

MINUTES
REGULAR MEETING OF CITY COUNCIL
Diamondhead, Mississippi
Council Chambers, City Hall
May 15, 2018
6:00 pm CST

I. Call to Order – Mayor Schafer called the meeting to order at 6:00p.m. CST

1. Invocation – Councilmember Koenenn
2. Pledge of Allegiance – Mayor Schafer
3. Roll Call –

Present: Mayor Schafer, Councilmembers Depreo, Moran and Morgan; Koenenn and L’Ecuyer. Absent: None.

4. Confirm or adjust agenda order--

Councilmember Koenenn L’Ecuyer moved, seconded by Councilmember Koenenn, to amend the agenda as follows: amending agenda item 2018-171 by removing the language – “based on the design submitted by Bryon Griffith” and to add agenda item 2018-173 Resolution authorizing a grant application submission to Gulf Regional Planning Commission MPO for funding for a Multi-Modal Path, committing 20 percent matching funds and other related purposes.

Ayes: Depreo, Moran, Morgan, Koenenn, L’Ecuyer and Mayor Schafer. Nays: None. Absent: None.

MOTION CARRIED UNANIMOUSLY

II. Presentation Agenda

1. Council Comments

- a. The next regularly scheduled Council Meeting will be held June 5, 2018 at 6:00 p.m. CST on in Council Chambers located at 5000 Diamondhead Circle.

2. City Manager’s Report –

I. SMPDD Road Survey

- a. The road survey work has been completed and our staff met with SMPDD and their team to discuss the draft report. They took our comments and requested some of our GIS shape files. We are expecting to get a final report the first week of June.
- b. We will use this report to create a 5 year plan for street paving.
- c. We intend to start paving streets based on this plan in July and August.

II. Bayou Drive and Vaught Circle Kayak Launch Projects

- a. We completed the Kayak Launches, and the engineer has signed the Certificate of Substantial Completion with punch list items. Punch list items are to be completed by May 23.
- b. Public works is currently adding landscaping and side fencing to secure the Bayou Drive site.
- c. We are working to schedule a ribbon cutting with the Chamber of Commerce at the beginning of June.

- d. At the next meeting, I plan to propose that we use the remaining grant funds to build a pavilion near the pier system at Bayou Drive to protect residents from the weather. This is allowed under our grant. After that, we will request the remaining Tidelands grant funds that are unspent be transferred to our Devil's Elbow/Montjoy Creek Tidelands Grant Project.

III. Montjoy Creek/Devil's Elbow Nature Trail with a 2nd Kayak Launch, Fishing Pier and Nature Observatory Project

- a. We have a vision to expand our Blue Water Ways path in Rotten Bayou. Tonight, I will ask council for authorization to apply for a grant with GRPC to fund a nature trail along the Montjoy Creek. This is part of a larger vision that will add a kayak launch, fishing pier and nature observatory to the end of Montjoy Creek at Devil's Elbow. We will have a grass walking path from Diamondhead Dr to the end of Banian Place. This path will not be used for motorized vehicles, but it will only allow for a walking and biking path along the creek. At Banian Place, we will create parking lot with a multimodal bridge that crosses over Montjoy Creek. At this point in the nature trail, we will use limestone until we reach the bottom of the Montjoy Creek (or wetlands). Then, a pier system will be used to get to the water. We will add a Kayak Launch, fishing pier, and nature observatory. This will be the second in our series of kayak launches along the path from Bayou Drive to the Marina on Paradise Bayou. This path will be multimodal for biking, walking and using golf carts. It will provide much needed access for families to fish along the river.
- b. At the next meeting, I will request authorization to apply for Tidelands grants and Boater Access Grants to also fund this project. This will allow the city to leverage grant dollars, so the city does not pay anything for this project.

