

Published Agenda

**Tuesday, August 16, 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. **2022-596** Approve the minutes for the August 1 & 2, 2022 meetings of the City Council.
2. **2022-598** Adopt an Ordinance pertaining to the use and regulation of golf carts and low-speed vehicles on public roads or streets.
3. **2022-582** Adopt an Ordinance for the petition filed by Cory Ferraez, representative, to change the zoning classification for a property located at 105 & 106 Redus Street (Ward 2) from Regional Business District B-5 to Light Industrial District I-1. The Planning Commission recommended to approve on August 3, 2022.
4. **2022-580** Adopt an Ordinance for the petition filed by Kenneth Moye, representative, and Amos Peters Jr., owner, to change the zoning classification for undeveloped properties located at 5530 Old Hwy 42 (Ward 2) from B-3 Community Business District and R-1C Single-Family Residential to Light Industrial District I-1. The Planning Commission recommended to approve on August 3, 2022.
5. **2022-579** Approve or Deny a petition filed by Akeelah Sartin, applicant, and Aurora Consulting Group, LLC., for a major subdivision of properties located at the southeast corner of Barkley Road and Johnston Street (Ward 5). The Planning Commission recommended to approve on August 3, 2022.
6. **2022-581** Approve or Deny a petition filed by Ryan Bennett, applicant, Julie Mitchell and Brandon Parker, Representatives, for a conditional use for "Cannabis Dispensary" adjacent to a residentially zoned property located at 6335 US HWY 49, Suite 40 (Ward 2). The Planning Commission recommended to approve on August 3, 2022.
7. **2022-583** Approve or Deny a petition filed by Cory Ferraez, representative, for a conditional use for "Cannabis Dispensary" adjacent to a residentially zoned property located at 2772 Oak Grove Road (Ward 3). The Planning Commission recommended to approve on August 3, 2022.
8. **2022-601** Adopt the August 16, 2022 Amendments to the Budget for the City of Hattiesburg for the fiscal year ending September 30, 2022 and Adopt Resolution authorizing publication of amendments for funds in excess of 10% of the original appropriation fund balance.
9. **2022-593** Adopt a Resolution declaring certain vehicles & equipment as surplus(per attached memo) and authorize sale of said vehicles & equipment at auction and remove them from the City's inventory of the Parks and Recreation Department.
10. **2022-600** Approve the 2022 Annual Action Plan for the City of Hattiesburg and authorize submission to the US Department of Housing and Urban Development.
11. **2022-587** Approve Letter of Engagement with Local Impact Analytics (LIA) to conduct a community needs assessment and gap analysis and to assist with the development of the HOME-ARP Allocation Plan and authorize the Mayor to execute in duplicate.
12. **2022-589** Approve Professional Services Agreement with Impact7G for architectural historian services related to the City's 2019 Hazard Mitigation Grant Program application and authorize the Mayor to execute in duplicate.
13. **2022-590** Approve Supplemental Agreement No. 1 to the contract with Walters Construction Company, Inc. dated July 14, 2022 for concrete encasement of manholes in the amount of \$30,520.00 for the Highway 42 Overlay project, and Pay Estimate No. 4 in the amount of \$82,595.52, and authorize the Mayor to execute in duplicate.
14. **2022-595** Approve Supplemental Agreement No. 1 with Grady Crawford Construction Company, Inc., for construction services related to the Midtown Overlay Infrastructure Improvements project, and authorize the Mayor to execute in duplicate.
15. **2022-597** Acknowledge bids received on July 28, 2022, for the Highway 49 Lighting Project, and accept the bid from Webster Electric of \$971,254.25, that includes the Base Bid (\$938,297.50) and Additive Alternate No. 1 (\$32,956.75), and authorize the Mayor to execute contracts when prepared.
16. **2022-594** Acknowledge receipt of closing documents for the Elaine Circle Retaining Wall project; authorize final acceptance of the project and payment of final pay application.
17. **2022-599** Acknowledge and Ratify the execution of the Endo Participation Form Exhibit C in connection with the Opioid litigation.

18.
- 2022-603
- Approve the Amended and Restated Grant Agreement for the BUILD Grant for the Hattiesburg Downtown Railroad Innovation: Construction of Grade Separations and Connection Track at a Major Rail Intersection to supplement the agreement dated May 9, 2022, and authorize the Mayor to execute in triplicate.

