City of Hattiesburg, MS

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

Minutes Report

Tuesday, December 20, 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 20, 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 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 Urban Development, Pattie Brantley; Planning Administrator, Ginger Maddox; Code Enforcement Manager, 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 prayer was given by Mark Jordan of True Life Missionary Baptist Church.
The Pledge of Allegiance was led by Chief Misenhelter.

III. Agenda Order

THE MATTER OF THE AGENDA ORDER came before the Council.

Add Policy Agenda Item V.13 at the request of the Administration and the Council as follows:

V.13. **2016-132** Set the salary for the Mayor for the 2017-2021 term at $110,000 per year, and set the salary for the members of the City Council for the 2017-2021 term at $27,000 per year.

A MOTION was made by Council Member Bradley and seconded by Council Member Naylor to Add Policy Agenda Item V.13 at the request of the Administration and the Council as follows.

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

Yeas: 3 - Bradley, Delgado and Naylor

Nays: 2 - Carroll and Dryden

IV. PRESENTATION AGENDA

The PRESENTATION AGENDA came before the Council.

There were no presentations at this time.

V. POLICY AGENDA

The POLICY AGENDA came before the Council.

V.1. 2016-120 APPROVE or DENY a 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 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). The Planning Commission recommended to DENY on November 2, 2016.

1. November PC Minutes
2. Staff Summary - 4041 Old Hwy 11 (Use Permit & Variance)
3. Image Sheet- 4041 Old Hwy (Use Permit & Variance)
4. Applicant Sheet - Variance
5. 4041 Hwy 11 - Distance Survey 9-4-16

A MOTION was made by Council Member Bradley and seconded by Council Member Delgado to APPROVE a 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 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). The Planning Commission recommended to DENY on November 2, 2016.

Council member Bradley commented that there are always issues regarding signs. He said that Mr. Busby has been going through this process for six months and the signs are not on the same streets; he said he feels for Mr. Busby and will vote to approve Mr. Busby's request.

Council President Carroll said he understood mistakes were made by the Planning Department, but the sign is not placed properly and in accordance with the Ordinance. He said the claim was made that a public records request was denied, but that the information that was denied was not public at the time. He said the Council should not and that needs to support the sign Ordinance; he stated that he is not in favor of approving the variance.

Council Member Delgado said some time ago research was done to help improve the new sign Ordinance; she said she recalled the Ordinance was supposed to reduce variance applications, but that has not happened. She said she does not think businesses should suffer because the City failed in its effort to make the process simpler and more business friendly.

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

Yeas: 3- Bradley, Delgado and Naylor

Nays: 2- Carroll and Dryden

V.2. **2016-121** APPROVE or DENY a petition filed by Leonard Busby, III, Capturion Network, LLC, Applicant, on behalf of Mississippi Oil, LLC, Owner, remanded by the City Council on September 20, 2016, to request a Use Permit Upon Review for a “Digital Billboard” as provided in Article 5, Section 95.10(3.1)(3) for certain property located at 4041 Old Hwy 11 (Latitude/Longitude: 31.314740, -89.411141) (Parcel 055D-16-035.000, PPIN 18771, Ward 3). The Planning Commission recommended to DENY on November 2, 2016.

1. November PC Minutes
2. Staff Summary - 4041 Old Hwy 11 (Use Permit & Variance)
3. Image Sheet- 4041 Old Hwy (Use Permit & Variance)
4. Applicant Sheets - Use Permit

A MOTION was made by Council Member Bradley and seconded by Council Member Delgado to APPROVE a petition filed by Leonard Busby, III, Capturion Network, LLC, Applicant, on behalf of Mississippi Oil, LLC, Owner, remanded by the City Council on September 20, 2016, to request a Use Permit Upon Review for a “Digital Billboard” as provided in Article 5, Section 95.10(3.1)(3) for certain property located at 4041 Old Hwy 11 (Latitude/Longitude: 31.314740, -89.411141) (Parcel 055D-16-035.000, PPIN 18771, Ward 3). The Planning Commission recommended to DENY 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. **2016-119** APPROVE or DENY a petition filed by Phillip Perkins, Architect, on behalf of

Doug Jones, COO, Forrest General Hospital, Owner, as required in the Midtown Form-Based Code, to request a variance from Article 3, Section 3.5.2.E. which states a Build-to Zone on a primary street shall be a maximum of 20’ from the property line and instead allow a setback of five hundred and fifty five (555) feet for a variance of five hundred and thirty five (535) feet for certain property located at 6051 Highway 49 South (Parcel 028N-08-288.0, PPIN 16700, Ward 3). The Planning Commission recommended to APPROVE on December 7, 2016.

