

Published Agenda

**Tuesday, March 8, 2022
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. **2022-146** Approve the minutes for the February 22, 2022 meeting of the City Council.
2. **2022-132** Adopt Resolutions condemning the following properties as unclean and a menace to the health and safety of the community.
3. **2022-145** Adopt the March 8, 2022 amendments to the budget for the City of Hattiesburg for fiscal year ending September 30, 2022 and adopt Resolution authorizing publication of amendments for funds in excess of 10% of the originally appropriated fund balance.
4. **2022-134** Approve a Sponsorship Agreement between the City of Hattiesburg and the Hattiesburg Athletic Booster Club (HABC) for advertisement sponsorship as outlined in the attached agreement, in accordance with Mississippi 17-3-1, in an amount not to exceed \$25,000.00 and authorize the Mayor to execute the same.
5. **2022-137** Approve Contract with Shows, Dearman and Waits, Inc. for engineering services related to the Fountainbleau Apartments Sewer Improvements Project and authorize the Mayor to execute in duplicate.
6. **2022-141** Approve Contract with Shows, Dearman and Waits, Inc. for engineering services related to the Hattiesburg High Area Infrastructure Improvements Phase II project and Authorize the Mayor to execute in duplicate.
7. **2022-138** Approve Agreement with Shows, Dearman and Waits, Inc. to provide data management services related to the City's fire hydrants and authorize the Mayor to execute in duplicate.
8. **2022-139** Approve Letter Agreement with Neel-Schaffer, Inc. for Engineering Services related to the Gordon's Creek Pathway (Green St. to McLeod St.) project and Authorize the Mayor to execute in duplicate.
9. **2022-135** Approve Agreement for Local Agency Highway-Railway Grade Separation Improvements and a Permanent Easement for Both Encroachment and Airspace, both with Illinois Central Railroad Company for the Hall Avenue East Overpass Project.
10. **2022-136** Approve Joint-Funding Agreement for the period of October 1, 2021 to September 30, 2022 to continue the cooperative program between the U.S. Geological Survey (USGS) and the City of Hattiesburg for the operation and maintenance of the Bouie River Flood Monitoring Site at Glendale Avenue, and for hydrologic modeling and development of inundation maps for the Leaf River, with total cost to the City of \$6,980.00 and authorize the Mayor to execute in duplicate.
11. **2022-140** Approve Supplemental Agreement No. 1 with Hemphill Construction Company, Inc. for the Longleaf North Infrastructure Improvements project to add additional items to the contract at a cost of \$19,917.58, bringing the contract total to \$2,749,918.00; Authorize the Mayor to execute in triplicate.
12. **2022-142** Acknowledge bids received February 24, 2022 for the Highway 42 Overlay project and accept the bid from Walters Construction Co., Inc. in the amount of \$1,192,125.00; Authorize the mayor to execute contracts when prepared.
13. **2022-148** Authorize the City Attorney to file suit against the owner of 1515 James Street for his placing clay and/or sand or sandbags on his property thereby blocking the downstream channel of water making it more likely that James Street will be damaged in the event of a major rain event.
14. **2022-150** Authorize the City Attorney and any professionals he may require to assist him to file any necessary suits against the owners of properties in the Planation Place neighborhood located in Ward 1 to recover past due water bills, to require said owners to remove accumulated garbage and place in appropriate places or receptacles for future garbage disposal from their properties, and to recover the costs and any penalties of cleanup and demolition of properties in said neighborhood once the costs are determined pursuant to Miss. Code Ann. Section 21-19-11(2).
15. **2022-149** Acknowledge the designation of Robert Evans as the NAACP's appointed representative to the Hattiesburg Police Review Board to fill the unexpired term of Ken Chambers, for a term beginning March 8, 2022 and ending December 7, 2024.

