

Published Agenda

**Tuesday, September 21, 2021
5:00 PM**

**City Council
Tuesday Meeting Agenda**

**Council Chambers
200 Forrest Street**

Call to Order**Call to Prayer and Pledge of Allegiance****Presentation Agenda****POLICY AGENDA**

1. **2021-1198** Approve the minutes for the September 7 & 14, 2021 meetings of the City Council.
2. **2021-1171** Adopt an Ordinance for the petition filed by Rebecca Stewart, Representative, as required in the LDC, to change the zoning classification for a certain property located at 701 Hall Avenue (Ward 2) from Section 4.5.5 R1C (Single-family Residential) District to Section 4.5.8, B1 (Professional Business) District. The Planning Commission provided no recommendation on this item on September 1, 2021.
3. **2021-1168** Adopt an Ordinance for the petition filed by Rob Puckett, Representative, and Puckett Machinery Hastings Puckett, Owner, as required in the LDC to change the zoning classification for a portion of a certain property located near 6751 Hwy 49 (Ward 1) from Section 4.5.3 R1A (Single-family Residential) District to Section 4.5.12, B5 (Regional Business) District. The Planning Commission recommended to Approve on September 1, 2021.
4. **2021-1172** Approve or Deny a petition filed Rob Puckett, Representative, and Puckett Machinery-Hastings Puckett, Owner, as required in the LDC, allowing a zoning buffer of ten (10) feet for variance of forty (40) feet at 6751 Hwy 49 (Ward 1). The Board of Adjustment recommended to Approve on September 1, 2021.
5. **2021-1173** Approve or Deny a petition filed by Rob Puckett, Representative, and Puckett Machinery-Hastings Puckett, Owner, as required in the LDC, allowing for maximum outdoor storage space of 90%, for a variance of 40% for a proposed outdoor equipment storage yard to be located at 6751 Hwy 49 (Ward 1). The Board of Adjustment recommended to Approve on September 1, 2021.
6. **2021-1169** Approve or Deny a petition filed by Rob Puckett, Representative, and Puckett Machinery Hastings Puckett, Owner, to request a Conditional Use to allow nonpublic outdoor storage of heavy equipment and other nonhazardous materials on a gravel surface per LDC at 6751 Hwy 49 (Ward 1). The Planning Commission recommended to Approve on September 1, 2021.
7. **2021-1170** Approve or Deny a petition filed by Rachel Stanton, Applicant, and A&J Gray Holdings, LLC, Owner, as required in the LDC, to request a Conditional Use as "School" in R1A (Single Family Residential) District for a certain property located at 321 South 24th Avenue (Ward 4). The Planning Commission recommended to Approve on September 1, 2021.
8. **2021-1175** Approve or Deny a petition filed by Sidney and Richie Malone, Owners, as required in the LDC, allowing a setback of three (3) feet for a variance of twenty-seven (27) feet along Pritchard Street for 5216 Old Hwy 42 and a newly created, unzoned parcel described below, pending transfer from City of Hattiesburg, Ward 2). The Board of Adjustment recommended to Approve on September 8, 2021.
9. **2021-1178** Adopt Resolutions condemning the following properties as unclean and a menace to the health and safety of the community.
10. **2021-1190** Adopt a Resolution declaring surplus a certain parcel of city-owned property at PPIN No. 18827 and authorize execution of a Quit Claim Deed from the City of Hattiesburg to Trace 4th Street, LLC in the amount of \$4,150.00, in accordance with 21-17-1.
11. **2021-1176** Adopt a Resolution declaring vehicles surplus and authorize the disposal of said vehicles and removal of said vehicles from City inventory of the Hattiesburg Police Department.
12. **2021-1194** Adopt a Resolution appointing Mara Chitic-Holmes as Deputy Municipal Clerk and Deputy Municipal Registrar.
13. **2021-1195** Approve Agreement between City of Hattiesburg and Southern Pines Animal Shelter for housing and shelter services of stray and unwanted animals picked up by the City of

12. 2021-1189 Approve claims docket for the period ending September 17, 2021.

In Memoriam:

- Marjorie Agnes Mercier
- Mrs. Dorothy Drake
- Mrs. Mattie McCann-Thomas
- Mr. Mike Severson
- Ms. Annette Bivens
- Dr. Richard Clark
- Mr. Frederick Burns
- Yancy McAbee
- Mr. Gary Hopkins
- Mr. James Alfred Barney
-

Meeting Adjourn

Call to Order

BE IT REMEMBERED that the **regular meeting of the Hattiesburg City Council was held at 5:00 p.m. Tuesday, September 21, 2021**, in Council Chambers at City Hall; same being a recessed meeting from September 20, 2021.