1. December PC Minutes (draft)
2. Image Sheet- Midtown - 301 S 28th Ave
3. Staff Summary - Midtown- FGH Emergency Services
4. Applicant sheet - FGH Variance
5. FGH Variance map (provided at HPC)
6. 2016 Midtown Development Review Committee Minutes

A MOTION was made by Council Member Bradley and seconded by Council Member Delgado to APPROVE a petition filed by Phillip Perkins, Architect, on behalf of Doug Jones, COO, Forrest General Hospital, Owner, as required in the Midtown Form-Based Code, to request a variance from Article 3, Section 3.5.2.E. which states a Build-to Zone on a primary street shall be a maximum of 20’ from the property line and instead allow a setback of five hundred and fifty five (555) feet for a variance of five hundred and thirty five (535) feet for certain property located at 6051 Highway 49 South (Parcel 028N-08-288.0, PPIN 16700, Ward 3). The Planning Commission recommended to APPROVE on December 7, 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. 2016-113 Adopt a Resolution authorizing Requisition No. 61 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. 61

A MOTION was made by Council Member Bradley and seconded by Council Member Delgado to Adopt a Resolution authorizing Requisition No. 61 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.5. **2016-107** Approve the purchase of property located at 601 East Pine Street (Forrest County Tax Parcel 2-029I-10-061.00, PPIN 15594 and Vacant Land as described in attached land appraisal) from Great Southern National Bank, owner for $70,000.00; Authorize the issuance of a manual check for closing of transaction.

1. Appraisal of Church
2. Apprisal of Vacant Land
3. Photos of Land
4. Contarct for purchase of real estate

A MOTION was made by Council Member Bradley and seconded by Council Member Delgado to Approve the purchase of property located at 601 East Pine Street(Forrest County Tax Parcel 2-029I-10-061.00, PPIN 15594 and Vacant Land as described in attached land appraisal) from Great Southern National Bank, owner for $70,000.00; Authorize the issuance of a manual check for closing of transaction.

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. **2016-114** Approve and authorize Mayor to execute, in quadruplicate, Supplemental Agreement No. 1 with Casablanca Construction, Inc. for additional construction services related to the Warehouse at Water Plant No. 2 project for an increased cost of $ 4,392.14.

1. Supplemental Agreement No. 1

A MOTION was made by Council Member Bradley and seconded by Council Member Delgado to Approve and authorize Mayor to execute, in quadruplicate, Supplemental Agreement No. 1 with Casablanca Construction, Inc. for additional construction services related to the Warehouse at Water Plant No. 2 project for an increased cost of $ 4,392.14.

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.7. **2016-109** Authorize Mayor to execute Professional Services Agreement with Richard Consulting Services for development of a Financial Plan as part of funds received from the National League of Cities (NLC) Financial Inclusions Grant.

1. Agreement- Richard Consulting

There was no vote, inadvertently .

V.8. **2016-117** Authorize the Mayor to execute a HOME Program Downpayment Assistance Award in the amount of $4,851.00 to Albert Leon Pugh; Approve and authorize issuance of a manual check for the same, per attached memorandum. {Entitlement}

1. Memorandum - DPA for Albert Leon Pugh
2. DPA for Albert Leon Pugh
3. Homeonwners Contract for Albert Leon Pugh

A MOTION was made by Council Member Bradley and seconded by Council Member Delgado to Authorize the Mayor to execute a HOME Program Downpayment Assistance Award in the amount of $4,851.00 to Albert Leon Pugh; Approve and authorize issuance of a manual check for the same, per attached memorandum. {Entitlement}.

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. **2016-106** Approve Interim Assistance Agreement with Breakthrough Community Services and authorize Mayor to execute in triplicate.

1. Interim Assistance Agreement

A MOTION was made by Council Member Bradley and seconded by Council Member Delgado to Approve Interim Assistance Agreement with Breakthrough Community Services and authorize

Mayor to execute 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

V.10. 2016-99 Approve a Tenant Based Rental Assistance Contract with John Carter - Dr. Touch-Up in the amount of $975.00 (on behalf of Keanna Mark) and authorize the Mayor to execute in triplicate for same. Authorize and approve issuance of a manual check for the same, per the attached memorandum. {Entitlement HOME}

1. John Carter - Dr. Touch-Up TBRA Contract 12.20.16

A MOTION was made by Council Member Bradley and seconded by Council Member Delgado to Approve a Tenant Based Rental Assistance Contract with John Carter - Dr. Touch-Up in the amount of $975.00 (on behalf of Keanna Mark) and authorize the Mayor to execute in triplicate for same. Authorize and approve issuance of a manual check for the same, per the attached memorandum. {Entitlement HOME}.

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. 2016-104 Acknowledge receipt of Mississippi Landmark permit from the Mississippi Department of Archives and History to the City of Hattiesburg for the rehabilitation of Eureka School, a Mississippi Landmark as defined by Section 39-7-11 of the Mississippi Code of 1972, as amended.

1. Ms Landmark Permit

A MOTION was made by Council Member Bradley and seconded by Council Member Naylor to Acknowledge receipt of Mississippi Landmark permit from the Mississippi Department of Archives and History to the City of Hattiesburg for the rehabilitation of Eureka School, a Mississippi Landmark as defined by Section 39-7-11 of the Mississippi Code of 1972, as amended..

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. **2016-100** Ratify and confirm the Mayor's appointment of Chris Robinson (W4) (replaces Warren Dale) to the Housing Authority Board of the City of Hattiesburg for a term (6/16/2015-6/15/2020) beginning December 20, 2016 and ending June 15, 2020.

