Contract Documents.

Executed by ENGINEER on 10/9/2020


 Digital Engineering - Engineer

CONTRACTOR accepts this Certificate of Substantial Completion on 10-13-20


 Warren Paving, Inc. - Contractor

OWNER accepts this Certificate of Substantial Completion on _____

 City of Diamondhead- Owner

**Certificate of Substantial Completion
Diamondhead Roadway Improvements – Phase 2
Page 3 of 3**

LIST OF ITEMS TO BE COMPLETED OR CORRECTED

**Diamondhead Roadway Improvements – Phase 2
DE PROJECT NO.: 729-1000-14
Date: October 5, 2020**

1. Install stop bars.
2. Paani Ct- Seal coat tire divots in cul-de-sac.



Phone: 228.222.4626 Fax: 228.222.4390
www.diamondhead.ms.gov

October 27, 2020

Mayor and Council
City of Diamondhead
5000 Diamondhead Circle
Diamondhead, MS 39525

Dear Councilmembers:

Re: Declare surplus real property (Guard Shack) and advertise for RFQ's for leasing

The City has been approached by an individual interested in leasing the building (Guard Shack). The building is not used by the City for any purpose and according to statute may be declared surplus and leased.

The property will need to be declared no longer of use to the City and deemed surplus real property. Provided the property is deemed surplus, further approval is requested to advertise for Request for Proposals for leasing the property.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael Reso", is written over the printed name.

Michael Reso
City Manager

MR:jk



2020-307

Item No. 14.

Phone: 228.222.4626 Fax: 228.222.4390
www.diamondhead.ms.gov

October 27, 2020

Mayor and Council
City of Diamondhead
5000 Diamondhead Circle
Diamondhead, MS 39525

Dear Councilmembers:

Re: Payment to James J. Chinche – East Aloha Phase 1 - Bidding

Attached for your review and consideration is an invoice for payment to James J. Chiniche in the amount of \$1,470 for professional services relating to the bidding phase of East Aloha Phase 1.

If you find this invoice to be in order, please proceed with payment.

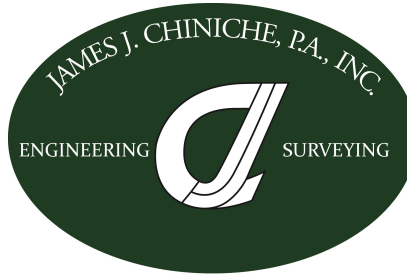
Sincerely,


Michael Reso
City Manager

MR:jk

James J. Chiniche, P.A. Inc
412 HWY 90 Suite 4
Bay St. Louis, MS 39520

228-467-6755
jason@jjc-eng.com



Item No. 14.

Date	Invoice #
10/27/2020	17-057-116

Bill To
City of Diamondhead 5000 Diamondhead Circle Atten; Jeannie Klein
Project
East Aloha Phase 1 - Bid Phas

Work Assignment Description - East Aloha Improvements Bid Phase
Total Amount of Work Assignment - \$1,500.00
Total Previously Paid on Work Assignment - \$0.00
Amount of Current Invoice - \$1,470.00
Remaining Balance to be paid on Work Assignment - \$30.00

Item	Description	Serviced	Qty	Rate	Amount
17-057 Dhead MS Proj. Eng.	bid phase - addendum prep	10/7/2020	3.5	75.00	262.50
17-057 Dhead MS Proj. Eng.	bid coordination and review	10/12/2020	2.5	75.00	187.50
17-057 Dhead MS Proj. Eng.	bid coordination and review	10/13/2020	4.5	75.00	337.50
17-057 Dhead MS Proj. Eng.	bid coordination and review	10/14/2020	3.5	75.00	262.50
17-057 Dhead MS Sen. PM	bid review and contractor coordination	10/13/2020	1.5	105.00	157.50
17-057 Dhead MS Sen. PM	bid tabulation preparation and coordination with CM	10/15/2020	2.5	105.00	262.50

3% Transaction fee for all credit/debit payments.

1% Service Charge on all accounts over 30 days

Balance Due

\$1,470.00

EXHIBIT "C"
WORK ASSIGNMENT
WORK ASSIGNMENT NO 8

PROJECT NUMBER: - Review "Project Manual for Provisional Debris Removal and Disposal Services"

This Work Assignment is executed in accordance with the Master Services Agreement entered into by the City of Diamondhead, Mississippi and Covington Civil and Environmental, LLC on the 23rd day of January 2018.

WHEREAS, each of said parties represents that it continues to have authority to execute this Work Assignment and that all certifications previously made in said Agreement remain in effect;

NOW THEREFORE, the parties hereto do further contract and agree to add the following items of work to the above Agreement under the additional terms and conditions as are hereinafter stated:

SPECIFIC SCOPE OF WORK FOR THIS WORK ASSIGNMENT OR PHASE

The City of Diamondhead has prepared a "Project Manual for Provisional Debris Removal and Disposal Services" (Project Manual). Covington will review Project Manual for consistency with FEMA Regulations as they relate to Debris Removal and Disposal Services. Covington will not provide comments on how to modify or improve Project Manual, except as it applies to FEMA Regulations. Covington assumes that the Project Manual conforms with City of Diamondhead procurement process and State of Mississippi Bid Laws.

WORK ASSIGNMENT TERM [No new Work Assignments shall be executed after January 24, 2020.]

This WORK ASSIGNMENT shall be effective upon the latest date of execution hereof and continue until _____, at 11:59 P.M. CDT. However, the Engineer may not begin work prior to receiving a Notice to Proceed.

DBEGOAL

The DBE goal established for this Work Assignment shall be 0 %

KEYPERSONNEL

CITY

CONSULTANT PROJECT MANAGER:
 (Certified as a Professional Engineer to do
 business in the State of Mississippi)

John F. Szabo, P.E.

Progress Schedule	
Task(s)	Completion Date
	As Soon As Possible

MAXIMUM ALLOWABLE COST

Contract Maximums:

Under no circumstances shall the amount payable by the City for this assignment exceed \$ **2,500.00** (Total of all Charges) without the prior written consent of both parties.
The Labor Rates have been identified in Table 1: Rate Schedule for Labor Hours.

Table 1: Rate Schedule for Labor Hours

NAMES	LABOR CLASSIFICATION	RATE
Ben Benvenuti	Principal Engineer	\$135.00
John Szabo	Principal Engineer	\$135.00
Shane Monroe	Senior Project Manager	\$105.00
Felicity Edwards	Senior Project Manager	\$105.00
Tabor Kraft	Project Engineer	\$75.00
TBD	Clerical	\$43.00

Both parties hereto represent that they have authority to enter into Work Assignment No. 8, as "Exhibit C" of the Agreement executed by and between the City and Engineer to which is now made a part of said Agreement.

SO EXECUTED AND AGREED THIS THE _____ DAY OF _____, _____.

