



Tuesday, November 22, 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

Agenda Adjustments – Add invoice to Routine Item #5, claims docket at the request of the Administration.

- **Addendum to the claims docket6, invoice payable to MS State Department of Health, in the amount of \$40,000.00.**

POLICY AGENDA

- 2022-891** Approve the minutes for the November 7 & 8, 2022 meetings of the City Council.
- 2022-889** Adopt an Ordinance approving, enacting and establishing a New Code of Ordinances for the City of Hattiesburg, Mississippi; providing for the repeal of certain ordinances as expressly provided; providing for the manner of amending such Code of Ordinances; and repealing Ordinance Number 2331, and all other Ordinances in conflict.
- 2022-859** Adopt an Ordinance for the petition filed by Robert Owen, Heather Dickerson, to rename the public street presently known as Eagle Drive to “Newhaven Drive” (Eagle Drive is a dead-end street connecting only to N 38th Ave, Ward 1). The Planning Commission recommended to Approved on November 2, 2022.
- 2022-860** Approve or Deny a petition filed by Forrest General Hospital, Jeff Cook, Dustin Gatlin, for approval by Planning Commission (conditional use) to expand a non-conforming use of “Parking lot or garage” in OS (Open Space Zoning) District for property located at 205 S 28th Avenue (PPIN's 20796, 20795; Ward 3). The Planning Commission recommended to Deny on November 2, 2022.
- 2022-861** Approve or Deny a petition filed by Newton Fawcett, to request a Flood variance per Article 6, Section E, for 102 Walley Street (Parcel No. 2-029K-09-212.00, PPIN 19634, Ward 2). The Planning Commission recommended to approve on November 2, 2022.
- 2022-862** Approve or Deny a petition filed by Marc Broome, Garner Property and Development, LLC, to request a variance; a setback of 22 feet for a variance of 8 feet along Hardy for a proposed building to be located at approximately 3104 Hardy Street (PPIN's 26488, 26490, 44474, 26489, and 26491, Ward 3). The Board of Adjustment recommended to Approve on November 2, 2022.
- 2022-863** Approve or Deny a petition filed by William Krosp, SDP MS Hattiesburg 1, LLC. (Joe Pegram), to request a variance; allowing for a distance of 47 feet, for a variance of 253 feet for a proposed development at 3606 Hardy Street (PPIN 26473, Ward 3). The Board of Adjustment recommended to Approve on November 2, 2022.
- 2022-864** Approve or Deny a petition filed by University Mall, LLC., Ron Farris, Lewis Griffin, to request a variance; allowing a setback of 9.1 feet for a variance of 20.9 feet along South 37th Avenue for a proposed structure and to request a variance allowing for a six (6) foot fence in the front yard for a variance of two (2) feet for a proposed fence located at 3706 Hardy Street fronting South 37th Avenue (PPIN 26449, Ward 3). The Board of Adjustment recommended to Approve on November 2, 2022.
- 2022-890** Adopt the November 22, 2022 amendments to the budget for the City of Hattiesburg for fiscal year ending September 30, 2023 and adopt Resolution authorizing publication of amendments for funds in excess of 10% of the originally appropriated balance.
- 2022-885** Approve Professional Services Contract with Shows, Dearman and Waits, Inc. to provide engineering services related to the Mississippi Hall Sewer Improvements project and authorize the Mayor to execute in duplicate.
- 2022-882** Approve a Professional Services Agreement with Shows, Dearman and Waits, Inc. to provide engineering services related to the Lincoln Rd Detention Facility project and authorize the Mayor to execute in duplicate.
- 2022-881** Approve Professional Services Agreement with Shows, Dearman and Waits, Inc. to provide engineering services related to the Drainage Improvements Projects Along 7th Street, 25th Avenue and Grace Avenue and authorize the Mayor to execute in duplicate.
- 2022-878** Approve Supplemental Agreement No. 1 with Walters Construction Co., Inc. for the Hwy 49, Camp St., Adeline St. and Mamie St. project (Project No. DECD-0018(35)BO Forrest County) to add items to the contract resulting in an increase of \$19,282.50 to the contract amount and authorize the Mayor to execute in triplicate.

