

City of Hattiesburg, MS

*200 Forrest St.
P.O. Box 1898
Hattiesburg, MS 39401*



Minutes Report

Monday, November 7, 2016

4:00 PM

Council Chambers

City Council

Call to Order

BE IT REMEMBERED that the Agenda Review meeting of the Hattiesburg City Council was held at 4:00 p.m. Monday, November 7, 2016, in Council Chambers at City Hall.

Those present included Mayor Johnny L. DuPree and members of the City Council Kim Bradley, Ward 1; Deborah Delgado, Ward 2; Carter Carroll, Ward 3; Mary Dryden, Ward 4; and Henry Naylor, Ward 5. Others in attendance included Director of Administration/City Clerk, Kermas Eaton; Chief Financial Officer, Sharon Waits; City Engineer, Lamar Rutland; Fire Chief, Paul Presley; Assistant Police Chief, Frank Misenhelter; Director of Public Works, Larry Barnes; Director of Federal and State Programs, La'Keylah White; Director of the Water Department, Chadwick Frierson; Director of Urban Development, Pattie Brantley; Planning Administrator, Ginger Maddox; Code Enforcement Manager, Mark Jordan; City Attorney, Annie Amos; Assistant to the Mayor, Valerie Arnold; Clerk of Council, Debbie Bernardo; Deputy Clerk of Council, Lisa Luu; media; and the public.

The MEETING was called to order by Council President Carroll.

Agenda Order

THE MATTER OF THE AGENDA ORDER came before the Council.

There were no additions or deletions to the agenda.

POLICY AGENDA

The POLICY AGENDA came before the Council.

The Council Clerk read aloud the Policy Agenda items.

- VI.1. 2016-16** Adopt an order to approve the sale of a personal service weapon Colt 375 mag Asset ID2729 serial number T80526 to retiring Major Billy Lane, pursuant to Mississippi Code Annotated 45-9-131.

1. Purchase of Service Weapon - Major Billy Lane

- VI.2. 2016-18** Adopt a Resolution declaring surplus a 2003 Lincoln LS, VIN# 1LNHM87A53Y65492, Asset 1705, and removing it from the city's inventory; the vehicle, forfeited to the Hattiesburg Police Department on March 29, 2010, will be returned to the original owners, Sammy Smith and Grandy Odie, Jr., per the County Court of Forrest County, Mississippi, Cause No. CO10-0396, October 5, 2016.

1. 2003 Lincoln LS
2. RES-Surplus HPD Vehicle, 2003 Lincoln LS

- VI.3. 2016-40** Adopt a Resolution authorizing Requisition No. 59 from the Project Fund Construction Account in connection with that certain loan agreement, dated as of December 19, 2013, by and between the Mississippi Development Bank and the City of Hattiesburg.

1. 2013 Bond Resolution No. 59

- VI.4. 2016-36** Adopt a Resolution authorizing Disbursement No. 9 from the Project Fund Escrow Account in connection with certain Equipment Lease/Purchase Agreement, dated as of February 4, 2016, by and between Banc of America Public Capital Corp and the City of Hattiesburg.

1. Energy Performance Disbursement 9

- VI.5. 2016-49** Authorize Council President to execute contract(s) with Carr, Riggs, and Ingram for furnishing contract audit services for the preparation and audit of the City of Hattiesburg's comprehensive annual financial report and for the general purpose financial statement of the Combined Water and Sewer System for the fiscal year ending September 30, 2016.

1. Carr, Riggs, & Ingram Agreement 2015

- VI.6. 2016-37** Authorize the Mayor to execute the MDOT Certification Form for Sub-Awards Executive Compensation Reporting for Transparency Act.

1. MDOT Certification Form for Sub-Awards

Council President Bradley asked for an explanation of this item; the Mayor provided a brief overview.

- VI.7. 2016-48** Authorize Mayor to execute an agreement in duplicate with Shows, Dearman and Waits, Inc., to conduct a Feasibility Study in connection with the Western Beltway Phase II, in accordance with the Federal Highway Administration's guidelines for Preliminary Engineering Services for an amount not to exceed \$214,718.97 (MDOT Project Number STPD-8776-00(004)LPA/105844-812000).

