Published Agenda

Tuesday, January 17, 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.	**2023-24**	Approve the minutes for the January 3, 2023 meeting of the City Council.
2.	**2023-30**	Void lease between the City of Hattiesburg and Allied Enterprises of Hattiesburg, Mississippi, a division of the Mississippi Department of Rehabilitation Services, dated January 28, 1989.
3.	**2023-31**	Adopt a Resolution declaring surplus a certain parcel of City-owned property located at 18 JM Tatum Drive, Parcel # 2-0411-34-013.00, and authorize sale and execution of a Special Warranty Deed to Frozen Food Processors, LLC, in the amount of $695,000.00 in accordance with 21-17-1; authorize the Mayor and City Clerk to execute any and all necessary documentation for the same.
4.	**2023-21**	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.
5.	**2023-33**	Adopt a Resolution authorizing submission of grant application to the Mississippi Municipal and County Water Infrastructure (MCWI) Program and authorize the city's representative to execute application.
6.	**2023-19**	Approve or Deny a petition filed by Andy Stetelman, owner, and Robert St. John, applicant, requesting a variance from section 5.4.36.4, which states: "no part of the active use area of a drive-through restaurant, including the drive-through, menu, and window, may be located closer than 300 feet to a lot containing a legal, conforming residential use" and instead allow for a distance of 80 feet for a variance of 220 feet for the property located at 3207 Hardy Street (Ward 1). The Board of Adjustment Recommended to Approve on January 4th, 2023.
7.	**2023-20**	Approve or Deny a petition has been filed by Andy Stetelman, owner, and Robert St. John, applicant requesting a variance for a facility requiring ten (10) spaces and instead allow for five (5) total stacking spaces for a variance of five (5) stacking spaces for the property located at 3207 Hardy Street (Ward 1). The Board of Adjustment recommended to approve on January 4th, 2023.
8.	**2023-32**	Approve an Agreement between the City of Hattiesburg and Community Bank, Lucious E. Middleton, Jr., and MIDCO, LLC, related to roads and infrastructure located within Augusta Court Subdivision pertaining to roadway and infrastructure acceptance by the City for regular maintenance and access to the Longleaf Trace and authorize the Mayor to execute the same.
9.	**2023-17**	Approve Lighting Agreement with Mississippi Power Company for additional lighting on Hemphill Street for a monthly cost of $16.36, and authorize the Mayor to execute the same.
10.	**2023-22**	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.	**2023-23**	Approve a Subrecipient Agreement with Starter Homes of Mississippi to provide roof repairs in connection with the City's Roof Repair Initiative Program and authorize the Mayor to execute in triplicate. {Entitlement}
12.	**2023-18**	Acknowledge receipt of the proposal received December 22, 2022 in response to the RFP for consultant services to create the 2023-2027 Consolidated Plan and 2023 Annual Action plan and accept the proposal submitted by Grace Aaron Development Consultant and authorize the Mayor to execute the contract.

ROUTINE AGENDA

1.	**2023-28**	Acknowledge receipt of proposals received on December 29, 2022 for the two (2) Year Depositories and accept all proposals received.
2.	**2023-25**	Approve and authorize issuance of manual checks for CDBG/HOME Program Claims per attached Memorandum. {CDBG Entitlement/HOME}
3.	**2023-26**	Approve the sale of grave spaces, per attached Memo's, Receipts, and Deeds.
4.	**2023-27**	Approve claims docket for the period ending January 13, 2023.

In Memoriam:

- Mr. Carlos Woodard
- Mrs. Catherine Ann Crapps
- Ms. Wanda Nell Hill Woods
- Mr. Derick Minor
- Mr. David Charles Barnett

Meeting Adjourn

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Call to Order

BE IT REMEMBERED that the **regular meeting of the Hattiesburg City Council was held at 5:00 p.m. Tuesday, January 17, 2023**, in Council Chambers at City Hall; same being from an adjourned meeting held on January 3, 2023.

Those present included 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. Absent: Mayor Toby Barker.

