

Published Agenda



**Tuesday, October 19, 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. **2021-1251** Approve the minutes for the October 4 & 5, 2021 meetings of the City Council.
2. **2021-1227** Adopt an Ordinance for the petition filed by Pastor Janette L. Furry, Applicant, as required in the LDC, to close and vacate a portion of an unimproved alley, which is located north of East Hardy Street, south of Jersey Street, east of North Tipton Street, and to the west of Oak Street (Ward 2). The Planning Commission recommended to Approve on October 6, 2021.
3. **2021-1232** Approve or Deny a petition filed by Brad Lauth, Agent, and Wilmer Joseph Morris III & Bettye P. Morris, Owner, and Martha Jo Howell Land Company, LLC, Owner, as required in the LDC to request a variance of one hundred ten (110) feet along US Highway 98 for a proposed building to be located at 6365 US Highway 98 (Ward 3).The Board of Adjustment recommended to Approve on October 6, 2021.
4. **2021-1231** Approve or Deny a petition filed by Daniel Jussely and Rob Tatum, Representatives, and Hub City Lofts 2, LLC, Owner, to request a Conditional Use as "Multi--Family" in B--4 (Downtown Business) District as defined by the LDC for a certain property located at 215 Forrest Street (Ward 4). The Planning Commission recommended to Approve on October 6, 2021.
5. **2021-1223** Adopt Resolutions adjudicating and directing the placement as an assessment for the cleanup costs and applicable penalties, not to exceed the values prescribed by State law, against the following properties.
6. **2021-1219** Adopt a Resolution setting Public Hearing on Monday, November 15, 2021 at 4:00 p.m. in the City Council Chambers at City Hall to determine if certain properties are in such a state of uncleanness so as to be a menace to the health and safety of the community, according to the provision of MS Code 1972, Section 21-19-11.
7. **2021-1222** Adopt Resolution adopting the 2021 Forrest and Lamar County Real and Personal Property Assessment Rolls containing property located within the City of Hattiesburg, in accordance with Section 21-33-9c of the MS Code of 1972.
8. **2021-1226** Approve an Agreement between the Hattiesburg Police Department and the Mississippi Attorney General's Office to enforce laws regarding Internet Crimes Against Children and authorize the Mayor to execute the same.
9. **2021-1220** Approve the State Holiday Schedule as the City's holidays for the fiscal year 2021-2022 in accordance with MS Code 3-3-7, per attached list.
10. **2021-1237** Approve the allocated 2021 HUD-American Rescue Plan (ARP) Grant and authorize the Mayor to execute in duplicate.
11. **2021-1259** Approve annual subscriptions from Cummins for diesel mechanic software for the Fire Department, in the amount of \$1,572.90.
12. **2021-1261** Approve Agreement between the City of Hattiesburg Parks and Recreation Department and the Hattiesburg Youth Soccer Association, in an amount of \$20,000 to develop and promote soccer programs for Hattiesburg residents, for the term of October 1, 2021 through September 30, 2022 and authorize the Mayor to execute and issue manual check for same.
13. **2021-1269** Approve Agreement between City of Hattiesburg Parks and Recreation Department and South Mississippi Art Association to operate and promote ceramics, pottery, and other art programs for Hattiesburg residents in the amount of \$13,000.00 from October 1, 2021, through September 30, 2024; authorize the Mayor to execute and issue manual check for same.
14. **2021-1270** Approve Agreement between the City of Hattiesburg Parks and Recreation Department and Hattiesburg Arts Council in the amount of \$20,760.00 to provide art for children programs

and art and cultural opportunities for adults, seniors, and persons with disabilities for Hattiesburg residents, for the operating period of October 1, 2021 through September 30, 2022 and authorize the Mayor to execute in duplicate and issue manual check for same