14. **2022-874** Approve Supplemental Agreement No. 2 with Hemphill Construction Co., Inc. for the Longleaf North Infrastructure Improvements project to account for added items and project overruns/underruns increasing the total contract amount to \$3,171,143.08; Authorize the Mayor to execute in duplicate.
15. **2022-879** Approve Supplemental Agreement No. 3 with Suncoast Infrastructure, Inc. for the Cured in Place Pipe Sewer Project in Various Locations Phase I project to account for project underruns of \$736,707.13, acknowledge receipt of closing documents for project, authorize final payment to contractor, authorize final acceptance of the project, authorize return of Certificate of Deposit held in lieu of retainage and authorize the mayor to execute the Supplemental Agreement.
16. **2022-880** Approve Supplemental Agreement No. 3 with Walters Construction Company, Inc. for the Lamar Boulevard Reconstruction Project to add Roadway Lighting to the contract for an increase of \$176,855.17 to the contract amount and authorize the Mayor to execute in duplicate.
17. **2022-867** Approve Lighting Agreement with Mississippi Power for lighting changes near 1103 Arledge Street for a monthly savings of \$8.66 and authorize the Mayor to execute in duplicate.
18. **2022-868** Approve Lighting Agreement with Mississippi Power for lighting changes on West St. from 5th St. to 4th St., and along West 5th St. from Phillips St. to Main St. for a monthly cost increase of \$76.07 and authorize the Mayor to execute in duplicate.
19. **2022-870** Approve Contractor and Owner Agreements for the Emergency Roof Repair Initiative for an amount not to exceed \$15,000 per project according to the Emergency Roof Repair Initiative Manual and authorize the Mayor to execute in triplicate.
20. **2022-873** Approve Memorandum of Agreement/Data Use Agreement between the City of Hattiesburg and the Mississippi State Department of Health to share data in regard to the LeadSafe Hattiesburg Program and authorize the Mayor to execute it in duplicate and electronically.
21. **2022-876** Approve Agreement between the City of Hattiesburg Parks and Recreation Department and Hattiesburg Arts Council, in an amount of \$20,760.00 to provide art for children's programs and art and cultural opportunities for adults, seniors and persons with disabilities for Hattiesburg residents, for a term beginning October 1, 2022 through September 30,2023; authorize manual check for same.
22. **2022-886** Approve an agreement between the City of Hattiesburg and the Hattiesburg Tourism Commission (Hattiesburg Alliance for Public Art) for the purpose of promoting and supporting local economic development through public art in accordance with Section 21-19-44, Mississippi Code of 1972.
23. **2022-888** Approve Agreement between City of Hattiesburg and Downtown Hattiesburg Association, a designated Mississippi Main Street member, to create a Downtown Hattiesburg Facade Grant Program in accordance with Mississippi Code 21-19-44.1
24. **2022-884** Authorize the purchase of Parcel #2-038B-15-279.00 (PPIN # 13866) in the amount of \$42,000.00 and payment of 2022 taxes and authorize the issuance of manual checks due upon closing.
25. **2022-883** Authorize the administration to submit pre-application and application with the Natural Resources Conservation Services for an Emergency Watershed Protection (EWP) Project at Mixon Creek Site #5, Gordon Creek @ Old Bakery #3 and Elaine Circle and authorize the Mayor to execute any and all documents required for the project pre-application, application, and other required documents.
26. **2022-887** Acknowledge proposal received November 3,2022 for Consultant services to create the 2023-2027 Consolidated Plan and 2023 Annual Action Plan for the City of Hattiesburg; Authorize re-advertisement for said proposals per attached memo.
27. **2022-875** Acknowledge receipt of closing documents for the Longleaf North Infrastructure Improvements project and authorize payment of final pay application, Final Acceptance of project, and release of deposit submitted in lieu of retainage.
28. **2022-877** Acknowledge receipt of Power of Attorney and receipt for a Certificate of Deposit in the amount of \$40,000.00 with Priority One Bank provided by Hemphill Construction Co., Inc. in lieu of retainage for the Water Plant #1 Rehabilitation Phase I project.
29. **2022-901** Adopt a Resolution authorizing submittal of FY 2022 "Consolidated Rail Infrastructure and Safety Improvements Program (CRISI) Grant Program Application to the Federal Railroad Administration.