City of Diamondhead

Signature

WITNESS this my signature in execution hereof, this the _____ day of November, 2020

Covington Civil and Environmental

Signature

Project # 202000395



5000 Diamondhead Circle
Diamondhead, MS 39525
Ph: 228-222-4626
Fax: 228-222-4390

APPLICATION FOR VARIANCE REQUEST

Case Number 202000395

Date 08 September 2020

Applicant: Tammy Simms Fields & Scott C Lippin

Applicant's Address: 8912 Anahola Court Diamondhead MS. 39525

Applicant's Email Address: MSXX007@bellsouth.net

Applicant's Contact Number: (Home) _____ (Work) _____ (Cell) 985-290-7891

Property Owner: Tammy Simms Fields (Lippin)

Owner's Mailing Address: 8912 Anahola Court Diamondhead MS. 39525

Owner's Email Address: MSXX007@bellsouth.net

Owner's Contact Number: (Home) _____ (Work) _____ (Cell) 985-290-7891

Tax Roll Parcel Number: Parcel Lot # 143

Physical Street Address: 8912 Anahola Court Diamondhead MS. 39525

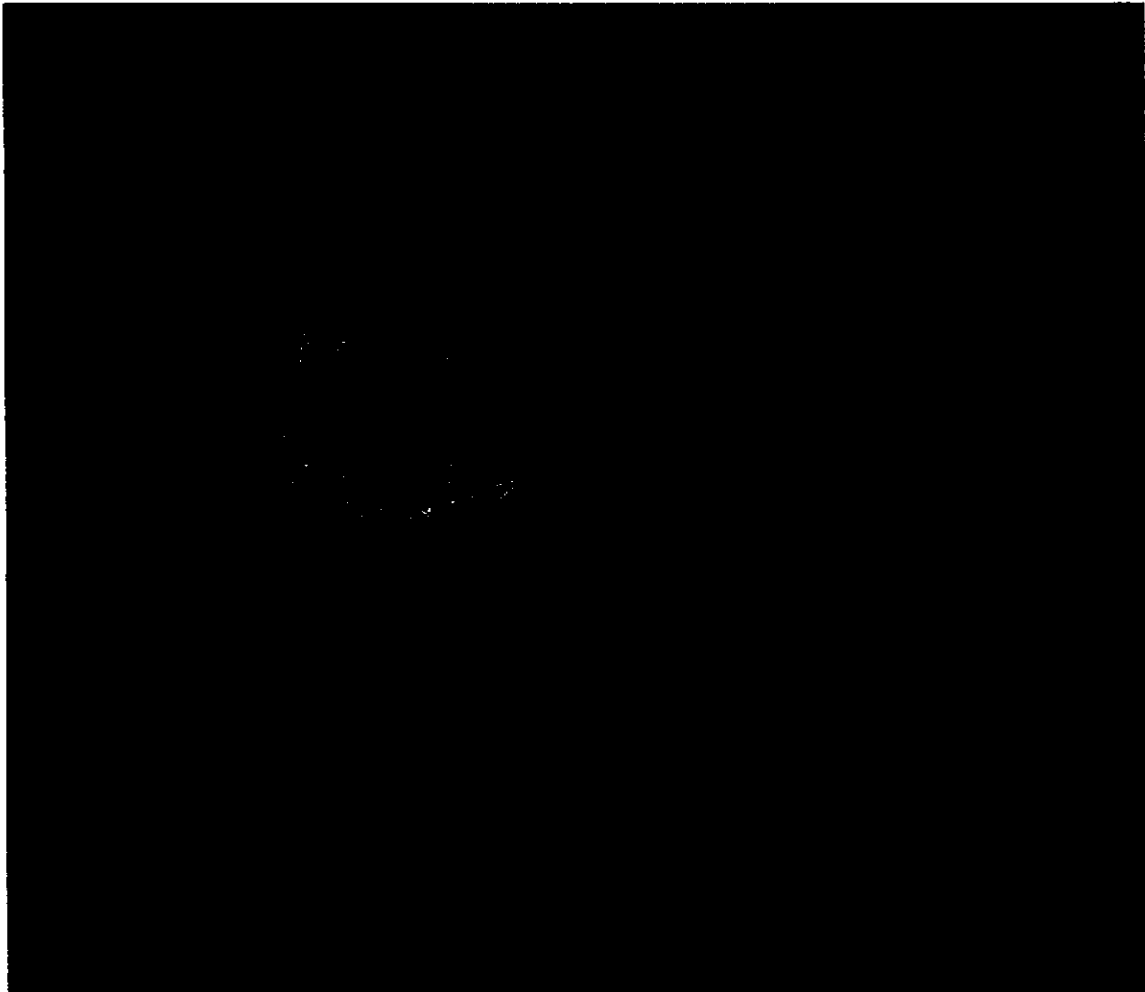
Legal Description of Property: Single Family home

Zoning District: R-2

State Purpose of Variance: (Front/Side/Rear/Lot Size/Parking/Building/Coverage)
(Signage-Size-Height) _____

To facilitate the irregular shape of our lot and irregular adjacency to the lots we require a variance to the 20 foot rear ordinance to 7.5 feet between the structure and the property/fenceline at the minimum distance point and 11.5 feet at the maximum distance point (See Slide A-B-C)





REQUIRED ITEM A

Property Owner Tammy Fields & Scott C Lippin

Street Address 8912 Anahola Court Diamondhead MS. 39525

Statement Describing Variance Request

Requesting a variance allowing a carport structure to be built within 7.5 feet of the adjacent property/fence line at the min point and 11.5 feet at the maximum point (See Slide A-B-C for further detail)

The reasons why it complies with the criteria for variances:

1. DO THE SPECIAL CONDITIONS AND/OR CIRCUMSTANCES EXIST WHICH AFFECT ONLY THE LAND OR STRUCTURE IN QUESTION AND NO OTHER SURROUNDING OR SIMILAR PROPERTIES?

The location of the home on the lot and where the structure is planned to be built is an irregular shape, causing a creative shaped structure positioned so it will conform to the restricted zoning to the maximum extent possible (See Slides A-B-C)

2. WOULD LITERAL INTERPRETATION OF THE ZONING ORDINANCE DEPRIVE THE OWNER/APPLICANT OF RIGHTS COMMONLY ENJOYED BY OTHER PROPERTIES IN THE SAME ZONING DISTRICT?

Yes, there are multiple lots with the same condition, some approved by the zoning board of Diamondhead and City Council (Slide F). Plus some added photos showing encroachments in Diamondhead in R-2 areas (Slides G-I)

3. ARE THE SPECIAL CONDITIONS OR CIRCUMSTANCES NOT CAUSED BY THE OWNER/APPLICANT?

The irregular shape of the lot was caused by the original landowner and contractors during initial home construction. In addition a structure existed at 8912 Anahola Court in this same location in 2004 when the home was purchased by Tammy Fields Lippin. (Destroyed by Katrina 2005)

4. WOULD THE REQUESTED VARIANCE NOT GIVE THE OWNER/APPLICANT ANY SPECIAL PRIVILEGES OR RIGHTS NOT SHARED BY OWNERS OF SIMILAR PROPERTIES?

There are multiple homeowners sharing the same type of approved variance, therefore no special privilege is granted in our case. A home with lesser distance between the structure and property line exists within 500 feet from our home at 8912 Anahola Place. This home has an approved variance from the City.