- 15. 2021-1218 Approve Lighting Agreement with Mississippi Power Company for additional lighting at 1305 McInnis Street with a monthly increase of \$23.35, and authorize the Mayor to execute the same.
- 16. 2021-1238 Approve Lighting Agreement with Mississippi Power Company for additional lighting at 704 New Orleans Street (intersection of E 7th and New Orleans Streets) with a monthly increase of \$8.43, and authorize the Mayor to execute the same.
- 17. 2021-1224 Approve Lighting Agreement with Mississippi Power Company to remove and replace lighting on W 4th and W 7th Streets from Highway 49 E with a monthly decrease in cost of \$88.50, and authorize the Mayor to execute the same.
- 18. 2021-1235 Acknowledge bids received September 30, 2021 for the Paving, Marking & Pedestrian Pathway along Arledge Street, Edwards Street, & Katie Avenue project (aka Police Parking Lot Project) and accept the bid from R & J Construction, Inc. in the amount of \$1,117,479.30; Authorize Mayor to execute contracts upon preparation.
- 19. 2021-1236 Authorize Administration to apply for ARPA Grant for Covid relief for the Bobby L. Chain Municipal Airport; Authorize Mayor to execute application and all necessary forms related to the grant.
- 20. 2021-1250 Authorize Administration to apply to the U.S. Department of Transportation-Federal Aviation Administration for a grant for construction of Taxiway A Realignment, Improvements & Signage for the Bobby L. Chain Municipal Airport; Authorize Mayor to execute application documents and all other documents related to the grant.
- 21. 2021-1272 Authorize the Mayor and City Clerk to execute certification to the Municipal Compliance Questionnaire for fiscal year ending September 30, 2021.

ROUTINE AGENDA

- 1. 2021-1225 Acknowledge receipt of Privilege Tax License monthly report September 2021.
- 2. 2021-1260 Acknowledge Proof of Publications for Hub City Spokes for the month of September 2021.
- 3. 2021-1257 Acknowledge receipt of Report of Solid Waste Revenues & Expenditures for fiscal year ending September 30, 2021 and authorize publication of same.
- 4. 2021-1268 Acknowledge receipt of FY 2020-2021 Expenditure Report from South Mississippi Art Association. (Ceramics and Pottery Program).
- 5. 2021-1271 Acknowledge receipt of FY 2021 Expenditure Report from Hattiesburg Arts Council Municipal Programs.
- 6. 2021-1262 Acknowledge receipt of FY 2021 Expenditure Report from Hattiesburg Youth Soccer Association for HYSA Soccer Program.
- 7. 2021-1258 Approve and authorize issuance of manual checks for CDBG Program Claims per attached Memorandum. {Entitlement CDBG}
- 8. 2021-1233 Approve Plans and Specifications for the Water Plant #1 Rehabilitation Phase I project and authorize advertisement for bids.
- 9. 2021-1234 Approve Plans and Specifications for the Elaine Circle Retaining Wall Repair project and authorize advertisement for bids.
- 10. 2021-1266 Approve publication of Notice re-scheduling a Public Hearing to hear public comment on the Motor Vehicle Assessment Schedule for the City of Hattiesburg for the Fiscal Year beginning October 1,2021 and ending September 30, 2022.
- 11. 2021-1221 Approve the sale of grave spaces, per Memo's, Receipts, and Deeds.
- 12. 2021-1267 Approve claims docket for the period ending October 15,2021.

In Memoriam:

- Mr. Dex Johnson
- Mrs. Susan Donohue
- Mr. Harrison Myles McClain
- Mrs. Ashley Chancellor Krebs
- Mrs. Bobbie McCord
- Mrs. Tonyia Michelle Benton

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, October 19, 2021**, in Council Chambers at City Hall; same being a recessed meeting from October 18, 2021.

Those present included Mayor Toby Barker and members of the City Council Jeffrey George, Ward 1; Deborah Delgado, Ward 2 (via teleconference); 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; 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. **2021-1251** Approve the minutes for the October 4 & 5, 2021 meetings of the City Council.

Attachments: 10-4-2021 AR, WS, XS Mins.
10-5-2021 Mins.

A MOTION was made by Council Vice President George and seconded by Council Member Brown to Approve the minutes for the October 4 & 5, 2021 meetings of the City Council.

