

**Published Agenda**

**Tuesday, February 22, 2022  
4:00 PM**

**City Council  
Tuesday Meeting Agenda**

**Council Chambers  
200 Forrest Street**

**Appeal Public Hearing**

1. **2022-100** Hold public hearing for appeal filed by Joe Pegram to appeal Hattiesburg Board of Adjustment's recommendation for the petition filed by Forrest Dungan, Engineer, and Lynn Crosby Gammil, Owner, and SDP MS Hattiesburg to request a variance from section 5.4.36.4, which states: no part of the active use area of a drive-through restaurant, including the drive-through, menu, and window, may be located closer than three hundred (300) feet to a lot containing a legal, conforming residential use, and instead allow for a distance of one hundred and twenty-two point seven (122.7) feet of the active area of a drive-through for a restaurant to a lot containing a legal, conforming residential use for a proposed development for undeveloped lots in the 3100 block of Hardy St (Parcel No. 2-028N-07-095.00, 2-028N-07-094.00, 2-028N-07-096.01; PPINs 26490, 26488, 44474). Hattiesburg Board of Adjustment recommended to Deny on January 5, 2022.

**Call to Order****Call to Prayer and Pledge of Allegiance****Presentation Agenda****Citizen's Forum****POLICY AGENDA**

1. **2022-112** Approve the minutes for the February 7 & 8, 2022 meeting of the City Council.
2. **2022-109** Approve or Deny a petition filed by Forrest Dungan, Engineer, and Lynn Crosby Gammil, Owner, and SDP MS Hattiesburg to request a variance from the required three hundred feet to one hundred and twenty-two point seven (122.7) feet of the active area of a drive-through for a restaurant to a lot containing a legal, conforming residential use for a proposed development for undeveloped lots in the 3100 block of Hardy St., PPINs 26490, 26488, 44474 - Hattiesburg Board of Adjustment recommended to Deny on January 5, 2022.
3. **2022-96** Approve or Deny a petition filed by Robert G Smith and Gary W Adams, Owners, to request a variance and allow a setback of zero (0) feet for a variance of ten (10) feet, and a variance of five (5) feet from the side property lot for a proposed accessory building at 2505 Arcadia Street (Parcel 2-039B-17-136.00, PPIN 24511, Ward 4). The Board of Adjustment recommended to Approve on February 2, 2022.
4. **2022-97** Approve or Deny a petition filed by Terry G. Edwards, Owner, to request a variance of an additional 662 sq ft of detached accessory structures for a proposed structure at 243 Jervis Mims Road (Parcel No. 2-051B-05-001.06, PPIN 35886, Ward 5). The Board of Adjustment recommended to Approve on February 2, 2022.
5. **2022-98** Approve or Deny a petition filed by Donna Davis, Owner, to request a variance of two (2) feet and an eight (8) foot fence in the front yard for a variance of four (4) feet for a proposed fence located at 310 Venetian Way (Parcel No. 2-028J-08-053.00, PPIN 22740, Ward 4). The Board of Adjustment recommended to approve the request as amended: 2 foot variance for rear fence only.
6. **2022-95** Approve or Deny a petition filed by George Coll, Applicant, Adam Nicolosi, Agent, and James Smith, Representative to request a Conditional Use as "Warehousing and Distribution" facility in a B-3 (Community Business) District for property located along Oak Grove Road (Parcel 051R-12-089.000, PPIN 11226, Ward 3 near the intersection of Oak Grove Road and S Westover Drive). The Planning Commission recommended to Approve on February 2, 2022.
7. **2022-108** Adopt a Resolution declaring surplus a certain parcel of City-owned property at PPIN 6802 and authorize the execution of a Quit Claim Deed from the City of Hattiesburg to Shaddock Leggett in the amount of \$9,000.00, in accordance with 21-17-1.
8. **2022-110** Approve Letter of Engagement with Frye Environmental to provide environmental assessment for Sheley Place project and authorize the Mayor to execute the same in triplicate.
9. **2022-117** Approve Interlocal Agreement between Lamar County, Mississippi, The City of Hattiesburg, Mississippi, and the Lamar County School District for the development of a shared use tennis and pickle ball complex and future projects, and authorize the Mayor to execute on behalf of the City.