Those present included Mayor Toby Barker and members of the City Council Jeffrey George, Ward 1 (*via teleconference*); Deborah Delgado, Ward 2; Carter Carroll, Ward 3; Dave Ware, Ward 4; and Nicholas Brown, Ward 5. Others in attendance included Director of Administration/City Clerk, Kermas Eaton; City Attorney, Randy Pope; Clerk of Council, Ronda S. Cole; Deputy Clerk of Council, Lisa Luu; City staff members; media; and the public.

Council President Carroll Called the meeting to order.

Call to Prayer and Pledge of Allegiance

The prayer was given by Kermas Eaton.

The Pledge of Allegiance was led by Council President Carroll.

Presentation Agenda

The PRESENTATION AGENDA came before the Council.

There were no presentations at this time.

POLICY AGENDA

The POLICY AGENDA came before the Council.

1. 2021-1198 Approve the minutes for the September 7 & 14, 2021 meetings of the City Council.

Attachments: 9-7-2021 BPH'21-22 Mins.
9-14-2021 Budget FY'21-22 Adoption Mins.

A MOTION was made by Council Member Ware and seconded by Council Member Brown to Approve

petition filed Rob Puckett, Representative, and Puckett Machinery-Hastings Puckett, Owner, as required in the LDC, allowing a zoning buffer of ten (10) feet for variance of forty (40) feet at 6751 Hwy 49 (Ward 1).

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

Yeas: 5 - George (via teleconference), Delgado, Carroll, Ware and Brown

Nays: 0

5. **2021-1173** Approve or Deny a petition filed by Rob Puckett, Representative, and Puckett Machinery-Hastings Puckett, Owner, as required in the LDC, allowing for maximum outdoor storage space of 90%, for a variance of 40% for a proposed outdoor equipment storage yard to be located at 6751 Hwy 49 (Ward 1). The Board of Adjustment recommended to Approve on September 1, 2021.

Attachments: item a b boa sept
September BOA Minutes

A MOTION was made by Council Member Brown and seconded by Council Member Ware to Approve a petition filed by Rob Puckett, Representative, and Puckett Machinery-Hastings Puckett, Owner, as required in the LDC, allowing for maximum outdoor storage space of 90%, for a variance of 40% for a proposed outdoor equipment storage yard to be located at 6751 Hwy 49 (Ward 1).

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

Yeas: 5 - George (via teleconference), Delgado, Carroll, Ware and Brown

Nays: 0

6. **2021-1169** Approve or Deny a petition filed by Rob Puckett, Representative, and Puckett Machinery-Hastings Puckett, Owner, to request a Conditional Use to allow non-public outdoor storage of heavy equipment and other non-hazardous materials on a gravel surface per LDC at 6751 Hwy 49 (Ward 1). The Planning Commission recommended to Approve on September 1, 2021.

Attachments: item b hpc sept
September HPC MINUTES

A MOTION was made by Council Member Brown and seconded by Council Member Ware to Approve a petition filed by Rob Puckett, Representative, and Puckett Machinery- Hastings Puckett, Owner, to request a Conditional Use to allow non-public outdoor storage of heavy equipment and other non-hazardous materials on a gravel surface per LDC at 6751 Hwy 49 (Ward 1).

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

Yeas: 5 - George (via teleconference), Delgado, Carroll, Ware and Brown

Nays: 0

7. **2021-1170** Approve or Deny a petition filed by Rachel Stanton, Applicant, and A&J Gray Holdings, LLC, Owner, as required in the LDC, to request a Conditional Use as "School" in R-1A (Single Family Residential) District for a certain property located at 321 South 24th Avenue (Ward 4). The Planning Commission recommended to Approve on September 1, 2021.

Attachments: item c hpc sept
September HPC MINUTES
Letters of Support HPC Item C Provided to Commission

A MOTION was made by Council Member Ware and seconded by Council Member Brown to Approve a petition filed by Rachel Stanton, Applicant, and A&J Gray Holdings, LLC, Owner, as required in the LDC, to request a Conditional Use as "School" in R-1A (Single Family Residential) District for a certain property located at 321 South 24th Avenue (Ward 4).

Resolution (#2021-104) declaring surplus a certain parcel of city-owned property at PPIN No. 18827 and authorize execution of a Quit Claim Deed from the City of Hattiesburg to Trace 4th Street, LLC in the amount of \$4,150.00, in accordance with 21-17-1.

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

Yeas: 5 - George (via teleconference), Delgado, Carroll, Ware and Brown

Nays: 0

11. **2021-1176** Adopt a Resolution declaring vehicles surplus and authorize the disposal of said vehicles and removal of said vehicles from City inventory of the Hattiesburg Police Department.