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

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

Nays: 0

2. **2021-1227** Adopt an Ordinance for the petition filed by Pastor Janette L. Furry, Applicant, as required in the LDC, to close and vacate a portion of an unimproved alley, which is located north of East Hardy Street, south of Jersey Street, east of North Tipton Street, and to the west of Oak Street (Ward 2). The Planning Commission recommended to Approve on October 6, 2021.

Attachments: oct hpc item a
Ordinance - Vacate Portion of Alley north of East Hardy Street, east of North Tipton Street
October HPC MINUTES

A MOTION was made by Council Vice President George and seconded by Council Member Brown to Adopt an Ordinance (#3298) for the petition filed by Pastor Janette L. Furry, Applicant, as required in the LDC, to close and vacate a portion of an unimproved alley, which is located north of East Hardy Street, south of Jersey

Street, east of North Tipton Street, and to the west of Oak Street (Ward 2).

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

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

Nays: 0

3. **2021-1232** Approve or Deny a petition filed by Brad Lauth, Agent, and Wilmer Joseph Morris III & Bettye P. Morris, Owner, and Martha Jo Howell Land Company, LLC, Owner, as required in the LDC to request a variance of one hundred ten (110) feet along US Highway 98 for a proposed building to be located at 6365 US Highway 98 (Ward 3).The Board of Adjustment recommended to Approve on October 6, 2021.

Attachments: boa oct item a
 October BOA MINUTES
 APPLICANT PRESENTATION_OCT BOA ITEM A

A MOTION was made by Council Vice President George and seconded by Council Member Brown to Approve a petition filed by Brad Lauth, Agent, and Wilmer Joseph Morris III & Bettye P. Morris, Owner, and Martha Jo Howell Land Company, LLC, Owner, as required in the LDC to request a variance of one hundred ten (110) feet along US Highway 98 for a proposed building to be located at 6365 US Highway 98 (Ward 3).

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

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

Nays: 0

4. **2021-1231** Approve or Deny a petition filed by Daniel Jussely and Rob Tatum, Representatives, and Hub City Lofts 2, LLC, Owner, to request a Conditional Use as “Multi--Family” in B--4 (Downtown Business) District as defined by the LDC for a certain property located at 215 Forrest Street (Ward 4). The Planning Commission recommended to Approve on October 6, 2021.

Attachments: oct hpc item b
 October HPC MINUTES

A MOTION was made by Council Member Ware and seconded by Council Vice President George to Approve a petition filed by Daniel Jussely and Rob Tatum, Representatives, and Hub City Lofts 2, LLC, Owner, to request a Conditional Use as “Multi--Family” in B--4 (Downtown Business) District as defined by the LDC for a certain property located at 215 Forrest Street (Ward 4).

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

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

Nays: 0

5. **2021-1223** Adopt Resolutions adjudicating and directing the placement as an assessment for the cleanup costs and applicable penalties, not to exceed the values prescribed by State law, against the following properties.

Attachments: Adjudication Resolution 10 19 2021
 1. 507 KATIE AVENUE
 2. 515 E. 5TH STREET
 3. 1215 DEWEY STREET
 4. 102 S. 11TH AVENUE
 5. 105 S. 11TH AVENUE
 6. 115 S. 10TH AVENUE
 7. 202 S. 14TH AVENUE
 8. 211 S. 24TH AVENUE
 9. 508 S. 19TH AVENUE
 10. 706 DUANE STREET
 11. 811 DUANE STREET

A MOTION was made by Council Member Brown and seconded by Council Vice President George to Adopt Resolutions (#2021-110-120) adjudicating and directing the placement as an assessment for the cleanup costs and applicable penalties, not to exceed the values prescribed by State law, against the following properties.

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

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

Nays: 0

6. **2021-1219** Adopt a Resolution setting Public Hearing on Monday, November 15, 2021 at 4:00 p.m. in the City Council Chambers at City Hall to determine if certain properties are in such a state of uncleanliness so as to be a menace to the health and safety of the community, according to the provision of MS Code 1972, Section 21-19-11.

