City of Hattiesburg, MS

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

Minutes Report

Tuesday, December 6, 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, December 6, 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; Assistant Fire Chief, Eddie Wilson; Police Chief, Anthony Parker; Assistant Police Chief, Frank Misenhelter; Director of Public Works, Larry Barnes; Director of the Water Department, Chadwick Frierson; Director of Parks and Recreation, Clemon Terrell; Director of Urban Development, Pattie Brantley; Planning Administrator, Ginger Maddox; Mark Jordan; City Attorney, Annie Amos; 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 Pledge of Allegiance was led by Chief Parker.

The prayer was given by Pastor Michael Jordan of Mt. Olive Baptist Church.

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 include minutes of the November 1 and November 29 meetings of the Council's Rental Properties Committee to the Approval of the Minutes, and Add Policy Agenda Item VI.10 at the request of the Administration and the Council as follows:

VI.10 2016-98 Adopt a Resolution finding that a certain property near Roosevelt Street has become a site for encampments of homeless individuals and is in such a state of uncleanliness so as to constitute a menace to the public health, safety and welfare, authorizing city personnel to enter private property near Roosevelt Street for a one-time clean-up of litter and debris to help reduce the incidence of vagrancy, panhandling and other problems associated with these encampments; said resolution shall take effect immediately.

1. RES-clean-up of property near Roosevelt Street
2. Letter, legal description, map-property near Roosevelt St.

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 November 1, 7, 8, 21, 22, 28 and 29, 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 November 1, 7, 8, 21, 22 and 29, 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.

Mayor DuPree welcomed Bill Russell, as well as his wife, Janette, and son, Troy. Mayor DuPree thanked Mr. Russell for donating the Hattiesburg Grocery Company Complex, 300 Klondyke Street, to the City of Hattiesburg for the use of the temporary Police Department and announced that the building will be named in honor of Mr. Russell. Mr. Russell made a brief statement and expressed gratitude for the honor.

Council Vice President Dryden thanked Mr. Russell.

There were no other presentations at this time.

VI. POLICY AGENDA

The POLICY AGENDA came before the Council.

VI.1. **2016-90** Adopt a resolution that the Hattiesburg Grocery Company Complex at 300 Klondyke Street be named in honor of William T. (Bill) Russell Jr., and be known as the William T. (Bill) Russell Jr., Complex.

1. RES-Hattiesburg Grocery Co. Complex

A MOTION was made by Council Member Bradley and seconded by Council Member Delgado to Adopt a resolution that the Hattiesburg Grocery Company Complex at 300 Klondyke Street be named in honor of William T. (Bill) Russell Jr., and be known as the William T. (Bill) Russell Jr., Complex.

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. **2016-85** Adopt a Resolution authorizing the form of and execution of a Development and Reimbursement Agreement between Midtown Investors, LLC, a Mississippi Limited Liability Company, and the City of Hattiesburg, Mississippi; and for related purposes.

1. Resolution Midtown Investors, LLC
2. Exhibit A: Elam Arms Development & Reimbursement Agreement 12-6-16

A MOTION was made by Council Member Bradley and seconded by Council Vice President Dryden to Adopt a Resolution authorizing the form of and execution of a Development and Reimbursement Agreement between Midtown Investors, LLC, a Mississippi Limited Liability Company, and the City of Hattiesburg, Mississippi; and for related purposes.

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.3. **2016-87** Adopt a Resolution appointing Mary Holly Hammett as Municipal Court Prosecutor, Post 2, for the City of Hattiesburg.

1. Hammett Resume
2. Resolution Hammett

A MOTION was made by Council Vice President Dryden and seconded by Council Member Naylor to Adopt a Resolution appointing Mary Holly Hammett as Municipal Court Prosecutor, Post 2, for the City of Hattiesburg.

Council President Carroll introduced Ms. Hammett and expressed appreciation to her for working for the City.

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

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

Nays: 0

VI.4. **2016-84** Adopt a Resolution declaring certain items as surplus; authorize the sale of said items at auction and the removal of said items from the inventory of the Hattiesburg Police Department. (see attached list)

1. Resolution of surplus items 12-6-16
2. Memo-Parker
3. Surplus Items

A MOTION was made by Council Member Bradley and seconded by Council Vice President Dryden to Adopt a Resolution declaring certain items as surplus; authorize the sale of said items at auction and the removal of said items from the inventory of the Hattiesburg Police Department. (see attached list)

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. **2016-78** Adopt a Resolution authorizing Disbursement No. 10 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 10

A MOTION was made by Council Vice President Bradley and seconded by Council Vice President Dryden to Adopt a Resolution authorizing Disbursement No. 10 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.6. **2016-80** REMOVED.

VI.7. **2016-91** Authorize Mayor to execute an agreement with Jimmy G. Gouras, Urban Planning Consultants, Inc. for consulting services in connection with obtaining up to $1,000,000.00 in Developmental Infrastructures Funding(DIP) from the Mississippi Development Authority.

1. Gouras Agreement

A MOTION was made by Council Member Bradley and seconded by Council Member Delgado to Authorize Mayor to execute an agreement with Jimmy G. Gouras, Urban Planning Consultants, Inc. for consulting services in connection with obtaining up to $1,000,000.00 in Developmental Infrastructures Funding(DIP) from the Mississippi Development Authority.