Attachments: Surplus memo 2021
 Resolution-surplus 2021
 HATTIEESBURG POLICE DEPARTMENT REQUEST TO REMOVE ITEMS
 2021

A MOTION was made by Council Member Ware and seconded by Council Member Brown to Adopt a Resolution (#2021-105) declaring vehicles surplus and authorize the disposal of said vehicles and removal of said vehicles from City inventory of the Hattiesburg Police Department.

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

Yeas: 5 - George (via teleconference), Delgado, Carroll, Ware and Brown

Nays: 0

12. **2021-1194** Adopt a Resolution appointing Mara Chitic-Holmes as Deputy Municipal Clerk and Deputy Municipal Registrar.

Attachments: Appoint Dep City Clerk

A MOTION was made by Council Member Ware and seconded by Council Member Brown to Adopt a Resolution (#2021-106) appointing Mara Chitic-Holmes as Deputy Municipal Clerk and Deputy Municipal Registrar.

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

Yeas: 5 - George (via teleconference), Delgado, Carroll, Ware and Brown

Nays: 0

13. **2021-1195** Approve Agreement between City of Hattiesburg and Southern Pines Animal Shelter for housing and shelter services of stray and unwanted animals picked up by the City of Hattiesburg for a period beginning October 1, 2021 and ending September 30, 2022 and authorize the Mayor to execute the same.

Attachments: 2022 Southern Pines Animal Control Contract
 Agreement between COH and Southern Pines Animal Shelter for housing and
 shelter services of stray animals

A MOTION was made by Council Member Brown and seconded by Council Member Ware to Approve Agreement between City of Hattiesburg and Southern Pines Animal Shelter for housing and shelter services of stray and unwanted animals picked up by the City of Hattiesburg for a period beginning October 1, 2021 and ending September 30, 2022 and authorize the Mayor to execute the same.

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

Letter of Engagement with Topp McWhorter Harvey PLLC to audit the financial statements of the City of Hattiesburg for the fiscal year ending September 30, 2021 and authorize the Council President to execute the same.

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

Yeas: 5 - George (via teleconference), Delgado, Carroll, Ware and Brown

Nays: 0

18. **2021-1187** Approve Contractor and Owner Agreement and a Housing Rehabilitation Grant Award to Ardesia Eaton of 1413 Arledge Street in an amount not to exceed \$60,000 according to the Housing Rehabilitation and Housing Programs Manual Section VII (E) {Entitlement} and authorize the Mayor to execute in triplicate.

Attachments: COHCD Contractor Owner Agreement
Grant Agreement - A Eaton (\$25K+)
Work Agreement - General Contractor Rehab
Contractor and Owner Agreement and Housing Rehabilitation Grant Award to
Ardesia Eaton - 1413 Arledge Street

A MOTION was made by Council Member Delgado and seconded by Council Member Brown to Approve Contractor and Owner Agreement and a Housing Rehabilitation Grant Award to Ardesia Eaton of 1413 Arledge Street in an amount not to exceed \$60,000 according to the Housing Rehabilitation and Housing Programs Manual Section VII (E) {Entitlement} and authorize the Mayor to execute in triplicate.

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

Yeas: 5 - George (via teleconference), Delgado, Carroll, Ware and Brown

Nays: 0

19. **2021-1180** Authorize acquisition of a portion of a parcel of property identified as Forrest County Parcel No. 2-029P-10-302.00 (PPIN 019192) for the Hall Avenue Roundabout Project: Acknowledge receipt of Appraisal Report; Determine the appraisal valuation of \$4,710.00 to be Just Compensation for the aforementioned portion of the parcel; Authorize Mayor to make a Fair Market Value Offer for the property of \$4,710.00; Authorize Mayor to execute any and all documents required to complete the transaction; Authorize issuance of a manual check in payment thereof upon closing of transaction.

Attachments: Establishment of Just Compensation Offer-Forrest County – Smith

A MOTION was made by Council Member Ware and seconded by Council Member Brown to Authorize acquisition of a portion of a parcel of property identified as Forrest County Parcel No. 2-029P-10-302.00 (PPIN 019192) for the Hall Avenue Roundabout Project: Acknowledge receipt of Appraisal Report; Determine the appraisal valuation of \$4,710.00 to be Just Compensation for the aforementioned portion of the parcel; Authorize Mayor to make a Fair Market Value Offer for the property of \$4,710.00; Authorize Mayor to execute any and all documents required to complete the transaction; Authorize issuance of a manual check in payment thereof upon closing of transaction.

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

Yeas: 5 - George (via teleconference), Delgado, Carroll, Ware and Brown

Nays: 0

20. **2021-1181** Authorize acquisition of a portion of a parcel of property identified as Forrest County Parcel No.