IV. Boat Launch, Kayak Launch, and Fishing Pier Planning Grant for Noma Drive

- a. We have a vision to add a public boat launch, fishing pier and 3rd Kayak launch at the end of Noma Drive. We would also add a nature observatory to people can do bird watching and to look over the marsh in that area.
- b. This area in the city will become a huge recreational destination with many activities to complement the existing football and soccer fields.
- c. At our next meeting, I will be presenting the council with a recommendation to apply for a planning grant through Tidelands to build a new public boat launch at the end of Noma Drive. This plan will help us design the launch, pier system, parking lot, etc. while also identifying estimated cost and land acquisition. It will also allow us to start the permitting process.
- d. The pier system would run down both sides of the bayou near the launch. The south side pier would be planned to continue around the land and to travel under the I-10 Bridge. The pier would also have lights. This pier will provide another fishing access point for our families in Diamondhead while also allowing boaters to have immediate access to the Jordan River.

V. Road Planning Grant

- a. At our next meeting, I will be presenting the council with a recommendation to apply for a road planning grant with GRPC. This will take the traffic study that was completed in 2016 by Pickering Engineering and move forward to survey potential roads, create cost estimates for each segment, identify land acquisition issues and necessary easements or right of ways needed, etc.
- b. This will be our road map for going after future funding sources for construction and to help the city develop a 5 years plan for capital improvements.
- c. The roads will be focused on the west side of Gex Drive and south of Noma Drive to expand our commercial area and to create better access to Park Ten Lanes and Leisure Time Drive. It will also determine if the city could build a road with multimodal path under I-10 Bridge at the Jordan River and connect to a south side frontage road that would merge into Airport Drive.

VI. Turnberry Drive and Turnberry Way Drainage

- a. Since 2013, the city has been talking about the drainage problems on Turnberry Drive and Turnberry Way. I am confident that this was a problem before the city was actually formed in 2012. Residents continue to complain about the flooding in this area. As more homes are constructed in Glen Eagle, more storm water is making its way into the drainage ditches and causing considerable flooding on Turnberry Drive and Turnberry Way. Many years ago, the Diamondhead POA constructed a damn in the retention pond on the Cardinal Course hole #4. The damn is about 36 inches deep, and it helps create a pretty pond on the golf course. As a result, water level of the pond is higher, and it fills the 5 foot culvert under Turnberry Drive with 36 inches of water at all times. This backs up into the ditches upstream from the pond and culvert. When the city receives a large rain event, water collects and becomes about 50 wide and 10 feet deep at Turnberry Way. It fills the ditches and crossed over Turnberry Drive at times. It is hitting the bricks of one home and getting near the floor level of this house. It is also eroding the ditches. These residents have been begging the city and POA for help for many years for assistance.
- b. I have talked with the POA representatives (Nolan, Montjoy and McNally), and we have come to an agreement to share the cost of hiring an engineer to provide a recommendation and cost estimate to fix these drainage problems in this area. This agreement is pending the formal approval of the POA board of directors. The city would focus our attention on the ditches north of the pond while the POA focuses on the pond area.
- c. In a recent email from McNally, I am not confident that the POA will agree to these terms and they may want the city to engineer this alone.
- d. If the POA Board does not agree to this, our alternative will be use the court system to force the POA to remove the damn that is blocking the cities drainage ditch. This is a violation of the storm water ordinance. I have been told by 3 separate engineers and Rick Sullivan our public works director that they feel we

would win this battle, but I would recommend trying to work together to a good resolution before using lawyers.

- e. Also, if we have to use the courts to get this corrected for our residents, we would have an engineered report to use as evidence to help persuade a judge to force the POA to remove the damn (or to seek an alternative plan that allows the water to flow as originally designed in this area).