10. **2022-103** Approve Agreement between the City of Hattiesburg and the Mississippi Transportation Commission for certain improvements and maintenance of Interstate 59 from the Bouie River Bridge southerly to U.S. Hwy 98 East and authorize the Mayor to execute the same.
11. **2022-105** Approve Agreement with Neel-Schaffer, Inc. for professional services related to Project Management of the Hattiesburg Stormwater Management Program (MS4) for the next four years (2022-2025) and authorize the Mayor to execute in duplicate.
12. **2022-102** Approve Letter Agreement with Richard & Thomas, LLC for legal services related to the acquisition of property for the Martin Luther King Avenue Improvement Project and authorize the Mayor to execute in duplicate.
13. **2022-104** Approve Memorandum of Understanding with the Mississippi Development Authority Economic Development Highway Program for a grant in the amount of \$1,500,000.00 for a roadway improvement project in the Midtown Area of the city and authorize the Mayor to execute in triplicate.
14. **2022-107** Approve Supplemental Agreement No. 1 to the contract with Walters Construction Company, Inc. dated January 6, 2021 for the Reconstruction of Lamar Boulevard Project; adding additional line items and construction days to the original contract, at a cost of \$22,034.50 and authorize the Mayor to execute in duplicate.
15. **2022-101** Approve subcontracts with A-1 Sealing, Inc. and Miller Enterprises, LLC for the State Aid Project No. DECD-001-018(35)BO identified as Highway 49, Camp, Adeline and Mamie project; Authorize the mayor to execute each subcontract in triplicate.
16. **2022-114** Declare repairs to the Campbell Loop Bridge as an emergency repair; Accept proposal from Holliday Construction, LLC in the amount of \$563,541.70 as authorized by Mississippi Code 31-7-13 (k).
17. **2022-113** Acknowledge receipt of closing documents for the Campbell Loop Bridge Repair project; Approve Supplemental Agreement No. 1 with Holliday Construction to record project underrun and liquidated damages, reducing the contract amount by \$27,842.39 to a final amount of \$535,699.31 and authorize the Mayor to execute in triplicate; Authorize payment of final pay application.
18. **2022-106** Acknowledge bids received February 3, 2022 for the Water Plant #1 Rehabilitation Project Ph I and accept the bid of Hemphill Construction Company, Inc. in the amount of \$1,305,095.00 and authorize the Mayor to execute contracts when prepared.
19. **2022-115** Acknowledge receipt of proposal for services related to a Master Plan for the future development of portions of N 25th and N 26th Avenues, approve agreement with Orion Planning - Design, and authorize the Mayor to execute the same.
20. **2022-92** Approve and authorize the Mayor to execute the Release of Lien documents filed in relation to Code Enforcement clean-up assessments per attached memo and authorize recording of the same.

#### ROUTINE AGENDA

1. **2022-111** Ratify Agreement between City of Hattiesburg and Trinity Consultants to provide odor monitoring and data collection services.
2. **2022-84** Acknowledge receipt of the Privilege Tax License monthly report for January 2022.
3. **2022-86** Acknowledge Proof of Publications for Hub City Spokes for the month of January 2022 and Clarion Ledger for the month of December 2021.
4. **2022-88** Acknowledge receipt of a grant award from the U.S. Department of Justice, Bureau of Justice Assistance, 2021 Bulletproof Vest Partnership Grant Program to purchase bulletproof vests for the Hattiesburg Police Department. The grant reimbursement to the city will provide \$15,600.00 (50%) of the cost of the vests.
5. **2022-89** Acknowledge receipt of a grant award from the Mississippi State Department of Health FY2022 Violence Against Women Act (VAWA) S.T.O.P. Grant Program, in the amount of \$41,748.40, to provide victim advocacy services.
6. **2022-94** Acknowledge the setting of a public comment period by the Hattiesburg-Petal-Forrest Lamar MPO for the proposed Safety Performance Targets, Long-Range Transportation Plan amendment and proposed amendment to the FY 2021-2024 Transportation Improvement Plan (TIP).
7. **2022-90** Acknowledge receipt of an extension for the Bureau of Justice Assistance, Coronavirus Emergency Supplemental Funding grant program. The period of performance end date was revised from January 31, 2022 to January 31, 2023.
8. **2022-91** Approve and authorize issuance of manual checks for CDBG Program Claims per attached Memorandum {Entitlement CDBG}.
9. **2022-93** Approve and Authorize publication of a Request for Proposals for Needs Assessment and Gap Analysis to be used in the development of the HOME-ARP Allocation Plan.
10. **2022-118** Approve Specifications and authorize publication of one (1) New Bucket Truck/ Rear Mounted Aerial Unit for the Urban Forestry Division, Parks & Recreation Department.

- 11. 2022-119 Approve Specifications and Authorize publication of advertisement for the lease of Fifteen (15) Sports Utility Vehicles with a Police Pursuit Package for the Hattiesburg Police Department.
- 12. 2022-87 Approve the sale of grave spaces, per attached Memo's, Receipts, and Deeds.
- 13. 2022-116 Approve claims docket for the period ending February 18, 2022.

**In Memoriam:**

- Mrs. Bertha Otkins Lobrano
- Ms. Deborah West
- Mrs. Nina Martin
- Mr. Dewitt Anderson, Jr.
- Mr. Charles Patrick, Sr.

