



Call to Order
Call to Prayer and Pledge of Allegiance
Presentation Agenda

POLICY AGENDA

1.

2022-955

Approve the minutes for the December 5 & 6, 2022 meetings of the City Council.
2.

2022-934

Adopt an Ordinance for the petition filed by William Carey University, Grant Guthrie, and Ben Burnett, to change the zoning classification for unimproved properties located at the intersection of Vernon Street and Magnolia Avenue from R-1A: Single-Family Residential, and R-2: Two-Family Residential to R-3: Multi-Family Residential PPIN's: 13555, 13556, 13557, 13558, 13692, 13684, 13685, 13705, Forrest County, Ward 5). The Planning Commission recommended to Approve on December 7, 2022.
3.

2022-948

Adopt an Ordinance for the petition filed by Michael Kent Myatt, Joel Ford, to close and vacate a portion of an undeveloped street known as "Hill Street", which is located north of the intersection of Bouie St and Old Highway 42 between 5566 Old Highway 42 and 5560 Old Highway 42 (Ward 2). The Planning Commission recommended to Approve on December 7, 2022.
4.

2022-951

Approve or Deny a petition filed by Michael Kent Myatt, Joel Ford, to request a conditional use for "gravel outdoor storage space" in a B-3 Zone for a property located at 5566 Old Highway 42 (PPIN 15065 Forrest County, Ward 2). The Planning Commission recommended to Approve on December 7, 2022 with the condition that landscaped screening be added as shown on the presented site plan on the south side of the open storage area.
5.

2022-936

Approve or Deny a petition filed by Michael Kent Myatt, Joel Ford, to request a variance from "Maximum outdoor equipment storage space of 50%" to exceed the allowable amount to "64%" for a variance of 14% for a certain property located at 5566 Old Highway 42 (PPIN 15065 Forrest County, Ward 2). The Board of Adjustment recommended to Approve on December 7, 2022.
6.

2022-935

Approve or Deny a petition filed by Trace 4th Street, LLC., to request a conditional use for "restaurant, without drive-through" in a B-2 Zone (Neighborhood Business District) for a certain property located at 1001 Main St (PPIN's 18818, 18817 Forrest County, Ward 2). The Planning Commission recommended to Approve on December 7, 2022 with the condition that the dumpster location as shown on site plan presented to the Planning Commission (in front setback) be permitted.
7.

2022-949

Approve or Deny a petition filed by Estacado Interests, LLC, , to request a variance from "Billboards 1000 lineal feet... from any other off-premise sign" and instead allow for a distance of "690 feet" from an off-premise sign for a variance of 310 feet and to vary from the required side setback of "15 feet" and instead allow for "0 feet" for a variance of 15 feet for a proposed billboard and to vary from – Pole Sign "Minimum 150' frontage on any premises freestanding sign" and instead allow for a minimum of "120 feet" frontage for a variance of 30 feet for a proposed on-premise pole sign for the property located at 5032 Hardy St (PPIN 18460, Lamar County, Ward 3). The Board of Adjustment recommended to Approve on December 7, 2022 with the condition the freestanding sign is a monument sign to be more appropriate for the scale of the property size.
8.

2022-940

Adopt an Order to approve the sale of a personal service weapon to retired police Officer Tommy Cook pursuant to Mississippi Code Annotated 45-9-31.
9.

2022-956

Approve Agreement between the City of Hattiesburg and Southern Pines Animal Shelter for animal shelter management and services for a term beginning October 1, 2022, through September 30, 2023 and authorize the Mayor to execute in duplicate.
10.

2022-931

Approve Contractor and Owner Agreement(s) 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.
11.

2022-939

Approve Agreement between the City of Hattiesburg and Kids Hub Child Advocacy Center to provide juvenile forensic services as needed to the Hattiesburg Police Department and authorize the Mayor to execute the same.

