City of Hattiesburg, MS

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

Minutes Report

Monday, November 21, 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 21 , 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 (Teleconference); Carter Carroll, Ward 3; Mary Dryden, Ward 4; and Henry Naylor, Ward 5. Others in attendance included Director of Administration/City Clerk, Kermas Eaton; City Engineer, Lamar Rutland; Fire Chief, Paul Presley; Assistant Fire Chief, Eddie Wilson; Police Chief, Anthony Parker; 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; Public Relations Coordinator, Chinika Hood; 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.

V.1. 2016-58 Adopt an Ordinance for the petition filed by Dustin Gatlin, Engineer, on behalf of Doug Jones, COO, Forrest General Hospital, Owner, to change the zoning classification for certain property located at 2100 S. 28th Avenue Extension, 2206 S. 28th Avenue Extension, & 2208 S. 28th Avenue Extension (Parcel 2-039O-20-005.00, PPIN 27240, Parcel 2-039O-20-004.00, PPIN 27241, & Parcel 2-039O-20-003.00, PPIN 27242, respectively, Ward 5) from Article 4, Section 52, R-1A (Single-Family Residential) District to Section 62, B-5 (Regional Business) District. The Planning Commission recommended to APPROVE on November 2, 2016.

1. Ordinance - 2100 2206 2208 S 28th Ave Ext
2. November PC Minutes (DRAFT)
3. Image Sheet - S 28th Ave Exst - Zoning Change
4. Staff Summary - S 28th Ave Exst (Rezoning)
5. Applicant Sheet S 28th Ave Ext Rezoning
6. FGH Pine Grove Rezone Attachment_Masterplan
7. FGH Pine Grove Rezone Attachment_Survey
8. Letter of opposition - Charles Powers - 2008 S 28th Ave Ext

V.2. 2016-59 APPROVE or DENY a petition filed by Phillip Perkins, Architect, on behalf of Doug Jones, COO, Forrest General Hospital, Owner, to request a variance from Article 3, Section 3.5.2. (E) which states a Build-to Zone on a primary street (Arlington Loop) shall meet a maximum setback of 20 feet and instead allow a setback of 82.14 feet for a variance of 62.14 feet for 301 S. 28th Avenue (Parcel 2-028N-07-241.00, PPIN 17799, Ward 3). The Planning Commission recommended to APPROVE on November 2, 2016.

1. November PC Minutes (DRAFT)
2. Image Sheet- Midtown - 301 S 28th Ave
3. Staff Summary - Midtown- 301 S 28th Ave
4. Applicant Sheets - 301 S 28th Ave
5. FGH Cancer Center Site Plan - Color
6. FGH Cancer Center Site Plan - Presented at HPC

V.3. **2016-60** APPROVE or DENY a petition filed by John Anglin, Engineer, David Chunn, Owner, to request a variance from Article 5, Section 89.08 which states the minimum distance from a curb cut to the property line may be twelve and one half (12.5) feet and instead allow six and eight tenths (6.8) feet for a variance of five and seven tenths (5.7) feet for certain property located at 6623 US Hwy 49 (Parcel 2-024M-31-016.00, PPIN 27492, Ward 1). The Planning Commission recommended to APPROVE on November 2, 2016.

1. November PC Minutes (DRAFT)
2. Image Sheet - 6623 Hwy 49 - Variance
3. Staff Summary - 6623 Hwy 49 - Variance
4. Applicant Sheet - 6623 Hwy 49
5. 6623 Hwy 49 - Prelim Site Plan

V.4. **2016-61** APPROVE or DENY a petition filed by Rob O. Tatum, Jr, Owner, to request a variance from Article 3, Section 3.15.2 (B) which states a street facing façade height with a minimum of two (2) stories shall meet a 75% minimum overall lot width and instead allow 33% lot width along S. 30th Avenue for a variance of 42% lot width for certain property located at 3000 Hardy Street along S. 30th Avenue (Parcel 028N-07-078.00, PPIN 20837; Parcel 028N-07-076.00, PPIN 20839, Ward 3). The Planning Commission recommended to APPROVE on November 2, 2016.