ROUTINE AGENDA

1.
- 2022-574
- Acknowledge receipt of the Privilege Tax License monthly report for July, 2022.
2.
- 2022-575
- Acknowledge Proof of Publications for Hub City Spokes for the month of July, 2022.
3.
- 2022-586
- Acknowledge receipt of the monthly budget report for the month ending July 31, 2022.
4.
- 2022-588
- Acknowledge receipt of recorded patent transferred from the State of Mississippi to the City of Hattiesburg.
5.
- 2022-591
- Acknowledge the recorded release of lien for property located at 1313 Vernon Street, recorded at Deed Book 1399 at Page 743-744 in the office of the Chancery Clerk of Forrest County.
6.
- 2022-602
- Set a public hearing on the proposed budget and proposed tax levies for the City of Hattiesburg for Fiscal Year 2023 for 5:30 p.m. on Tuesday, September 6, 2022 in the Council Chambers at City Hall, 200 Forrest Street; authorize advertisement of Notice of Public Hearing.
7.
- 2022-568
- Approve the sale of grave spaces, per attached Memo's, Receipts, and Deeds.
8.
- 2022-592
- Approve claims docket for the period ending August 12, 2022.

Departmental Budget Presentations

1.
- Fire Department
2.
- Municipal Court Department

In Memoriam:

- Mrs. Carolyn Thrash
- Coach Corky Palmer
- Mrs. Emma Lee Holmes
- Mr. James Arnold III
- Ms. Alexandra Redeemer-McMickle

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, August 16, 2022**, in Council Chambers at City Hall; same being from a recessed meeting held on August 15, 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. Kennedy; Deputy Clerk of Council, Lisa Luu Jolly; City staff members; media; and the public.

Council President George Called the meeting to order.

Call to Prayer and Pledge of Allegiance

The prayer was given by Rev. Bill Taylor of Beautiful Zion Missionary Baptist Church.

The Pledge of Allegiance was led by Council President George.

Presentation Agenda

The PRESENTATION AGENDA came before the Council.

There were no presentations at this time.

Agenda Adjustments

A MOTION was made by Council Member Carroll and seconded by Council Member Delgado to Add to Routine Item #8 (Claims Docket), invoice payable to Twin Forks Rising.

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

POLICY AGENDA

The POLICY AGENDA came before the Council.

1. **2022-596** Approve the minutes for the August 1 & 2, 2022 meetings of the City Council.

Attachments: 8-1-2022 AR, WS, BP Mins.
 8-2-2022 XS Mins.

A MOTION was made by Council Member Carroll and seconded by Council Member Brown to Approve the minutes for the August 1 & 2, 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. **2022-598** Adopt an Ordinance pertaining to the use and regulation of golf carts and low-speed vehicles on public roads or streets.

Attachments: COH Golf Cart Ordinance - Draft
 Registration Form - DRAFT
 EXHIBIT A - Draft
 Ordinance #3316 - golf carts

A MOTION was made by Council Member Carroll and seconded by Council Member Brown to Adopt an Ordinance (#3316) pertaining to the use and regulation of golf carts and low-speed vehicles on public roads or streets.

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. **2022-582** Adopt an Ordinance for the petition filed by Cory Ferraez, representative, to change the zoning classification for a property located at 105 & 106 Redus Street (Ward 2) from Regional Business District B-5 to Light Industrial District I-1. The Planning Commission recommended to approve on August 3, 2022.

Attachments: Staff Summary - 105 Redus St Rezone
 Image Sheet - 105 Redus St - Rezone
 Ordinance - 105 Redus St - Rezone
 Ordinance #3317 rezoning property from B-5 to I-1 - 105 & 106 Redus Street

A MOTION was made by Council Member Delgado and seconded by Council Member Brown to Adopt an Ordinance (#3317) for the petition filed by Cory Ferraez, representative, to change the zoning classification for a

property located at 105 & 106 Redus Street (Ward 2) from Regional Business District B-5 to Light Industrial District I-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

4. **2022-580** Adopt an Ordinance for the petition filed by Kenneth Moye, representative, and Amos Peters Jr., owner, to change the zoning classification for undeveloped properties located at 5530 Old Hwy 42 (Ward 2) from B-3 Community Business District and R-1C Single-Family Residential to Light Industrial District I-1.