- 16. **2022-151** Ratify and confirm the Mayor's re-appointment of Delores McNair (W2) to the Hattiesburg School Board for a term beginning March 8, 2022 and ending March 7, 2027.
- 17. **2022-143** Ratification of Release of Lien documents filed in relation to Code Enforcement clean-up assessments.
- 18. **2022-155** Extend state of emergency for an additional 30 days resulting from the pandemic event (COVID_19) that occurred on or about March 13, 2020.

ROUTINE AGENDA

- 1. **2022-133** Approve and authorize issuance of manual checks for CDBG Program Claims per attached Memorandum. {Entitlement CDBG}
- 2. **2022-130** Approve the City's purchase of one (1) grave space located in the North Half (N 1/2) of the Northwest Quarter (NW 1/4), Lot 27, Section 33 at Highland Cemetery, Minute Book# 2017, Page# 281, in the amount of \$ 175.00, from Mary Ann Osbey, authorize manual check for the same.
- 3. **2022-131** Approve the sale of grave spaces per attached Memo's, Receipts, and Deeds.
- 4. **2022-147** Approve claims docket for the period ending February 28, 2022.

In Memoriam:

- Master Ja”Kyrle Silas
- Mr. Ellis Evans
- Mr. John Irby Thomas
- Mr. Charles Edward Wall, Sr.
- Ms. Barbara Ann Douglas
- Mrs. Tanya Jenkins Jeannice
- Mr. Dewitt Anderson, Jr.

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, March 8, 2022**, in Council Chambers at City Hall; same being from a recessed meeting held on March 7, 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; 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. **2022-146** Approve the minutes for the February 22, 2022 meeting of the City Council.

Attachments: 2-22-2022 XS Mins

A MOTION was made by Council Vice President George and seconded by Council Member Delgado to Approve the minutes for the February 22, 2022 meeting 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. **2022-132** Adopt Resolutions condemning the following properties as unclean and a menace to the health and safety of the community.

Attachments: PH 03 08 2022 Adopt Resolution to Condemn Memo

1. 504 Ruby Ave

3. 1209 Vernon St

4. 105 Columbia St

5. PPIN 25851

6. 703 Lincoln St

8. 719 Lincoln St

A MOTION was made by Council Vice President George and seconded by Council Member Brown to Adopt Resolutions (#2022-15-20) condemning the following properties as unclean and a menace to the health and safety of the community.

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. **2022-145** Adopt the March 8, 2022 amendments to the budget for the City of Hattiesburg for fiscal year ending September 30, 2022 and adopt Resolution authorizing publication of amendments for funds in excess of 10% of the originally appropriated fund balance.

Attachments: Resolution adopting budget amendments 3-8-22

March 2022 Budget Amendments

A MOTION was made by Council Vice President George and seconded by Council Member Brown to Adopt the March 8, 2022 amendments to the budget for the City of Hattiesburg for fiscal year ending September 30, 2022 and adopt Resolution (#2022-21) authorizing publication of amendments for funds in excess of 10% of the originally appropriated fund balance.

Council member Delgado stated that she would vote in favor of the budget amendment, and she encouraged the City to take steps into giving the city employees raises.

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

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

Nays: 0

4. **2022-134** Approve a Sponsorship Agreement between the City of Hattiesburg and the Hattiesburg Athletic Booster Club (HABC) for advertisement sponsorship as outlined in the attached agreement, in accordance with Mississippi 17-3-1, in an amount not to exceed \$25,000.00 and authorize the Mayor to execute the same.

Attachments: Hattiesburg High Athletic Booster Club Advertisement Partnership 2022

A MOTION was made by Council Member Delgado and seconded by Council Vice President George to Approve a Sponsorship Agreement between the City of Hattiesburg and the Hattiesburg Athletic Booster Club (HABC) for advertisement sponsorship as outlined in the attached agreement, in accordance with Mississippi 17-3-1, in an amount not to exceed \$25,000.00 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

5. **2022-137** Approve Contract with Shows, Dearman and Waits, Inc. for engineering services related to the Fontainebleau Apartments Sewer Improvements Project and authorize the Mayor to execute in duplicate.

