

Published Agenda



**Tuesday, January 3, 2023
4:00 PM**

**City Council
Tuesday Meeting Agenda**

**Council Chambers
200 Forrest Street**

Call to Order

Call to Prayer and Pledge of Allegiance

Presentation Agenda

Citizens' Forum

POLICY AGENDA

- | | | |
|-----|---------|--|
| 1. | 2023-1 | Approve the minutes for the December 19 & 20, 2022 meetings of the City Council. |
| 2. | 2023-2 | Adopt a Resolution setting Public Hearing on Monday, February 6 th , 2023 at 4:00 p.m. in the City Council Chambers located at City Hall to determine if certain properties are in such a state of uncleanliness so as to be a menace to the health and safety of the community, according to the provision of MS Code 1972, Section 21-19-11. |
| 3. | 2023-3 | Adopt Resolutions adjudicating and directing the placement as an assessment for the cleanup costs and applicable penalties, not to exceed the values prescribed by State law, against the following properties. |
| 4. | 2023-4 | Adopt a Resolution and Order of the Mayor and City Council of the City of Hattiesburg, Mississippi; Mayor and Board of Alderman of the City of Petal, Mississippi; and the Forrest County Board of Supervisors establishing the Leaf and Bouie River Development District ("the District"); designating the geographic areas of said District as per the attached Exhibit "A"; |
| 5. | 2023-5 | Adopt a Resolution to designate authorized representatives to act in an official capacity on behalf of the City of Hattiesburg as relates to the Mississippi Municipality and County Water Infrastructure (MCWI) Grant Program. |
| 6. | 2023-6 | Approve Agreement between City of Hattiesburg and Landry Lewis Germany Architects, P.A., for architectural services related to the design and preparation of bid documents for renovations of the theater space at 825 N. Main Street. |
| 7. | 2023-7 | Approve a Professional Services Agreement between the City of Hattiesburg and Fagan Tree and Spraying Services for herbicide applications for ballfields, turf and ornamentals. |
| 8. | 2023-8 | 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. |
| 9. | 2023-9 | Approve and authorize issuance of manual checks for CDBG/HOME Program Claims per attached Memorandum. {CDBG Entitlement/HOME} |
| 10. | 2023-10 | Acknowledge receipt of grant award from the U.S. Department of Housing & Urban Development in connection with the 2022 allocation of both CDBG and HOME grant funds and ratification of the Grant Agreement. |

ROUTINE AGENDA

- | | | |
|----|---------|--|
| 1. | 2023-11 | Approve proofs of publication for Hub City Spokes for the month of December, 2022 |
| 2. | 2023-12 | Acknowledge receipt of the Privilege Tax License monthly report for the month of December, 2022. |
| 3. | 2023-13 | Acknowledge Receipt of the Two Quote Docket. |
| 4. | 2023-14 | Approve and authorize publication of Notice for Request for Qualifications for Qualified Eligible Contractors for the City of Hattiesburg's CDBG/HOME Programs {Entitlement} |
| 5. | 2023-15 | Approve the sale of grave spaces, per attached memo's, receipts, and deeds. |
| 6. | 2023-16 | Approve claims docket for the period ending December 30, 2022. |

In Memoriam:

- Mr. Thomas J. Griffith
- Ms. Cindy Singley

Meeting Adjourn

Call to Order

BE IT REMEMBERED that the **regular meeting of the Hattiesburg City Council was held at 4:00 p.m. Tuesday, January 3, 2023**, in Council Chambers at City Hall; same being from an adjourned meeting held on December 20, 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; 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 Interim Pastor Phillip McSwain of Starlight Baptist Church.

The Pledge of Allegiance was led by Jace Perry, grandson of Forrest County President Board of Supervisor for District 1, David Hogan.

Presentation Agenda

Forrest County President Board of Supervisor for District 1, David Hogan presented a check of \$250,000.00 to the City of Hattiesburg for improvements to the Jaycee Park project.

Mayor Barker presented a certificate of recognition to Hattiesburg Police Officer Ricardo Taplin for his efforts and outstanding service in escorting a college student and her family to the student's graduation ceremony from the scene of a car accident.

Citizen's Forum

Council Vice President Ware proceeded with the Citizens' Forum.

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

The following citizens addressed the Council:

- Raylawni Branch, 853 N. Main Street

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

Council Vice President Ware closed the Citizen Forum.

POLICY AGENDA

THE MATTER OF THE AGENDA ORDER came before the Council.

The POLICY AGENDA came before the Council.

1. **2023-1** Approve the minutes for the December 19 & 20, 2022 meetings of the City Council.

Attachments: 12-19-2022 AR, XS Mins.
12-20-2022 Mins.

A MOTION was made by Council Member Carroll and seconded by Council Member Brown to Approve the minutes for the December 19 & 20, 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. **2023-2** Adopt a Resolution setting Public Hearing on Monday, February 6th, 2023 at 4:00 p.m. in the City Council Chambers located at City Hall to determine if certain properties are in such a state of uncleanliness so as to be a menace to the health and safety of the community, according to the provision of MS Code 1972, Section 21-19-11.