We also have a petition signed by multiple adjacent neighbors indicating their acceptance of the structure. (See Slide D-E)

Request for Variance from Zoning Ordinance

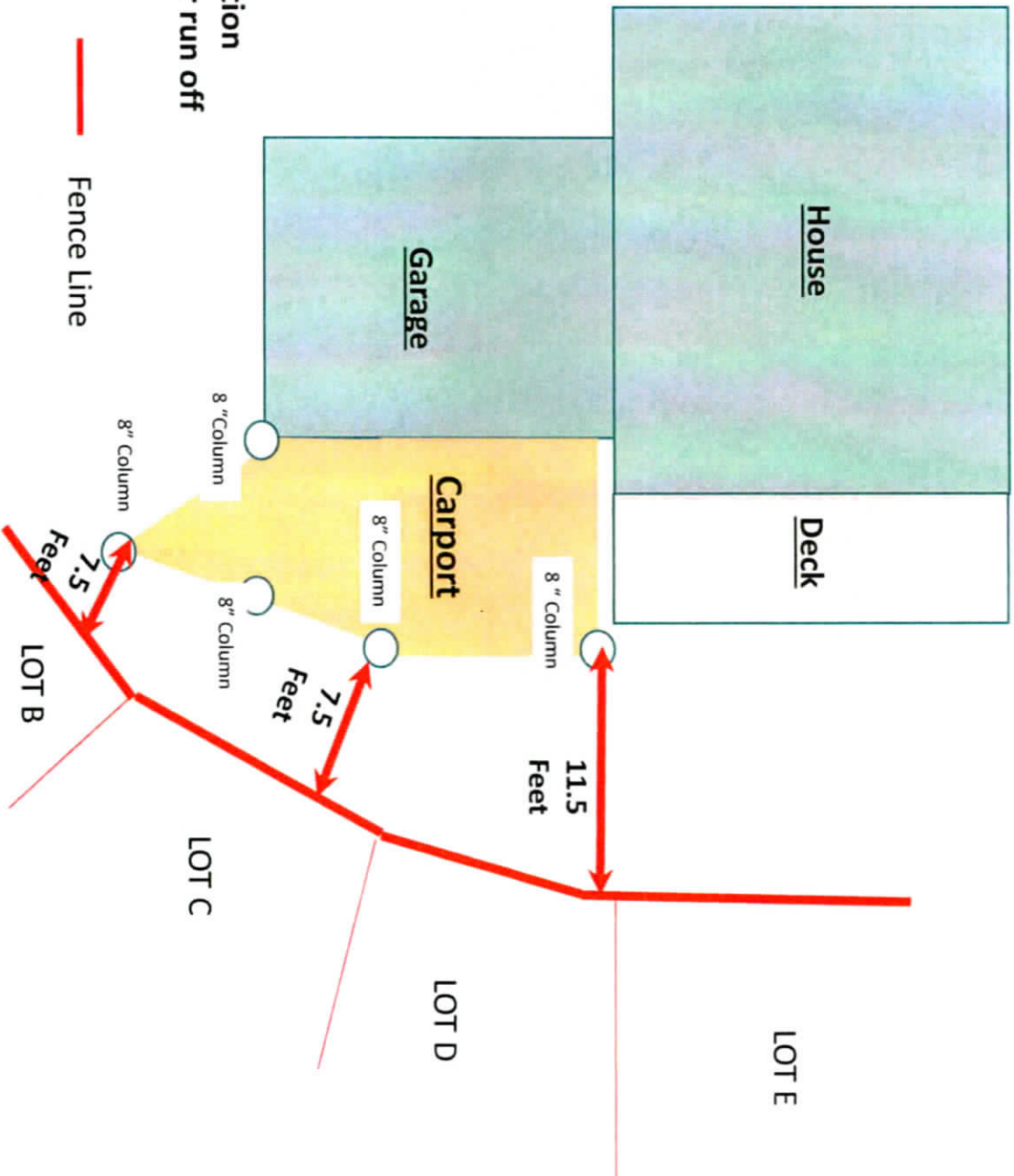
8912 Anahola Court

RECEIVED
SEP 03 2020
BY: R 4 12:52 p.m.