**Meeting Adjourn**

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**Appeal Public Hearing**

BE IT REMEMBERED that the Hattiesburg City Council held a **public hearing at 4:00 p.m. Monday, February 22, 2022**, in Council Chambers at City Hall, for the appeal filed by Forrest Dungan, Engineer, and Lynn Crosby Gammil, Owner, and SDP MS Hattiesburg to request a variance from section 5.4.36.4, which states: no part of the active use area of a drive-through restaurant, including the drive-through, menu, and window, may be located closer than three hundred (300) feet to a lot containing a legal, conforming residential use, and instead allow for a distance of one hundred and twenty-two point seven (122.7) feet of the active area of a drive-through for a restaurant to a lot containing a legal, conforming residential use for a proposed development for undeveloped lots in the 3100 block of Hardy St (Parcel No. 2-028N-07-095.00, 2-028N-07-094.00, 2-028N-07-096.01; PPINs 26490, 26488, 44474). Hattiesburg Board of Adjustment recommended to Deny on January 5, 2022.

Those present included Mayor Toby Barker and members of the City Council Jeffrey George, Ward 1; 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 Jolly; City staff members; media; and the public.

Council President Carroll called the meeting to order and explained the procedures.

- I. 2022-100 Hold public hearing for appeal filed by Joe Pegram to appeal Hattiesburg Board of Adjustment’s recommendation for the petition filed by Forrest Dungan, Engineer, and Lynn Crosby Gammil, Owner, and SDP MS Hattiesburg to request a variance from section 5.4.36.4, which states: no part of the active use area of a drive-through restaurant, including the drive-through, menu, and window, may be located closer than three hundred (300) feet to a lot containing a legal, conforming residential use, and instead allow for a distance of one hundred and twenty-two point seven (122.7) feet of the active area of a drive-through for a restaurant to a lot containing a legal, conforming residential use for a proposed development for undeveloped lots in the 3100 block of Hardy St (Parcel No. 2-028N-07-095.00, 2-028N-07-094.00, 2-028N-07-096.01; PPINs 26490, 26488, 44474). Hattiesburg Board of Adjustment recommended to Deny on January 5, 2022.

Attachments: [BOA Item C Dec 2021](#)  
[MINUTES BOA December](#)  
[MINUTES BOA January 2022](#)  
[Appeal Form - Joe Pegram](#)

Ginger Lowrey, City Planning Division Manager, provided a case and site plan overview of the petition for lots in the 3100 block of Hardy Street.

Forrest Dungan, an Engineer, spoke on behalf of the appellant, Joe Pegram.

Council President Carroll asked the public if there were any citizens to speak for or against the petition.

- Dr. Lisa Bouchard spoke against the appeal
- Dr. David Bullock spoke against the appeal
- Mr. Lee Cave spoke against the appeal
- Ms. Clark spoke against the appeal

There were no other citizens who wished to speak for or against the petition.

By unanimous consent, Council President Carroll **closed the public hearing at 4:19 p.m. and proceeded with the regular meeting.**

### **Call to Order**

BE IT REMEMBERED that the **regular meeting of the Hattiesburg City Council was held at 4:30 p.m. Tuesday, February 22, 2022**, in Council Chambers at City Hall; same being from a recessed meeting held on February 8, 2022.

Those present included Mayor Toby Barker and members of the City Council Jeffrey George, Ward 1; 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; 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 Rev. Johniel Henry of St. Paul United Methodist Church.

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.

### **Citizen's Forum**

Council Vice President George proceeded with the Citizens' Forum.

He stated the procedures and invited members of the public to speak.

The following citizens addressed the Council:

- Erickson and Michelle Forster, 20 Oak Haven Road, Purvis, MS
- Debbie McClelland, 110 Southampton Road

There were no other citizens present who wished to address the Council.

Council Vice President George closed the Citizen Forum.

**POLICY AGENDA**

The POLICY AGENDA came before the Council.

- 1. **2022-112** Approve the minutes for the February 7 & 8, 2022 meetings of the City Council.

Attachments: [2-7-2022 AR, WS Mins.](#)  
[2-8-2022 XS Mins.](#)

A MOTION was made by Council Vice President George and seconded by Council Member Delgado to Approve the minutes for the February 7 & 8, 2022 meetings of the City Council.

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

Yeas: 5 - George, Delgado, Carroll, Ware and Brown

Nays: 0

- 2. **2022-109** Approve or Deny a petition filed by Forrest Dungan, Engineer, and Lynn Crosby Gammil, Owner, and SDP MS Hattiesburg to request a variance from the required three hundred feet to one hundred and twenty-two point seven (122.7) feet of the active area of a drive-through for a restaurant to a lot containing a legal, conforming residential use for a proposed development for undeveloped lots in the 3100 block of Hardy St., PPINs 26490, 26488, 44474 - Hattiesburg Board of Adjustment recommended to Deny on January 5, 2022.