ROUTINE AGENDA

1. **2022-858** Acknowledge receipt of proofs of Publications for Hub City Spokes for the month of November 2022.
2. **2022-871** Acknowledge receipt of FY 2022 Expenditure Report from the Hattiesburg Arts Council Municipal Programs.
3. **2022-872** Approve Plans and Specifications for the CIPP Sewer in Various Locations Phase II project and authorize advertisement for bids.
4. **2022-865** Approve the sale of grave spaces, per attached Memo's, Receipts, and Deeds.
5. **2022-869** Approve claims docket for the period ending November 18,2022.

In Memoriam:

- Mr. John Selby Kean, III
- Mr. John Edward McClure
- Ms. Deborah Dale Patrick

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, November 22, 2022**, in Council Chambers at City Hall; same being from a recessed meeting held on November 21, 2022.

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

Council Vice President Ware Called the meeting to order.

Call to Prayer and Pledge of Allegiance

The prayer was given by Pastor Derick Crosby of Faith Elevation Church.

The Pledge of Allegiance was led by Council Member Brown.

Presentation Agenda

Mayor Barker recognized Darren Brinkley and Lt. Brian Gray for their completion of all requirements from the CDL Course.

Agenda Adjustments

A MOTION was made by Council Member Carroll and seconded by Council Member Brown to Add invoice to Routine Item #5, claims docket at the request of the Administration.

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

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

Nays: 0

5. **2022-904** Addendum to the claims docket, invoice payable to MS State Department of Health, in the amount of \$40,000.00.

Attachments: 2568_001

POLICY AGENDA

The POLICY AGENDA came before the Council.

1. **2022-891** Approve the minutes for the November 7 & 8, 2022 meetings of the City Council.

Attachments: 11-7-2022 PH, AR, XS Mins.
11-8-2022 Mins.

A MOTION was made by Council Member Carroll and seconded by Council Member Brown to Approve the minutes for the November 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 (via teleconference), Delgado (via teleconference), Carroll, Ware and Brown

Nays: 0

2. **2022-889** Adopt an Ordinance approving, enacting and establishing a New Code of Ordinances for the City of Hattiesburg, Mississippi; Providing for the repeal of certain ordinances as expressly provided; providing for the manner of amending such code of ordinance; and repealing Ordinance number 2331, and all other Ordinances in conflict.

Attachments: Ordinance adopting code (002)

Updated 1 of 5

updated 2 of 5

updated 3 of 5

updated 4 of 5

updated 5 of 5

A MOTION was made by Council Member Carroll and seconded by Council Member Brown to Adopt an Ordinance (#3321) approving, enacting and establishing a New Code of Ordinances for the City of Hattiesburg, Mississippi; Providing for the repeal of certain ordinances as expressly provided; providing for the manner of amending such code of ordinance; and repealing Ordinance number 2331, and all other Ordinances in conflict.

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

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

Nays: 0

3. **2022-859** Adopt an Ordinance for the petition filed by Robert Owen, Heather Dickerson, to rename the public street presently known as Eagle Drive to "Newhaven Drive" (Eagle Drive is a dead-end street connecting only to N 38th Ave), Ward 1). The Planning Commission recommended to Approved on November 2, 2022.

Attachments: Ordinance - Street renaming - Eagle Drive to Newhaven Drive

HPC Item A - Street Rename

MINUTES HPC November 2022

A MOTION was made by Council Member Carroll and seconded by Council Member Brown to Adopt an Ordinance (#3322) to rename the public street presently known as Eagle Drive to "Newhaven Drive".

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

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

Nays: 0

4. **2022-860** Approve or Deny a petition filed by Forrest General Hospital, Jeff Cook, Dustin Gatlin, for approval by Planning Commission (conditional use) to expand a non-conforming use of "Parking lot or garage" in OS (Open Space Zoning) District for property located at 205 S 28th Avenue (PPIN's 20796, 20795; Ward 3). The Planning Commission recommended to Deny on November 2, 2022.

