

Published Agenda



Monday, April 3, 2023
4:00 PM

City Council
Monday Meeting Agenda

Council Chambers
200 Forrest Street

Call to Order
Public Hearing

- 1.2023-231
- Hold public hearing for the appeal filed by John Eye, to appeal the Hattiesburg Planning Commission's action on the petition filed by John Scanlon, representative, and Safari Timberlands, LLC., to establish the zoning classification for a portion of an unimproved property located at the intersection of Jackson Road and the Longleaf Trace to B-2 Neighborhood Business District and to request a conditional use for “restaurant, without drive-through” in a B-2 Zone contingent upon approval of the request to establish the zoning. The Planning Commission Recommended to Approve on February 15, 2023.

Agenda Adjustments - Add Policy Item #16 at the request of the Administration as follows:

- 16.2023-232
- Adopt a Resolution appointing Marybeth Bergin as City Engineer and Director of Transportation and Engineering.

Agenda Review
Citizens' Forum

Work Session

- 1.2023-229
- Records Management Program, presented by Tim Barnard, Director of Local Government Records Office, Mississippi Department of Archives and History.
- 2.2023-230
- Hattiesburg Salutes Veterans, Liberty Tree and Wreaths Across America Program, presented by Mary Dryden.

Meeting Recess

Call to Order

BE IT REMEMBERED that the Hattiesburg City Council held a **public hearing at 4:00 p.m. Monday, April 3, 2023**, in Council Chambers at City Hall, for the appeal filed by John Eye, to appeal the Hattiesburg Planning Commission's action on the petition filed by John Scanlon, representative, and Safari Timberlands, LLC., to establish the zoning classification for a portion of an unimproved property located at the intersection of Jackson Road and the Longleaf Trace to B-2 Neighborhood Business District and to request a conditional use for “restaurant, without drive-through” in a B-2 Zone contingent upon approval of the request to establish the zoning.

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 (in at 4:04 p.m.). Others in attendance included Director of Administration/City Clerk, Kermas Eaton; City Attorney, Randy Pope; Clerk of Council, Ronda S. Kennedy; City staff members; media; and the public.

Mayor Barker presented the Hattiesburg Futbol Club Boys U14 Team with a Certificate of Recognition for their recent trip to England where they got a first-hand look at some of the oldest and most well-known soccer teams in the world.

Council President George called the meeting to order and explained the procedures.

Public Hearing

1.

2023-231

Hold public hearing for the appeal filed by John Eye, to appeal the Hattiesburg Planning Commission's action on the petition filed by John Scanlon, representative, and Safari Timberlands, LLC., to establish the zoning classification for a portion of an unimproved property located at the intersection of Jackson Road and the Longleaf Trace to B-2 Neighborhood Business District and to request a conditional use for "restaurant, without drive-through" in a B-2 Zone contingent upon approval of the request to establish the zoning. The Planning Commission Recommended to Approve on February 15, 2023.

Attachments: Rezone and CU on Jackson Road - Image Sheet-combined

Nathan Satcher, City Planner, provided a presentation overview of the request to establish zoning and conditional use for a restaurant without a drive-through located at the intersection of Jackson Road and the Longleaf Trace.

Attachments: CC Jxn Road April 2023_final

Dr. John Eye, the appellant, spoke against the request of Policy Agenda items #3 and #4.

Attachments: Email Concerning Commercial Zoning on Jackson Rd.

Attorney John Scanlon, the attorney, spoke on behalf of the representative, Safari Timberlands, LLC. Mr. Scanlon asked the Lamar County Zoning maps be made part of the official record.

Attachments: Lamar County Area Zoning and Objector Locations Hood Rezoning

Council President George called upon Dr. Eye for rebuttal.

There were no other citizens who wished to speak for or against the petition.

By unanimous consent, Council President George **closed the public hearing at 4:43 p.m. and proceeded with the Agenda Review.**

Agenda Adjustments

The Council Clerk read aloud adjustments to the Agenda.

Add Policy Item #16 at the request of the Administration as follows:

16.

2023-232

Adopt a Resolution appointing Marybeth Bergin as City Engineer and Director of Transportation and Engineering.

Attachments: COUNCIL RESOLUTION FOR APPOINTMENT-Marybeth Bergin
meb professional resume 2023

Agenda Review

Council President George proceeded with the Agenda Review.

Council member Delgado stated the following concerns for Policy Agenda items #3 and #4.

"I am concerned that Mr. Scanlon, who is the City's attorney in our ongoing annexation lawsuit, is representing the applicant in a matter on appeal to the Council today. In order to represent the applicant, Mr. Scanlon is required to have a waiver granted by the Council. The Mayor gave him a waiver four (4) months ago, which I believe is invalid, and informed the Council President who did not inform me as a Council member. The waiver has not been voted on by the Council. Even if it was voted on, the optics are not good. Here we have a Citizen coming before us expecting fairness and

equity, but I doubt that we are able to meet his expectation because of our relationship with council for the applicant.”

Following discussion of agenda items, Council President George closed the Agenda Review.

Citizens' 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:

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

Council Vice President Ware closed the Citizen Forum.

Work Session

Council President George proceeded with the Work Session, which included:

1. **2023-229** Records Management Program, presented by Tim Barnard, Director of Local Government Records Office, Mississippi Department of Archives and History.

 Attachments: Hattiesburg_RMFee_2023-04-03
2. **2023-230** Hattiesburg Salutes Veterans, Liberty Tree and Wreaths Across America Program, presented by Mary Dryden.

 Attachments: 20th Star City Council Presentation

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 5:21 p.m.

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

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

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 5:22 p.m.

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

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, Deborah Delgado, 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 Urban Development, Wiley Quinn; Planning Division Manager, Cory Long; City Senior Planner, Nathan Satcher; Clerk of Council, Ronda Kennedy; and Attorney Jim Gladden.

A MOTION was made by Council Vice President Ware and seconded by Council Member Carroll to exit Executive Session and re-open the meeting to the public at 5:41 p.m.

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

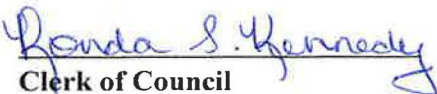
Council President George stated to the public that there was no action taken during Executive Session.

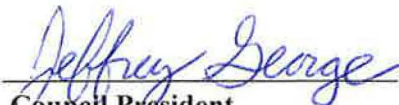
Meeting Recess

Council President George declared the **meeting recessed at 5:42 p.m., this 3rd day of April, 2023**, by unanimous consent, until the 4th day of April, 2023.

ATTEST:

APPROVE:


Clerk of Council


Council President

ATTEST AND CERTIFY:

APPROVE:


City Clerk


Mayor