Attachments: Request to Set P H 10 19 2021
Set Public Hearing Unsafe Properties Resolution 10 19 2021

A MOTION was made by Council Vice President George and seconded by Council Member Brown to Adopt a Resolution (#2021-121) setting Public Hearing on Monday, November 15, 2021 at 4:00 p.m. in the City Council Chambers at City Hall to determine if certain properties are in such a state of uncleanliness so as to be a menace to the health and safety of the community, according to the provision of MS Code 1972, Section 21-19-11.

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

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

Nays: 0

7. **2021-1222** Adopt Resolution adopting the 2021 Forrest and Lamar County Real and Personal Property Assessment Rolls containing property located within the City of Hattiesburg, in accordance with Section 21-33-9c of the MS Code of 1972.

Attachments: OrderLandRolls2021
Lamar County
Resolution Tax Roll.

A MOTION was made by Council Vice President George and seconded by Council Member Brown to Adopt Resolution (#2021-122) adopting the 2021 Forrest and Lamar County Real and Personal Property Assessment Rolls containing property located within the City of Hattiesburg, in accordance with Section 21-33-9c of the MS Code of 1972.

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

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

Nays: 0

8. **2021-1226** Approve an Agreement between the Hattiesburg Police Department and the Mississippi Attorney General's Office to enforce laws regarding Internet Crimes Against Children and authorize the Mayor to execute the same.

Attachments: Mississippi Internet Crimes Against Children Memorandum of Understanding

A MOTION was made by Council Member Brown and seconded by Council Vice President George to Approve an Agreement between the Hattiesburg Police Department and the Mississippi Attorney General's Office to enforce laws regarding Internet Crimes Against Children and authorize the Mayor to execute the same.

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

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

Nays: 0

9. **2021-1220** Approve the State Holiday Schedule as the City's holidays for the fiscal year 2021-2022 in accordance with MS Code 3-3-7, per attached list.

Attachments: 2021-2022 Holiday Schedule

A MOTION was made by Council Vice President George and seconded by Council Member Brown to Approve the State Holiday Schedule as the City's holidays for the fiscal year 2021-2022 in accordance with MS Code 3-3-7, per attached list.

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

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

Nays: 0

10. **2021-1237** Approve the allocated 2021 HUD-American Rescue Plan (ARP) Grant and authorize the Mayor to execute in duplicate.

Attachments: HOME-ARP Grant Agreement – COH

A MOTION was made by Council Member Brown and seconded by Council Vice President George to Approve the allocated 2021 HUD-American Rescue Plan (ARP) Grant and authorize the Mayor to execute in duplicate.

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

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

Nays: 0

11. **2021-1259** Approve annual subscriptions from Cummins for diesel mechanic software for the Fire Department, in the amount of \$1,572.90.

Attachments: 1 year fleet subscription
 1 year service plus subscription

A MOTION was made by Council Vice President George and seconded by Council Member Brown to Approve annual subscriptions from Cummins for diesel mechanic software for the Fire Department, in the amount of \$1,572.90.

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

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

Nays: 0

12. **2021-1261** Approve Agreement between the City of Hattiesburg Parks and Recreation Department and the Hattiesburg Youth Soccer Association, in an amount of \$20,000 to develop and promote soccer programs for Hattiesburg residents, for the term of October 1, 2021 through September 30, 2022 and authorize the Mayor to execute and issue manual check for same.

Attachments: 2021 HYSA

A MOTION was made by Council Member Brown and seconded by Council Vice President George to Approve Agreement between the City of Hattiesburg Parks and Recreation Department and the Hattiesburg Youth Soccer Association, in an amount of \$20,000 to develop and promote soccer programs for Hattiesburg residents,

for the term of October 1, 2021 through September 30, 2022 and authorize the Mayor to execute and issue manual check for same

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

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

Nays: 0

- 13. 2021-1269** Approve Agreement between City of Hattiesburg Parks and Recreation Department and South Mississippi Art Association to operate and promote ceramics, pottery, and other art programs for Hattiesburg residents in the amount of \$13,000.00 from October 1, 2021, through September 30, 2024; authorize the Mayor to execute and issue manual check for same.