1. Data Sheet-Robinson
2. Letter from Housing Authority
3. Robinson-Resume

A MOTION was made by Council Vice President Mary Dryden and seconded by Council Member Henry Naylor to Ratify and confirm the Mayor's appointment of Chris Robinson (W4) (replaces Warren Dale) to the Housing Authority Board of the City of Hattiesburg for a term (6/16/2015-6/15/2020) beginning December 20, 2016 and ending June 15, 2020. .

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. **2016-132** Set the salary for the Mayor for the 2017-2021 term at $110,000 per year, and set the salary for the members of the City Council for the 2017-2021 term at $27,000 per year.

A MOTION was made by Council Member Kim Bradley and seconded by Council Member Deborah Delgado to Set the salary for the Mayor for the 2017-2021 term at $110,000 per year, and set the salary for the members of the City Council for the 2017-2021 term at $27,000 per year.

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

Yeas: 3 - Bradley, Delgado and Naylor

Nays: 2 - Carroll and Dryden

VI. ROUTINE AGENDA

THE ROUTINE AGENDA came before the Council.

A MOTION was made by Council Member Bradley and seconded by Council member Council Member Delgado 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. 2016-110 Acknowledge receipt of monthly budget report for the month ending November 30, 2016.

1. Expenditure 11-2016
2. Revenue 11-2016

VI.2. 2016-116 Acknowledge receipt of letter dated December 5, 2016 from the Mississippi Department of Transportation (MDOT) for the 4th Street Roadway Improvements-Phase II Project No. HPP 7191-00(003) LPA 105845-801000 and reject all bids due to the irregularity being waivable by the LPA. ; Authorize the Mayor to execute bid rejection letter to MDOT.

1. MDOT Letter
2. Bid Rejection Letter
3. Checklist

VI.3. 2016-103 Authorize publication of Notice to Bidders for Municipal Depositories for the (2) year period beginning January 12, 2017 through December 31, 2018.

1. NTB-Depositories
2. Designation of Depositories
3. Depositories Codes

VI.4. 2016-108 Authorize and approve publication of a Request for Proposals for Community Housing Development Organization(CHDO) funds in connection with the City of Hattiesburg's HOME investment Partnership Program(HOME)..

1. RFP for CHDO Set-Aside funds

VI.5. **2016-115** Approve plans and specifications for the Gordon's Creek-Depot District Buschman Street to River Avenue Project; Authorize advertisement for bids for same.

1. Bid Advertisement
2. Plans
3. Specifications

VI.6. **2016-101** Approve the sale of grave spaces, per attached memo.

1. Deeds (12-20-16)
2. Receipts (12-20-16)

VI.7. **2016-112** Approve and authorize issuance of manual checks for HOME Program Claims per attached memorandum.(Entitlement)

1. Community Connections Construction Payment Request #4
2. Community Connections Construction Payment Request $5
3. Community Connections Developer's Fee Payment Request #1
4. Memorandum for HOME Program Payment 12-20-2016

VI.8. **2016-105** Approve and authorize issuance of manual check for CDBG Program Claim per the attached memorandum. {Entitlement CDBG}

1. MEMORANDUM-Manual Checks CDBG Havard Pest Control 12.9.16

VI.9. **2016-122** Approve claims docket for the period ending December 16, 2016.

1. Approve claims docket for the period ending December 16, 2016
2. Revised - Claims Docket, 12-20-16
3. KEaton Email, 12-20-16

Council President Carroll asked if the claims docket was adjusted as requested from yesterday's meeting.

Ms. Bernardo replied in the affirmative.

Council President Carroll called for additional business.

Council Member Bradley asked the Mayor if he received a letter from the Fire Department; he said the Council received an email with a letter attached from a fireman. He advised the Mayor and the Council go into executive session to discuss the Fire Department personnel matter.

Mayor DuPree said he has tried calling the fireman, but he was either on vacation or out of the office. He said also he has spoken with Chief Presley about this matter.

Council Member Bradley asked if the Council needed to be concerned about this matter today or wait until January.

The Mayor responded that he does not think the matter needs to be addressed until the City sees how the Fire Department process works in other cities.

Council member Bradley said he went to the Civil Service Board Meeting and the complaint that was filed by the fireman was not acknowledged during the meeting; he said he wants to know why the fireman's appeal was not acknowledged. He said the fireman told him he had given it to Linda Montgomery. Council member Bradley said he also wants to address the procedure for Civil Service exams.

Mayor DuPree said he will have to listen and follow through on what happened. Council Member Bradley agreed.

2017-137 Letter from Lt. Don Massengale to the Mayor and City Council, 12-20-16.

1. Letter from Fireman, 12-20-16

Council President Carroll called for additional business.

Doug Jones, Chief Operating Officer of Forest General Hospital, and Justin Gatlin, Civil Engineer with Walker Associates, appeared before the Council to discuss the Highway 49 Project and the Emergency Room Expansion Project at Forrest General. They responded to questions from Council Vice President Dryden regarding the plans to avoid traffic delays while construction is ongoing.

By unanimous consent, Council President Carroll adjourned the meeting at 5:26 p.m., this the 20th day of December, A.D., 2016.