

Published Agenda



Tuesday, February 21, 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. | 2023-142 | Approve the minutes for the February 6 & 7, 2023 meetings of the City Council. |
| 2. | 2023-123 | Approve or Deny a petition filed by Jorge Figueroa, owner,, to request a variance from section 6, Table 6.1 "Minimum Front Setback" for B-3, "30 feet", and instead allow a setback of twenty (20) feet for the property located at 104 Lurty Ave (Ward 4). The Board of Adjustment Recommended to Approve on February 1, 2023. |
| 3. | 2023-91 | 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. | 2023-139 | Adopt a Resolution accepting and authorizing participation in the Mississippi Law Enforcement and Firefighters Premium Pay Program. |
| 5. | 2023-133 | Adopt the February 21, 2023 budget amendments for fiscal year ending September 30, 2023 and resolution authorizing publication of amendments for funds in excess of 10% of the originally appropriated fund balance |
| 6. | 2023-132 | Approve Supplemental Agreement No. 1 with Holliday Construction, LLC for the North 28th Avenue Bridge Replacement project to increase the contract time by an additional 44 days and authorize the Mayor to execute in duplicate. |
| 7. | 2023-134 | Approve Lighting Agreement with Mississippi Power Company for additional lighting for a monthly increase in pricing for the following locations per attached documents; and authorize the Mayor to execute the same. |
| 8. | 2023-136 | Approve Contract Change Order #3 with J. W. Chain Contractors, LLC for the Jaycee Park Field Improvements project to increase the contract amount by \$7,158.82 and increase the contract time by 5 days and authorize the Mayor to execute in duplicate. |
| 9. | 2023-138 | Approve an ATM Placement Agreement between the City of Hattiesburg and The First Bank for placement of an automated teller machine in City Hall at no cost to the city and authorize the Mayor to execute the same. |
| 10. | 2023-109 | Approve and authorize issuance of manual check for consultant services provided by Local Impact Analytics for the creation of the Needs Assessment/Gap Analysis for HOME-ARP per attached Memorandum. {HOME-ARP} |
| 11. | 2023-104 | Authorize submission of an application to the Mississippi Outdoor Stewardship Grant Program for funding to make improvements to outdoor recreation and access to public waters and authorize the Mayor to execute the same. |
| 12. | 2023-125 | Ratify the City Attorney's execution of five Subdivision Settlement Participation Forms with Teva, Allergan, CVS, Walgreens, and Walmart in connection with Opioid litigation. |
| 13. | 2023-145 | Ratify and confirm the Mayor's re-appointment of Yolanda Morris to the Hattiesburg School Board for a five (5) year term beginning March 1, 2023 and ending February 28, 2028. |

ROUTINE AGENDA

- | | | |
|----|----------|---|
| 1. | 2023-124 | Acknowledge receipt of a request filed by Bill Wikstrom, to appeal the Hattiesburg Planning Commission's action on the petition filed by Bill Wikstrom, owner, to request a conditional use for "Product wholesale" in a B-3 Zone for a property located at 1601 Hardy Street. The Planning Commission Recommended to Deny on February 1st, 2023. Set a public hearing before City Council on Monday, March 20th, 2023 at 4:00 p.m. and authorize publication of Public Notice setting and Appeal Public Hearing. |
| 2. | 2023-103 | Acknowledge receipt of the monthly budget report for the month ending January 31, 2023. |
| 3. | 2023-141 | Acknowledge receipt of the Privilege Tax License Report for the month of January, 2023. |
| 4. | 2023-135 | Acknowledge draft HOME-ARP (American Rescue Plan) Allocation Plan. |

- 5. 2023-106 Authorize publication of Notice of Availability of CDBG Information in relation to the 2023-2027 Consolidated Plan and 2023 Annual Action Plan.
- 6. 2023-107 Authorize publication of Notice of Public Hearing in relation to the 2023-2027 Consolidated Plan and 2023 Annual Action Plan.
- 7. 2023-83 Approve Plans and Specifications for the Gordon Creek Commons Federal Aid Project (No. STP-0210-00(040)LPA/108833-701000) and Authorize advertisement for bids for same.
- 8. 2023-110 Approve and authorize publication of Notice for Request for Qualifications for Qualified Eligible Contractors for the City of Hattiesburg's CDBG/HOME Programs {Entitlement}.
- 9. 2023-108 Approve the City's purchase of (2) two grave spaces, located in the Southwest Quarter (SW 1/4), Section 25, Lot 87, at Highland Cemetery, Minute Book# 1998-4/43, for the amount of \$350.00, from Rebecca B. Pierce, Authorize manual check for the same.
- 10. 2023-105 Approve the sale of grave spaces, per attached Memo's, Receipts, and Deeds.
- 11. 2023-137 Approve claims docket for the period ending February 17, 2023.