Attachments: SMAA 10-21-9-24

A MOTION was made by Council Vice President George and seconded by Council Member Brown to Approve Agreement between City of Hattiesburg Parks and Recreation Department and South Mississippi Art Association to operate and promote ceramics, pottery, and other art programs for Hattiesburg residents in the amount of \$13,000.00 from October 1, 2021, through September 30, 2024; authorize the Mayor to execute and issue manual check for same.

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

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

Nays: 0

- 14. 2021-1270** Approve Agreement between the City of Hattiesburg Parks and Recreation Department and Hattiesburg Arts Council in the amount of \$20,760.00 to provide art for children programs and art and cultural opportunities for adults, seniors, and persons with disabilities for Hattiesburg residents, for the operating period of October 1, 2021 through September 30, 2022 and authorize the Mayor to execute in duplicate and issue manual check for same.

Attachments: HCAC- 2021

A MOTION was made by Council Vice President George and seconded by Council Member Brown to Approve Agreement between the City of Hattiesburg Parks and Recreation Department and Hattiesburg Arts Council in the amount of \$20,760.00 to provide art for children programs and art and cultural opportunities for adults, seniors, and persons with disabilities for Hattiesburg residents, for the operating period of October 1, 2021 through September 30, 2022 and authorize the Mayor to execute in duplicate and issue manual check for same.

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

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

Nays: 0

- 15. 2021-1218** Approve Lighting Agreement with Mississippi Power Company for additional lighting at 1305 McInnis Street with a monthly increase of \$23.35, and authorize the Mayor to execute the same.

Attachments: MS Power-1305 McInnis St SL Ath

A MOTION was made by Council Vice President George and seconded by Council Member Ware to Approve Lighting Agreement with Mississippi Power Company for additional lighting at 1305 McInnis Street with a monthly increase of \$23.35, and authorize the Mayor to execute the same.

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

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

Nays: 0

- 16. 2021-1238** Approve Lighting Agreement with Mississippi Power Company for additional lighting at 704 New Orleans Street (intersection of E 7th and New Orleans Streets) with a monthly increase of \$8.43, and authorize the Mayor to execute the same.

Attachments: MS Power-704 New Orleans Street Authorization

A MOTION was made by Council Vice President George and seconded by Council Member Brown to Approve Lighting Agreement with Mississippi Power Company for additional lighting at 704 New Orleans Street (intersection of E 7th and New Orleans Streets) with a monthly increase of \$8.43, and authorize the Mayor to execute the same.

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

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

Nays: 0

- 17. 2021-1224** Approve Lighting Agreement with Mississippi Power Company to remove and replace lighting on W 4th and W 7th Streets from Highway 49 E with a monthly decrease in cost of \$88.50, and authorize the Mayor to execute the same.

Attachments: MS Power-W 4th and W 7th St Auth

A MOTION was made by Council Vice President George and seconded by Council Member Brown to Approve Lighting Agreement with Mississippi Power Company to remove and replace lighting on W 4th and W 7th Streets from Highway 49 E with a monthly decrease in cost of \$88.50, and authorize the Mayor to execute the same.

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

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

Nays: 0

- 18. 2021-1235** Acknowledge bids received September 30, 2021 for the Paving, Marking & Pedestrian Pathway along Arledge Street, Edwards Street, & Katie Avenue project (aka Police Parking Lot Project) and accept the bid from R & J Construction, Inc. in the amount of \$1,117,479.30; Authorize Mayor to execute contracts upon preparation.

Attachments: Recommendation Ltr
Certified Bid Tab

A MOTION was made by Council Vice President George and seconded by Council Member Brown to Acknowledge bids received September 30, 2021 for the Paving, Marking & Pedestrian Pathway along Arledge Street, Edwards Street, & Katie Avenue project (aka Police Parking Lot Project) and accept the bid from R & J Construction, Inc. in the amount of \$1,117,479.30; Authorize Mayor to execute contracts upon preparation.

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

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

Nays: 0

19. **2021-1236** Authorize Administration to apply for ARPA Grant for Covid relief for the Bobby L. Chain Municipal Airport; Authorize Mayor to execute application and all necessary forms related to the grant.

