

Published Agenda

**Tuesday, May 16, 2023**  
**5:00 PM**

**City Council**  
**Tuesday Meeting Agenda**

**Council Chambers**  
**200 Forrest Street**

**Call to Order****Call to Prayer and Pledge of Allegiance****Presentation Agenda****POLICY AGENDA**

1.      **2023-328**      Approve the minutes for the May 1 & 2, 2023 meetings of the City Council.
2.      **2023-243**      Take from the table an Appeal of the Planning Commission's recommendation to deny an Ordinance changing the zoning classification for property located at 350 S 11<sup>th</sup> Ave from R-1B (Single-Family Residential) to R-3 (Multi-family residential), and to change 709 Mamie Street from R-1A to R-2 (two-family residential) (Forrest County, Ward 4) - tabled at the May 2, 2023 meeting.
3.      **2023-322**      Adopt an Ordinance to close and vacate an undeveloped alley, which is located north of Lurlyne Street and East of Edwards Street between 1924 Edwards Street and 9 Lurlyne Street (Forrest County, Ward 5) as requested by Earl Clayburn, the applicant. The Planning Commission Recommended to approve on May 3rd, 2023.
4.      **2023-324**      Adopt an Ordinance changing the zoning of a parcel located on 496 N Hattiesburg Ave (PPIN 6750, Forrest County, Ward 5) from A-1 to A-2, as requested by Constance Burnside, representative, and Bengine Leatherwood, owner. The Planning Commission recommending to approve on May 3rd, 2023.
5.      **2023-325**      Approve a Variance from the front setback requirement for an industrially zoned property located at 5530 Old Highway 42 for a proposed structure to be located at a setback of 97.8 feet instead of a required 40 ft setback, as requested by Marc Broome, representative, and A&M Wrecker Service, LLC., owner. The Board of Adjustment recommended to approve on May 3rd, 2023.
6.      **2023-323**      Approve a request for a preliminary plat for a major subdivision (all zoned B-5, Regional Business District) for a property located at Lamar Boulevard and Highway 98, as requested by Hunter Andrews, engineer, and Graham Development, LLC. The Planning Commission recommended to approve on May 3rd, 2023.
7.      **2023-320**      Adopt a Resolution authorizing the execution and delivery of the City of Hattiesburg, Mississippi Convention Promotion Tax Revenue Bonds, Series 2023 (The "Bonds") in the principal amount of not to exceed Seven Million Five Hundred Thousand Dollars (\$7,500,000); stating that no petition or other objection of any kind or character against the issuance of the bonds was filed with the city' approving the form of an Indenture or Trust and the form of and the execution and delivery of Pledge Agreement and a Private Placement Agreement in connection with the issuance of the bonds; authorizing the sale of the bonds; approving the forms of and authorizing the execution of certain other documents in connections with the bonds; and for related purposes.
8.      **2023-318**      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.
9.      **2023-321**      Approve Contractor and Owner Agreements 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.
10.     **2023-327**      Approve Memorandum of Understanding between City of Hattiesburg and Rubicon Global, LLC, for a three-month pilot project utilizing technology-enabled waste management routing services for the Sanitation Division.
11.     **2023-329**      Approve a temporary construction easement between City of Hattiesburg and Midtown Merchants Association, Inc., over and across property located at Midtown Green Park, as described herein, for the purpose of constructing a band shell on the subject property and authorize the Mayor and City Clerk to execute the same.
12.     **2023-319**      Accept the transfer of one (1) 2007 Vision Blue Bird bus from the Hattiesburg Public School District; authorize placement of said bus in the inventory of the Hattiesburg Police Department in accordance with MS Code 31-7-13 (m) (vi).

**ROUTINE AGENDA**

1.      **2023-292**      Acknowledge receipt of a Declaration of Forfeiture from the Forrest/Perry Metro Narcotics Task Force forfeiting \$1,752.00, the \$1,752.00 will be forfeited in the manner described in the attached order.

- 2.       **2023-312**       Acknowledge receipt of forfeiture of (1) one 2009 Infiniti Sedan and authorize said vehicle to be placed in the Hattiesburg Police Department inventory.
- 3.       **2023-317**       Acknowledge the monthly budget report for the month ending April 30, 2023.
- 4.       **2023-326**       Acknowledge receipt of the Privilege Tax License monthly report for the month of April 2023.
- 5.       **2023-313**       Approve the City's purchase of one (1) grave space, located in the South Half (S 1/2) of the Southwest Quarter (SW 1/4), Lot 60, Section 39, at Highland Cemetery, Minute Book # 2022-137, in the amount of \$ 175.00, from Debra Franklin, Authorize manual check for the same.
- 6.       **2023-314**       Approve the sale of grave spaces, per attached Memo's, Receipts, and Deeds.
- 7.       **2023-316**       Approve claims docket for the period ending May 12, 2023.