1. Contract - Western Beltway Phase II

- VI.8. 2016-34** Approve professional services contract with Shows, Dearman & Waits, Inc. for the design of a bridge replacement on 12th Avenue under State Aid Project LSBP-18(18); Authorize Mayor to execute same in triplicate.

1. SDW Agreement-12th Ave Bridge

Council Vice President Dryden asked if Forrest County is paying for a portion of this project; Mayor DuPree responded that the City and County are working together.

- VI.9. 2016-42** Approve and authorize Mayor to execute professional engineering services contract with Pickering Firm, Inc., for the assistance with procurement of water and wastewater systems operation and maintenance contract.

1. Pickering Firm Agreement

Council member Bradley asked the Mayor for ; the Mayor responded that the firm is from the Coast and has no relation with any of the engineering firms that the City .

Council President Carroll stated that he had asked for a resume´ and for a six to nine-month waiting period on this project. The Mayor said he did not recall Council President Carroll's request.

Subsequent discussion related to getting the resume´ emailed to the Council President, as well as to Council President Carroll's concern that may be rushing the process and the Mayor's response that the contract will put the City in position to handle collections and treatment efficiently.

Council Vice President Dryden stated that she would like to see examples and receive reports from other communities where this type of project has been done. She commented that starting the exploration process will involve a great deal of expense and that the City needs the additional information in order to determine its resources before committing itself.

Council member Delgado agreed with Council Vice President Dryden that needs to find resources locally, and used expenses for legal services as an example. The Mayor agreed but said there are occasions when it is necessary that the City use outside entities.

Council member Naylor suggested that the Pickering Firm come before the Council with a presentation, as Johnson Control did.

- VI.10. 2016-44** Approve 2017 CDBG/HOME Annual Action Plan and authorize Mayor to sign and execute all documents required for submittal to HUD.

1. 2017 CDBG/HOME ANNUAL ACTION PLAN
2. Documents for Annual Action Plan

- VI.11. 2016-28** Approve Payment Application No. 9 and Final Payment to Nobles Contracting, Inc. in the amount of \$44,888.25 for construction services rendered on the Old Federal Building & Post Office for renovations and ADA upgrades; approve final acceptance of said project; and authorize publication of the Notice of Final Settlement of contract of said project.

1. Federal Bldg Closing Documents
2. Notice of Final Settlement

Mayor stated that Nobles Contracting, Inc. received a Merit award for the Courthouse work. Council Vice President Dryden commented that she is glad to see the building has been renovated and will be put to good use.

- VI.12. 2016-45** Ratify and confirm the Mayor's re-appointment of Wyche McMullan (W3) to the Forrest County Industrial Park Commission for a term beginning 6-16-2016 and ending 6-15-2021.

1. Re-Appointment of McMullan to Commission

Council President Carroll thanked Wyche McMullan for his willingness to serve.

ROUTINE AGENDA

THE ROUTINE AGENDA came before the Council.

Regarding Routine Agenda Items VII. – 6 - VII. – 9, Council President Carroll stated that he does not recall the phrase "authorize Mayor to execute contract documents upon preparation" ever being used for the approval of bid tab contract agreements. He asked Mr. Rutland if the contracts were attached; Mr. Rutland responded that the contracts should have been attached. The Clerk of Council stated that the items include only the bid tabs, and no contracts. Council President Carroll asked Mr. Rutland if the contracts are in his office; Mr. Rutland responded in the affirmative and said he will send them to the Council and Ms. Bernardo.

Council member Bradley asked for clarification on the wording of Routine Agenda Item IV.-5. Ms. Maddox responded and clarified that Mrs. Brantley denied the request and that it is considered a staff-level denial.