Attachments: ARPA GRANT APP MS HBG - SF424 Unsigned

A MOTION was made by Council Member Brown and seconded by Council Vice President George to Authorize Administration to apply for ARPA Grant for Covid relief for the Bobby L. Chain Municipal Airport; Authorize Mayor to execute application and all necessary forms related to the grant.

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

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

Nays: 0

20. **2021-1250** Authorize Administration to apply to the U.S. Department of Transportation-Federal Aviation Administration for a grant for construction of Taxiway A Realignment, Improvements & Signage for the Bobby L. Chain Municipal Airport; Authorize Mayor to execute application documents and all other documents related to the grant.

Attachments: Pre Application for H'burg - Taxiway A Realignment, Improvements & Signage

A MOTION was made by Council Vice President George and seconded by Council Member Brown to Authorize Administration to apply to the U.S. Department of Transportation-Federal Aviation Administration for a grant for construction of Taxiway A Realignment, Improvements & Signage for the Bobby L. Chain Municipal Airport; Authorize Mayor to execute application documents and all other documents related to the grant.

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

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

Nays: 0

21. **2021-1272** Authorize the Mayor and City Clerk to execute certification to the Municipal Compliance Questionnaire for fiscal year ending September 30, 2021.

Attachments: MCQ 2021

A MOTION was made by Council Member Brown and seconded by Council Vice President George to Authorize the Mayor and City Clerk to execute certification to the Municipal Compliance Questionnaire for fiscal year ending September 30, 2021.

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

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

Nays: 0

ROUTINE AGENDA

THE ROUTINE AGENDA came before the Council.

A MOTION was made by Council Vice President George 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, Delgado (via teleconference), Carroll, Ware and Brown

Nays: 0

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| 1. | 2021-1225 | Acknowledge receipt of Privilege Tax License monthly report September 2021.

<u>Attachments:</u> <u>Privilege Tax License Mthly Report Sept 2021</u> |
| 2. | 2021-1260 | Acknowledge Proof of Publications for Hub City Spokes for the month of September 2021.

<u>Attachments:</u> <u>Proof of Publications Hub City Spokes Inv98715</u>
<u>Proof of Publications Hub City Spokes Inv98536</u> |
| 3. | 2021-1257 | Acknowledge receipt of Report of Solid Waste Revenues & Expenditures for fiscal year ending September 30, 2021 and authorize publication of same.

<u>Attachments:</u> <u>20211011154000380</u> |
| 4. | 2021-1268 | Acknowledge receipt of FY 2020-2021 Expenditure Report from South Mississippi Art Association. (Ceramics and Pottery Program).

<u>Attachments:</u> <u>1702_001</u> |
| 5. | 2021-1271 | Acknowledge receipt of FY 2021 Expenditure Report from Hattiesburg Arts Council Municipal Programs.

<u>Attachments:</u> <u>Hburg Arts Council Expenditure Report</u> |
| 6. | 2021-1262 | Acknowledge receipt of FY 2021 Expenditure Report from Hattiesburg Youth Soccer Association for HYSA Soccer Program.

<u>Attachments:</u> <u>HYSA Expenditure report 2021</u> |
| 7. | 2021-1258 | Approve and authorize issuance of manual checks for CDBG Program Claims per attached Memorandum. {Entitlement CDBG}

<u>Attachments:</u> <u>Manual Check Memo 10192021</u>
<u>BCS_10192021</u> |
| 8. | 2021-1233 | Approve Plans and Specifications for the Water Plant #1 Rehabilitation Phase 1 project and authorize advertisement for bids.

<u>Attachments:</u> <u>Cover Ltr</u>
<u>1273-W015 Specs Phase 1 Street Ready Set 2021-08-04</u>
<u>1273-W015 plans Phase 1 Street Ready Set 2021-08-04</u>
<u>Advertisement for Bids</u> |
| 9. | 2021-1234 | Approve Plans and Specifications for the Elaine Circle Retaining Wall Repair project and authorize advertisement for bids.