Attachments: [Appeal form 2022](#)  
[MINUTES BOA January 2022](#)  
[BOA Item C Dec 2021](#)  
[MINUTES BOA December](#)

A MOTION was made by Council President Carroll and seconded by Council Member Delgado to Deny a petition filed by Forrest Dungan, Engineer, and Lynn Crosby Gammil, Owner, and SDP MS Hattiesburg to request a variance from the required three hundred feet to one hundred and twenty-two point seven (122.7) feet of the active area of a drive-through for a restaurant to a lot containing a legal, conforming residential use for a proposed development for undeveloped lots in the 3100 block of Hardy St., PPINs 26490, 26488, 44474 - as recommended by the Hattiesburg Board of Adjustment.

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

Yeas: 5 - George, Delgado, Carroll, Ware and Brown

Nays: 0

- 3. **2022-96** Approve or Deny a petition filed by Robert G Smith and Gary W Adams, Owners, to request a variance and allow a setback of zero (0) feet for a variance of ten (10) feet, and a variance of five (5) feet from the the side property lot for a proposed accessory building at 2505 Arcadia Street (Parcel 2-039B-17-136.00, PPIN 24511, Ward 4). The Board of Adjustment recommended to Approve on February 2, 2022.

Attachments: [BOA Item A Feb 2022](#)  
[MINUTES BOA February 2022](#)

A MOTION was made by Council Member Delgado and seconded by Council Vice President George to Approve a petition filed by Robert G Smith and Gary W Adams, Owners, to request a variance and allow a setback of zero (0) feet for a variance of ten (10) feet, and a variance of five (5) feet from the the side property lot for a proposed accessory building at 2505 Arcadia Street (Parcel 2-039B-17-136.00, PPIN 24511, Ward 4).

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

Yeas: 5 - George, Delgado, Carroll, Ware and Brown

Nays: 0

- 4. **2022-97** Approve or Deny a petition filed by Terry G. Edwards, Owner, to request a variance of an additional 662 sq ft of detached accessory structures for a proposed structure at 243 Jervis Mims Road (Parcel No. 2-051B-05-001.06, PPIN 35886, Ward 5). The Board of Adjustment recommended to Approve on February 2, 2022.

Attachments: [BOA Item B Feb 2022](#)  
[MINUTES BOA February 2022](#)

A MOTION was made by Council Member Brown and seconded by Council Vice President George to Approve a petition filed by Terry G. Edwards, Owner, to request a variance of an additional 662 sq ft of detached accessory structures for a proposed structure at 243 Jervis Mims Road (Parcel No. 2-051B-05-001.06, PPIN 35886, Ward 5).

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

Yeas: 5 - George, Delgado, Carroll, Ware and Brown

Nays: 0

- 5. **2022-98 A** Approve or Deny a petition filed by Donna Davis, Owner, to request a variance of two (2) feet and an eight (8) foot fence in the front yard for a variance of four (4) feet for a proposed fence located at 310 Venetian Way (Parcel No. 2-028J-08-053.00, PPIN 22740, Ward 4). The Board of Adjustment recommended to approve the request as amended: 2-foot variance for rear fence only.

Attachments: [BOA Item C Feb 2022](#)

A MOTION was made by Council Member Ware and seconded by Council Member Delgado to Approve a petition filed by Donna Davis, Owner, to request a variance of two (2) feet and an eight (8) foot fence in the front yard for a variance of four (4) feet for a proposed fence located at 310 Venetian Way (Parcel No. 2-028J-08-053.00, PPIN 22740, Ward 4).

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

Yeas: 5 - George, Delgado, Carroll, Ware and Brown

Nays: 0

- 6. **2022-95** Approve or Deny a petition filed by George Coll, Applicant, Adam Nicolosi, Agent, and James Smith, Representative to request a Conditional Use as “Warehousing and Distribution” facility in a B-3 (Community Business) District for property located along Oak Grove Road (Parcel 051R-12-089.000, PPIN 11226, Ward 3 near the intersection of Oak Grove Road and S Westover Drive). The Planning Commission recommended to Approve on February 2, 2022.

Attachments: [HPC Item A Feb 2022](#)  
[MINUTES HPC February 2022](#)

A MOTION was made by Council President Carroll and seconded by Council Vice President George to Approve a petition filed by George Coll, Applicant, Adam Nicolosi, Agent, and James Smith, Representative to request a Conditional Use as “Warehousing and Distribution” facility in a B-3 (Community Business) District for property located along Oak Grove Road (Parcel 051R-12-089.000, PPIN 11226, Ward 3 near the intersection of Oak Grove Road and S Westover Drive).

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

Yeas: 5 - George, Delgado, Carroll, Ware and Brown

Nays: 0

- 7. **2022-108** Adopt a Resolution declaring surplus a certain parcel of City-owned property at PPIN 6802 and authorize the execution of a Quit Claim Deed from the City of Hattiesburg to Shadock Leggett in the amount of \$9,000.00, in accordance with 21-17-1.

