

Published Agenda

**Tuesday, June 20, 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

Agenda Adjustments - Add Policy Item #27 to the agenda at the request of the Administration.

- | | | |
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| 27. | 2023-428 | Adopt a Resolution authorizing the submission of a grant application to the U.S. Department of Defense for the 2023 Defense Community Infrastructure Pilot Program for the expansion of the terminal building at the Hattiesburg Bobby L. Chain Municipal Airport. |
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POLICY AGENDA

- | | | |
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| 1. | 2023-392 | Approve the minutes for the June 5 & 6, 2023 meetings of the City Council. |
| 2. | 2023-323 | Take from the table a request to approve 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 - tabled at the June 6, 2023 meeting. |
| 3. | 2023-400 | Approve a petition filed by Gerry & Jennifer Mallory, and Jimmie Jones, to request a conditional use for a "Lodging – bed and breakfast inn" in an R-1A Zone for a property located at 416 Bay Street. Planning Commission recommended to approve on June 7th, 2023. |
| 4. | 2023-404 | Approve a variance from the front yard fence height requirement of 4 feet above grade to allow for 6 feet above grade for a fence located at 618/620 Campbell Loop, petitioned by Jennifer West and Floyd Hubbell. The Board of Adjustment recommended to approve on June 7th, 2023. |
| 5. | 2023-405 | Approve a variance from the minimum side setback requirement of 10 feet for an R-1A zoned property to allow for a 5 feet side setback for a proposed residential addition located at 500 Walnut Street, filed Scott Pipkins. Board of Adjustment recommended to approve on June 7th, 2023. |
| 6. | 2023-414 | Adopt a Resolution declaring a portion of property identified as Forrest County Parcel PPIN 26510 and PPIN 41471 necessary for public use, establishing just compensation and authorizing the Mayor to make a fair market value offer to Hub Development, LLC and issue a manual check. |
| 7. | 2023-415 | Adopt a Resolution declaring a portion of property identified as Forrest County Parcel PPIN 17802 and PPIN 17803 necessary for public use, establishing just compensation and authorizing the Mayor to make a fair market value offer to Hattiesburg Clinic PA and issue and manual check. |
| 8. | 2023-418 | Adopt a Resolution declaring a portion of property identified as Forrest County Parcel PPIN 20852 necessary for public use, establishing just compensation and authorizing the Mayor to make a fair market value offer to Mary A. Barnett and issue a manual check. |
| 9. | 2023-416 | Adopt a Resolution declaring a portion of property identified as Forrest County Parcel PPIN 20853 necessary for public use, establishing just compensation and authorizing the Mayor to make a fair market value offer to Luther Andrew Dews, Sr., Trustee of the L. Andrew Dews Revocable Trust and issue manual check. |
| 10. | 2023-417 | Adopt a Resolution declaring a portion of property identified as Forrest County Parcel PPIN 46013, PPIN 17800, and PPIN 17801 necessary for public use, establishing just compensation and authorizing the Mayor to make a fair market value offer to Hattiesburg Clinic PA and issue a manual check. |
| 11. | 2023-419 | Adopt a Resolution declaring a portion of property identified as Forrest County Parcel PPIN 20813 and PPIN 20814 necessary for public use, establishing just compensation and authorizing the Mayor to make a fair market value offer to Hattiesburg Clinic PA and issue a manual check. |
| 12. | 2023-420 | Adopt a Resolution declaring a portion of property identified as Forrest County Parcel PPIN 20806 necessary for public use, establishing just compensation and authorizing the Mayor to make a fair market value offer to P&A Properties, LLC and issue a manual check. |
| 13. | 2023-421 | Adopt a Resolution declaring a portion of property identified as Forrest County Parcel PPIN 20851 necessary for public use, establishing just compensation and authorizing the Mayor to make a fair market value offer to Ladre, LLC and issue and manual check. |