VII. Diamondhead Drive East Drainage Project

- a. In 2014 as part of a master drainage study, Seymour Engineering informed the city that there is an undersized culvert under Diamondhead Drive East. It is causing rain water to back up flooding the roads and personal properties. As traffic passes, the wake from the cars actually pushes water close to entering these impacted homes.
- b. The city hired Pickering Engineer to find a solution to this problem. The firm prepared their analysis and numbers to determine that adding 2 additional culverts under Diamondhead Drive East in the same location as the existing single culvert would be the most cost effective solution while providing coverage for a 25 year rain event. Also, this improvement would not impact the ditches on either side of the culvert or road based on the engineer's analysis.
- c. They looked at running the pipes directly to the north side ditch to remove the two 90 degree turns on the outflow side of the pipes, but quickly determined that the cost would be significantly higher.
- d. They briefly looked at creating retention pond upstream, but this would be the most costly project and require significant participation from the POA since the pond would likely need to be place on the golf course and take up a large piece of land. This would probably be the best long term solution, but it would be the most costly. This was quickly dismissed as an option due to cost at that time.
- e. After Pickering creating the first set of engineered plans, the city bid the project on January 2017. The bids were opened in February 2017. Engineers estimate for project was \$76K.
- f. Based on the engineer's recommendations, the city rejected all bids and planned to re-bid the project due to discrepancies and variances in the bid amounts.
- g. In February 2017, a resident objected to the project design and worked with the city manager and city council to encourage them to scrap that plan and engineer it a second time using a large box culvert system in the ditch where the outflow goes. The city manager sent an amended work assignment to Pickering Engineer to consider the drawings using the box culverts as recommended by the resident.
- a. In April 2017, Pickering submitted revised specs and cost estimates for the plan including the box culverts. Cost estimate drastically increased to over \$200K. At that point, the council just stopped the project to give the new council the opportunity to make the decision on this project and the elections in the summer of 2017.
- b. In February 2018 upon request for residents in this area, the new council requested that the city manager get with Pickering Engineer to look at this project

again. I met with the engineer, and I was told that the firm did not recommend the box culverts plan. They were just doing as instructed by the city manager at that time. Based on their engineered reports, that was not necessary. Upon listening to the recommendation of Pickering Engineer, I prepared to bring this project back to the council using the original design.

- c. At this point the city has spent \$24K on engineering this project. There is still \$3K remaining in the contract for construction and inspection phase of the project.
- d. The plan was bid with a low bid waiting to be accepted for \$91K. We have until June 10 to accept the bid. That means we need to accept it at this meeting or the next council meeting. Otherwise, we may need to start the entire bid process over again if the council wants to use the original design.
- e. The resident objected to the council again about this project. This time, he suggested that we change the direction of the pipe to run along the south side of his lots as compared to the north side, where the existing ditch is located. The city has received no engineered numbers or plans using this new recommend plan by the resident.
- f. I have asked our engineer to give me an estimate of what it would cost the city to engineer this project a 3rd time using this new path. He said about \$15K.
- g. I asked Pickering Engineer to give me a “guestimate” of what it would cost to complete this project using this new path, and I was told about \$125K-\$130K. This estimate that is not based on actual design work.
- h. The current engineered path using the existing route and the resident’s recommended path using a new route would both be as effective in getting the rain water off of the road to stop the flooding in this area.
- i. But, the current engineer path using the existing route would definitely be the most cost effective project.
- j. If we also decide to re-engineer the project, we do not know if the neighbor who lives next to the proposed south side path for a new ditch would object or agree to this plan. I have made attempts to contact this resident without success.
- k. If we decide to re-engineer project, Pickering has indicated that it will take about 6 months to get permitting and engineer work complete.
- l. The city has not received any engineered stamped reports to support the new path. In an ideal world, that would probably be the best path if we started from scratch in designing the lot layouts of the subdivision.
- m. The council will have to decide if you want to spend the extra money to make another change to this project based on the information provided by the resident.
- n. My goal is to simply get the rain water off the street and out of the yards. I just need direction on how you want me to proceed.

3. Public Comments on Agenda Items–

Jeff Jassby presented a letter and pictures of existing water standing in Glen Eagle and Ahihi Street. Mayor Schafer requested the correspondence by Jassby be entered into the official record.