Council President George Called the meeting to order.

Call to Prayer and Pledge of Allegiance

The prayer was given by Interim Chief Financial Officer, Malcolm Berch.

The Pledge of Allegiance was led by Kermas Eaton.

Presentation Agenda

The PRESENTATION AGENDA came before the Council.

Mayor Barker welcomed the following members of the Mayor's Youth Council:

- Reagan Selman
- Destiny Terrell
- Sophi Reed
- Abby Thompson
- Kate Leatherwood

There were no other presentations at this time.

Agenda Adjustments

A MOTION was made by Council Member Carroll and seconded by Council Vice President Ware to Add Policy Agenda Item #13 at the request of the Administration as follows:

13. **2023-55** Approve the Contract for Purchase and Sale of Real Property between Forrest County Industrial Park Commission and Northpoint Development, LLC, effective January 12, 2023.

Attachments: FCIPC Project Gendreau - Contract for Purchase and Sale Site 2. 1.12.23

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

Citizen's Forum

Council Vice President Ware proceeded with the Citizens' Forum.

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

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

Council Vice President Ware closed the Citizen Forum.

POLICY AGENDA

The POLICY AGENDA came before the Council.

1. **2023-24** Approve the minutes for the January 3, 2023 meeting of the City Council.

Attachments: 1-3-2023 XS Mins.

A MOTION was made by Council Member Carroll and seconded by Council Member Brown to Approve the minutes for the January 3, 2023 meeting 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. **2023-30** Void lease between the City of Hattiesburg and Allied Enterprises of Hattiesburg, Mississippi, a division of the Mississippi Department of Rehabilitation Services, dated January 28, 1989.

Attachments: Allied Enterprises of Hattiesburg Lease 1989

A MOTION was made by Council Member Carroll and seconded by Council Vice President Ware to Void lease between the City of Hattiesburg and Allied Enterprises of Hattiesburg, Mississippi, a division of the Mississippi Department of Rehabilitation Services, dated January 28, 1989.

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. **2023-31** Adopt a Resolution declaring surplus a certain parcel of City-owned property located at 18 JM Tatum Drive, Parcel # 2-0411-34-013.00, and authorize sale and execution of a Special Warranty Deed to Frozen Food Processors, LLC, in the amount of $695,000.00 in accordance with 21-17-1; authorize the Mayor and City Clerk to execute any and all necessary documentation for the same.

Attachments: Special Warranty Deed from City to Frozen Food Processors Inc. 12-12-22
Frozen Foods Deed Exhibit A - Legal Description
Frozen Foods Deed Prelim Title Opinion - Industrial Dr
SURPLUS RESOLUTION - PPIN 2-0411-34-013.00
18 JM Tatum Indst'l Drive - Appraisal Report-COH
18 JM Tatum Industrial Dr. Final Rev Appraisal Report-Frozen Food Processors, Inc.

A MOTION was made by Council Member Carroll and seconded by Council Member Brown to Adopt a Resolution (#2023-9) declaring surplus a certain parcel of City-owned property located at 18 JM Tatum Drive, Parcel

2-0411-34-013.00, and authorize sale and execution of a Special Warranty Deed to Frozen Food Processors, LLC, in the amount of $695,000.00 in accordance with 21-17-1; authorize the Mayor and City Clerk to execute any and all necessary documentation 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

4. **2023-21** 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: Adjudication Resolution 01-17-2023
1. 106 Donald Street Adjudication Resolution
2. 1511 East Hardy Street Adjudication Resolution
3. 215 Jackson Street Adjudication Resolution
4. 710 Lincoln Street Adjudication Resolution
5. 712 Lincoln Street Adjudication Resolution
6. 714 Lincoln Street Adjudication Resolution
7. 716 Lincoln Street Adjudication Resolution
8. 718 Lincoln Street Adjudication Resolution
9. 718 Webster Street Adjudication Resolution

A MOTION was made by Council Member Carroll and seconded by Council Member Brown to Adopt Resolutions (#2023-10-18) 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

5. **2023-33** Adopt a Resolution authorizing submission of grant application to the Mississippi Municipal and County Water Infrastructure (MCWI) Program and authorize the city's representative to execute application.