Attachments: SDW Fontainebleau Sewer

A MOTION was made by Council Vice President George and seconded by Council Member Brown to Approve Contract with Shows, Dearman and Waits, Inc. for engineering services related to the Fontainebleau Apartments Sewer Improvements 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

6. **2022-141** Approve Contract with Shows, Dearman and Waits, Inc. for engineering services related to the Hattiesburg High Area Infrastructure Improvements Phase II project and Authorize the Mayor to execute in duplicate.

Attachments: 12231 Standard Form Agreement between Owner and Engineer

A MOTION was made by Council Vice President George and seconded by Council Member Deborah Delgado to Approve Contract with Shows, Dearman and Waits, Inc. for engineering services related to the Hattiesburg High Area Infrastructure Improvements Phase II 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

7. **2022-138** Approve Agreement with Shows, Dearman and Waits, Inc. to provide data management services related to the City's fire hydrants and authorize the Mayor to execute in duplicate.

Attachments: 1282_Proposal_2022

A MOTION was made by Council Vice President George and seconded by Council Member Brown to Approve Agreement with Shows, Dearman and Waits, Inc. to provide data management services related to the City's fire hydrants 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

8. **2022-139** Approve Letter Agreement with Neel-Schaffer, Inc. for Engineering Services related to the Gordon's Creek Pathway (Green St. to McLeod St.) project and Authorize the Mayor to execute in duplicate.

Attachments: 2-14-22 HPSD Gordon's Creek Pathway Contract

A MOTION was made by Council Vice President George and seconded by Council Member Delgado to Approve Letter Agreement with Neel-Schaffer, Inc. for Engineering Services related to the Gordon's Creek Pathway (Green St. to McLeod St.) 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

9. **2022-135** Approve Agreement for Local Agency Highway-Railway Grade Separation Improvements and a Permanent Easement for Both Encroachment and Airspace, both with Illinois Central Railroad Company for the Hall Avenue East Overpass Project.

Attachments: Signed-Hattiesburg Hall ave cm
 Signed-Hattiesburg hall ave esmt

A MOTION was made by Council Vice President George and seconded by Council Member Brown to Approve Agreement for Local Agency Highway-Railway Grade Separation Improvements and a Permanent Easement for Both Encroachment and Airspace, both with Illinois Central Railroad Company for the Hall Avenue East Overpass Project..

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. **2022-136** Approve Joint-Funding Agreement for the period of October 1, 2021 to September 30, 2022 to continue the cooperative program between the U.S. Geological Survey (USGS) and the City of Hattiesburg for the operation and maintenance of the Bouie River Flood Monitoring Site at Glendale Avenue, and for hydrologic modeling and development of inundation maps for the Leaf River, with total cost to the City of \$6,980.00 and authorize the Mayor to execute in duplicate.

Attachments: 22MLJFAMSDA088 Agreement

A MOTION was made by Council Member Delgado and seconded by Council Member Brown to Approve Joint-Funding Agreement for the period of October 1, 2021 to September 30, 2022 to continue the cooperative program between the U.S. Geological Survey (USGS) and the City of Hattiesburg for the operation and maintenance of the Bouie River Flood Monitoring Site at Glendale Avenue, and for hydrologic modeling and development of inundation maps for the Leaf River, with total cost to the City of \$6,980.00 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

- 11. 2022-140** Approve Supplemental Agreement No. 1 with Hemphill Construction Company, Inc. for the Longleaf North Infrastructure Improvements project to add additional items to the contract at a cost of \$19,917.58, bringing the contract total to \$2,749,918.00; Authorize the Mayor to execute in triplicate.