- 14. 2023-398 Approve Engagement Agreement between City of Hattiesburg and Landarc Consulting Group, Inc., for professional landscape architectural services related to the I-59/98 Interchange and authorize Mayor to execute the same.
- 15. 2023-409 Approve Memorandum of Agreement (MOA) with the Mississippi Department of Transportation for the Fourth Street Pathway, 38th to 34th project (STP-7194-00(004)LPA/109375-701000) and authorize the Mayor to execute in duplicate.
- 16. 2023-399 Approve Lighting Agreement with Mississippi Power Company for New Service point at Tatum Park for Fields 16 and 18 and authorize the Mayor to execute the same.
- 17. 2023-407 Approve Change Order No. 1 with Sports Contractors Inc. to both add and subtract pay items on the Tatum Park-Fields 16, 18 and Common Areas project contract for a net increase to the contract of \$50,104.05 and authorize the Mayor to sign it in duplicate.
- 18. 2023-401 Approve Supplemental Agreement No. 3 with Walters Construction Company, Inc. for the U.S. Highway 49, Adeline Street, Camp Street, Mamie Street Project (State Aid Project No. DECD-0018(35)BO) to add lime stabilization to the project at an additional cost of \$39,814.40; Authorize the Mayor to execute in multiples.
- 19. 2023-397 Approve Subscription Agreement between City of Hattiesburg Municipal Court and LexisNexis, a division of RELX Inc., for legal research for a term beginning July 1, 2023 through June 30, 2025, as per attached, and authorize the Mayor to execute the same.
- 20. 2023-425 Approve Maintenance Agreement between City of Hattiesburg and Doleac Electric Company, Inc., to provide generator maintenance professional services and authorize the Mayor to execute the same.
- 21. 2023-396 Approve Agreement between City of Hattiesburg and the University of Southern Mississippi, College of Nursing and Health Professions for clinical learning experiences for students from the College of Nursing and Health Professions at various City facilities and City Programs, and authorize Mayor to execute the same.
- 22. 2023-393 Approve advertising sponsorship for the 2023 Star Spangled Celebration on the River, July 3, 2023, in accordance with Mississippi 17-3-1, in the amount of \$9500.00, and authorize issuance of manual check for the same.
- 23. 2023-422 Accept donation of a portion of property identified as Forrest County Parcel PPINs 20822,20812, 20811, 20810, 20808, 20809, 20807, 20805, from East 30th, LLC, and declaring said property interests identified as necessary for public use and authorizing the Mayor to acquire deeds and conveyances from and any and all interest holders in said property, and to acquire rights to the property from all interests holders, and generally authorizing any and all proceedings necessary to acquire the aforementioned property pursuant to Miss. Code Ann. 21-37-47, as amended.
- 24. 2023-423 Accept donation of a portion of property identified as Forrest County Parcel PPINs 20850, 20849, 20855, 20856, 26497, 20857 from Midtown Montevista, LLC, and declaring said property interests identified as necessary for public use and authorizing the Mayor to acquire deeds and conveyances from and any and all interest holders in said property, and to acquire rights to the property from all interests holders, and generally authorizing any and all proceedings necessary to acquire the aforementioned property pursuant to Miss. Code Ann. 21-37-47, as amended.
- 25. 2023-424 Accept donation of a portion of property identified as Forrest County Parcel PPINs 26499, 26498 from West 31st, LLC, and declaring said property interests identified as necessary for public use and authorizing the Mayor to acquire deeds and conveyances from and any and all interest holders in said property, and to acquire rights to the property from all interests holders, and generally authorizing any and all proceedings necessary to acquire the aforementioned property pursuant to Miss. Code Ann. 21-37-47, as amended.
- 26. 2023-412 Approve and authorize issuance of manual check for consultant services provided by Grace Aaron Development Consulting for the creation of the 2023-2027 Consolidated Plan and 2023 Annual Action Plan per attached Memorandum. {Entitlement CDBG/HOME}