- VII.1. 2016-19** Authorize Mayor to execute duplicate original agreement between City of Hattiesburg Parks and Recreation Department and Hattiesburg Arts Council to provide art cultural programs for children and cultural opportunities for adults, seniors, and persons with disabilities for Hattiesburg residents from October 1, 2016, through September 30, 2017. (Nunc Pro Tunc)

1. Hattiesburg Civic Arts Council Contract 2017

- VII.2. 2016-20** Authorize Mayor to execute duplicate original agreement between City of Hattiesburg Parks and Recreation Department and South Mississippi Art Association to operate and promote ceramics, pottery, and other art programs for Hattiesburg residents from October 1, 2016, through September 30, 2019. (Nunc Pro Tunc)
1. SMAA Ceramics Contract 2017-2019
- VII.3. 2016-17** Acknowledge receipt of FY2015-2016 Expenditure Report from Hattiesburg Arts Council for Adult and Children's Art Programs.
1. 2016 Hattiesburg Arts Council Expenditure Report
- VII.4. 2016-21** Acknowledge receipt of FY 2015-2016 Expenditure Report from South Mississippi Art Association for Ceramics, Pottery, and Sculpture Programs.
1. 2016 SMAA Expenditure Report
- VII.5. 2016-24** Acknowledge receipt of request filed by Leonard Busby, Capturion Network, LLC, to appeal the Urban Development Director's denial of a request to convert a static billboard to a tri-vision billboard located at 5012 US Highway 98; Pattie Brantley, Urban Development Director, denied the application on October 10, 2016 based on LDC 95.12 2.; set a public hearing before City Council at 4:00 p.m. on December 5, 2016, and authorize publication of Public Notice of Appeal Public Hearing.
1. 5012 US Hwy 98 - Sign Application - Billboard
 2. Appeal Letter - Capturion Network October 17 2016
- VII.6. 2016-33** Acknowledge bids received October 13, 2016, for the 1500 GPM Wesley Well No. 2 Project and accept the bid from Thompson Brothers Drilling in the amount of \$459,000.00 as the lowest and best bid; Authorize Mayor to execute contract documents upon preparation.
1. Bid Tab
- VII.7. 2016-31** Acknowledge bids received October 20, 2016, for the Edwards Street to Hall Avenue Pathway Project and accept the bid from Walters Construction in the amount of \$240,620.20 as the lowest and best bid; Authorize Mayor to execute contract documents upon preparation.
1. Award Letter
 2. Bid Tab

- VII.8. 2016-35** Acknowledge bids received October 27, 2016, for the Tuscan Avenue Sidewalk Project (Project No. STP 7197-00(002) LPA/106879-701000) and accept the bid from RJM McQueen Contracting, Inc. in the amount of \$292,692.68 as the lowest and best bid, subject to MDOT approval; authorize Mayor to execute contract documents upon preparation.

1. Award Letter
2. Bid Tab
3. MDOT Letter
4. Checklist to Award

- VII.9. 2016-32** Acknowledge bids received October 20, 2016, for the Safe Routes to School-Hawkins Sidewalk Project (Project No. SRSP 7207-00(004) LPA/106877-401000), and accept the bid from Fairley Construction in the amount of \$209,456.48 as the lowest and best bid, subject to MDOT approval; Authorize Mayor to execute contract documents upon preparation.

1. Award Letter
2. Bid Tab
3. MDOT Letter
4. Checklist to Award

- VII.10. 2016-30** Approve and authorize issuance of manual checks for CDBG Program Claims per the attached memorandum. {Entitlement CDBG}

1. Memorandum for CDBG Program Claims
2. Memorandum for CDBG Program Claims 11-08-2016

- VII.11. 2016-46** Authorize and approve HOME Program claims. {Entitlement}

1. Memorandum for HOME Program Claims

- VII.12. 2016-50** Approve the claims docket for the period ending October 31, 2016.

1. Docket 16.10-31

Citizens' Forum

Council President Carroll closed the Agenda Review.

Council member Naylor proceeded with the Citizens' Forum. He stated the procedures and invited members of the public to speak.

Joseph Rawson, 2814 Williamsburg Road, appeared before the Council regarding the Preamble of the Constitution and the Citizens' Forum procedures; he stated that the rules have not been established in the minutes and that Citizens' Forum should be held on Tuesday, according to the city's ordinance.

Robert Abrams, 613 Sunset Drive, appeared before the Council to disagree with comments Council member Bradley made during an interview about the Hattiesburg Fire Department. He also criticized four members of the Council for wasting money on .