Dave Gibbons addressed the Council regarding the Diamondhead Drive East Drainage asking the Council to conduct a complete study and base its decision on the best long-term resolution to the drainage issues.

III. Policy Agenda.

1. Approval of Minutes:

a. May 1, 2018 Regular Meeting

Councilmember Morgan moved, seconded by Councilmember L’Ecuyer, to approve the Minutes of the May 1, 2018 Regular Meeting with an amendment to correct executive session purposed to include “potential litigation.”

Ayes: Depreo, Moran, Morgan, Koenenn, L’Ecuyer and Mayor Schafer. Nays: None. Absent: None.

MOTION CARRIED UNANIMOUSLY

2. Resolutions:

a. **2018-163:** Resolution 2018-163 Appointing Mississippi Municipal 2018 Voting Delegates for the City of Diamondhead.

Councilmember Depreo moved, seconded by Councilmember Morgan to appoint Mississippi Municipal 2018 Voting Delegates for the City of Diamondhead

A roll call vote was taken as follows:

Ayes: Depreo, Moran, Morgan, Koenenn, L’Ecuyer and Mayor Schafer. Nays: None. Absent: None.

MOTION CARRIED UNANIMOUSLY

b. **2018-168:** Resolution authorizing signatories for additional depository/checking accounts at Hancock/Whitney Bank.

Councilmember Depreo moved, seconded by Councilmember Koenenn, to adopt resolution 2018-023 authorizing signatories for additional depository/checking accounts at Hancock/Whitney Bank..

A roll call vote was taken as follows:

Ayes: Depreo, Moran, Morgan, Koenenn, L’Ecuyer and Mayor Schafer. Nays: None. Absent: None.

MOTION CARRIED UNANIMOUSLY

3. Action Agenda:

- a. **2018-158**: Motion to authorize the City Manager to seek quotes for engineering services for the review and preparation of engineer estimate for Turnberry Drive and Turnberry Way and further to authorize a work assignment under the Master Services Engineering Contract and authorize the City Manager to execute same.

Councilmember Moran moved, seconded by Councilmember Depreo, to authorize the City Manager to seek quotes for engineering for the review and preparation of engineer estimate for Turnberry Drive and Turnberry Way and further to authorize a work assignment under the Master Services Engineering Contract and authorize the City Manager to execute same.

Ayes: Depreo, Moran, Morgan, Koenenn, L'Ecuyer and Mayor Schafer. Nays: none.
Absent: none.

MOTION CARRIED UNANIMOUSLY

- b. **2018-171**: Motion to authorize the City Manager to seek a proposal from Pickering Engineering to provide a redesign and bid for Diamondhead Drive East Drainage Project.

Councilmember Koenenn moved, seconded by Councilmember Depreo, to authorize the City Manager to to seek a proposal from Pickering Engineering to provide a redesign and bid for Diamondhead Drive East Drainage Project based on the design subsequently submitted by Griffith.

Ayes: Depreo, Moran, Morgan, Koenenn, L'Ecuyer and Mayor Schafer. Nays: none.
Absent: none.

MOTION CARRIED UNANIMOUSLY

- c. **2018-161**: Motion to accept and award the low bid received from A&C Industrial, Inc. in the amount of \$91,113.00 for the Diamondhead Drive East Drainage Project, authorize the City Manager to execute contract for same and to issue the Notice to Proceed when appropriate.

Councilmember L'Ecuyer moved, seconded by Councilmember Depreo, to table to acceptance and award the low bid received from A&C Industrial, Inc. in the amount of \$91,113.00 for the Diamondhead Drive East Drainage Project, authorize the City Manager to execute contract for same and to issue the Notice to Proceed when appropriate.

Ayes: Depreo, Moran, Morgan, Koenenn, L'Ecuyer and Mayor Schafer. Nays: none.
Absent: none.