ROUTINE AGENDA

- 1. 2023-426 Ratify Agreement with Artisan Pyrotechnics, Inc., for June 19, 2023, Juneteenth Celebration.
- 2. 2023-413 Acknowledge privilege license report for the month ending May 2023.
- 3. 2023-403 Acknowledge the Hattiesburg Planning Commission's decision to approve a historic flood variance for Hawkins Elementary at 526 Forrest St.
- 4. 2023-394 Approve the donation of a Belgian Malinois canine from Sunshine Smith valued at \$15,000.00 to the Hattiesburg Police Department for the use of a police service dog.
- 5. 2023-406 Approve and authorize publication of Notice for Request for Proposals for Public WiFi Services in various locations in the City of Hattiesburg.
- 6. 2023-402 Authorize publication of Notice of Public Hearing to present the draft HOME-American Rescue Plan (ARP) Allocation Plan and substantial amendment to the 2021 Annual Action Plan incorporating HOME-ARP.
- 7. 2023-408 Approve plans and specifications for Fire Station #7 Re-Roof Project; Authorize advertisement for bids for same.
- 8. 2023-410 Approve Specifications and Authorize publication of a Request for Proposals for Pre-Disaster Debris Monitoring Services.

9. **2023-411** Approve Specifications and Authorize publication of a Request for Proposals for Pre-Disaster Debris Removal Services.
10. **2023-391** Approve the City's purchase of (1) one grave space, located in the North Half (N 1/2) of the Northeast Quarter (NE 1/4), Lot 61, Section 39, at Highland Cemetery, Minute Book# 2022- Page # 167, in the amount of \$ 175.00 from Octavia Carroll Cooper Authorize manual check for the same.
11. **2023-390** Approve the sale of grave spaces, per attached Memo's, Receipts, and Deeds.
12. **2023-395** Approve claims docket for the period ending June 16, 2023.

In Memoriam:

- **Mr. James Thomason Cox**
- **Mr. Kennon Barton**
- **Mr. Hunter Eugene Garrett**
- **Mr. Louis Earl Rhian**
- **Mrs. Sandra Kaye Norris**

Meeting Adjourn

Call to Order

BE IT REMEMBERED that the **regular meeting of the Hattiesburg City Council was held at 5:00 p.m. Tuesday, June 20, 2023**, in Council Chambers at City Hall; same being from a recessed meeting held on June 19, 2023.

Those present included Mayor Toby Barker and members of the City Council Jeffrey George, Ward 1; 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: Deborah Delgado, Ward 2.

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.

Agenda Adjustments

A MOTION was made by Council Member Carroll and seconded by Council Member Brown to Add Policy Item #27 to the agenda at the request of the Administration.

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 MATTER OF THE AGENDA ORDER came before the Council.

POLICY AGENDA

The POLICY AGENDA came before the Council.

1. **2023-392** Approve the minutes for the June 5 & 6, 2023 meetings of the City Council.

Attachments: 6-5-2023 Unsafe PH, AR, WS Mins
6-6-2023 XS Mins.

A MOTION was made by Council Member Carroll and seconded by Council Member Brown to Approve the minutes for the June 5 & 6, 2023 meetings of the City Council.

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

2. **2023-323** Take from the table a request to approve 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 - tabled at the June 6, 2023 meeting.

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 Carroll and seconded by Council Member Brown to Take from the table a request to approve 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.

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 Member Brown to Approve a request to approve 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 with the considered approval criteria required by the ordinance as follows:

1. Conformance with the Hattiesburg Comprehensive Plan.
2. Conformance with the standards of the zoning district.
3. Conformance with other standards and requirements of this Code and other City policies and regulations.
4. Determination that adequate public facilities and services will be available concurrent with the impacts of the subdivision.

5. Determination that the project will have little or no adverse or negative impacts upon the natural environment.

It is, therefore, ORDERED that the request of Hunter Andrews, for a major subdivision, City of Hattiesburg, Lamar County, Mississippi, be granted subject to the following conditions:

1. Plat Conditions, & Restrictions - add to the plat the following notes:
 - a) The common area(s) parcel's ad valorem tax value shall be assessed to each lot owner on a prorated basis as part of each lot owner's total assessment.
 - b) The common area(s) of this subdivision shall be owned and maintained by the owner's, commercial owner's association, and/or by the property owner(s) of the lots. In the event any lot becomes subdivided into additional lots or individual site plans, said site plans conforming to the city's Land Development Code, each property owner shall own their pro rata share, by area percentage of their lot, of the common areas. Such maintenance shall be performed so as to ensure that the common area operates in accordance the City's Land Development Code and Property Maintenance Code. Such maintenance shall include, but not be limited to repair of structures, and maintenance of sign tenants, and maintenance of the property. The city shall have a "right of access" to use the drives, parking areas, and yards of this property to make inspections of the common areas to ensure that said maintenance has been properly performed. In the event that the property owner(s) have not properly performed maintenance on the facilities, to the extent that the facility(s) poses a threat to public health, safety, or welfare, the city shall retain the right to perform emergency repairs to the facility. The cost of any such repairs will remain the responsibility of the property owner(s) and may be added as a lien on the next year's tax bill.
2. Master Sign Plan - Provide the City of Hattiesburg with a Master Sign plan, which outlines the location of all proposed multi-tenant signs and binds all future tenants/property owners to utilize the multi-tenant signs. No individual pole or monument signs shall be allowed within the proposed development.
3. Traffic Study - At the point that this property is subdivided in excess of what is presently shown, the developer shall provide the City of Hattiesburg with a Traffic Study completed by a Professional Engineer to project the future impact on traffic along HWY 98 and Lamar Blvd. when the development is completely built out. If the traffic study identifies necessary improvements, these shall be completed at the cost of the Developer or included in or added to the Performance Bond as required under condition No. 6.

- 4. Streets - Street identifications and traffic control signs/markings shall be installed by the developer to City specifications.
- 5. Utilities - Unless otherwise specified, all utilities and services (electric, telephone, cable, etc.) are to be installed underground.
- 6. Bonds - Bonds, in a form satisfactory to the City Engineer and the City Attorney, will be required as follows:
 - a) Performance bond - Acceptance of the plat before the street and infrastructure are completed will require a bond based on the developer's engineer's estimated cost of unfinished work, verified by the staff engineer, plus 10% until complete. Renewed annually and adjusted for inflation.
 - b) Maintenance - Upon acceptance of the plat and the completion of streets and infrastructure a bond in the amount of 5% of the total cost of all work must be remitted to the city for the duration of 1 year.

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

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3. **2023-400** Approve a petition filed by Gerry & Jennifer Mallory, and Jimmie Jones, to request a conditional use for a “Lodging – bed and breakfast inn” in an R-1A Zone for a property located at 416 Bay Street. Planning Commission recommended to approve on June 7th, 2023.

Attachments: Staff Summary - 416 Bay Street, CU
Image Sheet - 416 Bay Street
Application
Exhibit A-1
Minutes HPC May 2023

A MOTION was made by Council Vice President Ware and seconded by Council Member Carroll to Approve a petition filed by Gerry & Jennifer Mallory, and Jimmie Jones, to request a conditional use for a “Lodging – bed and breakfast inn” in an R-1A Zone for a property located at 416 Bay Street.

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

4. **2023-404** Approve a variance from the front yard fence height requirement of 4 feet above grade to allow for 6 feet above grade for a fence located at 618/620 Campbell Loop, petitioned by Jennifer West and Floyd Hubbell. The Board of Adjustment recommended to approve on June 7th, 2023.

Attachments: 618 and 620 Campbell Loop - Staff Summary
Image Sheet - Latch-it
EXHIBIT - A (PETITIONERS PRESENTATION)
PH Application
Variance App
MINUTES BOA May 2023

A MOTION was made by Council Member Carroll and seconded by Council Member Brown to Approve a variance from the front yard fence height requirement of 4 feet above grade to allow for 6 feet above grade for a fence located at 618/620 Campbell Loop, petitioned by Jennifer West and Floyd Hubbell.

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

5. **2023-405** Approve a variance from the minimum side setback requirement of 10 feet for an R-1A zoned property to allow for a 5 feet side setback for a proposed residential addition located at 500 Walnut Street, filed Scott Pipkins. Board of Adjustment recommended to approve on June 7th, 2023.

Attachments: 500 Walnut St - Staff Summary
Image Sheet - 500 Walnut St
MINUTES BOA May 2023
Minutes HPC May 2023

A MOTION was made by Council Vice President Ware and seconded by Council Member Carroll to Approve a variance from the minimum side setback requirement of 10 feet for an R-1A zoned property to allow for a 5 feet side setback for a proposed residential addition located at 500 Walnut Street, filed Scott Pipkins.