23. **2021-1199** Adopt a Resolution authorizing and directing the City Attorney to file action in Forrest County Chancery Court to enjoin the reopening of Ropers for the reason that it would be a public nuisance.
(voted after
Executive Session
Pages 255-256)

Attachments: Resolution #2021-107 Ropers as public nuisance

A MOTION was made by Council Member Ware and seconded by Council Member Brown to Adopt a Resolution (#2021-107) authorizing and directing the City Attorney to file action in Forrest County Chancery Court to enjoin the reopening of Ropers for the reason that it would be a public nuisance.

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

Yeas: 4- George (via teleconference), Carroll, Ware, Brown

Nays: 1- Delgado

24. **2021-1200** Adopt a Resolution authorizing and directing the City Attorney to file action in Forrest County Chancery Court to immediately and permanently abate the public nuisance operating as Club Empire.
(voted after
Executive Session
pages 255-256)

Attachments: Resolution #2021-108 abate Club Empire as public nuisance

A MOTION was made by Council Member Dave Ware and seconded by Council Member Nicholas Brown to Adopt a Resolution (#2021-108) authorizing and directing the City Attorney to file action in Forrest County Chancery Court to immediately and permanently abate the public nuisance operating as Club Empire.

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

Yeas: 4- George (via teleconference), Carroll, Ware, Brown

Nays: 1- Delgado

ROUTINE AGENDA

THE ROUTINE AGENDA came before the Council.

A MOTION was made by Council Member Ware and seconded by Council Member Brown to approve the Routine Agenda.

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

Yeas: 5 - George (via teleconference), Delgado, Carroll, Ware and Brown

Nays: 0

1. **2021-1142** Acknowledge receipt of Privilege Tax License monthly report August 2021.

Attachments: Privilege Tax License Mthly Report August 2021

2. **2021-1143** Acknowledge receipt of Proof of Publications for the month of August, 2021.

Attachments: Proof of Publications Hub City Spokes Inv98477
Proof of Publication Hub City Spokes Inv98488

3. **2021-1149** Acknowledge receipt of monthly budget report for the month ending August 31, 2021.

Attachments: EXP21.0821
REV21.0821

4. **2021-1193** Acknowledge receipt of the 2020 Mobile Street Festival Expenditure report.

Attachments: 2020 MSF COST REPORT

5. **2021-1186** Acknowledge receipt of the audited financial statements of the City of Hattiesburg Combined Water & Sewer System for the fiscal year ended September 30, 2020, by Topp, McWhorter,

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

Yeas: 5 - George (via teleconference), Delgado, Carroll, Ware and Brown

Nays: 0

Council Vice President George terminated the teleconference at 5:19 p.m.

The City Attorney stepped out into the hall and announced that the Council has gone into Executive Session to discuss strategy or negotiations with respect to prospective litigation.

Those present for the Executive Session were Mayor Toby Barker; Council members Deborah Delgado, Carter Carroll, Dave Ware and Nicholas Brown; Director of Administration/City Clerk, Kermas Eaton; City Attorney, Randy Pope; Chief Administrative Officer, Ann Jones; Police Chief, Peggy Sealy; Assistant Police Chief, Hardy Sims; Major Tony Fontaine; Chief Communications Officer, Samantha McCain; Clerk of Council, Ronda Cole; Deputy Clerk of Council, Lisa Luu Jolly.

A MOTION was made by Council Member Ware and seconded by Council Member Delgado exit Executive Session and re-open the meeting to the public at 5:34 p.m.

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

Yeas: 4 - Delgado, Carroll, Ware and Brown

Nays: 0

Absent: 1 - George

Council Vice President George resumed via teleconference at 5:35 p.m.

Council President Carroll stated to the public that there was no action taken during Executive Session.

A MOTION was made by Council Member Ware and seconded by Council Member Brown add Policy Agenda Items #23 and #24.

Council member Delgado stated that she could not support and was not prepared to take action on the resolutions.

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

Yeas: 4 - George (via teleconference), Carroll, Ware and Brown

Nays: 1 - Delgado

- 23. 2021-1199** Adopt a Resolution authorizing and directing the City Attorney to file action in Forrest County Chancery Court to enjoin the reopening of Ropers for the reason that it would be a public nuisance.

Attachments: Resolution #2021-107 Ropers as public nuisance

A MOTION was made by Council Member Ware and seconded by Council Member Brown to Adopt a Resolution (#2021-107) authorizing and directing the City Attorney to file action in Forrest County Chancery Court to enjoin the reopening of Ropers for the reason that it would be a public nuisance.

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

Yeas: 4- George (via teleconference), Carroll, Ware, Brown

Nays: 1- Delgado

- 24. 2021-1200** Adopt a Resolution authorizing and directing the City Attorney to file action in Forrest County