Attachments: HPC Item B - FBC Parking lot

HPC Item B - letter of opposition

MINUTES HPC November 2022

A MOTION was made by Council Member Carroll and seconded by Council Member Brown to Approve (conditional use) to expand a non-conforming use of "Parking lot or garage" in OS (Open Space Zoning) District for property located at 205 S 28th Avenue; with the condition that Forrest General Hospital construct the Arlington loop

sidewalk adjacent to this parking lot to plans as shown in the City's Arlington Loop Street Scape Improvements Project.

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

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

Nays: 0

5. **2022-861** Approve or Deny a petition filed by Newton Fawcett, to request a Flood variance per Article 6, Section E, for 102 Walley Street (Parcel No. 2-029K-09-212.00, PPIN 19634, Ward 2).

Attachments: HPC Item C - Flood Variance
HPC Item C - Applicant statement 11-2-22
HPC Item C - Supporting Documents
MINUTES HPC November 2022

A MOTION was made by Council Member Brown and seconded by Council Member Carroll to Approve a Flood variance for 102 Walley Street.

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

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

Nays: 0

6. **2022-862** Approve or Deny a petition filed by Marc Broome, Garner Property and Development, LLC, to request a variance; allowing a setback of 22 feet for a variance of 8 feet along Hardy for a proposed building to be located at approximately 3104 Hardy Street (PPIN's 26488, 26490, 44474, 26489, and 26491, Ward 3). The Board of Adjustment recommended to Approve on November 2, 2022.

Attachments: BOA Item A - Setback Variance

A MOTION was made by Council Member Carroll and seconded by Council Member Brown to Approve the request of a variance; allowing a setback of 22 feet for a variance of 8 feet along Hardy for a proposed building to be located at approximately 3104 Hardy Street; with the condition that an 8-foot sidewalk be constructed the length of the project.

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

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

Nays: 0

7. **2022-863** Approve or Deny a petition filed by William Krosp, SDP MS Hattiesburg 1, LLC. (Joe Pegram), to request a variance; allowing for a distance of 47 feet, for a variance of 253 feet for a proposed development at 3606 Hardy Street (PPIN 26473, Ward 3). The Board of Adjustment recommended to Approve on November 2, 2022.

Attachments: BOA Item B - Letters of support and acknowledgement
BOA Item B - Drive through variance

A MOTION was made by Council Member Carroll and seconded by Council Member Brown to Approve the request of a variance; allowing for a distance of 47 feet, for a variance of 253 feet for a proposed development at 3606 Hardy Street; with the conditions of an 8-foot sidewalk to be constructed the length of the project.

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

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

Nays: 0

8. **2022-864** Approve or Deny a petition filed by University Mall, LLC., Ron Farris, Lewis Griffin, to request a variance; allowing a setback of 9.1 feet for a variance of 20.9 feet along South 37th Avenue for a proposed structure and to request a variance allowing for a six (6) foot fence in the front yard for a variance of two (2) feet for a proposed fence located at 3706 Hardy Street fronting South 37th Avenue (PPIN 26449, Ward 3). The Board of Adjustment recommended to Approve on November 2, 2022.

Attachments: BOA Item C - Letters of Support - combined
BOA Item C - Front setback and fence variance

A MOTION was made by Council Member Carroll and seconded by Council Member Delgado to Approve the request of a variance; allowing a setback of 9.1 feet for a variance of 20.9 feet along South 37th Avenue for a proposed structure and to request a variance allowing for a six (6) foot fence in the front yard for a variance of two (2) feet for a proposed fence located at 3706 Hardy Street fronting South 37th Avenue ; with the condition that the landscaping be included along S. 37th Ave. and the propane storage tank be a horizontal tank.

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

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

Nays: 0

9. **2022-890** Adopt the November 22, 2022 amendments to the budget for the City of Hattiesburg for fiscal year ending September 30, 2023 and adopt Resolution authorizing publication of amendments for funds in excess of 10% of the originally appropriated balance.

Attachments: NOV 22 2022 BUDGET AMENDMENT PACKET

A MOTION was made by Council Member Brown and seconded by Council Member Carroll to Adopt the November 22, 2022 amendments to the budget for the City of Hattiesburg for fiscal year ending September 30, 2023 and adopt Resolution (#2022-142) authorizing publication of amendments for funds in excess of 10% of the originally appropriated balance.

