City of Hattiesburg, MS

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

Minutes Report

Tuesday, November 22, 2016

5:00 PM

Council Chambers

City Council

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 22, 2016, in Council Chambers at City Hall.

Those present included members of the City Council Kim Bradley, Ward 1; Deborah Delgado, Ward 2 (Teleconference); Carter Carroll, Ward 3; Mary Dryden, Ward 4 (Teleconference); 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; 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; 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 Rev. 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.

There were no additions or deletions to the agenda.

IV. PRESENTATION AGENDA

The PRESENTATION AGENDA came before the Council.

On behalf of Mayor DuPree, Valerie Arnold presented a proclamation honoring Staff Sergeant Marjory Harris as part of the Hidden Heroes campaign sponsored by the Elizabeth Dole Foundation and declaring November 22, 2016, Military and Veterans Caregivers' Day in Hattiesburg. The Hidden Heroes Campaign is designed to increase awareness of those who take care of veterans and try to improve their quality of life.

There were no other presentations at this time.

V. 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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Council Member Bradley thanked Mr. Tatum for the work he is doing to develop Hattiesburg .

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

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

Nays: 0

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

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

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

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

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

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

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
3. Executed (Revised) 1500 GPM Well No. 2 Contract

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

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

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

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

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

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

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

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

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

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

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

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

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

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. 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.

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.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

VII. 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 Member Naylor to come out of Executive Session and re-open the meeting to the public at 5:28 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

VII.1. 2016-74 Adopt a Resolution authorizing the City's attorneys to take all action necessary to obtain relief from or with respect to the consent judgment in Gulf Restoration Network v. City of Hattiesburg.

1. RES-Authorize Attorneys to Seek Relief, Consent Judgment, GRN

A MOTION was made by Council Member Bradley and seconded by Council Member Naylor to Adopt a Resolution authorizing the City's attorneys to take all action necessary to obtain relief from or with respect to the consent judgment in Gulf Restoration Network v. City of Hattiesburg.

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

Yeas: 4 - Bradley, Carroll, Dryden and Naylor

Nays: 1 - Delgado

VIII. Recessed

By unanimous consent, Council President Carroll declared the meeting recessed at 5:29 p.m., this the 22nd day of November, A.D., 2016.