1. November PC Minutes (DRAFT)
2. Image Sheet- Midtown - 3000 Hardy
3. Staff Summary - Midtown- 3000 Hardy Street
4. Applicant Sheet - G - 3000 Hardy St
5. 3000 Hardy St - Conceptual Design_Variances
6. 3000 Hardy St - Revised Variance Calc

V.5. **2016-62** APPROVE or DENY a petition filed by Rob O. Tatum, Jr, Owner, to request a variance from Article 3, Section 3.15.2 (B) which states a street-facing façade height with a minimum of two (2) stories shall meet a 75% minimum overall lot width and instead allow 0% lot width along Hardy Street for a variance of 75% lot width for certain property located at 3000 Hardy Street along Hardy Street (Parcel 028N-07-078.00, PPIN 20837; Parcel 028N-07-076.00, PPIN 20839, Ward 3). The Planning Commission recommended to APPROVE on November 2, 2016.

1. November PC Minutes (DRAFT)
2. Image Sheet- Midtown- 3000 Hardy St
3. Staff Summary - Midtown- 3000 Hardy Street
4. Applicant Sheet - H - 3000 Hardy St
5. 3000 Hardy St - Conceptual Design_Variances
6. 3000 Hardy St - Revised Variance Calc

V.6. **2016-63** APPROVE or DENY a petition filed by Rob O. Tatum, Jr, Owner, to request a variance from Article 3, Section 3.15.1 (F) which states a Build-to Zone on a primary street (Hardy Street) shall meet a 90% minimum overall lot width and instead allow 84% lot width for a variance of 6% lot width for certain property located at 3000 Hardy Street along Hardy Street (Parcel 028N-07-078.00, PPIN 20837; Parcel 028N-07-076.00, PPIN 20839, Ward 3). The Planning Commission recommended to APPROVE on November 2, 2016.

1. November PC Minutes (DRAFT)
2. Image Sheet- Midtown- 3000 Hardy St
3. Staff Summary - Midtown- 3000 Hardy Street
4. Applicant Sheet - I - 3000 Hardy St
5. 3000 Hardy St - Conceptual Design_Variances
6. 3000 Hardy St - Revised Variance Calc

Following the Ms. Maddox's overview on Policy Agenda Items 1 - 6, Ms. Maddox provided and update on the city's floodplain certification at Council Vice President Dryden's request. Ms. Maddox estimated that the ordinance, programs and policies necessary for re-certification cannot be adopted and implemented before May or November of 2017.

V.7. **2016-65** Adopt a Resolution authorizing Requisition No. 60 from the Project Fund Construction Account in connection with 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. 60

Council Vice President Dryden stated that she has a letter for the City Administration and Directors; regarding water issues in the Parkhaven neighborhood. The Mayor responded that he has spoken to Staci Cox, President of Parkhaven Neighborhood, and that he addressed the requests stated in the letter. He said the city will test every year for metals, will work with the Health Department on testing, will notify residents when fire hydrants are flushed , and will have to replace water and sewer in that area for the Forrest General project. Council Vice President Dryden asked the Mayor if the water is tested, and the Mayor responded that it is tested annually.

V.8. **2016-66** Approve Acquisition and Relocation Policy for the South 28th Ave Bridge Replacement Project, and authorize Mayor to execute letter of Engagement authorizing Pittman, Howdeshell, Hinton & Hightower, PLLC, to perform legal services as required for said project.

1. Engagement Letter
2. Acquisition & Relocation Policy

Ms. Bernardo stated that the wording for this item should be "to execute" rather than "to accept" and said she will make the correction.

V.9. **2016-68** Approve and Authorize Mayor to execute contract between the City of Hattiesburg and Thompson Brothers Drilling in the amount of $ 459,000.00 for construction services related to the 1500 GPM Wesley Well No. 2 Project.