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

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

Nays: 0

10. **2022-885** Approve professional services contract with Shows, Dearman and Waits, Inc. to provide engineering services related to the Mississippi Hall Sewer Improvements project and authorize the mayor to execute the agreement in duplicate.

Attachments: 12243 - Standard Form Agreement between Owner and Engineer

A MOTION was made by Council Member Carroll and seconded by Council Member Brown to Approve professional services contract with Shows, Dearman and Waits, Inc. to provide engineering services related to the Mississippi Hall Sewer Improvements project and authorize the mayor to execute the agreement in duplicate.

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

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

Nays: 0

11. **2022-882** Approve a professional services agreement with Shows, Dearman and Waits, Inc. to provide engineering services related to the Lincoln Rd Detention Facility project; Authorize the mayor to execute the agreement in duplicate.

Attachments: 12237_Proposal_Due Diligence (002)

A MOTION was made by Council Member Carroll and seconded by Council Member Brown to Approve a professional services agreement with Shows, Dearman and Waits, Inc. to provide engineering services related to the Lincoln Rd Detention Facility project; Authorize the mayor to execute the agreement in duplicate.

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

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

Nays: 0

- 12. 2022-881** Approve professional services agreement with Shows, Dearman and Waits, Inc. to provide engineering services related to the Drainage Improvements Projects Along 7th Street. 25th Avenue and Grace Avenue and authorized the mayor to execute the agreement in duplicate.

Attachments: 12240 Standard Form Agreement between Owner and Engineer

A MOTION was made by Council Member Carroll and seconded by Council Member Brown to Approve professional services agreement with Shows, Dearman and Waits, Inc. to provide engineering services related to the Drainage Improvements Projects Along 7th Street. 25th Avenue and Grace Avenue and authorized the mayor to execute the agreement in duplicate.

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

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

Nays: 0

- 13. 2022-878** Approve Supplemental Agreement No. 1 with Walters Construction Co., Inc. for the Hwy 49, Camp St., Adeline St. and Mamie St. project (Project No. DECD-0018(35) BO Forrest County) to add items to the contract resulting in an increase of \$19,282.50 to the contract amount; Authorize the mayor to execute in triplicate.

Attachments: Supplemental Agreement #1

A MOTION was made by Council Member Carroll and seconded by Council Member Brown to Approve Supplemental Agreement No. 1 with Walters Construction Co., Inc. for the Hwy 49, Camp St., Adeline St. and Mamie St. project (Project No. DECD-0018(35) BO Forrest County) to add items to the contract resulting in an increase of \$19,282.50 to the contract amount; Authorize the mayor to execute in triplicate.

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

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

Nays: 0

- 14. 2022-874** Approve Supplemental Agreement No. 2 with Hemphill Construction Co., Inc. for the Longleaf North Infrastructure Improvements project to account for added items and project overruns/underruns increasing the total contract amount to \$3,171,114.08; Authorize the mayor to execute the Supplemental Agreement in duplicate.

Attachments: Longleaf North Area Infrastructure Improvements Supplemental Agreement 2

A MOTION was made by Council Member Carroll and seconded by Council Member Brown to Approve Supplemental Agreement No. 2 with Hemphill Construction Co., Inc. for the Longleaf North Infrastructure Improvements project to account for added items and project overruns/underruns increasing the total contract amount to \$3,171,114.08; Authorize the mayor to execute the Supplemental Agreement in duplicate.

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

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

Nays: 0

- 15. 2022-879** Approve Supplemental Agreement No. 3 with Suncoast Infrastructure, Inc. for the Cured in Place Pipe Sewer Project in Various Locations Phase I project to account for project underruns of \$736,707.13, acknowledge receipt of closing documents for project, authorize final payment to contractor, authorize final acceptance of the project, authorize return of Certificate of Deposit held in lieu of retainage and authorize the mayor to execute the Supplemental Agreement.

Attachments: CIPP Close Out Documents

A MOTION was made by Council Member Carroll and seconded by Council Member Brown to Approve Supplemental Agreement No. 3 with Suncoast Infrastructure, Inc. for the Cured in Place Pipe Sewer Project in Various Locations Phase I project to account for project underruns of \$736,707.13, acknowledge receipt of closing documents for project, authorize final payment to contractor, authorize final acceptance of the project, authorize return of Certificate of Deposit held in lieu of retainage and authorize the mayor to execute the Supplemental Agreement.

