City of Hattiesburg, MS

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

Minutes Report

Tuesday, November 8, 2016

5:00 PM

Council Chambers

<u>City Council</u>

I. Call to Order

BE IT REMEMBERED that the regular meeting of the Hattiesburg City Council was held at 5:00 p.m. Tuesday, November 8, 2016, in Council Chambers at City Hall.

Those present included 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 Fire Chief, Eddie Wilson; 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 Parks and Recreation, Clemon Terrell; 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.

II. Call to Prayer and Pledge of Allegiance

The prayer was given by Minister Mark Jordan of True Life Missionary Baptist Church.

The Pledge of Allegiance was led by Chief Parker.

III. Agenda Order

THE MATTER OF THE AGENDA ORDER came before the Council.

A MOTION was made by Council Vice President Dryden and seconded by Council member Naylor to Remove Policy Agenda Item VI.-9 and Add Policy Agenda Items VI.-13, VI.-14 and VI.-15 at the request of the Administration as follows:

VI.-13 2016-38 Adopt the November 8, 2016 Amendments to the Budget for the City of Hattiesburg for the fiscal year ending September 30, 2017 and adopt resolution authorizing publication of amendments for funds in excess of 10% of the original appropriation fund balance.

1. Resolution
2. Memo
3. Worksheet
4. Published Budgets

VI.-14 2016-41 Adopt a Resolution for appointing Benjamin Dodd Thornton as Part-Time Municipal Public Defender, for the City of Hattiesburg.

1. Resolution-Thornton
2. Thornton-Resume

VI.-15 2016-39 Adopt a Resolution appointing Shakita L. Taylor as Municipal Public Defender, for the City of Hattiesburg.

1. Resolution-Taylor
2. Taylor-Resume

To add Policy Agenda Item VI.-16 at the request of the Council as follows:

VI.-16 2016-54 Adopt a finding that work must be performed to replace collapsed culvert at 5th Avenue and Corinne Street and to clean and repair other pipes and ditches as necessary to alleviate drainage issues and prevent flooding in the Oaks Neighborhood.

1. Letter to State Auditor's Office, collapsed culvert
2. Response, State Auditor's Office, collapsed culvert

And, to add Routine Agenda Item VII.-13 at the request of the Council as follows:

VII.-13 2016-53 Take from the Table and approve a Tenant Based Rental Assistance Contract with Shoemaker Property Management, LLC in the amount of $835.00(on behalf of Irene Martin) and authorize the Mayor to execute in triplicate for same. Authorize and approve issuance of a manual check for the same, per attached memorandum. {Entitlement}

1. Rental Assisitance Contarct

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

IV. Approval of Minutes *for the October 3, 4, 17 and 18, 2016, City Council meetings.*

A MOTION was made by Council Vice President Dryden and seconded by Council member Naylor to approve the minutes of the October 3, 4, 17 and 18, 2016 City Council meetings.

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

Yeas: 4 - Bradley, Carroll, Dryden and Naylor

Nays: 0

Abstain: 1 - Delgado

V. PRESENTATION AGENDA

The PRESENTATION AGENDA came before the Council.

Corey Proctor presented the Keep Hattiesburg Beautiful November Award to the Camp Shelby Youth Challenge Program.

There were no other presentations at this time.

VI. POLICY AGENDA

The POLICY AGENDA came before the Council.

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

A MOTION was made by Council Member Bradley and seconded by Council Vice President Dryden to 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.

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

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
3. executed RES-Surplus HPD Vehicle, 2003 Lincoln LS RES#2016-262

A MOTION was made by Council Member Bradley and seconded by Council Member Naylor to 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..

Following discussion, the Motion received the affirmative vote of the Council as follows:

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

Nays: 0

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
2. executed 2013 Bond Resolution No. 59 RES#2016-263

A MOTION was made by Council Vice President Dryden and seconded by Council Member Naylor to 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..