1. 1500 GPM Well 2 Contract
2. Revised - 1500 GPM Well 2 Contract

V.10. **2016-69** Approve and Authorize Mayor to execute contract between the City of Hattiesburg and Walters Construction in the amount of $ 240,620.20 for construction services related to the Edwards Street to Hall Avenue Pathway Project.

1. Edwards St to Hall Ave Contract
2. Revised - Edwards St. to Hall Ave. Contract

V.11. **2016-71** Approve and Authorize Mayor to execute contract between the City of Hattiesburg and RJM McQueen Contracting, Inc. in the amount of $ 292,692.68 for construction services related to the Tuscan Ave Sidewalk Project (Project No. STP 7197-00(002)/LPA 106879-701000).

1. Tuscan Ave Project Contract
2. Revised - Tuscan Ave. Project Contract

V.12. **2016-72** Approve and Authorize Mayor to execute contract between the City of Hattiesburg and Fairley Construction in the amount of $ 209,456.48 for construction services related to the Safe Routes to School-Hawkins Sidewalk Project (Project No. SRSP 7207-00(004) LPA/106877-401000).

1. Hawkins Sidewalk Contract
2. Revised - Hawkins Sidewalk Contract

V.13. **2016-57** Authorize Mayor to execute a six-month contract with 98 West, LLC, for delivery of acceptable waste to its landfill or transfer station at a fee of $7 per yard for approved Class I rubbish and $3 per yard for 100% vegetative loads.

1. Waste Disposal Agreement 98 Waste

ROUTINE AGENDA

VI.1. 2016-67 Acknowledge receipt of request filed by Leonard Busby, III, Capturion Network, LLC, to appeal the Planning Commission's recommendation for the petition filed by Leonard Busby, III, Capturion Network, LLC, Applicant, on behalf of Mississippi Oil, LLC , Owner, to request a variance from Article 5, Section 95.10(3.1)(3) E which states spacing between Digital Billboards (Primary Structure) and Static Billboards are a minimum radius of 1,250 feet and instead allow a distance of one thousand, one hundred and fifty one (1,151) feet for a variance of ninety-nine (99) feet located on Hwy 98 AND to request a Use Permit Upon Review for a “Digital Billboard” as provided in Article 5, Section 95.10(3.1)(3) for a proposed Digital Billboard located on a certain property located at 4041 Old Hwy 11 (Latitude/Longitude: 31.314740, -89.411141) (Parcel 055D-16-035.000, PPIN 18771, Ward 3); (Hattiesburg Planning Commission recommended to DENY on November 3, 2016); Set a public hearing before City Council at 4:00 p.m. on December 19, 2016, and authorize publication of Public Notice of Appeal Public Hearing.

1. November PC Minutes (DRAFT)
2. Appeal - 4041 Old Hwy 11 - 11-2-16 HPC

VI.2. 2016-70 Acknowledge receipt of the unadvertised bid purchase docket for the period of September 29, 2016 through November 14, 2016, as provided for in Section 37-1-13(b) of the Mississippi Code 1972.

1. UAB MEMO
2. UAB DOCKET

VI.3. 2016-55 Approve the City's purchase of one (1) grave space, located in South Half (S1/2) of the Northwest Quarter (NW 1/4), Section 32, Lot 33, at Highland Cemetery (Minute Book# 2014-54) in the amount of $ 175.00 to Opal Mitchell; authorize manual check for the same.

1. Buy Back (Opal Mitchell)
2. Receipt (Opal Mitchell)
3. Deed (Opal Mitchell)

VI.4. 2016-56 Approve the sale of grave spaces per attached memo.

1. Deeds
2. Receipts

VI.5. 2016-73 Approve claims docket for the period ending November 18, 2016.

1. Docket

Following discussion of agenda items, Council President Carroll closed the Agenda Review.

Additional Business

Council member Bradley asked Mr. Eaton if the refund to Tom Coggins is on the Claims Docket; Mr. Eaton replied in the negative.