Attachments: [PH 02 06 2023 Request to Set Public Hearing Memo](#)
[PH 02 06 2023 Resolution](#)

A MOTION was made by Council Member Carroll and seconded by Council Member Brown to Adopt a Resolution (#2023-1) setting Public Hearing on Monday, February 6th, 2023 at 4:00 p.m. in the City Council Chambers located at City Hall to determine if certain properties are in such a state of uncleanliness so as to be a menace to the health and safety of the community, according to the provision of MS Code 1972, Section 21-19-11.

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. **2023-3** Adopt Resolutions adjudicating and directing the placement as an assessment for the cleanup costs and applicable penalties, not to exceed the values prescribed by State law, against the following properties.

Attachments: [01 03 2023 Adjudication Resolution](#)
[1. 104 106 Ellis Drive Adjudication](#)
[2. 112 Ellis Drive Building A & B Adjudication](#)
[3. 118 Ellis Drive Adjudication](#)
[4. 122 Ellis Drive Adjudication](#)
[5. 124 Plantation Place Drive Adjudication](#)

A MOTION was made by Council Member Carroll and seconded by Council Member Brown to Adopt Resolutions (#2023-2-6) adjudicating and directing the placement as an assessment for the cleanup costs and applicable penalties, not to exceed the values prescribed by State law, against the following properties.

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. **2023-4** Adopt a Resolution and Order of the Mayor and City Council of the City of Hattiesburg, Mississippi; Mayor and Board of Alderman of the City of Petal, Mississippi; and the Forrest County Board of Supervisors establishing the Leaf and Bouie River Development District ("the District"); designating the geographic areas of said District as per the attached Exhibit "A";

Attachments: [Resolution Creating River District](#)
[River District Description Revised 2022-12-15](#)

A MOTION was made by Council Member Carroll and seconded by Council Member Brown to Adopt a Resolution (#2023-7) and Order of the Mayor and City Council of the City of Hattiesburg, Mississippi; Mayor and Board of Alderman of the City of Petal, Mississippi; and the Forrest County Board of Supervisors establishing the

Leaf and Bouie River Development District (“the District”); designating the geographic areas of said District as per the attached Exhibit “A”.

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.

2023-5

Adopt a Resolution to designate authorized representatives to act in an official capacity on behalf of the City of Hattiesburg as relates to the Mississippi Municipality and County Water Infrastructure (MCWI) Grant Program.

Attachments: [RESOLUTION - MCWI 2023 Signer](#)

A MOTION was made by Council Member Carroll and seconded by Council Member Nicholas Brown to Adopt a Resolution (#2023-8) to designate authorized representatives to act in an official capacity on behalf of the City of Hattiesburg as relates to the Mississippi Municipality and County Water Infrastructure (MCWI) Grant Program.

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.

2023-6

Approve agreement between City of Hattiesburg and Landry Lewis Germany Architects, P.A., to provide architectural services related to the design and preparation of bid documents for renovations of the theater space at 825 N. Main Street.

Attachments: [Hattiesburg Arts Center Architect Agreement 1.3.23](#)

A MOTION was made by Council Vice President Ware and seconded by Council Member Carroll to Approve agreement between City of Hattiesburg and Landry Lewis Germany Architects, P.A., to provide architectural services related to the design and preparation of bid documents for renovations of the theater space at 825 N. Main Street.

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.

2023-7

Approve a professional services agreement between the City of Hattiesburg and Fagan Tree and Spraying Services for herbicide applications for ballfields, turf and ornamentals.

Attachments: [2023 fagan spraying service](#)

A MOTION was made by Council Member Carroll and seconded by Council Vice President Ware to Approve a professional services agreement between the City of Hattiesburg and Fagan Tree and Spraying Services for herbicide applications for ballfields, turf and ornamentals.

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. **2023-8** 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: MS Starter Homes 100 Southview Drive 01032023
MS Starter Homes 105 Chickasaw 01032023
MS Starter Homes 215 Scotland Cir 01032023
Agreement for emergency roof repair - Vicki Butler 215 Scotland Cir.
Agreement for emergency roof repair - Artis Mosley 100 Southview Dr.
Agreement for emergency roof repair - Peggy J Fluker 105 Chickasaw Dr.

A MOTION was made by Council Vice President Ware and seconded by Council Member Carroll 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

9. **2023-9** Approve and authorize issuance of manual checks for CDBG/HOME Program Claims per attached Memorandum. {CDBG Entitlement/HOME}

Attachments: Starter Homes of MS 110 Southview 01032023
Starter Homes of MS 1301 Bernard Street 01032023
Manual Check Memo 01032023

A MOTION was made by Council Member Carroll and seconded by Council Member Brown to Approve and authorize issuance of manual checks for CDBG/HOME Program Claims per attached Memorandum.