Attachments: Resolution ARPA Funds for Second Round of MCWI Projects (67260865.1)

A MOTION was made by Council Member Carroll and seconded by Council Member Brown to Adopt a Resolution authorizing submission of grant application to the Mississippi Municipal and County Water Infrastructure (MCWI) Program and authorize the city's representative to execute application.

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. **2023-19** Approve or Deny a petition filed by Andy Stetelman, owner, and Robert St. John, applicant, requesting a variance from section 5.4.36.4, which states: "no part of the active use area of a drive-through restaurant, including the drive-through, menu, and window, may be located closer than 300 feet to a lot containing a legal, conforming residential use" and instead allow for a distance of 80 feet for a variance of 220 feet for the property located at 3207 Hardy Street (Ward 1). The Board of Adjustment Recommended to Approve on January 4th, 2023.

Attachments: 3207 Hardy Street Variance Packet
MINUTES BOA December 2022
MINUTES BOA January 2023

A MOTION was made by Council Vice President Ware and seconded by Council Member Carroll to Approve a petition filed by Andy Stetelman, owner, and Robert St. John, applicant, requesting a variance from section 5.4.36.4, which states: "no part of the active use area of a drive-through restaurant, including the drive-through, menu, and window, may be located closer than 300 feet to a lot containing a legal, conforming residential use" and instead allow for a distance of 80 feet for a variance of 220 feet for the property located at 3207 Hardy Street (Ward 1) with the condition of a 8 foot sidewalk along Hardy 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. **2023-20** Approve or Deny a petition has been filed by Andy Stetelman, owner, and Robert St. John, applicant requesting a variance for a facility requiring ten (10) spaces and instead allow for five (5) total stacking spaces for a variance of five (5) stacking spaces for the property located at 3207 Hardy Street (Ward 1). The Board of Adjustment recommended to approve on January 4th, 2023.

Attachments: 3207 Hardy Street Variance Packet

A MOTION was made by Council Vice President Ware and seconded by Council Member Carroll to Approve a petition has been filed by Andy Stetelman, owner, and Robert St. John, applicant requesting a variance for a facility requiring ten (10) spaces and instead allow for five (5) total stacking spaces for a variance of five (5) stacking spaces for the property located at 3207 Hardy Street (Ward 1) with the condition of a 8 foot sidewalk along Hardy 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

8. **2023-32** Approve an Agreement between the City of Hattiesburg and Community Bank, Lucious E. Middleton, Jr., and MIDCO, LLC, related to roads and infrastructure located within Augusta Court Subdivision pertaining to roadway and infrastruction acceptance by the City for regular maintenance and access to the Longleaf Trace and authorize the Mayor to execute the same.

Attachments: Community Bank Middleton and Middleton's LLC Version 2 1.17.23
Agreement between COH, Community Bank, Lucious Middleton, Jr., and MIDCO, LLC - August Court Subdivision roadway infrastructure

A MOTION was made by Council Member Carroll and seconded by Council Member Brown to Approve an Agreement between the City of Hattiesburg and Community Bank, Lucious E. Middleton, Jr., and MIDCO, LLC, related to roads and infrastructure located within Augusta Court Subdivision pertaining to roadway and infrastruction acceptance by the City for regular maintenance and access to the Longleaf Trace 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

9. **2023-17** Approve Lighting Agreement with Mississippi Power Company for additional lighting on Hemphill Street for a monthly cost of $16.36, and authorize the Mayor to execute the same.