Attachments: [Image Sheet - 5530 Old Highway 42 - Rezone](#)
 [Staff Summary - 5530 Old Highway 42 - Rezone](#)
 [2022-08-03 Rezoning Meeting A&M Office and Wrecker](#)
 [Ordinance - 5530 Old Highway 42 - Rezone](#)
 [Ordinance #3318 rezoning property from B-3 and R-1C to I-1 - 5530 Old Hwy 42](#)

A MOTION was made by Council Member Delgado and seconded by Council Member Brown to Adopt an Ordinance (#3318) for the petition filed by Kenneth Moye, representative, and Amos Peters Jr., owner, to change the zoning classification for undeveloped properties located at 5530 Old Hwy 42 (Ward 2) from B-3 Community Business District and R-1C Single-Family Residential to Light Industrial District I-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

5. **2022-579** Approve or Deny a petition filed by Akeelah Sartin, applicant, and Aurora Consulting Group, LLC., for a major subdivision of properties located at the southeast corner of Barkley Road and Johnston Street (Ward 5). The Planning Commission recommended to approve on August 3, 2022.

Attachments: [Image Sheet - Barkley Heights Subdivision](#)
 [Staff Summary - Barkley Heights Subdivision](#)

A MOTION was made by Council Member Brown and seconded by Council Member Delgado to Approve a petition filed by Akeelah Sartin, applicant, and Aurora Consulting Group, LLC., for a major subdivision of properties located at the southeast corner of Barkley Road and Johnston Street (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

6. **2022-581** Approve or Deny a petition filed by Ryan Bennett, applicant, Julie Mitchell and Brandon Parker, Representatives, for a conditional use for “Cannabis Dispensary” adjacent to a residentially zoned property located at 6335 US HWY 49, Suite 40 (Ward 2). The Planning Commission recommended to approve on August 3, 2022.

Attachments: [REV 6335 US HWY 49 Dispensary State License](#)
 [Image Sheet - 6335 US HWY 49 Dispensary](#)
 [Staff Summary- 6335 US HWY 49 Dispensary](#)

A MOTION was made by Council Member Delgado and seconded by Council Member Brown to Approve a petition filed by Ryan Bennett, applicant, Julie Mitchell and Brandon Parker, Representatives, for a conditional use for “Cannabis Dispensary” adjacent to a residentially zoned property located at 6335 US HWY 49, Suite 40 (Ward 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

7. **2022-583** Approve or Deny a petition filed by Cory Ferraez, representative, for a conditional use for “Cannabis Dispensary” adjacent to a residentially zoned property located at 2772 Oak Grove Road (Ward 3). The Planning Commission recommended to approve on August 3, 2022.

Attachments: Staff Summary- 2772 Oak Grove Road Dispensary
 Image Sheet - 2772 Oak Grove Road Dispensary
 Ferrcann Dispensary building and site plan
 Ferrcann Dispensary letter of support
 Ferrcann Dispensary letter of opposition

A MOTION was made by Council Member Carroll and seconded by Council Member Brown to Approve a petition filed by Cory Ferraez, representative, for a conditional use for “Cannabis Dispensary” adjacent to a residentially zoned property located at 2772 Oak Grove Road (Ward 3).

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. **2022-601** Adopt the August 16, 2022 Amendments to the Budget for the City of Hattiesburg for the fiscal year ending September 30, 2022 and Adopt Resolution authorizing publication of amendments for funds in excess of 10% of the original appropriation fund balance.

Attachments: Budget Memo
 Res - budget amendments
 Proposed Amendments FY2022

A MOTION was made by Council Member Delgado and seconded by Council Member Brown to Adopt the August 16, 2022 Amendments to the Budget for the City of Hattiesburg for the fiscal year ending September 30, 2022 and Adopt Resolution (#2022-92) authorizing publication of amendments for funds in excess of 10% of the original appropriation fund balance.

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. **2022-593** Adopt a Resolution declaring certain vehicles & equipment as surplus(per attached memo) and authorize sale of said vehicles & equipment at auction and remove them from the City's inventory of the Parks and Recreation Department.