In Memoriam:

- Mr. Joe Willie Fairley
- Mr. Robert Earl Nixon
- Mrs. Marvel Lewis Allen
- Mr. Charles Cooper
- Mr. Chris Boyce
- Mr. John Rorie
- Mr. Charles Manuel
- Mr. George McCain
- Ms. Lynda McCain
- Ms. Debra Crum

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, February 21, 2023**, in Council Chambers at City Hall; same being from an adjourned meeting held on February 7, 2023.

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

Council President George Called the meeting to order.

Call to Prayer and Pledge of Allegiance

The prayer was given by Wiley Quinn, Director of Urban Development.

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.

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:

- Gloria Tatum, 1350 Phillips Rd., Jackson, MS 39209

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

Council Vice President Ware closed the Citizen Forum.

THE MATTER OF THE AGENDA ORDER came before the Council.

POLICY AGENDA

The POLICY AGENDA came before the Council.

1. **2023-142** Approve the minutes for the February 6 & 7, 2023 meetings of the City Council.

Attachments: [2-6-2023 PH, AR, XS Mins.](#)
[2-7-2023 Mins.](#)

A MOTION was made by Council Member Carroll and seconded by Council Member Delgado to Approve the minutes for the February 6 & 7, 2023 meetings of the City Council.

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

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

Nays: 0

2. **2023-123** Approve or Deny a petition filed by Jorge Figueroa, owner,, to request a variance from section 6, Table 6.1 "Minimum Front Setback" for B-3, "30 feet", and instead allow a setback of twenty (20) feet for the property located at 104 Lurty Ave (Ward 4). The Board of Adjustment Recommended to Approve on February 1, 2023.

Attachments: [104 Lurty Lane - summary and application](#)
[MINUTES BOA February 2023](#)

A MOTION was made by Council Vice President Ware and seconded by Council Member Carroll to Approve a variance from section 6, Table 6.1 "Minimum Front Setback" for B-3, "30 feet", and instead allow a setback of twenty (20) feet for the property located at 104 Lurty Ave.

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

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

Nays: 0

3. **2023-91** 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 02 21 2023](#)
[1. 307 4th Avenue Adjudication Resolution](#)
[2. 807 Railroad Street Adjudication Resolution](#)
[3. 535 W 4th Street Adjudication Resolution](#)
[4. 200 St Paul Street Adjudication Resolution](#)
[5. 313 J.C. Killingsworth Drive Adjudication Resolution](#)
[6. 313 J.C. Killingsworth Drive Adjudication Resolution](#)
[7. 313 J.C. Killingsworth Drive Adjudication Resolution](#)
[8. 68 Central School Road Adjudication Resolution](#)

- 9. [702 South 22nd Avenue Adjudication Resolution](#)
- 10. [906 South Columbia Street Adjudication Resolution](#)
- 11. [101 North 11th Avenue Adjudication Resolution](#)
- 12. [1101 A Scott Street Adjudication Resolution](#)
- 13. [434 Mable Street Adjudication Resolution](#)

A MOTION was made by Council Vice President Ware and seconded by Council Member Carroll to Remove adjudicating properties 807 Railroad St. (Case #2) and 101 North 11th Ave. (Case #11) and Adopt Resolutions (#2023-36-46) 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, Carroll, Ware and Brown

Nays: 0

- 4. **2023-139** Adopt a Resolution accepting and authorizing participation in the Mississippi Law Enforcement and Firefighters Premium Pay Program.

Attachments: [Resol. Premium Pay](#)

A MOTION was made by Council Member Carroll and seconded by Council Member Brown to Adopt a Resolution (#2023-47) accepting and authorizing participation in the Mississippi Law Enforcement and Firefighters Premium Pay Program.

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

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

Nays: 0

- 5. **2023-133** Adopt the February 21, 2023 budget amendments for fiscal year ending September 30, 2023 and resolution authorizing publication of amendments for funds in excess of 10% of the originally appropriated fund balance.

Attachments: [20230216132126740](#)

A MOTION was made by Council Member Carroll and seconded by Council Member Delgado to Adopt the February 21, 2023 budget amendments for fiscal year ending September 30, 2023 and resolution (#2023-48) There being no discussion, the Motion received the affirmative vote of the Council as follows:

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

Nays: 0

- 6. **2023-132** Approve Supplemental Agreement No. 1 with Holliday Construction, LLC for the North 28th Avenue Bridge Replacement project to increase the contract time by an additional 44 days and authorize the Mayor to execute in duplicate.