Slide A

Site Plans

Top View



Slide B

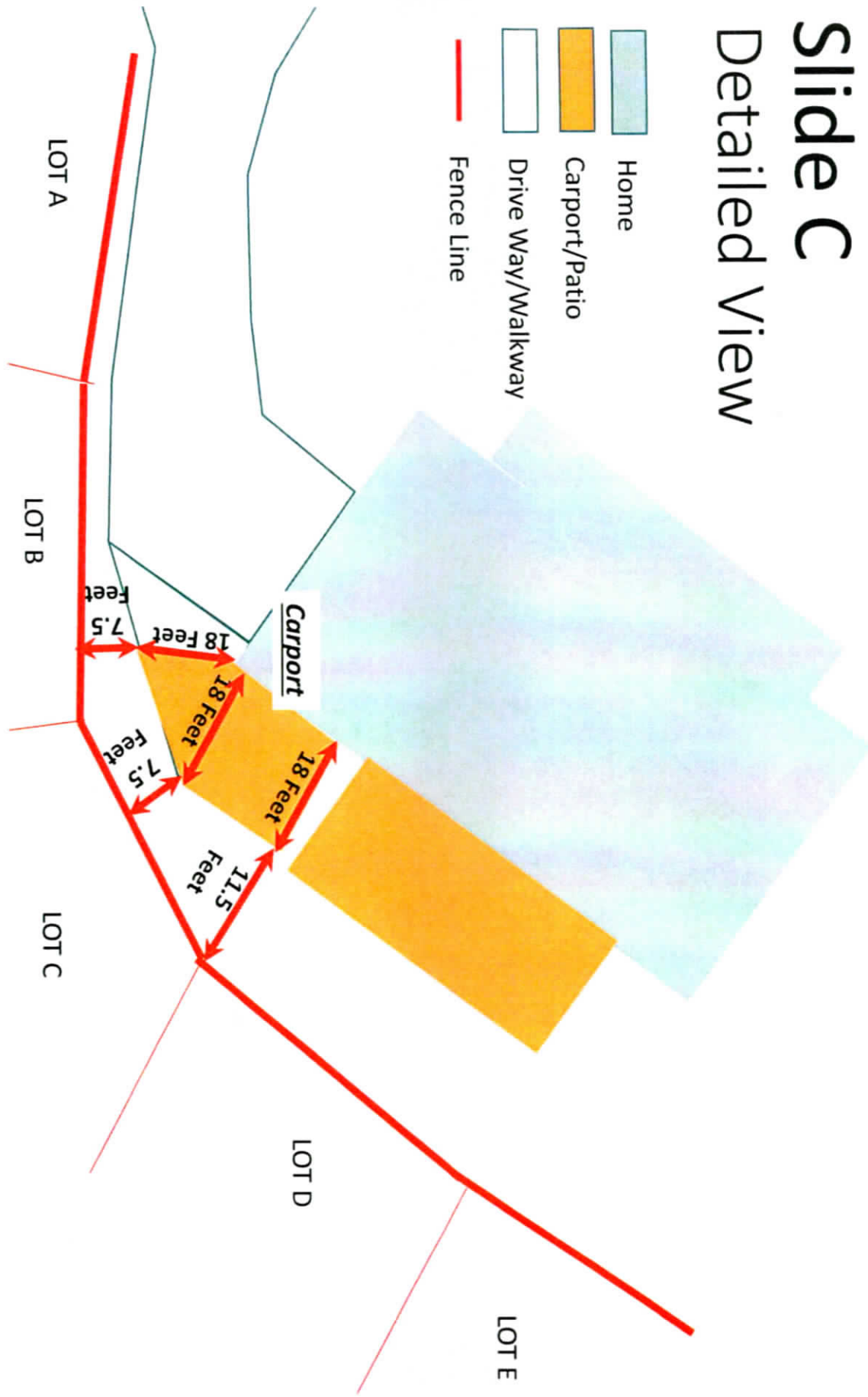
Variance Request

Tammy Fields Lot # 143



Slide C

Detailed View



Summary of Request

Variance to build a structure inside the city ordinance of 20 feet

- Minimum distance from the property line is 7.5 Feet
- Maximum distance from the property line is 11.5 Feet
- Is consistent with other properties in the same R-2 zoning area.

No Change to water run off direction or volume

- A gutter will be assembled to the aft section facing lot B & C only to reduce any potential erosion on our lot @ 8912 Anahola Court and to assure water will route to the pre-carport structure run off flows.

No changes in elevation; no added soil was moved onto or removed from the property

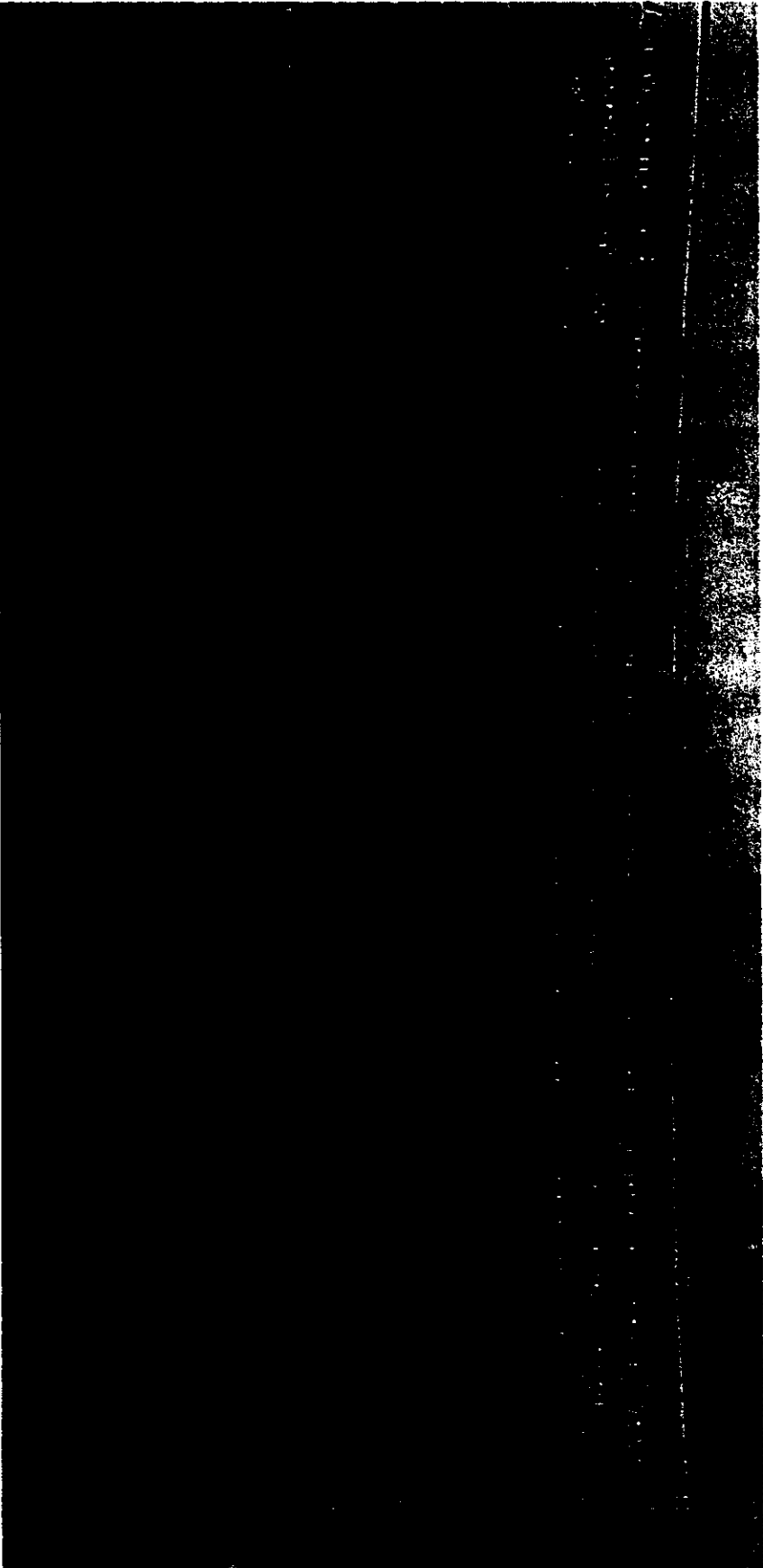
Structure virtually hidden to the street view and adjacent neighbors, due to location and tree coverage.

- Is situated at a min of 150-250 feet from other homes in directly adjacent lots A-D lots as noted on slides A-B-C

Petition signed by adjacent neighbors
accepting the structure (August 2020)

Slide D

Petition Signed by 8 Adjacent Neighbors
And neighbors addresses within 300 ft as required by application



Slide E

Signed the
petition
accepting the
carport = 8



Has a variance
approved by
City Council for
similar
condition



Did not sign the
petition accepting
the carport =
8940 Anahola
Place



So why the complaint from 8940 Anahola Place???

- Was arrested in April 2020 and stands trial for 2 felony counts of drug possession and sales/distribution
- Believes we reported him to the Hancock sheriff, resulting in his arrest
- Has openly threatened our well-being due to his arrest to other neighbors
- Has publicly told others that he will **make us pay** for his arrest
- A vindictive person as a result of his arrest for multiple felonies

- Is moving and has the home listed for sale on Zillow



Cases in the same zoning code approved by the
Planning board or the City Council 2017-2019

Slide F

9 Cases approved by the Planning Commission and City Council

2017 to present ranging from 8-13 Feet of "REAR" Property lines

Planning - Case File # 201900464 - Approved

Dubos family applied for and received a variance from the zoning ordinance to build a single family home within 10 feet of the rear property line.

A variance of 10 feet inside the zoning ordinance

Planning Case File # - 201900273- Approved

Mr Fandal filed a variance request and was approved for constructing a house within 10 feet of the front property line.