Beverly Shaw, 814 Martin Luther King Avenue, appeared before the Council regarding the blowback on sewer lines in the homes of Martin Luther King Avenue. She said she hopes someone can come address this issue in her neighborhood. Ms. Shaw also announced that Vernell Jackson will be interviewed about the USO at 8:00 p.m. on the PBS channel.

Andy Stetelman, 1105 Oakleigh Drive, appeared before the Council about an obstruction and other repairs that are needed to help with drainage problems in the area of West Pine and Corinne, near the property at 1007 West Pine Street, which he represents. Mr. Stetelman distributed a photo to Council members and said he has emailed a video to Mr. Barnes and Council Vice President Dryden.

There were no other citizens present who wished to address the Council.

Council Member Naylor closed the Citizens' Forum.

2016-88 Citizens' Forum Sign-In Sheet, 11-7-16.

1. 11-7-16 Citizens' Forum Sign-In Sheet

2016-89 Andy Stetelman - Photo of obstruction over at 1007 West Pine Street

1. Andy Stetelman - Photo of Obstruction, 1007 W. Pine Street

Work Session

Council President Carroll proceeded with the Work Session, which included a discussion of drainage and flood prevention problems in the Oaks Neighborhood, and another on paving near the Vernon Dahmer Park area.

Council Vice President Dryden provided an overview of the drainage and flood prevention study. She recognized citizens from the Oaks Neighborhood and thanked them for coming. Council Vice President Dryden called upon Alice Nester, 908 Corinne Street, to come before the Council to address concerns regarding flooding issues in the Oaks Neighborhood. Council Vice President Dryden read aloud the letter Ms. Nester distributed, then called upon Mr. Rutland, Mr. Barnes and Mr. Frierson to discuss ways to alleviate the problem.

Council member Naylor discussed the paving in the Dahmer Park area, which includes Martin Luther King Avenue, Country Club Road, J.C. Killingsworth Drive and Tuscan Avenue. He said that the project has been discussed infrequently for about six years, and added that Spring would be a great time to re-address paving for that area. Council member Naylor recognized and thanked Ms. Shaw and Reverend Siggers for attending the meeting to represent the Dahmer Park area. Council Vice President Dryden stated that she agrees with Council member Naylor.

Council President Carroll closed the Work Session at 4:50 p.m.

2016-52 Oaks Neighborhood Leadership & Residents Drainage Letter, 11-7-16.

Additional Business

Council President Carroll called for additional business.

Council Vice President Dryden asked that an item be added to the agenda regarding the drainage and flood issues in the Oaks Neighborhood, and that the tabled item on the Microenterprise Award also be added to the agenda.

Executive Session

A MOTION was made by Council Vice President Dryden and seconded by Council Member Naylor to consider the need to go into Executive Session to discuss potential litigation and personnel matters in accordance with Mississippi Code Section 25-41-7 (b) and (a).

There being no discussion, the Motion received the affirmative vote of the Council as follows:

Yeas: 5 - Bradley, Delgado, Carroll, Dryden and Naylor

Nays: 0

A MOTION was made by Council Vice President Dryden and seconded by Council Member Naylor to go into Executive Session to discuss potential litigation and personnel matters in accordance with Mississippi Code Section 25-41-7 (b) and (a).

There being no discussion, the Motion received the affirmative vote of the Council as follows:

Yeas: 5 - Bradley, Delgado, Carroll, Dryden and Naylor

Nays: 0

Those present for the Executive Session were Mayor DuPree; Council members Bradley, Delgado, Carroll, Dryden and Naylor; Mr. Eaton; Attorney Amos; Judge Jerry Evans; Ms. Waits; City Prosecutor, Sally O'Flynn; and Ms. Bernardo.

Judge Evans and Ms. O'Flynn left the room at 5:18 p.m.

No action was taken during Executive Session.

A MOTION was made by Council member Bradley and seconded by Council member Naylor to come out of Executive Session and re-open the meeting to the public at 5:22 p.m.

Following Executive Session, Council Vice President Dryden requested an update on the City's re-certification on flood insurance.

By unanimous consent, Council President Carroll closed the meeting at 5:26 p.m., this the 7th day of November, A.D., 2016.