- 12. 2022-943 Approve Memorandum of Agreement between the City of Hattiesburg and Mississippi National Guard related to projects at Bobby Chain Municipal Airport and authorize e Mayor to execute the same.
- 13. 2022-941 Approve purchase of property located at PPIN # 19211, parcel # 2-0290-10-021.00 in the amount of \$175,000.00 and the execution of all necessary documents at closing and authorize issuance of manual check for the same
- 14. 2022-945 Approve Lighting Agreement with Mississippi Power Company for additional lighting on Bowling Street for a monthly cost of \$3.95, and authorize the Mayor to execute the same.
- 15. 2022-946 Acknowledge receipt of final closing documents for the Friendship Park Lighting Project, authorize payment of final pay application, and authorize final acceptance of the project.
- 16. 2022-947 Acknowledge bids received November 17, 2022 for the Jaycee Park Parking Improvements Project and accept the bid from J. W. Chain Contractors, Inc. in the amount of \$1,049,620.17; Authorize the mayor to execute contracts when prepared.
- 17. 2022-953 Acknowledge bids received December 1, 2022 for the Jaycee Park Improvements Project and accept the bid from Phoenix Construction, LLC in the amount of \$734,750.00, which includes the base bid and add alternate #1; Authorize the mayor to execute contracts when prepared.
- 18. 2022-942 Acknowledge the receipt of grant from the Mississippi Arts Commission in the amount of \$219,240.00 for renovations of the theatre space at 825 N. Main Street and authorize execution of all necessary grant agreement documents.
- 19. 2022-957 Acknowledge bids received on November 17, 2022, for the Hall Avenue West Phase II- Roadway Project and accept the bid from R & J Construction, Inc., in the amount of \$24,292,480.68; authorize the Mayor to execute contracts and any other necessary documents as related to the project upon concurrence from Mississippi Department of Transportation.

ROUTINE AGENDA

- 1. 2022-944 Acknowledge receipt of three fully executed and recorded deeds from the University of Southern Mississippi for Street Purposes, Permanent Drainage Easement and Utility Easement for property located on Classic Drive and more fully described in the attached deeds.
- 2. 2022-928 Acknowledge receipt of the Privilege Tax License monthly report for November 2022.
- 3. 2022-929 Acknowledge proof of publications for Hub City Spokes for the month of November, 2022.
- 4. 2022-932 Acknowledge receipt of the Quitclaim Deed for 1213 Putnam Street from Benita Conner.
- 5. 2022-930 Approve and authorize issuance of manual checks for CDBG/HOME Program Claims per attached Memorandum. {CDBG Entitlement/HOME}
- 6. 2022-937 Approve specifications and authorize publication of one (1) New 2022 or newer bucket truck/rear mounted aerial unit for the Urban Forestry Division, Parks & Recreation Department for the City of Hattiesburg.
- 7. 2022-954 Approve Plans and Specifications for the Midtown Green project and authorize advertisement for bids.
- 8. 2022-952 Approve Plans and Specifications for the Front Street Parklet Project and authorize advertisement for bids.
- 9. 2022-933 Approve the sale of grave spaces, per attached Memo's, Receipts, and Deeds.
- 10. 2022-938 Approve claims docket for the period ending December 16, 2022.

In Memoriam:

- Ms. Pauline Stevens
- Dr. Benjamin Waddle
- Ms. Aimee Goss

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, December 20, 2022**, in Council Chambers at City Hall; same being from a recessed meeting held on December 19, 2022.

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

The Pledge of Allegiance was led by Kermas Eaton.

Presentation Agenda

The PRESENTATION AGENDA came before the Council.

There were no presentations at this time.

THE MATTER OF THE AGENDA ORDER came before the Council.

POLICY AGENDA

The POLICY AGENDA came before the Council.

1. **2022-955** Approve the minutes for the December 5 & 6, 2022 meetings of the City Council.

Attachments: 12-5-2022 AR, WS Mins.
12-6-2022 XS Mins.

A MOTION was made by Council Member Carroll and seconded by Council Member Brown to Approve the minutes for the December 5 & 6, 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 (via teleconference), Carroll, Ware and Brown

Nays: 0

2. **2022-934** Adopt an Ordinance for the petition filed by William Carey University, Grant Guthrie, and Ben Burnett, to change the zoning classification for unimproved properties located at the intersection of Vernon Street and Magnolia Avenue from R-1A: Single-Family Residential, and R-2: Two-Family Residential to R-3: Multi-Family Residential PPIN's: 13555, 13556, 13557, 13558, 13692, 13684, 13685, 13705, Forrest County, Ward 5). The Planning Commission recommended to Approve on December 7, 2022.