A variance of 10 feet inside the zoning ordinance

Planning Case File # 201900060- Approved

The Burgoyne family applied for and was granted a variance to build a 16x24 deck and pavilion within 12 feet of the rear property lines.

A variance of 8 feet inside the zoning ordinance

Planning Case file # 201800495- Approved

The Waltham family applied for and received a variance to build a pool lanai within 10 feet of the rear property line

A variance of 10 feet inside the zoning ordinance

Planning Case File# 201800258- Approved

Mr Lejeune applied for and was granted a variance to build a patio cover within 5 feet of the rear property line

A variance of 10 feet inside the zoning ordinance

Planning Case # 201800266- Approved

Mr Embry applied for and received a waiver to build a patio cover 7 feet from the rear property line.

A variance of 13 feet inside the zoning ordinance

Planning Case # 201700343-- Approved

Mr Hight requested and received a variance to build a garage 11 feet from the rear property line

A variance of 9 feet inside the zoning ordinance

Planning Case File # 227 Fairway Circle- Approved

Mr Peterson requested and received a waiver to build a single family home within 10 feet of the rear property line

A variance of 10 feet inside the zoning ordinance

Planning Case # 2017-00331- Approved

Ms Marshal requested and received a waiver to build a patio roof within 7 feet from the rear property line

A variance of 13 feet inside the zoning ordinance

Similar Property Lines variances in same zoning R2 in Diamondhead

Slide G Similar Variances

88158 Golf Club Dr



8-10
Feet from rear of
property
No permit posted and the rear of the
structure is within 10 feet of rear
fence