Attachments: Resol.surplus equipment
 Memo-surplus-8-16-22

A MOTION was made by Council Member Delgado and seconded by Council Member Brown to Adopt a Resolution (#2022-93) declaring certain vehicles & equipment as surplus (per attached memo) and authorize sale of said vehicles & equipment at auction and remove them from the City's inventory of the Parks and Recreation Department.

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. 2022-600** Approve the 2022 Annual Action Plan for the City of Hattiesburg and authorize submission to the US Department of Housing and Urban Development.

Attachments: 2022 Action Plan_FINAL

A MOTION was made by Council Member Delgado and seconded by Council Member Brown to Approve the 2022 Annual Action Plan for the City of Hattiesburg and authorize submission to the US Department of Housing and Urban Development.

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. 2022-587** Approve Letter of Engagement with Local Impact Analytics (LIA) to conduct a community needs assessment and gap analysis and to assist with the development of the HOME-ARP Allocation Plan and authorize the Mayor to execute in duplicate.

Attachments: 1 - LIA Engagement Letter
2 - LIA Proposal

A MOTION was made by Council Member Delgado and seconded by Council Member Brown to Approve Letter of Engagement with Local Impact Analytics (LIA) to conduct a community needs assessment and gap analysis and to assist with the development of the HOME-ARP Allocation Plan 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. 2022-589** Approve Professional Services Agreement with Impact7G for architectural historian services related to the City's 2019 Hazard Mitigation Grant Program application and authorize the Mayor to execute in duplicate.

Attachments: 1 - Impact7G Professional Services Agreement
2 - Impact7G proposal_July 2022

A MOTION was made by Council Member Carroll and seconded by Council Member Brown to Approve Professional Services Agreement with Impact7G for architectural historian services related to the City's 2019 Hazard Mitigation Grant Program application 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. 2022-590** Approve Supplemental Agreement No. 1 to the contract with Walters Construction Company, Inc. dated July 14, 2022 for concrete encasement of manholes in the amount of \$30,520.00 for the Highway 42 Overlay project, and Pay Estimate No. 4 in the amount of \$82,595.52, and authorize the Mayor to execute in duplicate.

Attachments: Walters Construction

A MOTION was made by Council Member Carroll and seconded by Council Member Delgado to Approve Supplemental Agreement No. 1 to the contract with Walters Construction Company, Inc. dated July 14, 2022 for

concrete encasement of manholes in the amount of \$30,520.00 for the Highway 42 Overlay project, and Pay Estimate No. 4 in the amount of \$82,595.52, 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

- 14. 2022-595** Approve Supplemental Agreement No. 1 with Grady Crawford Construction Company, Inc., for construction services related to the Midtown Overlay Infrastructure Improvements project, and authorize the Mayor to execute in duplicate.

Attachments: Midtown Overlay

A MOTION was made by Council Member Carroll and seconded by Council Member Delgado to Approve Supplemental Agreement No. 1 with Grady Crawford Construction Company, Inc., for construction services related to the Midtown Overlay Infrastructure 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

- 15. 2022-597** Acknowledge bids received on July 28, 2022, for the Highway 49 Lighting Project, and accept the bid from Webster Electric of \$971,254.25, that includes the Base Bid (\$938,297.50) and Additive Alternate No. 1 (\$32,956.75), and authorize the Mayor to execute contracts when prepared.

Attachments: Award Letter
Bid Tabulation1

A MOTION was made by Council Member Delgado and seconded by Council Member Brown to Acknowledge bids received on July 28, 2022, for the Highway 49 Lighting Project, and accept the bid from Webster Electric of \$971,254.25, that includes the Base Bid (\$938,297.50) and Additive Alternate No. 1 (\$32,956.75), 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

- 16. 2022-594** Acknowledge receipt of closing documents for the Elaine Circle Retaining Wall project; authorize final acceptance of the project and payment of final pay application.

Attachments: Walker Construction

A MOTION was made by Council Member Carroll and seconded by Council Member Delgado to Acknowledge receipt of closing documents for the Elaine Circle Retaining Wall project; authorize final acceptance of the project and 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

- 17. 2022-599** Acknowledge and Ratify the execution of the Endo Participation Form Exhibit C in connection with the Opioid litigation.