**In Memoriam:**

- Dr. David Harry Halliwell, Jr.
- Ms. Tori Bowie
- Mr. Johnnie Bennett
- Mr. James Robert “Bobby” Moudy, Jr.

**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, May 16, 2023**, in Council Chambers at City Hall; same being from a recessed meeting held on May 15, 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 (via teleconference); 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 Officer David Matos.

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.       **2023-328**       Approve the minutes for the May 1 & 2, 2023 meetings of the City Council.
- Attachments:   05-01-2023 AR Mins.  
                          05-02-2023 Mins

A MOTION was made by Council Member Delgado and seconded by Council Member Carroll to Approve the minutes for the May 1 & 2, 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 (via teleconference) and Brown

Nays: 0

2. **2023-243** Take from the table an Appeal of the Planning Commission's recommendation to deny an Ordinance changing the zoning classification for property located at 350 S 11th Ave from R-1B (Single-Family Residential) to R-3 (Multi-family residential), and to change 709 Mamie Street from R-1A to R-2 (two-family residential) (Forrest County, Ward 4) - tabled at the May 2, 2023 meeting.

Attachments: [Item A Staff Summary](#)  
[Item A image sheet](#)  
[Item A Applicant Summary](#)  
[Ordinance - Robin Roberts Rezone](#)  
[MINUTES HPC March 2023](#)

A MOTION was made by Council Member Carroll and seconded by Council Member Brown to Take the Appeal of the Planning Commission's recommendation to deny a change in zoning classification for property located at 350 S 11th Ave from R-1B to R-3, and to change 709 Mamie Street from R-1A to R-2 from the table.

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

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

Nays: 0

A MOTION was made by Council Member Carroll and seconded by Council Member Brown to TABLE the Appeal of the Planning Commission's recommendation to deny a change in zoning classification for property located at 350 S 11th Ave from R-1B to R-3, and to change 709 Mamie Street from R-1A to R-2 until next City Council meeting (June 6, 2023).

Council member Carroll stated the reason for tabling the appeal upon the advice of the City Attorney.

Following discussion, the Motion received the affirmative vote of the Council as follows:

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

Nays: 0

3. **2023-322** Adopt an Ordinance to close and vacate an undeveloped alley, which is located north of Lurlyne Street and East of Edwards Street between 1924 Edwards Street and 9 Lurlyne Street (Forrest County, Ward 5) as requested by Earl Clayburn, the applicant. The Planning Commission Recommended Approval on May 3rd, 2023.

Attachments: [Ordinance - Vacate Alley on Lurlyne St](#)  
[Staff Summary - Lurlyne Ave Alley Vacation](#)  
[A- Image Sheet - Alley Vacation](#)  
[PH Application](#)  
[surrounding property owners](#)  
[alley vacation application](#)  
[Deeds](#)  
[map](#)  
[Minutes HPC May 2023](#)

A MOTION was made by Council Member Brown and seconded by Council Member Carroll to Adopt an Ordinance (#3328) to close and vacate an undeveloped alley, which is located north of Lurlyne Street and East of Edwards Street between 1924 Edwards Street and 9 Lurlyne Street as requested by Earl Clayburn, the applicant.

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

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

Nays: 0

4.

2023-324

Adopt an Ordinance changing the zoning of a parcel located on 496 N Hattiesburg Ave (PPIN 6750, Forrest County, Ward 5) from A-1 to A-2, as requested by Constance Burnside, representative, and Bengine Leatherwood, owner. Planning Commission recommending approving on May 3rd, 2023.

Attachments: [Ordinance - ZONING CHANGE - 496 N Hattiesburg Ave](#)  
[Staff Summary - 496 N Hattiesburg Ave, Rezoning](#)  
[Image Sheet - 496 N Hattiesburg Ave Edit](#)  
[Deed](#)  
[Application](#)  
[Minutes HPC May 2023](#)

A MOTION was made by Council Member Brown and seconded by Council Member Carroll to Adopt an Ordinance (#3329) changing the zoning of a parcel located on 496 N Hattiesburg Ave. from A-1 to A-2, as requested by Constance Burnside, representative, and Bengine Leatherwood, owner.

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

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

Nays: 0

5.

2023-325

Approve a Variance from the front setback requirement for an industrially zoned property located at 5530 Old Highway 42 for a proposed structure to be located at a setback of 97.8 feet instead of a required 40 ft setback, as requested by Marc Broome, representative, and A&M Wrecker Service, LLC., owner. The Board of Adjustment recommended approving on May 3rd, 2023.