<u>Attachments:</u> <u>Cover Ltr</u>
<u>Advertisement for Bids</u>
<u>1235-108 Plans Street Ready Set 2021-09-27</u>
<u>1235-108 Specs street ready set 2021-09-27</u> |
| 10. | 2021-1266 | Approve publication of Notice re-scheduling a Public Hearing to hear public comment on the Motor Vehicle Assessment Schedule for the City of Hattiesburg for the Fiscal Year beginning October 1,2021 and ending September 30, 2022.

<u>Attachments:</u> <u>MOTOR VEHICLE.DOC 2020 - Copy</u> |
| 11. | 2021-1221 | Approve the sale of grave spaces, per Memo's, Receipts, and Deeds.

<u>Attachments:</u> <u>Memo's (10-19-2021)</u>
<u>Receipts (10-19-2021)</u>
<u>Deeds (10-19-2021)</u> |
| 12. | 2021-1267 | Approve claims docket for the period ending October 15,2021.

<u>Attachments:</u> <u>20211014105941</u>
<u>DOCKET 21.10.15</u> |

Executive Session

A MOTION was made by Council Vice President George for the Council to enter closed session to determine the need to enter Executive Session at 5:15 p.m.

Council President Carroll asked for the Chambers to be cleared at this time.

A MOTION was made by Council Member George and seconded by Council Member Ware to enter Executive Session to discuss strategy or negotiations with respect existing litigation, since to have an open meeting on this would have a detrimental effect on the litigating position of the City, in accordance with Mississippi Code Section 25-41-7 (b) at 5:17 p.m.

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

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

Nays: 0

Council member Delgado terminated teleconference at 5:17 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 existing litigation.

Those present for the Executive Session were Mayor Toby Barker; Council members Jeffrey George, 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; Police Major, Tony Fontaine; Fire Chief, Sherrocko Stewart; City Engineer, Lamar Rutland; Director of Urban Development, Andrew Ellard; Director of the Water Department, Alan Howe; Director of Public Works, Ronnie Perkins; Chief Communications Officer, Samantha McCain; Deputy Clerk of Council, Lisa Luu Jolly.

A MOTION was made by Council Vice President George and seconded by Council Member Ware exit Executive Session and re-open the meeting to the public at 5:28pm.

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

Yeas: 4 - George, Carroll, Ware and Brown

Nays: 0

The Council tried to reconnect Council Member Delgado via teleconference twice, but there was no answer at 5:29 p.m.

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

A MOTION was made by Council Vice President George and seconded by Council Member Brown to Add Policy Agenda Item #22 at the request of the Administration.

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

Yeas: 4 - George, Carroll, Ware and Brown

Nays: 0

Absent: 1 - Delgado

22. **2021-1288** Authorize the City Attorney to execute the Agreed Order on behalf of the City in the case styled City of Hattiesburg, Mississippi versus Roper's of Hattiesburg, LLC, and Roper's Rockin' Country, LLC.

Attachments: Agreed Order COH vs Ropers

A MOTION was made by Council Vice President George and seconded by Council Member Brown to Authorize the City Attorney to execute the Agreed Order on behalf of the City in the case styled City of Hattiesburg, Mississippi versus Roper's of Hattiesburg, LLC, and Roper's Rockin' Country, LLC.

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

Yeas: 4 - George, Carroll, Ware and Brown

Nays: 0

Absent: 1- Delgado

In Memoriam:

A MOTION was made by Council President Carroll to Adjourn the meeting in memory of:

- Mr. Dex Johnson
- Mrs. Susan Donohue
- Mr. Harrison Myles McClain
- Mrs. Ashley Chancellor Krebs
- Mrs. Bobbie McCord
- Mrs. Tonyia Michelle Benton

Meeting Adjourn

Council President Carroll declared the **meeting adjourned at 5:30 p.m., this 19th day of October, 2021,** by unanimous consent, until the 1st day of November, 2021.

ATTEST:

APPROVE:


Clerk of Council


Council President

ATTEST AND CERTIFY:

APPROVE:


City Clerk


Mayor