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

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
2. executed Energy Performance Disbursement 9 RES#2016-264

A MOTION was made by Council Member Bradley and seconded by Council Member Delgado to 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 Bank of America Public Capital Corp and the City of Hattiesburg..

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

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
2. executed Carr, Riggs, & Ingram Agreement 2015

A MOTION was made by Council Member Naylor and seconded by Council Member Bradley to 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.

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

Yeas: 4 - Bradley, Carroll, Dryden and Naylor

Nays: 0

Abstain: 1 - Delgado

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
2. executed MDOT Certification Form for Sub-Awards

A MOTION was made by Council Member Naylor and seconded by Council Member Bradley to Authorize the Mayor to execute the MDOT Certification Form for Sub-Awards Executive Compensation Reporting for Transparency Act.

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

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
2. executed Contract - Western Beltway Phase II

A MOTION was made by Council Vice President Dryden and seconded by Council Member Naylor to 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).

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

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
2. executed SDW Agreement-12th Ave Bridge

A MOTION was made by Council Vice President Dryden and seconded by Council Member Naylor to 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.

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

VI.9. **REMOVED.**

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
3. executed Documents for Annual Action Plan

A MOTION was made by Council Member Bradley and seconded by Council Vice President Dryden to Approve 2017 CDBG/HOME Annual Action Plan and authorize Mayor to sign and execute all documents required for submittal to HUD.

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

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 Settlment
3. executed Notice of Final Settlment

A MOTION was made by Council Member Bradley and seconded by Council Vice President Dryden to 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.

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

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

A MOTION was made by Council Member Bradley and seconded by Council Vice President Dryden to 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.

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

VI.13. 2016-38 Adopt the November 8, 2016 Amendments to the Budget for the City of Hattiesburg for the fiscal year ending September 30, 2017 and adopt resolution authorizing publication of amendments for funds in excess of 10% of the original appropriation fund balance.

1. Resolution
2. Memo
3. Worksheet
4. Published Budgets
5. executed Resolution RES#2016-265

A MOTION was made by Council Member Bradley and seconded by Council Member Naylor to adopt the November 8, 2016 Amendments to the Budget for the City of Hattiesburg for the fiscal year ending September 30, 2017 - with the stipulation that the amended budget include funding for career development for the police department, as well as five temporary training positions for the Police and Fire Training Academy and two positions for public works - and adopt resolution authorizing publication of amendments for funds in excess of 10% of the original appropriation fund balance.

Ms. Waits provided an overview and responded to Council members' questions. Ms. Waits stated that she did not finish adding the changes that the Council requested until 4:30 p.m. and that she failed to include 4,000 in funding for the police department for career development training. Ms. Waits stated that the General Fund ending balance is $4.5 million and that taking out the Hercules settlement will leave the General Fund ending balance at $1.5 million. She said that, based on reports for October, the City's sales tax revenue is a little behind schedule. Ms. Waits also said that she has increased paving budget and divided it into two segments, with $500,000 in the General Fund and $500,000 in the Road and Bridge Fund.

Council member Bradley discussed the Council's decision to increase by $2,400 the wages of each firefighter who did not received a raise at the beginning of the 2016-2017 fiscal year. Ms. Waits responded that she will need to meet with him to discuss these calculations and changes, and that the Administration is requesting an additional five temporary firefighter positions for a training academy.

Ms. Waits discussed changes to the water and sewer bond construction fund for the 2016 Bonds, which she said are budgeted at $25 million; she said she will place $10 million in a separate budget line item reserved for future wastewater treatments. She also discussed two Administration requests: a $2,400 pay increase for a Mass Transit employee to maintain that employee's exempt status and avoid paying overtime, and an additional two positions for the Public Works Department which she said are funded but had not been entered in the manpower report.

Council President Carroll discussed the Council approving the budget amendments with the five additional temporary fire department positions and the two public works positions; Ms. Bernardo suggested the Council also stipulate to approve the career development funding for the police department. Council President Carroll clarified that the Council will stipulate to approve the budget amendments with the five additional temporary fire department positions, the two public works positions from the manpower report, and the police department funding for career development.