Attachments: [SURPLUS RESOLUTION - PPIN 6802-February 22-2022](#)  
[PPIN 6802 Appraisal Report](#)  
[PPIN 6802 Appraisal Report-City](#)  
[Quit Claim Deed for 602 Old Airport Road from City to Shadock Leggett 2-10-22](#)

A MOTION was made by Council Vice President George and seconded by Council Member Brown to Adopt a Resolution (#2022-6) declaring surplus a certain parcel of City-owned property at PPIN 6802 and authorize the execution of a Quit Claim Deed from the City of Hattiesburg to Shadock Leggett in the amount of \$9,000.00, in accordance with 21-17-1.

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

Yeas: 5 - George, Delgado, Carroll, Ware and Brown  
 Nays: 0

- 8. **2022-110** Approve Letter of Engagement with Frye Environmental to provide environmental assessment for Sheley Place project and authorize the Mayor to execute the same in triplicate.

Attachments: [Frye\\_Hattiesburg Sheley Place EA 2022](#)

A MOTION was made by Council Vice President George and seconded by Council Member Brown to Approve Letter of Engagement with Frye Environmental to provide environmental assessment for Sheley Place project and authorize the Mayor to execute the same in triplicate.

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

Yeas: 5 - George, Delgado, Carroll, Ware and Brown  
 Nays: 0

- 9. **2022-117** Approve Interlocal Agreement between Lamar County, Mississippi, The City of Hattiesburg, Mississippi, and the Lamar County School District for the development of a shared use tennis and pickle ball complex and future projects, and authorize the Mayor to execute on behalf of the City.

Attachments: [Interlocal Agreement-Tennis Pickle Ball Complex 2022](#)  
[Tennis Pickle Ball Lease LEGAL DESCRIPTION](#)  
[Tennis Pickle Ball Lease SURVEY 11-1-21](#)

A MOTION was made by Council Vice President George and seconded by Council Member Brown to Approve Interlocal Agreement between Lamar County, Mississippi, The City of Hattiesburg, Mississippi, and the Lamar County School District for the development of a shared use tennis and pickle ball complex and future projects, and authorize the Mayor to execute on behalf of the City.

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

Yeas: 5 - George, Delgado, Carroll, Ware and Brown  
 Nays: 0

- 10. **2022-103** Approve Agreement between the City of Hattiesburg and the Mississippi Transportation Commission for certain improvements and maintenance of Interstate 59 from the Bouie River Bridge southerly to U.S. Hwy 98 East and authorize the Mayor to execute the same.

Attachments: [MDOT I59 Adopt interchange Hattiesburg](#)  
[MDOT I-59 Adoption Exhibit A](#)

A MOTION was made by Council Vice President George and seconded by Council Member Brown to Approve Agreement between the City of Hattiesburg and the Mississippi Transportation Commission for certain improvements and maintenance of Interstate 59 from the Bouie River Bridge southerly to U.S. Hwy 98 East 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, Carroll, Ware and Brown

Nays: 0

11. **2022-105** Approve Agreement with Neel-Schaffer, Inc. for professional services related to Project Management of the Hattiesburg Stormwater Management Program (MS4) for the next four years (2022-2025) and authorize the Mayor to execute in duplicate.

Attachments: 2022 MS4 Contract to City

A MOTION was made by Council Member Brown and seconded by Council Vice President George to Approve Agreement with Neel-Schaffer, Inc. for professional services related to Project Management of the Hattiesburg Stormwater Management Program (MS4) for the next four years (2022-2025) 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, Carroll, Ware and Brown

Nays: 0

12. **2022-102** Approve Letter Agreement with Richard & Thomas, LLC for legal services related to the acquisition of property for the Martin Luther King Avenue Improvement Project and authorize the Mayor to execute in duplicate.

Attachments: Richard & Thomas Engagement Ltr

A MOTION was made by Council Member Brown and seconded by Council Member Delgado to Approve Letter Agreement with Richard & Thomas, LLC for legal services related to the acquisition of property for the Martin Luther King Avenue Improvement Project 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, Carroll, Ware and Brown

Nays: 0

13. **2022-104** Approve Memorandum of Understanding with the Mississippi Development Authority Economic Development Highway Program for a grant in the amount of \$1,500,000.00 for a roadway improvement project in the Midtown Area of the city and authorize the Mayor to execute in triplicate.

Attachments: MOU PDF

A MOTION was made by Council Vice President George and seconded by Council Member Nicholas Brown to Approve Memorandum of Understanding with the Mississippi Development Authority Economic Development Highway Program for a grant in the amount of \$1,500,000.00 for a roadway improvement project in the Midtown Area of the city 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, Delgado, Carroll, Ware and Brown

Nays: 0

- 14. **2022-107** Approve Supplemental Agreement No. 1 to the contract with Walters Construction Company, Inc. dated January 6, 2021 for the Reconstruction of Lamar Boulevard Project; adding additional line items and construction days to the original contract, at a cost of \$22,034.50 and authorize the Mayor to execute in duplicate.