Attachments: [12228_Supplemental Agreement Transmittal w/ Attachment](#)

A MOTION was made by Council Member Carroll and seconded by Council Member Delgado to Approve Supplemental Agreement No. 1 with Holliday Construction, LLC for the North 28th Avenue Bridge Replacement project to increase the contract time by an additional 44 days and authorize the Mayor to execute in duplicate.

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

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

Nays: 0

7. **2023-134** Approve Lighting Agreement with Mississippi Power Company for additional lighting for a monthly increase in pricing for the following locations per attached documents; and authorize the Mayor to execute the same.

Attachments: MS Power Lighting Request Authorization

A MOTION was made by Council Member Brown and seconded by Council Vice President Ware to Approve Lighting Agreement with Mississippi Power Company for additional lighting for a monthly increase in pricing for the following locations per attached documents; 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, Carroll, Ware and Brown

Nays: 0

8. **2023-136** Approve Contract Change Order #3 with J. W. Chain Contractors, LLC for the Jaycee Park Field Improvements project to increase the contract amount by \$7,158.82 and increase the contract time by 5 days and authorize the Mayor to execute in duplicate.

Attachments: Jaycee Park Ball Field Improvements CO #3

A MOTION was made by Council Vice President Ware and seconded by Council Member Carroll to Approve Contract Change Order #3 with J. W. Chain Contractors, LLC for the Jaycee Park Field Improvements project to increase the contract amount by \$7,158.82 and increase the contract time by 5 days and authorize the Mayor to execute in duplicate.

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

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

Nays: 0

9. **2023-138** Approve an ATM Placement Agreement between the City of Hattiesburg and The First Bank for placement of an automated teller machine in City Hall at no cost to the city and authorize the Mayor to execute the same.

Attachments: ATM Placement Agreement - City of Hattiesburg

A MOTION was made by Council Member Delgado and seconded by Council Member Carroll to Approve an ATM Placement Agreement between the City of Hattiesburg and The First Bank for placement of an automated teller machine in City Hall at no cost to the city 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, Carroll, Ware and Brown

Nays: 0

10. **2023-109** Approve and authorize issuance of manual check for consultant services provided by Local Impact Analytics for the creation of the Needs Assessment/Gap Analysis for HOME-ARP per attached Memorandum. {HOME-ARP}

Attachments: LIA Invoice_02082023

A MOTION was made by Council Member Nicholas Brown and seconded by Council Member Delgado to Approve and authorize issuance of manual check for consultant services provided by Local Impact Analytics for the creation of the Needs Assessment/Gap Analysis for HOME-ARP per attached Memorandum. {HOME-ARP}.

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

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

Nays: 0

11. **2023-104** Authorize submission of an application to the Mississippi Outdoor Stewardship Grant Program for funding to make improvements to outdoor recreation and access to public waters and authorize the Mayor to execute the same.

Attachments: Fillable PDF MS Outdoor Steward Grant Application v2 LAST
Fillable PDF MS Outdoor Steward Grant Application v2 DRAFT

A MOTION was made by Council Member Carroll and seconded by Council Member Delgado to Authorize submission of an application to the Mississippi Outdoor Stewardship Grant Program for funding to make improvements to outdoor recreation and access to public waters 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, Carroll, Ware and Brown

Nays: 0

12. **2023-125** Ratify the City Attorney's execution of five Subdivision Settlement Participation Forms with Teva, Allergan, CVS, Walgreens, and Walmart in connection with Opioid litigation.

Attachments: Action_Required_Teva_Allergan_CVS_Walgree

A MOTION was made by Council Member Delgado and seconded by Council Member Brown to Ratify the City Attorney's execution of five Subdivision Settlement Participation Forms with Teva, Allergan, CVS, Walgreens, and Walmart in connection with Opioid litigation.

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

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

Nays: 0

13. **2023-145** Ratify and confirm the Mayor's re-appointment of Yolanda Morris to the Hattiesburg School Board for a five (5) year term beginning March 1, 2023 and ending February 28, 2028.

Attachments: BOARD APPOINTMENT DATA SHEET-Y Morris

A MOTION was made by Council Member Delgado and seconded by Council Member Brown to Ratify and confirm the Mayor's re-appointment of Yolanda Morris to the Hattiesburg School Board for a five (5) year term beginning March 1, 2023 and ending February 28, 2028.