Following discussion, the Motion received the affirmative vote of the Council as follows:

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

VI.14. 2016-41 Adopt a Resolution appointing Benjamin Dodd Thornton as Part-Time Municipal Public Defender for the City of Hattiesburg.

1. Resolution-Thornton
2. Thornton-Resume
3. executed Resolution-Thornton RES#2016-266

A MOTION was made by Council Member Bradley and seconded by Council Vice President Dryden to Adopt a Resolution appointing Benjamin Dodd Thornton as Part-Time Municipal Public Defender for the City of Hattiesburg.

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

VI.15. 2016-39 Adopt a Resolution appointing Shakita L. Taylor as Municipal Public Defender, for the City of Hattiesburg.

1. Resolution-Taylor
2. Taylor-Resume
3. executed Resolution-Taylor RES#2016-267

A MOTION was made by Council Member Bradley and seconded by Council Vice President Dryden to Adopt a Resolution appointing Shakita L. Taylor as Municipal Public Defender for the City of Hattiesburg.

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

VI.16. 2016-54 Adopt a finding that work must be performed to replace collapsed culvert at 5th Avenue and Corinne Street and to clean and repair other pipes and ditches as necessary to alleviate drainage issues and prevent flooding in the Oaks Neighborhood.

1. Letter to State Auditor's Office, collapsed culvert
2. Response, State Auditor's Office, collapsed culvert

A MOTION was made by Council Vice President Dryden and seconded by Council Member Naylor to Adopt a finding that work must be performed to replace collapsed culvert at 5th Avenue and Corinne Street and to clean and repair other pipes and ditches as necessary to alleviate drainage issues and prevent flooding in the Oaks Neighborhood.

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

VII. ROUTINE AGENDA

THE ROUTINE AGENDA came before the Council.

A MOTION was made by Council Member Bradley and seconded by Council Member Naylor to approve the Routine Agenda and stipulate that the phrase "Authorize Mayor to execute contract documents upon preparation" be omitted from Routine Agenda Items VII.-6, VII.-7, VII.-8 and VII.-9.

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

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
2. executed 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
2. executed 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.

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.

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.

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

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.

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

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

VII.13. 2016-53 Take from the Table and approve a Tenant Based Rental Assistance Contract with Shoemaker Property Management, LLC in the amount of $835.00(on behalf of Irene Martin) and authorize the Mayor to execute in triplicate for same. Authorize and approve issuance of a manual check for the same, per attached memorandum. {Entitlement}

1. Rental Assistance Contract
2. executed Rental Assistance Contract

Additional Business

Council President Carroll called for additional business.

Council Vice President Dryden read aloud Rodney Session's Hattiesburg American column, titled "A Prayer for the Nation."

There was no other additional business.

2016-92 MD - Rodney Sessions: A Prayer for the Nation (Hattiesburg American Column).

1. Rodney Sessions_A Prayer for the Nation

Executive Session

A MOTION was made by Council Member Bradley and seconded by Council Member Naylor to consider the need to go into Executive Session to discuss legal matters, in accordance with Mississippi Code Section 25-41-7 (b).

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 Member Bradley and seconded by Council Member Naylor to go into Executive Session to discuss legal matters, in accordance with Mississippi Code Section 25-41-7 (b).

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 Council members Bradley, Delgado, Carroll, Dryden and Naylor; Mr. Eaton; Ms. Waits; Mr. Rutland; Mr. Frierson; Attorney Amos; Attorneys Keith Turner and Louis Lanoux of Watkins & Eager law firm; and Ms. Bernardo.

No action was taken during Executive Session.

A MOTION was made by Council Member Bradley and seconded by Council Vice President Dryden to come out of Executive Session and re-open the meeting to the public at 6:03 p.m.

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

Recessed

By unanimous consent, Council President Carroll declared the meeting recessed at 6:04 p.m., this the 8th day of November, A.D., 2016.