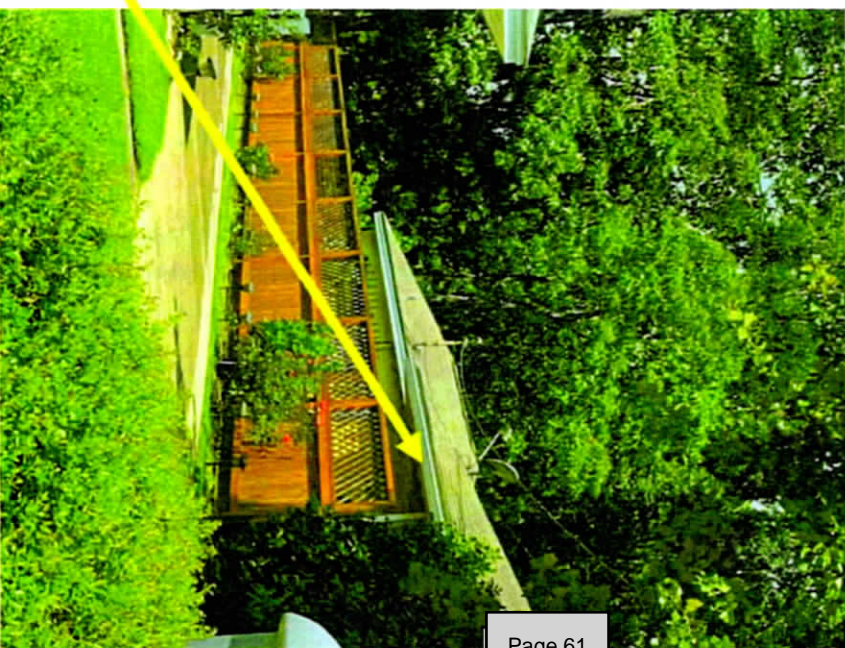
8920 Anahola Pl



3-4 Feet from Adjacent
Property Fence Line
Variance
Approved by City
Council

3-4 Feet from Adjacent
Property Fence Line

89331 Diamondhead Dr East

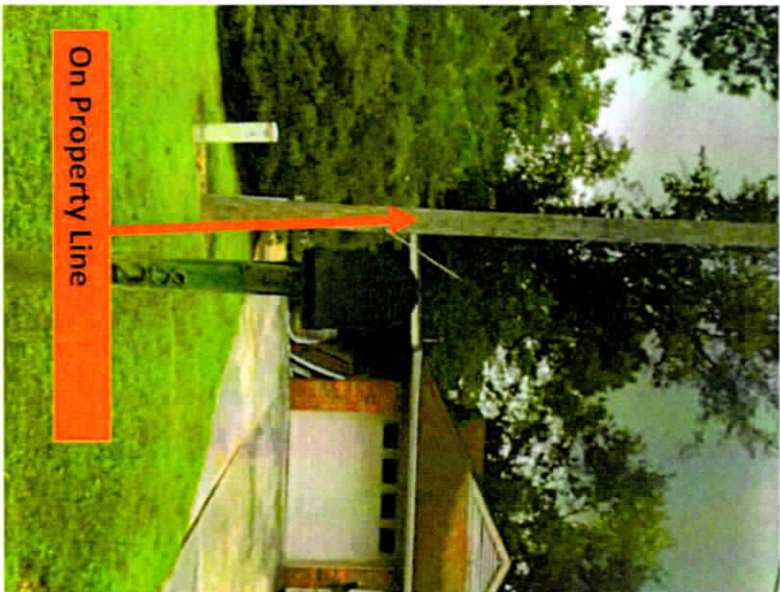


Slide H Similar Variances

9868 Koloa Dr

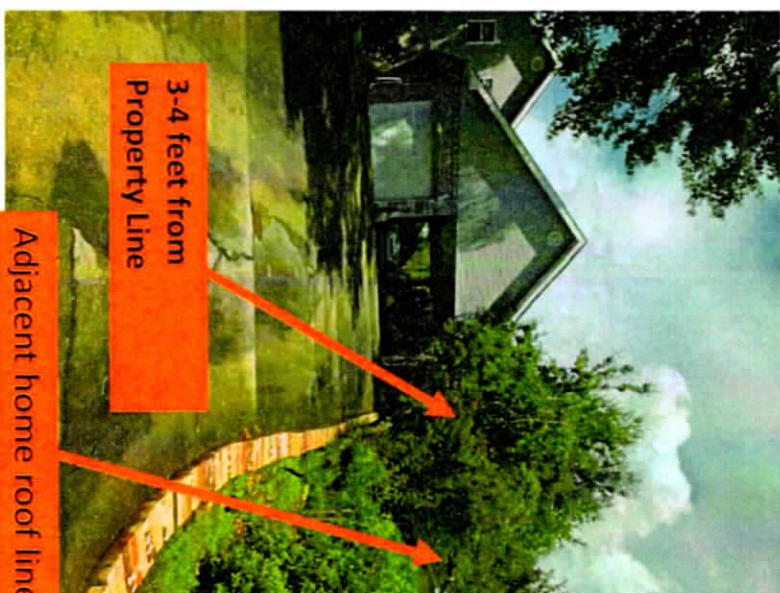


3-4 feet from Property Line



On Property Line

79293 Diamondhead Dr East

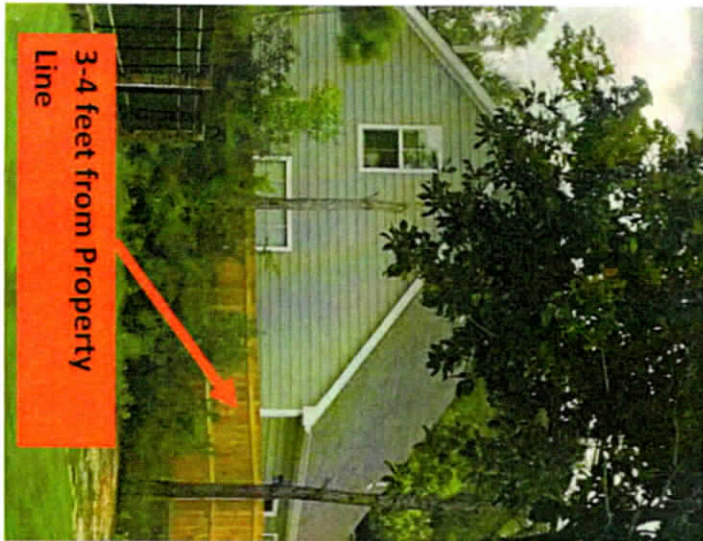


3-4 feet from Property Line

Adjacent home roof line

Slide | Similar Variances

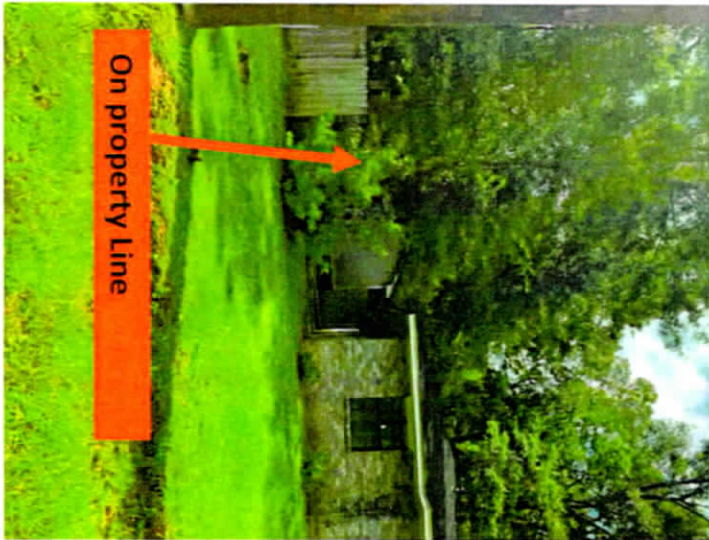
8830 Hana Place



88375 Diamondhead East Dr



822 Hawi CT





5000 Diamondhead Circle, Diamondhead, MS 39525

Phone: (228) 222-4626

FAX: (228) 222-4390

www.diamondhead.ms.gov

STAFF REPORT TO PLANNING COMMISSION

DATE: October 20, 2020

CASE FILE NUMBER: 202000395

APPLICANT: Tammy Simms Fields and Scott C Lippon

PROPERTY OWNER: Tammie Simms Fields (Lippon)

TAX PARCEL NUMBER: 067J-3-36-143.000

PHYSICAL STREET ADDRESS: 8912 Anahola Court

LEGAL DESCRIPTION: Diamondhead Subdivision Phase 2, Unit 7A, Block 1, Lot 75

ZONING DISTRICT: R-2 Medium Density Single Family

TYPE OF APPLICATION: Variance

NATURE OF REQUEST:

Ms. Tammy Simms Fields and Mr. Scott C. Lippon have filed an application requesting a variance from the Zoning Ordinance (Article 4.6.5E iii) to allow a carport within 7.5' (the closest point) and 11.5' (the farthest point) from the rear property line. The case file number is 202000395.

The property address is 8912 Anahola Court. The tax parcel number is 067J-3-36-143.000. The legal description is Diamondhead Subdivision Phase #2, Unit 7A, Block 1, Lot 75. The property is located in a R-2 zoning district. The minimum rear yard setback is 20 feet.

DATE OF PUBLIC HEARING BEFORE PLANNING COMMISSION: October 27, 2020

ACTION BY THE PLANNING COMMISSION: In accordance with the Comprehensive Zoning Ordinance Article 2.6.4, the Planning Commission may recommend to the Mayor and City Council a variance be granted as the variance was applied for or in a modified form or subject to conditions or the application may be denied. A variance may be revocable, may be granted for a limited time period, or may be granted subject to conditions as the Planning Commission or Mayor and City Council may prescribe.

FINDINGS:

The Planning Commission may recommend granting a variance provided affirmative findings of fact are made on each of the following criteria:

- A. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district. By way of example, special conditions or

circumstances peculiar to land could include irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions.

- B. That literal interpretation of the provisions of this title would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this title.
- C. That special conditions and circumstances do not result from the actions of the applicant.
- D. That granting the variance requested will not confer on the applicant any special privilege that is denied by this title to other lands, structures, or buildings in the same zoning district.
- E. The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
- F. The Variance would observe the spirit of the Ordinance and would not change the character of the district.
- G. The Variance would observe the spirit of the Comprehensive Plan.
- H. That the Variance requested will not result in any change in use or density of the subject property.

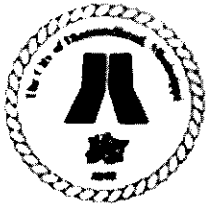
NOTES: In recommending that any variance be granted, the Planning Commission may prescribe appropriate conditions and safeguards in conformity with the zoning ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of the zoning ordinance and punishable as determined within the zoning ordinance.

Under no circumstances shall the Planning Commission or Mayor and City Council grant a variance to allow a use not permissible under the terms of the zoning ordinance in the district involved, or any use expressly or by implication prohibited by the terms of the zoning ordinance in said district.

RECOMMENDATION TO PLANNING COMMISSION: To **approve** the variance as petitioned;

The staff recommends to approve the variance based on the following findings of fact.

- This lot 143 is an existing lot of record which is not a typical rectangular lot.. By the Hancock County Geoportal, the house was constructed in 1999 and it was subject to the DH POA covenants which would require a 20' rear yard setback. Even if a carport was constructed, it would be a non-conforming structure. Since the structure was removed, it would have to comply with the required setbacks of the Zoning Ordinance.
- The literal interpretation of the provisions of this title would not deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this title. However, you can find other non-conforming structures before the adoption of the Zoning Ordinance. Furthermore, the Planning Commission has approve similar variances in the past. See attachment to the application.
- Any special conditions and circumstances, if any, are the direct result from the actions of the applicant.
- As a further note, 8 adjacent property owners signed a petition accepting the carport at 8'.



City of Diamondhead, MS

Docket of Claims Register - Item No. 18.