Council President Carroll stated that Mr. Coggins sent the Council a copy of the $10,000, an invoice and a letter from LePapillon to Bert Kuyrkendall, and said that the documents do not verify that the check was deposited.

Council member Bradley asked Mr. Rutland is there any indication that Mr. Coggins was tapped into the City's sewer system; Mr. Rutland responded that Mr. Coggins had disconnected from the sewer line.

Council member Delgado stated that the City could incur interest and legal fees if Mr. Coggin's money is not refunded.

Council member Naylor said he is in favor of paying Mr. Coggins if owes him, but he is not certain that [$10,000] is owed without further investigation.

Mayor DuPree said will provide evidence of Mr. Coggins tapping into the City's system.

Council Vice President Dryden said it is important that water and sewer contracts are done correctly. She asked why was the money was to have been reimbursed from the general fund and not the water and sewer budget.

Council member Naylor said he is not comfortable with refunding Mr. Coggins the money to Mr. Coggins at this time.

Council President Carroll stated that [the $10,000] was not a deposit, but a set-up and initialization fee. He asked Mr. Rutland for clarification on whether Mr. Coggins was disconnected from the City's sewer system; Mr. Rutland replied in the affirmative, and said Mr. Coggins went to the health department to get approval to run sewer routes and was fully connected to the sewer system. Council President Carroll said that Mr. Coggins was connected at one time and it was his prerogative not to use the system.

Council member Delgado advised proceeding with caution, but said she still believes Mr. Coggins should have his money back. She asked if the City Attorney can investigate this contract.

Council President Carroll stated that the refund for Mr. Coggins will not be on the Claims Docket.

Council President called for additional business.

2016-94 Tom Coggins' letter, check and invoice, 11-21-16.

1. LePapillion Utility Co., LLC Letter
2. Check & Invoice

Citizens' Forum

Following discussion of agenda items, 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.

James Trussell, 2310 Clayton Place, appeared before the Council regarding the increased flood insurance rates and flood zone maps. He said his rates have increased 44 percent in two years and said the City needs to move forward. Also, he said the City has until 2020 to consider plans for new flood maps.

Joseph Rawson, 2814 Williamsburg Road, asked the Council to surrender or its members will be held to the legal doctrines under the pretense of the State of Mississippi Constitution. He distributed a blank sheet of paper to each Council member.

Katie Riley, 302 4th Avenue, appeared before the Council regarding a park for the community. She referred to the September 14, 2016, of Ann Georges , and said the park would be named after Ms. Georges. Ms. Riley asked the status of the project and said she hopes the park will be completed for the community by the Spring of 2017.

Fredrick Smith, 805 Morton Street, appeared before the Council regarding some safety violations and with the City’s disposal of asbestos and other hazardous wastes. He stated that City workers are not properly protected, that dump trucks drive on City streets with asbestos, and that the hazardous material is taken to the the City dump. He said no one should be exposed to these environmental hazards. Mayor DuPree said that Mr. Barnes would speak with Mr. Smith after the meeting.

Sheila Sanderford, 820 Grace Avenue, appeared before the Council regarding to her Microenterprise loan application for her hair salon business, Hair Creations by Sheila. She asked the Council the status of the agenda item and asked what she needs to do; Council Vice President Dryden offered to speak with Ms. Sanderford after the meeting.

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

Council Vice President Naylor closed the Citizens’ Forum.

2016-93 Citizens' Forum Sign-In Sheet, 11-21-16.

1. 11-21-16 Citizens' Forum Sign-In Sheet

Executive Session

A MOTION was made by Council member Delgado and seconded by Council member Naylor to consider the need to go into Executive Session to discuss Council personnel, in accordance with Mississippi Code Section 25 41 7 (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 member Delgado and seconded by Council member Naylor to go into Executive Session to discuss Council personnel, in accordance with Mississippi Code Section 25 41 7 (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 Council members Bradley, Delgado, Carroll, Dryden and Naylor.

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 5:25 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

By unanimous consent, Council President Carroll closed the meeting at 5:25 p.m., this the 21st day of November, A.D., 2016.