Attachments: Cover Ltr-Longleaf Heights
Longleaf Heights Supplemental Agreement No. 1

A MOTION was made by Council Vice President George and seconded by Council Member Delgado to Approve Supplemental Agreement No. 1 with Hemphill Construction Company, Inc. for the Longleaf North Infrastructure Improvements project to add additional items to the contract at a cost of \$19,917.58, bringing the contract total to \$2,749,918.00; 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

- 12. 2022-142** Acknowledge bids received February 24, 2022 for the Highway 42 Overlay project and accept the bid from Walters Construction Co., Inc. in the amount of \$1,192,125.00; Authorize the mayor to execute contracts when prepared.

Attachments: Hwy 42 Overlay Certified Bid Tab
Hwy 42 Overlay Rec Ltr

A MOTION was made by Council Vice President George and seconded by Council Member Brown to Acknowledge bids received February 24, 2022 for the Highway 42 Overlay project and accept the bid from Walters Construction Co., Inc. in the amount of \$1,192,125.00; 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

- 13. 2022-148** Authorize the City Attorney to file suit against the owner of 1515 James Street for his placing clay and/or sand or sandbags on his property thereby blocking the downstream channel of water making it more likely that James Street will be damaged in the event of a major rain event.

A MOTION was made by Council Vice President George and seconded by Council Member Dave Ware to Authorize the City Attorney to file suit against the owner of 1515 James Street for his placing clay and/or sand or sandbags on his property thereby blocking the downstream channel of water making it more likely that James Street will be damaged in the event of a major rain event.

Council member Delgado stated her concerns regarding what constitutes the natural flow of the water. She also stated her concerns about protecting the property owner's rights, and the City should investigate further into the problem.

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

Yeas: 3 - George, Carroll and Ware

Nays: 2 - Delgado and Brown

14. **2022-150** Authorize the City Attorney and any professionals he may require to assist him to file any necessary suits against the owners of properties in the Planation Place neighborhood located in Ward 1 to recover past due water bills, to require said owners to remove accumulated garbage and place in appropriate places or receptacles for future garbage disposal from their properties, and to recover the costs and any penalties of cleanup and demolition of properties in said neighborhood once the costs are determined pursuant to Miss. Code Ann. Section 21-19-11(2).

A MOTION was made by Council Vice President George and seconded by Council Member Brown to Authorize the City Attorney and any professionals he may require to assist him to file any necessary suits against the owners of properties in the Planation Place neighborhood located in Ward 1 to recover past due water bills, to require said owners to remove accumulated garbage and place in appropriate places or receptacles for future garbage disposal from their properties, and to recover the costs and any penalties of cleanup and demolition of properties in said neighborhood once the costs are determined pursuant to Miss. Code Ann. Section 21-19-11(2).

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. **2022-149** Acknowledge the designation of Robert Evans as the NAACP's appointed representative to the Hattiesburg Police Review Board to fill the unexpired term of Ken Chambers, for a term beginning March 8, 2022 and ending December 7, 2024.

Attachments: NAACP- Evans

A MOTION was made by Council Member Delgado and seconded by Council Member Brown to Acknowledge the designation of Robert Evans as the NAACP's appointed representative to the Hattiesburg Police Review Board to fill the unexpired term of Ken Chambers, for a term beginning March 8, 2022 and ending December 7, 2024.

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. **2022-151** Ratify and confirm the Mayor's re-appointment of Delores McNair (W2) to the Hattiesburg School Board for a term beginning March 5, 2022 and ending February 28, 2027.

Attachments: data sheet.school board

Mayor Barker asked the Council to amend the term ending date to March 5, 2027.

A MOTION was made by Council Vice President George and seconded by Council Member Ware to Amend the Mayor's re-appointment of Delores McNair (W2) to the Hattiesburg School Board for a term beginning March 5, 2027 and ending March 5, 2027.

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

Yeas: 3 - George, Carroll and Ware

Nays: 2- Delgado and Brown

A MOTION was made by Council Vice President Jeffrey George and seconded by Council Member Dave Ware to Ratify and confirm the Mayor's re-appointment of Delores McNair (W2) to the Hattiesburg School Board for a term beginning March 5, 2022 and ending March 5, 2027.