Attachments: 11248R Pay App No. 10 & SA #1 trans wAttachments signed 2022-02-11

A MOTION was made by Council Vice President George and seconded by Council Member Brown to Approve Supplemental Agreement No. 1 to the contract with Walters Construction Company, Inc. dated January 6, 2021 for the Reconstruction of Lamar Boulevard Project; adding additional line items and construction days to the original contract, at a cost of \$22,034.50 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, Carroll, Ware and Brown

Nays: 0

- 15. **2022-101** Approve subcontracts with A-1 Sealing, Inc. and Miller Enterprises, LLC for the State Aid Project No. DECD-001-018(35)BO identified as Highway 49, Camp, Adeline and Mamie project; Authorize the mayor to execute each subcontract in triplicate.

Attachments: Sucontract Request - A-1 Sealing  
Subcontract Request - Miller Enterprises

A MOTION was made by Council Vice President George and seconded by Council Member Brown to Approve subcontracts with A-1 Sealing, Inc. and Miller Enterprises, LLC for the State Aid Project No. DECD-001-018(35)BO identified as Highway 49, Camp, Adeline and Mamie project; Authorize the mayor to execute each subcontract in triplicate.

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

Yeas: 5 - George, Delgado, Carroll, Ware and Brown

Nays: 0

- 16. **2022-114** Declare repairs to the Campbell Loop Bridge as an emergency repair; Accept proposal from Holliday Construction, LLC in the amount of \$563,541.70 as authorized by Mississippi Code 31-7-13 (k).

Attachments: 12211 Recommend Award trans wBid Tab  
12211 Plans Street Ready Set Signed 2020-11-25  
12211 Specs Fully Executed

A MOTION was made by Council Vice President George and seconded by Council Member Brown to Declare repairs to the Campbell Loop Bridge as an emergency repair; Accept proposal from Holliday Construction, LLC in the amount of \$563,541.70 as authorized by Mississippi Code 31-7-13 (k).

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

Yeas: 5 - George, Delgado, Carroll, Ware and Brown

Nays: 0

- 17. **2022-113** Acknowledge receipt of closing documents for the Campbell Loop Bridge Repair project; Approve Supplemental Agreement No. 1 with Holliday Construction to record project underrun and liquidated damages, reducing the contract amount by \$27,842.39 to a final amount of \$535,699.31 and authorize the Mayor to execute in triplicate; Authorize payment of final pay application.

Attachments: Closing Documents  
Supplemental Agreement No. 1  
Holliday Construction Pay Est #6 & Final

A MOTION was made by Council Vice President George and seconded by Council Member Brown to Acknowledge receipt of closing documents for the Campbell Loop Bridge Repair project; Approve Supplemental Agreement No. 1 with Holliday Construction to record project underrun and liquidated damages, reducing the contract amount by \$27,842.39 to a final amount of \$535,699.31 and authorize the Mayor to execute in triplicate; Authorize payment of final pay application.

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

Yeas: 5 - George, Delgado, Carroll, Ware and Brown

Nays: 0

- 18. 2022-106 Acknowledge bids received February 3, 2022 for the Water Plant #1 Rehabilitation Project Ph I and accept the bid of Hemphill Construction Company, Inc. in the amount of \$1,305,095.00 and authorize the Mayor to execute contracts when prepared.

Attachments: Rec Ltr and Certified Bid Tab

A MOTION was made by Council Vice President George and seconded by Council Member Nicholas Brown to Acknowledge bids received February 3, 2022 for the Water Plant #1 Rehabilitation Project Ph I and accept the bid of Hemphill Construction Company, Inc. in the amount of \$1,305,095.00 and authorize the Mayor to execute contracts when prepared.

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

Yeas: 5 - George, Delgado, Carroll, Ware and Brown

Nays: 0

- 19. 2022-115 Acknowledge receipt of proposal for services related to a Master Plan for the future development of portions of N 25th and N 26th Avenues, approve agreement with Orion Planning - Design, and authorize the Mayor to execute the same.

Attachments: Engagement Letter for Consulting Services - Hattiesburg MS 25-26 UD  
Hattiesburg 25-26 Orion Proposal 2-18-22  
Hattiesburg 25-26 Orion Proposal 1-13-22

A MOTION was made by Council Member Ware and seconded by Council Member Brown to Acknowledge receipt of proposal for services related to a Master Plan for the future development of portions of N 25th and N 26th Avenues, approve agreement with Orion Planning - Design, 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, Carroll, Ware and Brown

Nays: 0

- 20. 2022-92 Approve and authorize the Mayor to execute the Release of Lien documents filed in relation to Code Enforcement clean-up assessments per attached memo and authorize recording of the same.