Attachments: Ordinance - WCU William Carey Univ R-3 Rezone Vernon St Magnolia ave
HPC Item A 12-7-2022

A MOTION was made by Council Member Brown and seconded by Council Member Carroll to Adopt an Ordinance (#3323) to change the zoning classification for unimproved properties located at the intersection of Vernon Street and Magnolia Avenue from R-1A and R-2 to R-3.

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

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

Nays: 0

3. **2022-948** Adopt an Ordinance for the petition filed by Michael Kent Myatt, Joel Ford, to close and vacate a portion of an undeveloped street known as "Hill Street", which is located north of the intersection of Bouie St and Old Highway 42 between 5566 Old Highway 42 and 5560 Old Highway 42 (Ward 2). The Planning Commission recommended to Approve on December 7, 2022.

Attachments: HPC Item D 12-7-2022
Ordinance - Vacate portion of undeveloped street Hill Street, north of Bouie St and
Old Highway 42 between 5566 Old Hig

A MOTION was made by Council Member Brown and seconded by Council Member Carroll to Adopt an Ordinance (#3324) to close and vacate a portion of an undeveloped street known as “Hill Street”, which is located north of the intersection of Bouie St and Old Highway 42 between 5566 Old Highway 42 and 5560 Old Highway 42.

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

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

Nays: 0

4. **2022-951** Approve or Deny a petition filed by Michael Kent Myatt, Joel Ford, to request a conditional use for “gravel outdoor storage space” in a B-3 Zone for a property located at 5566 Old Highway 42 (PPIN 15065 Forrest County, Ward 2). The Planning Commission recommended to Approve on December 7, 2022 with the condition that landscaped screening be added as shown on the presented site plan on the south side of the open storage area.

Attachments: HPC Item C 12-7-2022

A MOTION was made by Council Member Brown and seconded by Council Member Carroll to Approve a conditional use for “gravel outdoor storage space” in a B-3 Zone for a property located at 5566 Old Highway 42 with the condition that landscaped screening be added as shown on the presented site plan on the south side of the open storage area.

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

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

Nays: 0

5. **2022-936** Approve or Deny a petition filed by Michael Kent Myatt, Joel Ford, to request a variance from “Maximum outdoor equipment storage space of 50%” to exceed the allowable amount to “64%” for a variance of 14% for a certain property located at 5566 Old Highway 42 (PPIN 15065 Forrest County, Ward 2). The Board of Adjustment recommended to Approve on December 7, 2022.

Attachments: BOA Item B 12-7-2022

A MOTION was made by Council Member Brown and seconded by Council Vice President Ware to Approve a request a variance from “Maximum outdoor equipment storage space of 50%” to exceed the allowable amount to “64%” for a variance of 14% for a certain property located at 5566 Old Highway 42.

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

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

Nays: 0

6. **2022-935** Approve or Deny a petition filed by Trace 4th Street, LLC., to request a conditional use for “restaurant, without drive-through” in a B-2 Zone (Neighborhood Business District) for a certain property located at 1001 Main St (PPIN's 18818, 18817 Forrest County, Ward 2). The Planning Commission recommended to Approve on December 7, 2022 with the condition that the dumpster location as shown on site plan presented to the Planning Commission (in front setback) be permitted.

Attachments: HPC Item B 12-7-2022

A MOTION was made by Council Member Brown and seconded by Council Member Carroll to Approve a conditional use for “restaurant, without drive-through” in a B-2 Zone for a certain property located at 1001 Main St. with the condition that the dumpster location as shown on site plan presented to the Planning Commission (in front setback) be permitted.

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

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

Nays: 0

7. **2022-949** Approve or Deny a petition filed by Estacado Interests, LLC, , to request a variance from "Billboards 1000 lineal feet... from any other off-premise sign" and instead allow for a distance of "690 feet" from an off-premise sign for a variance of 310 feet and to vary from the required side setback of "15 feet" and instead allow for "0 feet" for a variance of 15 feet for a proposed billboard and to vary from – Pole Sign "Minimum 150' frontage on any premises freestanding sign" and instead allow for a minimum of "120 feet" frontage for a variance of 30 feet for a proposed on-premise pole sign for the property located at 5032 Hardy St (PPIN 18460, Lamar County, Ward 3). The Board of Adjustment recommended to Approve on December 7, 2022 with the condition the freestanding sign is a monument sign to be more appropriate for the scale of the property size.