APPKT01353 - DOCKET 11/3/2020

By Docket/Claim Number

Docket/Claim #	Vendor Name	Payable Date	Payable Number	Payable Description	Account Number	Account Name	Payment Amount Line Amount
DKT157694	AGJ						2,082.00
	11/03/2020	82011		BACKUP AND DISASTER RECOVERY SERVER--NOVEMBER	001-140-605.00	Professional Fees - IT	250.00
		MSP-82010		AGJ'S COMPLETE CARE PLAN FOR NOVEMBER	001-140-605.00	Professional Fees - IT	1,832.00
DKT157695	Allen Purvis & Associates Inc	11/03/2020	20-1008	APPRASAL FOR LOT 15 W. ALOHA DRIVE	001-140-681.00	Other Services & Charges	550.00
DKT157696	Belinda I Taylor	11/03/2020	10202020	POLL WORKER	001-140-693.00	Other - Elections	200.00
DKT157697	BETTY PATECEK	11/03/2020	10202020	POLL WORKER	001-140-693.00	Other - Elections	200.00
DKT157698	Blue Heron Frames	11/03/2020	6149	PHOTO AND BRASS PLATE FOR MAYOR	001-100-501.00	Supplies	139.28
DKT157699	Building Officials Association of Mississippi	11/03/2020	10132020	2020 MEMBERSHIP APPLICATION	001-280-623.00	Membership Dues/Fees	100.00
DKT157700	CAROL L. MCPHERON	11/03/2020	10202020	POLL WORKER	001-140-693.00	Other - Elections	25.00
DKT157701	CAROL STEALEY	11/03/2020	10202020	POLL WORKER	001-140-693.00	Other - Elections	200.00
DKT157702	CASA of Hancock County	11/03/2020	FY2021	FY21 ALLOCATION	001-140-704.00	Appropriations - General	5,196.00
DKT157703	Cash						2,750.00
	11/03/2020	BBQ2020		CHANGE FUND FOR BBQ EVENT	001-653-650.00	Promotions	250.00
		BBQ2020-PRIZE		PRIZE MONEY FOR BBQ EVENT	001-653-650.00	Promotions	2,500.00
DKT157704	CHARLES HARRISON	11/03/2020	10202020	POLL WORKER	001-140-693.00	Other - Elections	25.00
DKT157705	CLARE BERNARD	11/03/2020	10202020	POLL WORKER	001-140-693.00	Other - Elections	25.00

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DKT157706	CSpire Cell Service	11/03/2020	102020	CELL PHONE SERVICE 09/19/2020-10/18/2020	001-100-632.00	Telephone - Cell	47.19	1,081.27
					001-140-632.00	Telephone - Cell	47.19	
					001-200-612.00	Internet	341.90	
					001-280-612.00	Internet	102.57	
					001-280-632.00	Telephone - Cell	91.33	
					001-301-632.00	Telephone - Cell	451.09	
DKT157707	DEANNA B. HARRISON	11/03/2020	10202020	POLL WORKER	001-140-693.00	Other - Elections	25.00	25.00
DKT157708	Diamondhead Property Owners Association Inc	11/03/2020	112020	LEASE PAYMENT FOR NOVEMBER	001-301-640.00	Rentals	1,000.00	1,000.00
DKT157709	Diamondhead True Value	11/03/2020	21-0001	SUPPLIES FOR OCTOBER	001-140-501.00	Supplies	34.69	250.91
					001-301-501.00	Supplies	216.22	
DKT157710	Diamondhead Water and Sewer District	11/03/2020	11102020	DH CITY HALL	001-140-630.00	Utilities - General	167.60	680.37
			11102020-GEX	GEX DRIVE IRRIGATION	001-301-630.00	Utilities - Streetlights & Other	324.78	
			11102020-IR	DH CIRCLE IRRIGATION	001-301-630.00	Utilities - Streetlights & Other	23.95	
			11102020-KAYAK	BAYOU DRIVE KAYAK LAUNCH	001-301-630.00	Utilities - Streetlights & Other	23.95	
			11102020-SEC	SECURITY SHACK -- GEX DRIVE	001-301-630.00	Utilities - Streetlights & Other	116.14	
			11102020-YACHT	YACHT CLUB DRIVE IRRIGATION	001-301-630.00	Utilities - Streetlights & Other	23.95	
DKT157711	Diaz Brothers Printing	11/03/2020	3338	DIGITIZE DRAINAGE MAPS	001-301-635.00	Professional Fees - R&M Outside Services	20.00	20.00
DKT157712	Dixieland Home Farm and Garden Center Inc	11/03/2020	410933	RYE GRASS SEED	001-301-575.00	Repairs & Maintenance-Streets/Drainage/Other	99.80	99.80
DKT157713	DON EDWIN PATECEK	11/03/2020	10202020	POLL WORKER	001-140-693.00	Other - Elections	200.00	200.00
DKT157714	ELAINE WILLINS	11/03/2020	10202020	POLL WORKER	001-140-693.00	Other - Elections	200.00	200.00
DKT157715	FRANCES YATES	11/03/2020	10202020	POLL WORKER	001-140-693.00	Other - Elections	25.00	25.00

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DKT157716	Fuelman	11/04/2020	NP59011413	FUEL CHARGES FOR THE WEEK OF 10-19-2020	001-200-525.00	Fuel	376.51	830.03
					001-280-525.00	Fuel	39.20	
		11/03/2020	NP59038060	FUEL FOR WEEK ENDING	001-200-525.00	Fuel	414.32	
DKT157717	G&O Supply Company	11/03/2020	G12869	PIPE AND COUPLING	001-301-584.00	Concrete, Plastic Pipe	162.64	559.56
					001-301-584.00	Concrete, Plastic Pipe	19.32	
					001-301-584.00	Concrete, Plastic Pipe	377.60	
DKT157718	GERALD SCHUMM JR.	11/03/2020	10202020	POLL WORKER	001-140-693.00	Other - Elections	200.00	200.00
DKT157719	Hancock County Chamber of Commerce	11/03/2020	DH 10 2020	DIGITAL MARKETING AND PUBLIC RELATIONS	001-140-605.00	Professional Fees - IT	1,000.00	1,000.00
DKT157720	Hancock County Human Resource Agency	11/03/2020	FY2021	FY21 ALLOCATION	001-140-704.00	Appropriations - General	2,000.00	2,000.00
DKT157721	Hancock County Library System	11/03/2020	FY2021	FY21 ALLOCATION	001-140-704.00	Appropriations - General	30,000.00	30,000.00
DKT157722	Hancock County Sheriffs Office	11/03/2020	2020-DHLE-021	INTERLOCAL AGREEMENT FOR WEEK ENDING 10-10-2020	001-200-690.00	Interlocal Agreement	29,048.31	29,048.31
DKT157723	Hancock County Tourism Development Bureau	11/03/2020	FY2021	FY21 ALLOCATION	001-140-704.00	Appropriations - General	1,000.00	1,000.00
DKT157724	HELEN BARNES	11/03/2020	10202020	POLL WORKER	001-140-693.00	Other - Elections	220.00	220.00
DKT157725	Ingrid Amberg	11/03/2020	10202020	POLL WORKER	001-140-693.00	Other - Elections	220.00	220.00
DKT157726	JAMES HIGHTOWER	11/03/2020	10202020	POLL WORKER	001-140-693.00	Other - Elections	185.00	185.00
DKT157727	James J Chiniche PA Inc	11/03/2020	17-057-116	EAST ALOHA PHASE 1 AND SHEPHERD'S SQUARE ROADWAY	117-301-602.00	Professional Fees - Engineering MDA East Aloha Imp	1,470.00	1,470.00
DKT157728	KAITLIN JEWELL	11/03/2020	INV0001	ENTERTAINMENT/BAND	001-653-650.00	Promotions	600.00	600.00