Attachments: Endo Settlement Participation form

5. **2022-591** Acknowledge the recorded release of lien for property located at 1313 Vernon Street, recorded at Deed Book 1399 at Page 743-744 in the office of the Chancery Clerk of Forrest County.

 Attachments: Release 1313 Vernon

6. **2022-602** Set a public hearing on the proposed budget and proposed tax levies for the City of Hattiesburg for Fiscal Year 2023 for 5:30 p.m. on Tuesday, September 6, 2022 in the Council Chambers at City Hall, 200 Forrest Street; authorize advertisement of Notice of Public Hearing.

 Attachments: Notice of Public Hearing on Budget Tax Levy

7. **2022-568** Approve the sale of grave spaces, per attached Memo's, Receipts, and Deeds.

 Attachments: Memo's (08-16-2022)
 Receipts (08-16-2022)
 Deeds (08-16-2022)

8. **2022-592** Approve claims docket for the period ending August 12, 2022.

 Attachments: DOCKET 22.08.12
 DT 08.12.22
 Addendum to claims docket - Twin Forks Rising

Departmental Budget Presentations

Council President George proceeded with the Budget Presentations, which included:

1. **2022-571** Fire Department

 Attachments: Fire Department Budget Presentation FY 2023

2. **2022-572** Municipal Court Department

 Attachments: Municipal Court Department Budget Presentation FY 2023

In Memoriam:

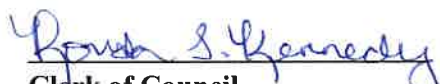
A MOTION was made by Council President George to Adjourn the meeting in memory of:

- Mrs. Carolyn Thrash
- Coach Corky Palmer
- Mrs. Emma Lee Holmes
- Mr. James Arnold III
- Ms. Alexandra Redeemer-McMickle

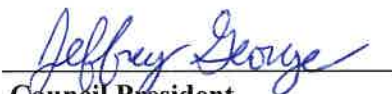
Meeting Adjourn

Council President George declared the **meeting adjourned at 5:32 p.m., this 16th day of August, 2022**, by unanimous consent, until the 6th day of September, 2022.

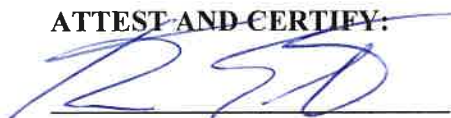
ATTEST:


Clerk of Council

APPROVE:


Council President

ATTEST AND CERTIFY:


City Clerk

APPROVE:


Mayor

Endo Settlement Exhibit C Page 1

A MOTION was made by Council Member Delgado and seconded by Council Member Brown to Acknowledge and Ratify the execution of the Endo Participation Form Exhibit C in connection with the Opioid litigation.

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. **2022-603** Approve the Amended and Restated Grant Agreement for the BUILD Grant for the Hattiesburg Downtown Railroad Innovation: Construction of Grade Separations and Connection Track at a Major Rail Intersection to supplement the agreement dated May 9, 2022, and authorize the Mayor to execute in triplicate.

Attachments: B20 MS Hattiesburg Amendment 1 _ReadyforExecution

A MOTION was made by Council Member Delgado and seconded by Council Member Carroll to Approve the Amended and Restated Grant Agreement for the BUILD Grant for the Hattiesburg Downtown Railroad Innovation: Construction of Grade Separations and Connection Track at a Major Rail Intersection to supplement the agreement dated May 9, 2022, 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

ROUTINE AGENDA

THE ROUTINE AGENDA came before the Council.

A MOTION was made by Council Member Carroll and seconded by Council Member Delgado to approve the Routine Agenda.

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

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

Nays: 0

1. **2022-574** Acknowledge receipt of the Privilege Tax License monthly report for July, 2022.

 Attachments: Privilege Tax License Monthly Report July 2022

2. **2022-575** Acknowledge Proof of Publications for Hub City Spokes for the month of July, 2022.

 Attachments: Proof of Publication Hub City Spokes For July 2022

3. **2022-586** Acknowledge receipt of the monthly budget report for the month ending July 31, 2022.

 Attachments: EXP22.0722
 REV22.0722

4. **2022-588** Acknowledge receipt of recorded patent transferred from the State of Mississippi to the City of Hattiesburg.

 Attachments: Patent- Hall Ave Project