Attachments: BOA Item A 12-7-2022

A MOTION was made by Council Member Carroll and seconded by Council Member Brown to Approve a variance from "Billboards 1000 lineal feet... from any other off-premise sign" and instead allow for a distance of "690 feet" from an off-premise sign for a variance of 310 feet and to vary from the required side setback of "15 feet" and instead allow for "0 feet" for a variance of 15 feet for a proposed billboard and to vary from – Pole Sign "Minimum 150' frontage on any premises freestanding sign" and instead allow for a minimum of "120 feet" frontage for a variance of 30 feet for a proposed on-premise pole sign for the property located at 5032 Hardy St. with the condition the freestanding sign is a monument sign to be more appropriate for the scale of the property size.

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

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

Nays: 0

8. **2022-940** Adopt an Order to approve the sale of a personal service weapon to retired police Officer Tommy Cook pursuant to Mississippi Code Annotated 45-9-31.

A MOTION was made by Council Member Carroll and seconded by Council Member Brown to Adopt an Order to approve the sale of a personal service weapon to retired police Officer Tommy Cook pursuant to Mississippi Code Annotated 45-9-31.

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

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

Nays: 0

9. **2022-956** Attachments: Request to purchase weapon
Approve Agreement between the City of Hattiesburg and Southern Pines Animal Shelter for animal shelter management and services for a term beginning October 1, 2022, through September 30, 2023 and authorize the Mayor to execute in duplicate.

Attachments: 2023 City of Hattiesburg Contract - Final Version

A MOTION was made by Council Member Carroll and seconded by Council Member Brown to Approve Agreement between the City of Hattiesburg and Southern Pines Animal Shelter for animal shelter management and services for a term beginning October 1, 2022, through September 30, 2023 and authorize the Mayor to execute in duplicate.

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

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

Nays: 0

10. **2022-931** Approve Contractor and Owner Agreement(s) 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: 435 Monroe Council Packet
 514 McInnis Spring Rd Agrmt_12202022

A MOTION was made by Council Member Carroll and seconded by Council Member Brown to Approve Contractor and Owner Agreement(s) 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, Delgado (via teleconference), Carroll, Ware and Brown

Nays: 0

11. **2022-939** Approve Agreement between the City of Hattiesburg and Kids Hub Child Advocacy Center to provide juvenile forensic services as needed to the Hattiesburg Police Department and authorize the Mayor to execute the same.

Attachments: KidsHub Hburg MOU 2023

A MOTION was made by Council Member Carroll and seconded by Council Member Brown to Approve Agreement between the City of Hattiesburg and Kids Hub Child Advocacy Center to provide juvenile forensic services as needed to the Hattiesburg Police Department and authorize the Mayor to execute the same.

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

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

Nays: 0

12. **2022-943** Approve Memorandum of Agreement between the City of Hattiesburg and Mississippi National Guard related to projects at Bobby Chain Municipal Airport and authorize e Mayor to execute the same.

Attachments: MSNG-COH MOU v2 8 Dec 22

A MOTION was made by Council Member Carroll and seconded by Council Member Brown to Approve Memorandum of Agreement between the City of Hattiesburg and Mississippi National Guard related to projects at Bobby Chain Municipal Airport and authorize e Mayor to execute the same.

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

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

Nays: 0

13. **2022-941** Approve purchase of property located at PPIN # 19211, parcel # 2-0290-10-021.00 in the amount of \$175,000.00 and the execution of all necessary documents at closing and authorize issuance of manual check for the same

Attachments: 101 Ferguson Street - Appraisal Report
 officerealtyexecutiv_20221202_110627
 WD -- Ferguson

Prelim Title Opinion - Ferguson Ave

A MOTION was made by Council Member Carroll and seconded by Council Member Brown to Approve purchase of property located at PPIN # 19211, parcel # 2-0290-10-021.00 in the amount of \$175,000.00 and the execution of all necessary documents at closing and authorize issuance of manual check for the same.

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

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

Nays: 0

- 14. 2022-945** Approve Lighting Agreement with Mississippi Power Company for additional lighting on Bowling Street for a monthly cost of \$3.95, and authorize the Mayor to execute the same.