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. **2016-75** Authorize Mayor to execute an LED Lighting Proposal with Mississippi Power Company to upgrade lighting around the playground area at Kamper Park for a net increase in the monthly account of $105.97.

1. Kamper Park Lighting Proposal

A MOTION was made by Council Member Bradley and seconded by Council Member Delgado to Authorize Mayor to execute an LED Lighting Proposal with Mississippi Power Company to upgrade lighting around the playground area at Kamper Park for a net increase in the monthly account of $105.97.

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. **2016-64** Approve Microenterprise Assistance Grant for Hair Creations by Sheila in an amount not to exceed $10,000.00 and authorize the execution of the grant agreement in triplicate for same.

1. Microenterprise Assistance Program Grant for Hair Creations by sheila.
2. Revised Application

A MOTION was made by Council Vice President Dryden and seconded by Council Member Delgado to Approve Microenterprise Assistance Grant for Hair Creations by Sheila in an amount not to exceed $10,000.00 and authorize the execution of the grant agreement in triplicate for same.

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.10. 2016-98 Adopt a Resolution finding that a certain property near Roosevelt Street has become a site for encampments of homeless individuals and is in such a state of uncleanliness so as to constitute a menace to the public health, safety and welfare, authorizing city personnel to enter private property near Roosevelt Street for a one-time clean-up of litter and debris to help reduce the incidence of vagrancy, panhandling and other problems associated with these encampments; said resolution shall take effect immediately.

1. RES-clean-up of property near Roosevelt Street
2. Letter, legal description, map-property near Roosevelt St.

A MOTION was made by Council Vice President Dryden and seconded by Council Member Delgado to Adopt a Resolution finding that a certain property near Roosevelt Street has become a site for encampments of homeless individuals and is in such a state of uncleanliness so as to constitute a menace to the public health, safety and welfare, authorizing city personnel to enter private property near Roosevelt Street for a one-time clean-up of litter and debris to help reduce the incidence of vagrancy, panhandling and other problems associated with these encampments; said resolution shall take effect immediately.

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 Vice President Dryden 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

VII.1. 2016-92 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.; re-schedule the public hearing before City Council (previously set for 4 p.m. December 5, 2016) for 4:00 p.m. January 3, 2017; 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.2. 2016-86 Acknowledge and accept as a donation a 2007 Ford F250 from the Emergency Management District; authorize vehicle to be placed on the Public Works Department Inventory.

1. Letter of Donation

VII.3. 2016-83 Acknowledge receipt and execution of the Homeland Security Cooperative Grant Agreement in the amount of $8,000.00. (nunc pro tunc)

1. Homeland Security Cooperative Grant, 12-06-16

VII.4. 2016-79 Acknowledge receipt of Notice of Award letter sent to Walters Construction Company, Inc. for the Edwards Street to Hall Avenue Pathway Project.

1. Notice of Award Letter

VII.5. 2016-81 Acknowledge receipt of Notice of Award Letter sent to Thompson Brothers Drilling for the COMSWIP 1500 GPM Wesley Well No. 2 Project.

1. Notice of Award Letter

VII.6. 2016-76 Approve plans and specifications for COMSWIP Water Improvements Phase IV-Miscellaneous Connections Project; Authorize the advertisement for bids for same.

1. Plans

2. Specifications
3. Bid Advertisement
4. Opinion of Probable Cost Letter

VII.7. 2016-82 Approve claims docket for the period ending November 30,2016.

1. 11-30-2016 docket

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

No action was taken during Executive Session.

A MOTION was made by Council Member Delgado and seconded by Council Vice President Dryden to come out of Executive Session and re-open the meeting to the public at 5:45 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

With the meeting re-convened, A MOTION was made by Council Member Bradley and seconded by Council Member

Delgado to Add Policy Agenda Item VI.11 at the request of the Administration and the Council as follows:

VI.11. 2016-102 Adopt a resolution of the City of Hattiesburg, Mississippi (The "City"), approving a proposed Third Amended Agreed Order between the City and the Mississippi Commission on Environmental Quality ("Commission") to insure compliance with applicable wastewater effluent permits and the Clean Water Act.

1. RES- Third Amended Agreed Order, MCEQ, 12-6-16
2. Agreed Order

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. 2016-102 Adopt a resolution of the City of Hattiesburg, Mississippi (The "City"), approving a proposed Third Amended Agreed Order between the City and the Mississippi Commission on Environmental Quality ("Commission") to insure compliance with applicable wastewater effluent permits and the Clean Water Act.

1. RES- Third Amended Agreed Order, MCEQ, 12-6-16
2. Agreed Order

A MOTION was made by Council Member Bradley and seconded by Council Vice President Dryden to Adopt a resolution of the City of Hattiesburg, Mississippi (The "City"), approving a proposed Third Amended Agreed Order between the City and the Mississippi Commission on Environmental Quality ("Commission") to insure compliance with applicable wastewater effluent permits and the Clean Water 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

By unanimous consent, Council President Carroll declared the meeting recessed at 5:50 p.m., this the 6th day of December, A.D., 2016.