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

6. **2023-414** Adopt a Resolution declaring a portion of property identified as Forrest County Parcel PPIN 26510 and PPIN 41471 necessary for public use, establishing just compensation and authorizing the Mayor to make a fair market value offer to Hub Development, LLC and issue a manual check.

Attachments: [FAIR MARKET VALUE OFFER Hub Development PPIN 26510 & 41471](#)
[Hub Development LLC \(2\) PPIN 26510](#)
[Hub Development LLC \(3\) PPIN 41471](#)
[Items for City of Hattiesburg Agenda PPIN 26510 & 41471](#)
[Resolution - Hub Development - 26510 and 41471](#)
[EJCO-Hub Development PPIN 26510 41471](#)
[Parcel 2 & 3 - Hub Development](#)

A MOTION was made by Council Member Carroll and seconded by Council Member Brown to Adopt a Resolution (#2023-80) declaring a portion of property identified as Forrest County Parcel PPIN 26510 and PPIN 41471 necessary for public use, establishing just compensation and authorizing the Mayor to make a fair market value offer to Hub Development, LLC and issue a manual check.

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

7. **2023-415** Adopt a Resolution declaring a portion of property identified as Forrest County Parcel PPIN 17802 and PPIN 17803 necessary for public use, establishing just compensation and authorizing the Mayor to make a fair market value offer to Hattiesburg Clinic PA and issue and manual check.

Attachments: [Items for City of Hattiesburg Agenda PPIN 17802 17803](#)
[Resolution - Hattiesburg Clinic 17802 17803](#)
[EJCO-Hattiesburg Clinic - 17802 and 17803](#)
[FAIR MARKET VALUE OFFER - Hattiesburg Clinic - 17802 and 17803](#)
[Hattiesburg Clinic PA \(7\) PPIN 17802](#)
[Parcel 4 & 7 - Hattiesburg Clinic](#)

A MOTION was made by Council Member Carroll and seconded by Council Member Brown to Adopt a Resolution (#2023-81) declaring a portion of property identified as Forrest County Parcel PPIN 17802 and PPIN 17803 necessary for public use, establishing just compensation and authorizing the Mayor to make a fair market value offer to Hattiesburg Clinic PA and issue and manual check.

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

8. **2023-418** Adopt a Resolution declaring a portion of property identified as Forrest County Parcel PPIN 20852 necessary for public use, establishing just compensation and authorizing the Mayor to make a fair market value offer to Mary A. Barnett and issue a manual check.

Attachments: [Item for City Agenda Mary Barnett PPIN 20852](#)
[Resolution Mary Barnett PPIN 20852](#)
[\(10\) Barnett ppin 20852](#)
[EJCO-Mary Barnett PPIN 20852](#)
[FAIR MARKET VALUE OFFER - Mary Barnett PPIN 20852](#)
[Parcel 10 - Mary A. Barnett](#)

A MOTION was made by Council Member Carroll and seconded by Council Member Brown to Adopt a Resolution (#2023-82) declaring a portion of property identified as Forrest County Parcel PPIN 20852 necessary for public use, establishing just compensation and authorizing the Mayor to make a fair market value offer to Mary A. Barnett and issue a manual check.

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

9. **2023-416** Adopt a Resolution declaring a portion of property identified as Forrest County Parcel PPIN 20853 necessary for public use, establishing just compensation and authorizing the Mayor to make a fair market value offer to Luther Andrew Dews, Sr., Trustee of the L. Andrew Dews Revocable Trust and issue manual check.

Attachments: Items for City of Hattiesburg Agenda PPIN 20853
Resolution - Dews Trust - PPIN 20853
(6) Dews UPDATED plat (Lot8-Block7) - PPIN-20853 revised 2-9-2023
EJCO-Dews PPIN 20853
FAIR MARKET VALUE OFFER - Dews PPIN 20853
Parcel 6 - Andrew Dews

A MOTION was made by Council Member Carroll and seconded by Council Member Brown to Adopt a Resolution (#2023-83) declaring a portion of property identified as Forrest County Parcel PPIN 20853 necessary for public use, establishing just compensation and authorizing the Mayor to make a fair market value offer to Luther Andrew Dews, Sr., Trustee of the L. Andrew Dews Revocable Trust and issue manual check.