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

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

Nays: 0

- 16. 2022-880** Approve Supplemental Agreement No. 3 with Walters Construction Company, Inc. for the Lamar Boulevard Reconstruction Project to add Roadway Lighting to the contract for an increase of \$176,855.17 to the contract amount and authorize the mayor to execute the agreement in duplicate.

Attachments: Lamar Blvd Supplemental Agreement #3

A MOTION was made by Council Member Carroll and seconded by Council Member Brown to Approve Supplemental Agreement No. 3 with Walters Construction Company, Inc. for the Lamar Boulevard Reconstruction Project to add Roadway Lighting to the contract for an increase of \$176,855.17 to the contract amount and authorize the mayor to execute the agreement in duplicate.

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

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

Nays: 0

- 17. 2022-867** Approve Lighting Agreement with Mississippi Power for lighting changes near 1103 Arledge Street for a monthly savings of \$8.66; Authorize the mayor to execute agreement in duplicate.

Attachments: MS Power-1103 Arledge St.

A MOTION was made by Council Member Brown and seconded by Council Member Carroll to Approve Lighting Agreement with Mississippi Power for lighting changes near 1103 Arledge Street for a monthly savings of \$8.66; Authorize the mayor to execute agreement in duplicate.

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

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

Nays: 0

18. **2022-868** Approve Lighting Agreement with Mississippi Power for lighting changes on West St. from 5th St. to 4th St., and along West 5th St. from Phillips St. to Main St. for a monthly cost increase of \$76.07; Authorize the mayor to execute agreement in duplicate.

Attachments: MS Power-West St.

A MOTION was made by Council Member Carroll and seconded by Council Member Brown to Approve Lighting Agreement with Mississippi Power for lighting changes on West St. from 5th St. to 4th St., and along West 5th St. from Phillips St. to Main St. for a monthly cost increase of \$76.07; Authorize the mayor to execute agreement in duplicate.

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

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

Nays: 0

19. **2022-870** Approve Contractor and Owner Agreements for the Emergency Roof Repair Initiative for an amount not to exceed \$15,000 per project according to the Emergency Roof Repair Initiative Manual and authorize the Mayor to execute in triplicate.

Attachments: Emergency Roof Agreement_011222022

A MOTION was made by Council Member Carroll and seconded by Council Member Brown to Approve Contractor and Owner Agreements for the Emergency Roof Repair Initiative for an amount not to exceed \$15,000 per project according to the Emergency Roof Repair Initiative Manual and authorize the Mayor to execute in triplicate.

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

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

Nays: 0

20. **2022-873** Approve Memorandum of Agreement/Data Use Agreement between the City of Hattiesburg and the Mississippi State Department of Health to share data in regard to the LeadSafe Hattiesburg Program and authorize the Mayor to execute it in duplicate and electronically.

Attachments: Public Health Authority Designation Letter - City of Hattiesburg - 10.14.2022 (002)
Hattiesburg Lead Data DUA with Attachments - 10.25.2022
MOA Data Use Agreement with MS Dept of Health - LeadSafe Hattiesburg Program

A MOTION was made by Council Member Carroll and seconded by Council Member Brown to Approve Memorandum of Agreement/Data Use Agreement between the City of Hattiesburg and the Mississippi State Department of Health to share data in regard to the LeadSafe Hattiesburg Program and authorize the Mayor to execute it in duplicate and electronically.

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

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

Nays: 0

21. **2022-876** Approve Agreement between the City of Hattiesburg Parks and Recreation Department and Hattiesburg Arts Council, in an amount of \$20,760.00 to provide art for children's programs and art and cultural opportunities for adults, seniors and persons with disabilities for Hattiesburg residents, for a term beginning October 1, 2022 through September 30, 2023; authorize manual check for same.

Attachments: 2022-2023 HCAC
023 projection for HAC

A MOTION was made by Council Member Carroll and seconded by Council Member Brown to Approve Agreement between the City of Hattiesburg Parks and Recreation Department and Hattiesburg Arts Council, in an amount of \$20,760.00 to provide art for children's programs and art and cultural opportunities for adults, seniors and persons with disabilities for Hattiesburg residents, for a term beginning October 1, 2022 through September 30, 2023; authorize manual check for same.