Attachments: [Staff Summary - A&M Wrecker Variance](#)  
[Image Sheet - A&M Wrecker](#)  
[Application](#)  
[MINUTES BOA May 2023](#)

A MOTION was made by Council Member Delgado and seconded by Council Member Brown to Approve a Variance from the front setback requirement for an industrially zoned property located at 5530 Old Highway 42 for a proposed structure to be located at a setback of 97.8 feet instead of a required 40 ft setback, as requested by Marc Broome, representative, and A&M Wrecker Service, LLC., owner.

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

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

Nays: 0

6.

2023-323

Approve a request for a preliminary plat for a major subdivision (all zoned B-5, Regional Business District) for a property located at Lamar Boulevard and Highway 98, as requested by Hunter Andrews, engineer, and Graham Development, LLC. The Planning Commission recommended approving on May 3rd, 2023.

Attachments: [Staff Summary - Hattiesburg Marketplace Major Subdivision](#)  
[Image Sheet - Hattiesburg Market Place Major Sub](#)  
[Application](#)  
[HPC Item C - Exhibits](#)  
[DEED 26D 478](#)  
[PRELIM PLAT](#)  
[Minutes HPC May 2023](#)

A MOTION was made by Council Member Carter Carroll and seconded by Council Member Nicholas Brown to TABLE request for a preliminary plat for a major subdivision for a property located at Lamar Boulevard and

Highway 98, as requested by Hunter Andrews, engineer, and Graham Development, LLC until next City Council meeting (June 6, 2023) to explore possible conditions.

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

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

Nays: 0

7. **2023-320** Adopt a Resolution authorizing the execution and delivery of the City of Hattiesburg, Mississippi Convention Promotion Tax Revenue Bonds, Series 2023 (The"Bonds") in the principal amount of not to exceed Seven Million Five Hundred Thousand Dollars (\$7,500,000); stating that no petition or other objection of any kind or character against the issuance of the bonds was filed with the city' approving the form of an Indenture or Trust and the form of and the execution and delivery of Pledge Agreement and a Private Placement Agreement in connection with the issuance of the bonds; authorizing the sale of the bonds; approving the forms of and authorizing the execution of certain other documents in connections with the bonds; and for related purposes.

Attachments: City of Hattiesburg (Convention Center Tax Revenue Bonds) 2023 General Bond Resolution (Placement) (5 16 2023 agenda) v3  
City of Hattiesburg (Convention Center Tax Revenue Bond) 2023 (226837) - Form of City Indenture (Placement)  
City of Hattiesburg - Convention Tax Revenue Bonds, Series 2023 (226837) - Form of Private Placement Agreement  
City of Hattiesburg Convention Center Revenue Bonds, 2023 (226837) Form of Pledge Agreement

A MOTION was made by Council Member Carroll and seconded by Council Member Brown to Adopt a Resolution (#2023-61) authorizing the execution and delivery of the City of Hattiesburg, Mississippi Convention Promotion Tax Revenue Bonds, Series 2023 (The"Bonds") in the principal amount of not to exceed Seven Million Five Hundred Thousand Dollars (\$7,500,000); stating that no petition or other objection of any kind or character against the issuance of the bonds was filed with the city' approving the form of an Indenture or Trust and the form of and the execution and delivery of Pledge Agreement and a Private Placement Agreement in connection with the issuance of the bonds; authorizing the sale of the bonds; approving the formsof and authorizing the execution of certain other documents in connections with the bonds; and for related purposes.

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

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

Nays: 0

8. **2023-318** 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 203 S 12th Ave  
MS Power 4301 Mamie St  
MS Power Bowling St - 1609, 811, 805, 411, 831  
MS Power Dearborne St - 315 and Last Pole

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 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 (via teleconference) and Brown

Nays: 0

9.

2023-321

Approve Contractor and Owner Agreements 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: [2004 Adeline St Agrmt\\_05162023](#)  
[124 Cypress Av Agrmt\\_05162023](#)

A MOTION was made by Council Member Carroll and seconded by Council Member Brown to Approve Contractor and Owner Agreements 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, Carroll, Ware (via teleconference) and Brown  
Nays: 0

10.

2023-327

Approve Memorandum of Understanding between City of Hattiesburg and Rubicon Global, LLC, for a three-month pilot project utilizing technology-enabled waste management routing services for the Sanitation Division.

Attachments: [Rubicon Routing Pilot Program 5.8.23 \(1\)](#)

A MOTION was made by Council Member Carroll and seconded by Council Member Brown to Approve Memorandum of Understanding between City of Hattiesburg and Rubicon Global, LLC, for a three-month pilot project utilizing technology-enabled waste management routing services for the Sanitation Division.

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

Yeas: 5 - George, Delgado, Carroll, Ware (via teleconference) and Brown  
Nays: 0

11.