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

10. **2023-417** Adopt a Resolution declaring a portion of property identified as Forrest County Parcel PPIN 46013, PPIN 17800, and PPIN 17801 necessary for public use, establishing just compensation and authorizing the Mayor to make a fair market value offer to Hattiesburg Clinic PA and issue a manual check.

Attachments: Hattiesburg Clinic PA PPIN 46013
Items for City of Hattiesburg Agenda PPIN 46013 17800 17801
Resolution - Hattiesburg Clinic 46013, 17800, 17801
EJCO-Hattiesburg Clinic - 46013 17801 and 17800
FAIR MARKET VALUE OFFER - Hattiesburg Clinic - 46013 17800 and 17801
Hattiesburg Clinic PA PPIN 17800
Parcel 8 & 9 - Hattiesburg Clinic

A MOTION was made by Council Member Carroll and seconded by Council Member Brown to Adopt a Resolution (#2023-84) declaring a portion of property identified as Forrest County Parcel PPIN 46013, PPIN 17800, and PPIN 17801 necessary for public use, establishing just compensation and authorizing the Mayor to make a fair market value offer to Hattiesburg Clinic PA and issue a manual check.

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

11.

2023-419

Adopt a Resolution declaring a portion of property identified as Forrest County Parcel PPIN 20813 and PPIN 20814 necessary for public use, establishing just compensation and authorizing the Mayor to make a fair market value offer to Hattiesburg Clinic PA and issue a manual check.

Attachments: [FAIR MARKET VALUE OFFER - Hattiesburg Clinic - 20813 and 20814](#)
[Items for City of Hattiesburg Agenda PPIN 20813 and 20814](#)
[Resolution - Hattiesburg Clinic 20813 and 20814](#)
[EJCO-Hattiesburg Clinic - 20813 and 20814](#)
[Parcel 11 & 12 - Hattiesburg Clinic](#)

A MOTION was made by Council Member Carroll and seconded by Council Member Brown to Adopt a Resolution (#2023-85) declaring a portion of property identified as Forrest County Parcel PPIN 20813 and PPIN 20814 necessary for public use, establishing just compensation and authorizing the Mayor to make a fair market value offer to Hattiesburg Clinic PA and issue a manual check.

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

12.

2023-420

Adopt a Resolution declaring a portion of property identified as Forrest County Parcel PPIN 20806 necessary for public use, establishing just compensation and authorizing the Mayor to make a fair market value offer to P&A Properties, LLC and issue a manual check.

Attachments: [Items for City of Hattiesburg Agenda PPIN 20806](#)
[P and A Properties \(25\) PPIN 20806](#)
[Resolution P & A Properties PPIN 20806](#)
[EJCO-P and A Properties PPIN 20806](#)
[FAIR MARKET VALUE P&A Properties, LLC 20806](#)
[Parcel 25 - P&A Properties](#)

A MOTION was made by Council Member Carroll and seconded by Council Member Brown to Adopt a Resolution (#2023-86) declaring a portion of property identified as Forrest County Parcel PPIN 20806 necessary for public use, establishing just compensation and authorizing the Mayor to make a fair market value offer to P&A Properties, LLC and issue a manual check.

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

13.

2023-421

Adopt a Resolution declaring a portion of property identified as Forrest County Parcel PPIN 20851 necessary for public use, establishing just compensation and authorizing the Mayor to make a fair market value offer to Ladre, LLC and issue and manual check.

Attachments: [EJCO-Ladre LLC PPIN 20851](#)
[FAIR MARKET VALUE OFFER - Ladre PPIN 20851](#)
[Items for City of Hattiesburg Agenda PPIN 20851](#)
[Resolution - Ladre - PPIN 20851](#)
[\(26\) Ladre llc ppin 20851](#)
[Parcel 26 - Ladre LLC](#)

A MOTION was made by Council Member Carroll and seconded by Council Member Brown to Adopt a Resolution (#2023-87) declaring a portion of property identified as Forrest County Parcel PPIN 20851 necessary for public use, establishing just compensation and authorizing the Mayor to make a fair market value offer to Ladre, LLC and issue and manual check.