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

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

Nays: 0

22. **2022-886** Approve an agreement between the City of Hattiesburg and the Hattiesburg Tourism Commission (Hattiesburg Alliance for Public Art) for the purpose of promoting and supporting local economic development through public art in accordance with Section 21-19-44, Mississippi Code of 1972.

Attachments: Hattiesburg Tourism Alliance for Public Art MOU 2023

A MOTION was made by Council Member Carroll and seconded by Council Member Brown to Approve an agreement between the City of Hattiesburg and the Hattiesburg Tourism Commission (Hattiesburg Alliance for Public Art) for the purpose of promoting and supporting local economic development through public art in accordance with Section 21-19-44, Mississippi Code of 1972.

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

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

Nays: 0

23. **2022-888** Approve agreement between City of Hattiesburg and Downtown Hattiesburg Association, a designated Mississippi Main Street member, to create a Downtown Hattiesburg Facade Grant Program in accordance with Mississippi Code 21-19-44.1

Attachments: HHDA Facade Grant Funding Request- CITY
HDHA Facade Grant guidelines
HDHA 2022 Facade Grant application

A MOTION was made by Council Member Carroll and seconded by Council Member Brown to Approve agreement between City of Hattiesburg and Downtown Hattiesburg Association, a designated Mississippi Main Street member, to create a Downtown Hattiesburg Facade Grant Program in accordance with Mississippi Code 21-19-44.1

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

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

Nays: 0

24. **2022-884** Authorize the purchase of Parcel #2-038B-15-279.00 (PPIN # 13866) in the amount of \$42,000.00 and payment of 2022 taxes. Authorize the issuance of manual checks due upon closing.

Attachments: PPIN 13866 Deed
PPIN 13866 Owners Affidavit and Indemnity
PPIN 13866 Appraisal

A MOTION was made by Council Member Carroll and seconded by Council Member Brown to Authorize the purchase of Parcel #2-038B-15-279.00 (PPIN # 13866) in the amount of \$42,000.00 and payment of 2022 taxes. Authorize the issuance of manual checks due upon closing.

Council member Delgado stated that she could not support the purchase of the property for the following reasons:

“My concern with the demolition of the house and turning it into a park or memorial site will create a space for more loitering since that community was already crowded and dangerous. I spoke to older residents on that block, and they were against it. There was too much hanging out just around the corner. The fear was that the same crowd would come to that proposed site. We just sold a house in that block with the argument that housing was needed, and the owner would be responsible. It was not in the best interest of the community to buy and demolish that property. I could only vote for the purchase on the condition that it not be demolished.”

Council member Brown also stated that he had spoke to an adjacent property owner who did not want the property to be demolished.

Mayor Barker responded that the City’s intent was to purchase and demolish the property. The City would be open to a third-party purchaser. The Mayor reiterated the City’s intent to enforce the no loitering and keep the community safe.

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

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

Nays: 1- Delgado (via teleconference)

- 25. 2022-883** Authorize the administration to submit pre-application and application with the Natural Resources Conservation Services for an Emergency Watershed Protection (EWP) Project at Mixon Creek Site #5, Gordon Creek @ Old Bakery #3 and Elaine Circle and authorize the Mayor to execute any and all documents required for the project pre-application, application, and other required documents.

Attachments: [City of Hattiesburg 5306 Pre-Award Package](#)
[DSR 28-04-21-5306-308 Old Bakery #3 Package](#)
[DSR 28-04-21-5306-309 Mixon Creek Site #5 Package](#)
[DSR 28-04-21-5306-307 Elaine Circle Site Package](#)

A MOTION was made by Council Member Brown and seconded by Council Member Carroll to Authorize the administration to submit pre-application and application with the Natural Resources Conservation Services for an Emergency Watershed Protection (EWP) Project at Mixon Creek Site #5, Gordon Creek @ Old Bakery #3 and Elaine Circle and authorize the Mayor to execute any and all documents required for the project pre-application, application, and other required documents.