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. **2023-10** Acknowledge receipt of grant award from the U.S. Department of Housing & Urban Development in connection with the 2022 allocation of both CDBG and HOME grant funds and ratification of the Grant Agreement.

Attachments: COH 2022 Executed CDBG Grant
COH 2022 Executed HOME Grant
HUD Fiscal Year 2022 Grant agreement Letter

A MOTION was made by Council Member Carroll and seconded by Council Member Brown to Acknowledge receipt of grant award from the U.S. Department of Housing & Urban Development in connection with the 2022 allocation of both CDBG and HOME grant funds and ratification of the Grant Agreement.

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

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, Delgado (via teleconference), Carroll, Ware and Brown
Nays: 0

- 1. **2023-11** Approve proofs of publication for Hub City Spokes for the month of December, 2022'

 Attachments: Proof of Publication Inv101166

- 2. **2023-12** Acknowledge receipt of the Privilege Tax License monthly report for the month of December, 2022.

 Attachments: December PTL Report

- 3. **2023-13** Acknowledge Receipt of the Two Quote Docket.

 Attachments: 20221222085455

- 4. **2023-14** Approve and authorize publication of Notice for Request for Qualifications for Qualified Eligible Contractors for the City of Hattiesburg's CDBG/HOME Programs {Entitlement}

 Attachments: QEC Instructions_012023
 QEC Application
 QEC Notice 01_2023

- 5. **2023-15** Approve the sale of grave spaces, per attached memo's, receipts, and deeds.

 Attachments: Memo's (01-03-2023)
 Receipts (01-03-2023)
 Deeds (01-03-2023)

- 6. **2023-16** Approve claims docket for the period ending December 30, 2022.

 Attachments: DOCKET 22.12.30
 DT 22.12.30

Executive Session

A MOTION was made by Council Vice President Ware for the Council to enter closed session to determine the need to enter Executive Session at 4:22 p.m.

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

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

Council Member Delgado disconnected via teleconference at 4:23 p.m.

A MOTION was made by Council Vice President Ware and seconded by Council Member Carroll to enter Executive Session to discuss strategy or negotiations with respect potential litigation, since to have an open meeting on this would have a detrimental effect on the litigating position of the City, in accordance with Mississippi Code Section 25-41-7 (b) at 4:23 p.m.

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

Yeas: 4 - George, Carroll, Ware and Brown

Nays: 0

Absent: 1 - Delgado

The City Attorney stepped out into the hall and announced that the Council has gone into Executive Session to discuss strategy or negotiations with respect to potential litigation.

Those present for the Executive Session were Mayor Toby Barker; Council members Jeffrey George, Carter Carroll, Dave Ware and Nicholas Brown; Director of Administration/City Clerk, Kermas Eaton; City Attorney, Randy Pope; Chief Administrative Officer, Ann Jones; Interim Chief Financial Officer, Malcolm Berch; Assistant Police Chief, Peggy Sealy; Fire Chief, Sherrocko Stewart; Interim City Engineer, Hunter White; Director of Urban Development, Wiley Quinn; Director of Public Works, Ronnie Perkins; Chief Communications Officer, Samantha McCain; Deputy Clerk of Council, Lisa Luu Jolly.

The City Attorney briefed the Council on the Chancery Court case styled City of Hattiesburg v. St. James Wright VFW Post 5397. Mr. Pope advised the Council that he and the attorney for the VFW, Charles Lawrence, had reached an agreement that will provide that when the VFW building on Mobile Street is leased out to third parties, the VFW will take the responsibility to prohibit certain dangerous behaviors in and around the Post property. Mr. Pope advised the Council as to the specific items that will be a part of the agreement. Following that presentation, A MOTION was made by Council Member Carroll and seconded by Council Vice President Ware to authorize the City Attorney to execute the Agreed Order on behalf of the City as outlined by Mr. Pope and, after the approval by the VFW's attorney, present the Agreed Order to Judge Smallwood for her signature.

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

Yeas: 4 - George, Carroll, Ware and Brown

Nays: 0

Absent: 1 - Delgado

A MOTION was made by Council Member Carroll and seconded by Council Vice President Ware to exit Executive Session and re-open the meeting to the public at 4:35 p.m.

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

Yeas: 4 - George, Carroll, Ware and Brown

Nays: 0

Absent: 1 - Delgado

Council Member Delgado reconnected via teleconference at 4:35 p.m.

In Memoriam:

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

- Mr. Thomas J. Griffith
- Ms. Cindy Singley

- Mrs. Mary Ann Bishop
- Ms. Carolyn Butler LeFlore

Meeting Adjourn

Council President George declared the meeting adjourned at 4:36 p.m., this 3rd day of January, 2023, by unanimous consent, until the 17th day of January, 2023.

ATTEST:**APPROVE:**


Clerk of Council


Council President

ATTEST AND CERTIFY:**APPROVE:**


City Clerk


Mayor