MOTION CARRIED UNANIMOUSLY

- d. **2018-164:** Motion approve and enter in to the 2018 Cruisin the Coast Agreement and to authorize payment of participation fee in the amount of \$4,000.00.

Councilmember Depreo moved, seconded by Councilmember Moran, to approve and enter into the 2018 Cruisin the Coast Agreement and to authorize payment of participation fee in the amount of \$4,000.

Ayes: Depreo, Moran, Morgan, Koenenn, L'Ecuyer and Mayor Schafer. Nays: none. Absent: none.

MOTION CARRIED UNANIMOUSLY

- e. **2018-165:** Motion to accept Substantial Completion of April 26, 2018 for the Kayak Launches/Hiking Biking Trail Project.

Councilmember Depreo moved, seconded by Councilmember Moran, to accept Substantial Completion of April 26, 2018 for the Kayak Launches/Hiking Biking Trail Project.

Ayes: Depreo, Moran, Morgan, Koenenn and L'Ecuyer. Nays: none. Abstain: Mayor Schafer.

MOTION CARRIED

- f. **2018-166:** Motion to approve the Memorandum of Understanding with MDOT for Project STP-0045-00(029)LPA 107822/711000 for the East Aloha Improvement Study.

Councilmember Depreo moved, seconded by Councilmember Moran, to to approve the Memorandum of Understanding with MDOT for Project STP-0045-00(029)LPA 107822/711000 for the East Aloha Improvement Study.

Ayes: Depreo, Moran, Morgan, Koenenn and L'Ecuyer. Nays: none. Abstain: Mayor Schafer.

MOTION CARRIED UNANIMOUSLY

- g. **2018-167:** Motion to approve payment to Pickering Firm in the amount of \$1,000 for professional services relating to the Diamondhead Drive East Drainage Project.

Councilmember Koenenn, seconded by Councilmember Depreo, to approve payment to Pickering Firm in the amount of \$1,000 for professional services relating to the Diamondhead Drive East Drainage Project.

Ayes: Depreo, Moran, Morgan, Koenenn and L'Ecuyer. Nays: none. Abstain: Mayor Schafer.

MOTION CARRIED UNANIMOUSLY

- h. **2018-168:** Motion to approve travel and related expenses for Officers J. Williams and V. Gilbert to attend Constitutional Use of Force Training to be held May 30, 2018 in Harvey, LA.

Councilmember Morgan moved, seconded by Councilmember Depreo, to approve travel and related expenses for Officers J. Williams and V. Gilbert to attend Constitutional Use of Force Training to be held May 30, 2018 in Harvey, LA.

Ayes: Depreo, Moran, Morgan, Koenenn, L'Ecuyer and Mayor Schafer. Nays: none.
Absent: none.

MOTION CARRIED UNANIMOUSLY

- i. **2018-169:** Motion to approve travel and related expenses for Officer Sergeant M. Boutte to attend High Risk Control Options Training to be held May 21 – 24, 2018 in Bay St. Louis.

Councilmember L'Ecuyer moved, seconded by Councilmember Depreo to approve travel and related expenses for Officer Sergeant M. Boutte to attend High Risk Control Options Training to be held May 21 – 24, 2018 in Bay St. Louis.

Ayes: Depreo, Moran, Morgan, Koenenn, L'Ecuyer and Mayor Schafer. Nays: none.
Absent: none.

MOTION CARRIED UNANIMOUSLY

- j. **2018-172:** Motion to authorize the City Manager and City Attorney to review a "Leisure and Recreation District" pursuant to HB1223.

Councilmember Depreo moved, seconded by Councilmember Koenenn, to authorize the City Manager and City Attorney to review a "Leisure and Recreation District" pursuant to HB1223.

Ayes: Depreo, Moran, Morgan, Koenenn, L'Ecuyer and Mayor Schafer. Nays: None. Absent: None.

MOTION CARRIED UNANIMOUSLY

- k. **2018-173** – Motion to adopt Resolution 2018-024 thereby authorizing a grant application to Gulf Regional Planning Commission MPO for a MDOT TAP in the amount of \$100,000 for a Multi-Modal Nature Trail (bicycle/pedestrian path).