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

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

Nays: 0

ROUTINE AGENDA

THE ROUTINE AGENDA came before the Council.

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

1.	2023-124	Acknowledge receipt of a request filed by Bill Wikstrom, to appeal the Hattiesburg Planning Commission's action on the petition filed by Bill Wikstrom, owner, to request a conditional use for "Product wholesale" in a B-3 Zone for a property located at 1601 Hardy Street. The Planning Commission Recommended to Deny on February 1st, 2023. Set a public hearing before City Council on Monday, March 20th, 2023 at 4:00 p.m. and authorize publication of Public Notice setting and Appeal Public Hearing.
		<u>Attachments:</u> <u>APPEAL</u>
2.	2023-103	Acknowledge receipt of the monthly budget report for the month ending January 31, 2023.
		<u>Attachments:</u> <u>EXP REPORT 0123</u> <u>REV REPORT 0123</u>
3.	2023-141	Acknowledge receipt of the Privilege Tax License Report for the month of January, 2023.
		<u>Attachments:</u> <u>Jan 2023 PL Report</u>
4.	2023-135	Acknowledge draft HOME-ARP (American Rescue Plan) Allocation Plan.
		<u>Attachments:</u> <u>HOME-ARP Allocation Plan DRAFT</u>
5.	2023-106	Authorize publication of Notice of Availability of CDBG Information in relation to the 2023-2027 Consolidated Plan and 2023 Annual Action Plan.
		<u>Attachments:</u> <u>2023 Available CDBG Info</u>
6.	2023-107	Authorize publication of Notice of Public Hearing in relation to the 2023-2027 Consolidated Plan and 2023 Annual Action Plan.
		<u>Attachments:</u> <u>NOTICE OF SCHEDULED CON PH 1_2023</u>
7.	2023-83	Approve Plans and Specifications for the Gordon Creek Commons Federal Aid Project (No. STP-0210-00(040)LPA/108833-701000) and Authorize advertisement for bids for same.
		<u>Attachments:</u> <u>Gordon's Creek Commons Final Plans</u> <u>Gordon's Creek Commons Final Specs</u> <u>Adv. for Bids</u>
8.	2023-110	Approve and authorize publication of Notice for Request for Qualifications for Qualified Eligible Contractors for the City of Hattiesburg's CDBG/HOME Programs {Entitlement}.
		<u>Attachments:</u> <u>QEC Notice 02_2023</u>
9.	2023-108	Approve the City's purchase of (2) two grave spaces, located in the Southwest Quarter (SW 1/4), Section 25, Lot 87, at Highland Cemetery, Minute Book# 1998-4/43, for the amount of \$350.00, from Rebecca B. Pierce, Authorize manual check for the same.
		<u>Attachments:</u> <u>Buy Back (Rebecca B Pierce) 02-21-2023)</u>
10.	2023-105	Approve the sale of grave spaces, per attached Memo's, Receipts, and Deeds.
		<u>Attachments:</u> <u>Memo's (02-21-2023)</u> <u>Receipts (02-21-2023)</u> <u>Deeds (02-21-2023)</u>
11.	2023-137	Approve claims docket for the period ending February 17, 2023.
		<u>Attachments:</u> <u>DOCKET 02.17.23</u> <u>DT 2.17.23</u>

In Memoriam:

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

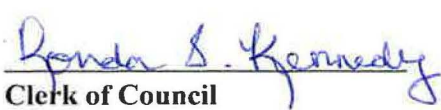
- Mr. Joe Willie Fairley
- Mr. Robert Earl Nixon
- Mrs. Marvel Lewis Allen
- Mr. Charles Cooper
- Mr. Chris Boyce
- Mr. John Rorie
- Mr. Charles Manuel
- Mr. George McCain
- Ms. Lynda McCain
- Ms. Debra Crum

Meeting Adjourn

Council President George declared the **meeting adjourned at 4:18 p.m., this 21st day of February, 2023,**
by unanimous consent, until the 6th day of March, 2023.

ATTEST:

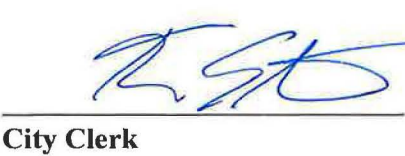
APPROVE:

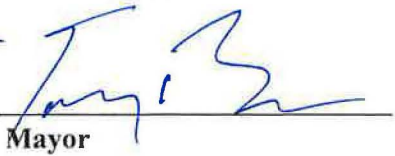

Clerk of Council


Council President

ATTEST AND CERTIFY:

APPROVE:


City Clerk


Mayor