Attachments: Release of Lien Memo 02 22 2022  
1. 607 Graymont Release  
2. 308 Mable Release

A MOTION was made by Council Vice President George and seconded by Council Member Delgado to Approve and authorize the Mayor to execute the Release of Lien documents filed in relation to Code Enforcement clean-up assessments per attached memo and authorize recording of the same.

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

Yeas: 5 - George, Delgado, 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 Delgado to approve the Routine Agenda.

1.       **2022-111**       Ratify Agreement between City of Hattiesburg and Trinity Consultants to provide odor monitoring and data collection services.  
  
                  Attachments: [Trinity Consultants Proposal 2022](#)
  
2.       **2022-84**       Acknowledge receipt of the Privilege Tax License monthly report for January 2022.  
  
                  Attachments: [Privilege Tax License mthly Jan 2022](#)
  
3.       **2022-86**       Acknowledge Proof of Publications for Hub City Spokes for the month of January 2022 and Clarion Ledger for the month of December 2021.  
  
                  Attachments: [Hub City Spokes Inv99266](#)  
                                  [Clarion Ledger Inv0004318128](#)
  
4.       **2022-88**       Acknowledge receipt of a grant award from the U.S. Department of Justice, Bureau of Justice Assistance, 2021 Bulletproof Vest Partnership Grant Program to purchase bulletproof vests for the Hattiesburg Police Department. The grant reimbursement to the city will provide \$15,600.00 (50%) of the cost of the vests.  
  
                  Attachments: [2021 BVP Award](#)
  
5.       **2022-89**       Acknowledge receipt of a grant award from the Mississippi State Department of Health FY2022 Violence Against Women Act (VAWA) S.T.O.P. Grant Program, in the amount of \$41,748.40, to provide victim advocacy services.  
  
                  Attachments: [607\\_C\\_Subgrant\\_Agreement\\_City\\_of\\_Hattiesburg\\_PD\\_STOP](#)  
                                  [ATTACHMENT A- SCOPE OF WORK Hattiesburg\\_PD.xps](#)  
                                  [ATTACHMENT B1-](#)  
                                  [BUDGET SUMMARY CITY OF HATTIESBURG\\_PD.xps](#)  
                                  [ATTACHMENT B2-](#)  
                                  [BUDGET JUSTIFICATION CITY OF HATTIESBURG\\_PD.xps](#)  
                                  [ATTACHMENT C2- Certifications and Assurances Hattiesburg\\_PD.xps](#)  
                                  [ATTACHMENT D- Information for Federally Funded Subgrants-](#)  
                                  [Hattiesburg\\_PD.xps](#)  
                                  [ATTACHMENT E1- MATCH WAIVER LETTER.xps](#)  
                                  [ATTACHMENT E2- MATCH WAIVER DETERMINATION FORM.xps](#)  
                                  [SFY 2021 VOCA Special Conditions.xps](#)
  
6.       **2022-94**       Acknowledge the setting of a public comment period by the Hattiesburg-Petal-Forrest-Lamar MPO for the proposed Safety Performance Targets, Long-Range Transportation Plan amendment and proposed amendment to the FY 2021-2024 Transportation Improvement Plan (TIP).  
  
                  Attachments: [PUBLIC NOTICE - Safety Performance-LRTP-TIP](#)

7. **2022-90** Acknowledge receipt of an extension for the Bureau of Justice Assistance, Coronavirus Emergency Supplemental Funding grant program. The period of performance end date was revised from January 31, 2022 to January 31, 2023.
- Attachments: BJA CESF Extension Approval 2.3.22
8. **2022-91** Approve and authorize issuance of manual checks for CDBG Program Claims per attached Memorandum {Entitlement CDBG}.
- Attachments: Manual Check Memo 02222022  
Anderson\_02222022  
Landry invoice\_02222022
9. **2022-93** Approve and Authorize publication of a Request for Proposals for Needs Assessment and Gap Analysis to be used in the development of the HOME-ARP Allocation Plan.
- Attachments: HOME-ARP RFP\_021522
10. **2022-118** Approve Specifications and authorize publication of one (1) New Bucket Truck/ Rear Mounted Aerial Unit for the Urban Forestry Division, Parks & Recreation Department.
- Attachments: NTB- Bucket Truck Rear mounted aerial unit  
Specs Bucket Truck
11. **2022-119** Approve Specifications and Authorize publication of advertisement for the lease of Fifteen (15) Sports Utility Vehicles with a Police Pursuit Package for the Hattiesburg Police Department.
- Attachments: Notice to Bidders - Lease Vehicles 2022  
Hattiesburg Police Department Lease specifications for vehicles (003)
12. **2022-87** Approve the sale of grave spaces, per attached Memo's, Receipts, and Deeds.
- Attachments: Memo's (02-22-2022)  
Receipts (02-22-2022)  
Deeds (02-22-2022)
13. **2022-116** Approve claims docket for the period ending February 18, 2022.
- Attachments: DOCKET 22.2.18  
20220216170011

### 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 4:52 p.m.

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

A MOTION was made by Council Vice President George and seconded by Council Member Ware to enter Executive Session to discuss strategy or negotiations with respect to prospective litigation since to have an open meeting on this would have a detrimental effect on the litigating position of the City, and to discuss the location, relocation or expansion of a business, medical service or industry, in accordance with Mississippi Code Section 25 41 7 (b) and (j) at 4:54 p.m.