Councilmember Koenenn moved, seconded by Councilmember Morgan, to adopt Resolution 2018-024 thereby authorizing a grant application to Gulf Regional Planning Commission MPO for a MDOT TAP in the amount of \$100,000 for a Multi-Modal Nature Trail (bicycle/pedestrian path).

A roll call vote was taken as follows:
Ayes: Depreo, Moran, Morgan, Koenenn, L'Ecuyer and Mayor Schafer. Nays: None. Absent: None.

MOTION CARRIED UNANIMOUSLY

V. Routine Agenda.

- a. Motion to approve May 9, 2018 Payroll Payables, including benefits and taxes, in the amount of \$51,618.15.

Councilmember L'Ecuyer moved, seconded by Councilmember Depreo, to approve May 9, 2018 Payroll Payables, including benefits and taxes, in the amount of \$51,618.15.

Ayes: Depreo, Moran, Morgan, Koenenn, L'Ecuyer and Mayor Schafer. Nays: none.
Absent: none.

MOTION CARRIED UNANIMOUSLY

- b. Motion to approve the Docket of Claims (Claims– DKT154769 – DKT154814) in the amount of \$101,232.57.

Councilmembers Koenenn moved, seconded by Councilmember Depreo to approve Docket of Claims (Claims– DKT154769 – DKT154814) in the amount of \$101,232.57.

Ayes: Depreo, Moran, Morgan, Koenenn, L'Ecuyer and Mayor Schafer. Nays: none.
Absent: none.

MOTION CARRIED UNANIMOUSLY

VI. Public Comments on Non-Agenda Items:

Bryon Griffith addressed the Council expressing his appreciation for its effort to ensure the repairs to the drainage on Diamondhead Drive East are completed in the most effective manner for long-term resolution.

VII. EXECUTIVE SESSION

At 6:47 p.m., Councilmember Depreo moved, seconded by Councilmember Koenenn, to enter closed session to determine the necessity for executive session.

Ayes: Depreo, Moran, Morgan, Koenenn, L'Ecuyer and Mayor Schafer. Nays: none.
Absent: none.

MOTION CARRIED UNANIMOUSLY

After discussion, Councilmember Depreo moved, seconded by Councilmember L’Ecuyer, to enter into Executive Session pursuant to MS Code §25-41-7 4(b) for a strategy session with respect to potential litigation.

Ayes: Depreo, Moran, Morgan, Koenenn, L’Ecuyer and Mayor Schafer. Nays: none.
Absent: none.

MOTION CARRIED UNANIMOUSLY

City Attorney, Derek Cusick, entered Council Chamber and announced that the City Council had entered Executive Session to conduct a strategy session with respect to potential litigation where an open meeting would have a detrimental effect on the City’s position.

At the conclusion of Executive Session, Councilmember L’Ecuyer moved, seconded by Councilmember Depreo, to exit Executive Session and return to open session.

City Attorney, Derek Cusick, announced that while in Executive Session Councilmember Depreo moved, seconded by Councilmember Moran, to authorize the City Manager to engage Covington Engineering to review, survey and distinguish issues with the drainage at the Cooke property and to determine fault.

Ayes: Depreo, Moran, Morgan, Koenenn, L’Ecuyer and Mayor Schafer. Nays: none.
Absent: none.


MOTION CARRIED UNANIMOUSLY

VIII. Adjourn/Recess.


At 7:20 p.m. CST and with no further business to come before the Council, Councilmember Depreo moved, seconded by Councilmember Koenenn, to adjourn.

Ayes: Depreo, Moran, Morgan, Koenenn, L’Ecuyer and Mayor Schafer. Nays: None.
Absent: None.

MOTION CARRIED UNANIMOUSLY



Thomas E. Schafer, IV
Mayor



Jeannie Klein
City Clerk