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

Yeas: 3 - George, Carroll and Ware

Nays: 2- Delgado and Brown

17. **2022-143** Ratification of Release of Lien documents filed in relation to Code Enforcement clean-up assessments.

Attachments: Release of Lien Memo 03 08 2022
 1. 211 South 25th Ave Release
 2. 110 Claiborne Ave Release
 3. 297 Claiborne Ave Release

A MOTION was made by Council Vice President George and seconded by Council Member Delgado to Ratification of Release of Lien documents filed in relation to Code Enforcement clean-up assessments.

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. **2022-155** Extend state of emergency for an additional 30 days resulting from the pandemic event (COVID_19) that occurred on or about March 13, 2020.

A MOTION was made by Council Member Delgado and seconded by Council Member Brown to Extend state of emergency for an additional 30 days resulting from the pandemic event (COVID_19) that occurred on or about March 13, 2020.

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 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, Carroll, Ware and Brown

Nays: 0

1. **2022-133** Approve and authorize issuance of manual checks for CDBG Program Claims per attached Memorandum. {Entitlement CDBG}

Attachments: Manual Check Memo 03082022

2. **2022-130** Approve the City's purchase of one (1) grave space located in the North Half (N 1/2) of the Northwest Quarter (NW 1/4), Lot 27, Section 33 at Highland Cemetery, Minute Book# 2017, Page# 281, in the amount of \$ 175.00, from Mary Ann Osbey, authorize manual check for the same.

Attachments: Buy Back (Mary Ann Osbey (03-08-2022)

3. **2022-131** Approve the sale of grave spaces per attached Memo's, Receipts, and Deeds.

Attachments: Memo's (03-08-2022)
 Receipts (03-08-2022)
 Deeds (03-08-2022)

4. **2022-147** Approve claims docket for the period ending February 28, 2022.

Attachments: DOCKET 22.2.28
 DT 22.2.28

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 5:16 p.m.

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

A MOTION was made by Council George and seconded by Council Member Delgado to enter Executive Session to discuss strategy or negotiations with respect possible 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 5:18 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 existing litigation.

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; Chief Administrative Officer, Ann Jones; Police Chief, Peggy Sealy; City Engineer, Lamar Rutland; Director of Parks and Recreation, Chris McGee; Director of Public Works, Ronnie Perkins; Chief Communications Officer, Samantha McCain; Deputy Clerk of Council, Lisa Luu Jolly.

A MOTION was made by Council Member Ware and seconded by Council Vice President George to Authorize the City Attorney to file suit to establish the ownership of the locomotive on the property of the City next to the Train Depot or, in the alternative, recover the sums expended by the City to maintain the locomotive and any related items.

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

A MOTION was made by Council Vice President George and seconded by Council Member Delgado exit Executive Session and re-open the meeting to the public at 5:33 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:

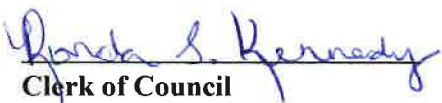
- Master Ja''Kyrie Silas
- Mr. Ellis Evans
- Mr. John Irby Thomas
- Mr. Charles Edward Wall, Sr.
- Ms. Barbara Ann Douglas
- Mrs. Tanya Jenkins Jeannice
- Mr. Dewitt Anderson, Jr.
- Mr. Robert Adams
- Mr. John McKean

Meeting Adjourn

Council President Carroll declared the **meeting recessed at 5:34 p.m., this 8th day of March, 2022**, by unanimous consent, until the 21st day of March, 2022.

ATTEST:

APPROVE:

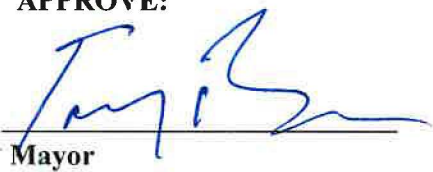

Clerk of Council


Council President

ATTEST AND CERTIFY:

APPROVE:


City Clerk


Mayor