Attachments: MS Power Auth 406 Hemphill

A MOTION was made by Council Member Carroll and seconded by Council Vice President Ware to Approve Lighting Agreement with Mississippi Power Company for additional lighting on Hemphill Street for a monthly cost of $16.36, 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

10. **2023-22** 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: 185 Old Airport Rd Agrmt_01172023
1719 Adeline St Agrmt_01172023
116 Scotland Cir Agrmt_01172023
108 Melwood Dr Agrmt_01172023

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. **2023-23** Approve a Subrecipient Agreement with Starter Homes of Mississippi to provide roof repairs in connection with the City's Roof Repair Initiative Program and authorize the Mayor to execute in triplicate. {Entitlement}

Attachments: Starter Homes MS Subrecipient_01172023

A MOTION was made by Council Member Carroll and seconded by Council Member Brown to Approve a Subrecipient Agreement with Starter Homes of Mississippi to provide roof repairs in connection with the City's Roof Repair Initiative Program 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

12. **2023-18** Acknowledge receipt of the proposal received December 22, 2022 in response to the RFP for consultant services to create the 2023-2027 Consolidated Plan and 2023 Annual Action plan and accept the proposal submitted by Grace Aaron Development Consultant and authorize the Mayor to execute the contract.

Attachments: Grace Aaron_2023 CON Plan Proposal

A MOTION was made by Council Member Carroll and seconded by Council Vice President Ware to Acknowledge receipt of the proposal received December 22, 2022 in response to the RFP for consultant services to create the 2023-2027 Consolidated Plan and 2023 Annual Action plan and accept the proposal submitted by Grace Aaron Development Consultant and authorize the Mayor to execute the contract.

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. **2023-55** Approve the Contract for Purchase and Sale of Real Property between Forrest County Industrial Park Commission and Northpoint Development, LLC, effective January 12, 2023.

Attachments: FCIPC Project Gendreau - Contract for Purchase and Sale Site 2. 1.12.23

A MOTION was made by Council Member Carroll and seconded by Council Vice President Ware to Approve the Contract for Purchase and Sale of Real Property between Forrest County Industrial Park Commission and Northpoint Development, LLC, effective January 12, 2023.

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. **2023-28** Acknowledge receipt of proposals received on December 29, 2022 for the two (2) Year Depositories and accept all proposals received.

Attachments: Cadence
First Bank
The 1st
Trustmark 23
Community Bank 23

2. **2023-25** Approve and authorize issuance of manual checks for CDBG/HOME Program Claims per attached Memorandum. {CDBG Entitlement/HOME}

Attachments: MS Starter Homes_112 Scotland_01172023
MS Starter Homes_514 McInnis Springs Rd_01172023
MS Starter Homes_435 Monroe_01172023
Manual Check Memo 01172023
MS Starter Homes_313 Tatum Rd_01172023

3. **2023-26** Approve the sale of grave spaces, per attached Memo's, Receipts, and Deeds.

Attachments: Memo's (01-17-2023)
Receipts (01-17-2023)
Deeds (01-17-2023)

4. **2023-27** Approve claims docket for the period ending January 13, 2023.

Attachments: DOCKET 23.01.13
DT 23.01.13

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 4:28 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 4:29 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 pending 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 4:30 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 pending litigation.

Those present for the Executive Session were 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; Interim City Engineer, Hunter White; Director of the Water Department, Alan Howe; Chief Communications Officer, Samantha McCain; Clerk of Council, Ronda S. Kennedy; Deputy Clerk of Council, Lisa Luu Jolly; and Attorney Keith Turner of Watkins & Eager law firm.

A MOTION was made by Council Vice President Ware and seconded by Council Member Carroll exit Executive Session and re-open the meeting to the public at 4:42 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 4:43 p.m.

Council President Carroll stated to the public that there was no action taken during Executive Session.

In Memoriam:

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

- Mr. Carlos Woodard
- Mrs. Catherine Ann Crapps
- Ms. Wanda Nell Hill Woods
- Mr. Derick Minor
- Mr. David Charles Barnett

Meeting Adjourn

Council President George declared the **meeting adjourned at 4:44 p.m., this 17th day of January, 2023**, by unanimous consent, until the 6th day of February, 2023.

ATTEST: **APPROVE:**

Ronda S. Kennedy
Clerk of Council

Council President

ATTEST AND CERTIFY: **APPROVE:**

City Clerk

Mayor

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