2023-329

Approve a temporary construction easement between City of Hattiesburg and Midtown Merchants Association, Inc., over and across property located at Midtown Green Park, as described herein, for the purpose of constructing a band shell on the subject property and authorize Mayor and City Clerk to execute the same.

Attachments: [Midtown Green Temporary Construction Easement 5.10.23](#)

A MOTION was made by Council Member Carroll and seconded by Council Member Brown to Approve a temporary construction easement between City of Hattiesburg and Midtown Merchants Association, Inc., over and across property located at Midtown Green Park, as described herein, for the purpose of constructing a band shell on the subject property and authorize Mayor and City Clerk 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 (via teleconference) and Brown  
Nays: 0

12.

2023-319

Accept the transfer of one (1) 2007 Vision Blue Bird bus from the Hattiesburg Public School District; authorize placement of said bus in the inventory of the Hattiesburg Police Department in accordance with MS Code 31-7-13 (m) (vi)

Attachments: [Board Memo Bus Transfer to City of Hattiesburg](#)

A MOTION was made by Council Member Carroll and seconded by Council Member Delgado to Accept the transfer of one (1) 2007 Vision Blue Bird bus from the Hattiesburg Public School District; authorize placement of said bus in the inventory of the Hattiesburg Police Department in accordance with MS Code 31-7-13 (m) (vi).



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

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

Nays: 0

13.     **2023-315**     Authorize submission of a grant application to the U.S. Department of Justice, Bureau of Justice Assistance for the 2023 Bulletproof Vest Partnership Grant in the amount of \$33,065 to purchase bulletproof vests for the Hattiesburg Police Department.

Attachments:    Application  
                          BVP 2023 Agenda Draft 1

A MOTION was made by Council Member Carroll and seconded by Council Member Brown to Authorize submission of a grant application to the U.S. Department of Justice, Bureau of Justice Assistance for the 2023 Bulletproof Vest Partnership Grant in the amount of \$33,065 to purchase bulletproof vests for the Hattiesburg Police Department.

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

Yeas: 5 - George, Delgado, Carroll, Ware (via teleconference) 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 Delgado to approve the Routine Agenda.

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

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

Nays: 0

1.     **2023-292**     Acknowledge receipt of a Declaration of Forfeiture from the Forrest/Perry Metro Narcotics Task Force forfeiting \$1,752.00, the \$1,752.00 will be forfeited in the manner described in the attached order.

Attachments:    Memo - Receipt of Forfeiture  
                          Order for Disposition of Seized Property

2.     **2023-312**     Acknowledge receipt of forfeiture of (1) one 2009 Infiniti Sedan and authorize said vehicle to be placed in the Hattiesburg Police Department inventory.

Attachments:    Signed request from Chief Sealy 2009 Infiniti  
                          FC disposition of 2009 Infiniti G37 20-1116

3.     **2023-317**     Acknowledge the monthly budget report for the month ending April 30, 2023.

Attachments:    EXP23.0423  
                          REV23.0423

4.     **2023-326**     Acknowledge receipt of the Privilege Tax License monthly report for the month of April 2023.

Attachments:    PL report 4-2023

5.     **2023-313**     Approve the City's purchase of one (1) grave space, located in the South Half (S 1/2) of the Southwest Quarter (SW 1/4), Lot 60, Section 39, at Highland Cemetery, Minute Book # 2022-137, in the amount of \$ 175.00, from Debra Franklin, Authorize manual check for the same.

Attachments:    Buy Back (Debra Franklin) 05-16-2023)

6.        2023-314        Approve the sale of grave spaces, per attached Memo's, Receipts, and Deeds.

Attachments:   Memo's (05-16-2023)  
                                                                   Receipts (05-16-2023)  
                                                                   Deeds (05-16-2023)

7.        2023-316        Approve claims docket for the period ending May 12, 2023.

Attachments:   DOCKET 23.05.12  
                                                                   DT 23.05.12

**In Memoriam:**

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

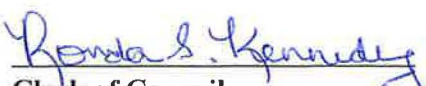
- Dr. David Harry Halliwell, Jr.
- Ms. Tori Bowie
- Mr. Johnnie Bennett
- Mr. James Robert “Bobby” Moudy, Jr.

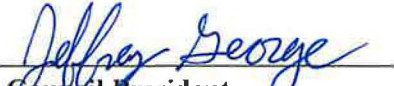
**Meeting Adjourn**

Council President George declared the **meeting adjourned at 5:12 p.m., this 16<sup>th</sup> day of May, 2023**, by unanimous consent, until the 5<sup>th</sup> day of June, 2023.

**ATTEST:**

**APPROVE:**

  
Clerk of Council

  
Council President

**ATTEST AND CERTIFY:**

**APPROVE:**

  
City Clerk

  
Mayor