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DKT157729	Keep Diamondhead Beautiful	11/03/2020	FY2021	FY21 ALLOCATION	001-301-705.00	Appropriations - General	3,000.00	3,000.00
DKT157730	LAURA MARIE KING	11/03/2020	10202020	POLL WORKER	001-140-693.00	Other - Elections	25.00	25.00
DKT157731	Lowe's Home Improvement	11/03/2020	60469513	PAINT	001-301-501.00	Supplies	161.50	161.50
DKT157732	Marvin J Bobinger III	11/04/2020	112020	LOBBYING SERVICES FOR	001-653-601.00	Professional Fees - Consulting	3,000.00	3,000.00
DKT157733	Mary McCarthy	11/03/2020	10202020	POLL WORKER	001-140-693.00	Other - Elections	200.00	200.00
DKT157734	Mary Y Mizell	11/03/2020	10202020	POLL WORKER	001-140-693.00	Other - Elections	200.00	200.00
DKT157735	Moran Hauling Inc	11/03/2020	APP #3	East Aloha Widening	108-301-912.00	Capital Outlay - Other East Aloha	19,713.38	19,713.38
DKT157736	Naomi J Lassus	11/03/2020	10202020	POLL WORKER	001-140-693.00	Other - Elections	220.00	220.00
DKT157737	Nina S Day	11/03/2020	10202020	POLL WORKER	001-140-693.00	Other - Elections	210.00	210.00
DKT157738	North Bay Auto	11/03/2020	210003	AUTO REPAIRS FOR OCTOBER	001-200-570.00 001-200-570.00 001-200-570.00	Repairs & Maintenance - Vehicle Repairs & Maintenance - Vehicle Repairs & Maintenance - Vehicle	55.72 40.28 40.28	136.28
DKT157739	Office Depot	11/03/2020	129522055001	FILE CABINET FOR COURT	001-110-505.00	FF&E Non-Capitalized	595.87	595.87
DKT157740	RONALD LAYEL	11/03/2020	10202020	POLL WORKER	001-140-693.00	Other - Elections	200.00	200.00
DKT157741	ROSS GRISHAM	11/03/2020	10222020	MUSIC FOR BBQ FESTIVAL	001-653-650.00	Promotions	1,000.00	1,000.00
DKT157742	S&L Office Supplies	11/04/2020	82198	OFFICE SUPPLIES	001-140-501.00 001-140-501.00 001-140-501.00 001-140-501.00	Supplies Supplies Supplies Supplies	12.72 8.48 12.72 12.72	46.64

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DKT157743	Sandra W Hatem	11/03/2020	10202020	POLL WORKER	001-140-693.00	Other - Elections	200.00	200.00
DKT157744	Sara Garcia Schulze	11/03/2020	10202020	POLL WORKER	001-140-693.00	Other - Elections	25.00	25.00
DKT157745	Sea Coast Echo	11/03/2020	0008803	NEWSPAPER SUBSCRIPTION	001-140-622.00	Publications	60.00	60.00
DKT157746	SHAWN KONKEL	11/03/2020	10082020	CASH BOND REFUND	650-110-110.00	Court Bond Holding	2,500.00	2,500.00
DKT157747	Sherwin Williams Co Waveland MS	11/03/2020	9158-8	PARKING LOT PAINT	001-301-565.00 001-301-565.00	Street Paint/Striping Street Paint/Striping	302.80 151.40	454.20
DKT157748	South MS Business Machines Gulfport	11/03/2020	380050	CONTRACT COPY AND OVERAGE CHARGES FOR OCTOBER	001-200-506.00	Copier Usage/Maintenance	70.52	543.63
			380278	CONTRACT AND OVERAGE CHARGES FOR OCTOBER	001-140-506.00	Copier Usage/Maintenance	72.23	
			380279		001-301-506.00	Copier Usage/Maintenance	37.24	
			380280		001-280-506.00	Copier Usage/Maintenance	56.67	
			380408	COPY CHARGES FOR OCTOBER	001-140-506.00	Copier Usage/Maintenance	306.97	
DKT157749	Southern MS Planning and Development District Inc	11/04/2020	12160	PLANNING & ECONOMIC DEVELOPMENT SEPT 1-30	001-653-601.00	Professional Fees - Consulting	412.50	412.50
DKT157750	Southern Printing	11/03/2020	203310	DEVON&JONES POLO WITH EMB.	001-100-501.00 001-110-501.00 001-140-501.00 001-280-501.00	Supplies Supplies Supplies Office Supplies	174.70 57.23 263.55 120.47	615.95
DKT157751	SPCA of Diamondhead Inc	11/03/2020	FY2021	FY21 ALLOCATION	001-200-705.00	Appropriations - General	9,600.00	9,600.00

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DKT157752	Sun Coast Business Supply	11/03/2020	1263084-0	HUTCH FOR POLICE DESK	001-200-505.00	FF&E Non-Capitalized	184.50	812.74
					001-200-505.00	FF&E Non-Capitalized	271.00	
					001-200-505.00	FF&E Non-Capitalized	288.00	
					001-200-505.00	FF&E Non-Capitalized	26.00	
					001-200-505.00	FF&E Non-Capitalized	27.00	
		11/04/2020	1263640-2	SAFETY SUPPLIES	001-301-501.00	Supplies	16.24	
DKT157753	The Dave Mayley Band LLC	11/03/2020	110-10212020	BAND FOR BBQ EVENT	001-653-650.00	Promotions	800.00	800.00
DKT157754	THOMAS D. HUNT	11/03/2020	10202020	POLL WORKER	001-140-693.00	Other - Elections	200.00	200.00
DKT157755	UMB Card Services	11/03/2020	2413746LYEJK21F42	ROUSES MARKET -- HURRICANE	001-140-623.00	Membership Dues/Fees	45.00	143.95
					001-140-501.00	Supplies	53.93	
					001-140-650.00	Promotions	30.03	
					001-140-623.00	Membership Dues/Fees	14.99	
DKT157756	UniFirst Corporation	11/03/2020	105 0905033	UNIFORMS FOR THE WEEK ENDING 10/19/2020	001-301-535.00	Uniforms	138.69	277.38
			105 0906126	UNIFORM RENTAL FOR WEEK OF 10/26/2020	001-301-535.00	Uniforms	138.69	
DKT157757	Waste Management	11/03/2020	0727357-4768-4	OCTOBER DUMPSTER RENTAL	001-140-681.00	Other Services & Charges	59.23	59.23
DKT157758	YVONNE DENISE CATONE	11/03/2020	10202020	POLL WORKER	001-140-693.00	Other - Elections	200.00	200.00
Total Claims: 65							Total Payment Amount:	128,020.78