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

Yeas: 5 - George, Delgado, Carroll, Ware and Brown

Nays: 0

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 potential litigation and the location, relocation or

expansion of a business.

Those present for the Executive Session were Mayor Toby Barker; Council members Jeffrey George, Deborah Delgado, Carter Carroll, Dave Ware and Nicholas Brown; Director of Administration/City Clerk, Kermas Eaton; City Attorney, Randy Pope; Officer Ross Kinsey; City Engineer, Lamar Rutland; Planning Division Manager, Ginger Lowery; Director of the Water Department, Alan Howe; Chief Communications Officer, Samantha McCain; Clerk of Council, Ronda Kennedy; Todd Jackson, ADP Executive Vice President; Shea McNease, Shows, Dearman and Waits, Inc. Engineer; Robbie Nguyen of Northpoint Development; Jade Sumrall, ADP Project Manager; and Attorney Jim Gladden.

The following action was taken:

A MOTION was made by Council Vice President George and seconded by Council Member Brown to Approve a petition filed by Robbie Nguyen, Applicant, and Shea McNease, Engineer, to request a variance from Section 6, Table 6.1 "Min/Max Front Setback" for 1-1, "40 feet", and instead allow a setback of fifty (50) feet along Sullivan Drive for a variance of ten (10) feet; allow a setback of four hundred six (406) feet along J M Tatum Industrial Drive for a variance of three hundred sixty-four (364) feet; and for a variance from Table 7.11-2 Zoning Buffer Req. of 60' and instead allow a buffer of thirty (30) feet for a variance of thirty (30) feet for a proposed development on J M Tatum Industrial Drive and Sullivan Drive (Parcel No. 2-042M-35-003.01, PPIN 36249; Parcel No. 2-042M-35-003.00, PPIN 17235; Parcel No. 2-042M-35-005.00, PPIN 27756, Forrest Co. Ward 5). The Board of Adjustment recommended to Approve on February 2, 2022.

1. **2022-156** Approve or Deny a petition filed by Robbie Nguyen, Applicant, and Shea McNease, Engineer, to request a variance from Section 6, Table 6.1 "Min/Max Front Setback" for 1-1, "40 feet", and instead allow a setback of fifty (50) feet along Sullivan Drive for a variance of ten (10) feet; allow a setback of four hundred six (406) feet along J M Tatum Industrial Drive for a variance of three hundred sixty-four (364) feet; and for a variance from Table 7.11-2 Zoning Buffer Req. of 60' and instead allow a buffer of thirty (30) feet for a variance of thirty (30) feet for a proposed development on J M Tatum Industrial Drive and Sullivan Drive (Parcel No. 2-042M-35-003.01, PPIN 36249; Parcel No. 2-042M-35-003.00, PPIN 17235; Parcel No. 2-042M-35-005.00, PPIN 27756, Forrest Co. Ward 5). The Board of Adjustment recommended to Approve on February 2, 2022.

Attachments: [20210827124525](#)

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

Yeas: 5 - George, Delgado, Carroll, Ware and Brown

Nays: 0

Note: Ginger Lowery; Officer Ross Kinsey; Robbie Nguyen, Jade Sumrall, Shea McNease; and Jim Gladden left the Chambers at 5:06 p.m.

Note: Attorney Keith Turner of Watkins & Eager PLLC; Carey Hardin of Clearwater Consultants, Inc.; and Charlie Southern of L & A Contracting Co. entered the Chambers at 5:06 p.m.;

A MOTION was made by Council Vice President George and seconded by Council Member Delgado to exit the Executive Session and re-open the meeting to the public at 5:35 p.m.

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

Yeas: 5 - George, Delgado, Carroll, Ware and Brown

Nays: 0

**In Memoriam:**

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

- Mrs. Bertha Otkins Lobrano
- Ms. Deborah West
- Mrs. Nina Martin
- Mr. Dewitt Anderson, Jr.
- Mr. Charles Patrick, Sr.

**Meeting Adjourn**

Council President Carroll declared the meeting recessed at 5:38 p.m., this 22<sup>nd</sup> day of February, 2022, by unanimous consent, until the 7<sup>th</sup> day of March, 2022.

**ATTEST:**

**APPROVE:**

  
\_\_\_\_\_  
Clerk of Council

  
\_\_\_\_\_  
Council President

**ATTEST AND CERTIFY:**

**APPROVE:**

  
\_\_\_\_\_  
City Clerk

  
\_\_\_\_\_  
Mayor