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

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

Nays: 0

- 26. 2022-887** Acknowledge proposal received November 3,2022 for Consultant services to create the 2023-2027 Consolidated Plan and 2023 Annual Action Plan for the City of Hattiesburg; Authorize re-advertisement for said proposals per attached memo.

Attachments: [COH CON Plan RFP 2023 - 122022](#)
[Memo - Re-publish RFP 2023-2027 CON Plan](#)
[Grace Allen Dev Consultant 11-3-2022](#)

A MOTION was made by Council Member Carroll and seconded by Council President George to Acknowledge proposal received November 3,2022 for Consultant services to create the 2023-2027 Consolidated

Plan and 2023 Annual Action Plan for the City of Hattiesburg; Authorize re-advertisement for said proposals per attached memo.

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

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

Nays: 0

27. **2022-875** Acknowledge receipt of closing documents for the Longleaf North Infrastructure Improvements project and authorize payment of final pay application, Final Acceptance of project, and release of deposit submitted in lieu of retainage.

Attachments: 11290 Closeout Docs trans wAttachments

A MOTION was made by Council Member Carroll and seconded by Council Member Brown to Acknowledge receipt of closing documents for the Longleaf North Infrastructure Improvements project and authorize payment of final pay application, Final Acceptance of project, and release of deposit submitted in lieu of retainage.

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

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

Nays: 0

28. **2022-877** Acknowledge receipt of Power of Attorney and receipt for a Certificate of Deposit in the amount of \$40,000.00 with Priority One Bank provided by Hemphill Construction Co., Inc. in lieu of retainage for the Water Plant #1 Rehabilitation Phase I project.

Attachments: Hemphill POA Water Plant #1 Rehab

A MOTION was made by Council Member Carroll and seconded by Council Member Brown to Acknowledge receipt of Power of Attorney and receipt for a Certificate of Deposit in the amount of \$40,000.00 with Priority One Bank provided by Hemphill Construction Co., Inc. in lieu of retainage for the Water Plant #1 Rehabilitation Phase I project.

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

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

Nays: 0

29. **2022-901** Adopt a Resolution authorizing submittal of FY 2022 "Consolidated Rail Infrastructure and Safety Improvements Program (CRISI) Grant Program Application to the Federal Railroad Administration.

Attachments: CRISI 2022 Council Resolution

A MOTION was made by Council Member Carroll and seconded by Council Member Brown to Adopt a Resolution (#2022-143) authorizing submittal of FY 2022 "Consolidated Rail Infrastructure and Safety Improvements Program (CRISI) Grant Program Application to the Federal Railroad Administration.

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

Yeas: 5- George (via teleconference), Delgado (via teleconference), 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 Brown to approve the Routine Agenda.

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

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

Nays: 0

1.

2022-858

Acknowledge receipt of proofs of Publications for Hub City Spokes for the month of November 2022.

Attachments: Proofs of Publications Hub City Spokes 101013
Proof of Publications for Hub City Spokes for Nov 2022
2.

2022-871

Acknowledge receipt of FY 2022 Expenditure Report from the Hattiesburg Arts Council Municipal Programs.

Attachments: HAC 2022 Exp report
3.

2022-872

Approve Plans and Specifications for the CIPP Sewer in Various Locations Phase II project and authorize advertisement for bids.

Attachments: Adv for Bids
12242 - Street Ready Specifications - 2022-11-19
12242 - Street Ready Plans - 2022-11-19
4.

2022-865

Approve the sale of grave spaces, per attached Memo's, Receipts, and Deeds.

Attachments: Memo's (11-22-2022)
Receipts (11-22-2022)
Deeds (11-22-2022)
5.

2022-869

Approve claims docket for the period ending November 18, 2022.

Attachments: DOCKET 22.11.18
11.18.22 DT

In Memoriam:

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

- Mr. John Selby Kean, III
- Mr. John Edward McClure
- Ms. Deborah Dale Patrick

Meeting Adjourn

Council Vice President Ware declared the meeting adjourned at 5:32 p.m., this 22nd day of November, 2022, by unanimous consent, until the 5th day of December, 2022.

ATTEST:


Clerk of Council

APPROVE:


Council President

ATTEST AND CERTIFY:


City Clerk

APPROVE:


Mayor