Attachments: MS Power-Bowling Street

A MOTION was made by Council Member Carroll and seconded by Council Member Brown to Approve Lighting Agreement with Mississippi Power Company for additional lighting on Bowling Street for a monthly cost of \$3.95, and authorize the Mayor to execute the same.

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

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

Nays: 0

- 15. 2022-946** Acknowledge receipt of final closing documents for the Friendship Park Lighting Project, authorize payment of final pay application, and authorize final acceptance of the project.

Attachments: Closing Documents-Friendship Park Lighting

A MOTION was made by Council Member Brown and seconded by Council Member Carroll to Acknowledge receipt of final closing documents for the Friendship Park Lighting Project, authorize payment of final pay application, and authorize final acceptance of the project.

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

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

Nays: 0

- 16. 2022-947** Acknowledge bids received November 17, 2022 for the Jaycee Park Parking Improvements Project and accept the bid from J. W. Chain Contractors, Inc. in the amount of \$1,049,620.17; Authorize the Mayor to execute contracts when prepared.

Attachments: Jaycee Park Parking Imps Bid Tab Ltr
Jaycee Park Parking Imps Cert Bid Tab

A MOTION was made by Council Member Brown and seconded by Council Member Carroll to Acknowledge bids received November 17, 2022 for the Jaycee Park Parking Improvements Project and accept the bid from J. W. Chain Contractors, Inc. in the amount of \$1,049,620.17; 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 (via teleconference), Carroll, Ware and Brown

Nays: 0

17. **2022-953** Acknowledge bids received December 1, 2022 for the Jaycee Park Improvements Project and accept the bid from Phoenix Construction, LLC in the amount of \$734,750.00, which includes the base bid and add alternate #1; Authorize the mayor to execute contracts when prepared.

Attachments: [3922 22-12-01 Low Bidder Opinion Letter](#)
[3822 Bid Tabulation](#)

A MOTION was made by Council Member Brown and seconded by Council Member Carroll to Acknowledge bids received December 1, 2022 for the Jaycee Park Improvements Project and accept the bid from Phoenix Construction, LLC in the amount of \$734,750.00, which includes the base bid and add alternate #1; 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 (via teleconference), Carroll, Ware and Brown

Nays: 0

18. **2022-942** Acknowledge the receipt of grant from the Mississippi Arts Commission in the amount of \$219,240.00 for renovations of the theatre space at 825 N. Main Street and authorize execution of all necessary grant agreement documents.

Attachments: [FY23 BFA Grant CONTRACT \(3\)](#)

A MOTION was made by Council Vice President Ware and seconded by Council Member Carroll to Acknowledge the receipt of grant from the Mississippi Arts Commission in the amount of \$219,240.00 for renovations of the theatre space at 825 N. Main Street and authorize execution of all necessary grant agreement documents.

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

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

Nays: 0

19. **2022-957** Acknowledge Bids received November 17, 2022, for the Hall Avenue West Phase II-Roadway Project and accept the bid from R & J Construction, Inc., in the amount of \$24,292,480.68; Authorize the Mayor to execute contracts and any other necessary documents as related to the project upon concurrence from Mississippi Department of Transportation.

Attachments: [Hall West Overpass 108639-802000 Cert Bid Tab](#)
[Hall West Overpass R & J Const. Sealed Bid](#)
[Hall West Overpass Bid Tab Engineer Ltr \(1\)](#)

A MOTION was made by Council Member Brown and seconded by Council Member Carroll to Acknowledge Bids received November 17, 2022, for the Hall Avenue West Phase II-Roadway Project and accept the bid from R & J Construction, Inc., in the amount of \$24,292,480.68; Authorize the Mayor to execute contracts and any other necessary documents as related to the project upon concurrence from Mississippi Department of Transportation.

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

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

Nays: 0

10. 2022-938 Approve claims docket for the period ending December 16, 2022.

Attachments: DOCKET 22.12.16
DT 22.12.16

In Memoriam:

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

- Ms. Pauline Stevens
- Dr. Benjamin Waddle
- Ms. Aimee Goss

Meeting Adjourn

Council President George declared the **meeting adjourned at 5:15 p.m., this 20th day of December, 2022,**
by unanimous consent, until the 3rd day of January, 2023.

ATTEST:

APPROVE:


Clerk of Council


Council President

ATTEST AND CERTIFY:

APPROVE:


City Clerk


Mayor