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

14. **2023-398** Approve Engagement Agreement between City of Hattiesburg and Landarc Consulting Group, Inc., for professional landscape architectural services related to the I-59/98 Interchange and authorize Mayor to execute the same.

Attachments: I-59-98 W Interchange Fence Contract Documents Proposal - (1)
Engagement Agreement with Landarc Consulting Group, Inc., for landscape
architectural services - I-59-98 Interchange

A MOTION was made by Council Member Carroll and seconded by Council Member Brown to Approve Engagement Agreement between City of Hattiesburg and Landarc Consulting Group, Inc., for professional landscape architectural services related to the I-59/98 Interchange and authorize Mayor to execute the same.

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

15. **2023-409** Approve Memorandum of Agreement (MOA) with the Mississippi Department of Transportation for the Fourth Street Pathway, 38th to 34th project (STP-7194-00(004)LPA/109375-701000) and authorize the Mayor to execute in duplicate.

Attachments: Cover Letter
MOA 4th St - 38th to 34th

A MOTION was made by Council Member Carroll and seconded by Council Member Brown to Approve Memorandum of Agreement (MOA) with the Mississippi Department of Transportation for the Fourth Street Pathway, 38th to 34th project (STP-7194-00(004)LPA/109375-701000) and authorize the Mayor to execute in duplicate.

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

16. **2023-399** Approve Lighting Agreement with Mississippi Power Company for New Service point at Tatum Park for Fields 16 and 18 and authorize the Mayor to execute the same.

Attachments: MS Power - New Service Proposal Letter

A MOTION was made by Council Member Brown and seconded by Council Member Carroll to Approve Lighting Agreement with Mississippi Power Company for New Service point at Tatum Park for Fields 16 and 18 and authorize the Mayor to execute the same.

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

17. **2023-407** Approve Change Order No. 1 with Sports Contractors Inc. to both add and subtract pay items on the Tatum Park-Fields 16, 18 and Common Areas project contract for a net increase to the contract of \$50,104.05 and authorize the Mayor to sign it in duplicate.

Attachments: CHANGE ORDER #1 - TATUM PARK FIELDS

A MOTION was made by Council Member Brown and seconded by Council Member Carroll to Approve Change Order No. 1 with Sports Contractors Inc. to both add and subtract pay items on the Tatum Park-Fields 16, 18 and Common Areas project contract for a net increase to the contract of \$50,104.05 and authorize the Mayor to sign it in duplicate.

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

18. **2023-401** Approve Supplemental Agreement No. 3 with Walters Construction Company, Inc. for the U.S. Highway 49, Adeline Street, Camp Street, Mamie Street Project (State Aid Project No. DECD-0018(35)BO) to add lime stabilization to the project at an additional cost of \$39,814.40; Authorize the Mayor to execute in multiples.

Attachments: Supplemental Agreement No.3 - Hwy 49-Forrest General

A MOTION was made by Council Vice President Ware and seconded by Council Member Carroll to Approve Supplemental Agreement No. 3 with Walters Construction Company, Inc. for the U.S. Highway 49, Adeline Street, Camp Street, Mamie Street Project (State Aid Project No. DECD-0018(35)BO) to add lime stabilization to the project at an additional cost of \$39,814.40; Authorize the Mayor to execute in multiples.

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

19. **2023-397** Approve Subscription Agreement between City of Hattiesburg Municipal Court and LexisNexis, a division of RELX Inc., for legal research for a term beginning July 1, 2023 through June 30, 2025, as per attached, and authorize the Mayor to execute the same.

Attachments: 0233_001

A MOTION was made by Council Member Carroll and seconded by Council Member Brown to Approve Subscription Agreement between City of Hattiesburg Municipal Court and LexisNexis, a division of RELX Inc., for legal research for a term beginning July 1, 2023 through June 30, 2025, as per attached, and authorize the Mayor to execute the same.

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

20. **2023-425** Approve Maintenance Agreement between City of Hattiesburg and Doleac Electric Company, Inc., to provide generator maintenance professional services and authorize the Mayor to execute the same.

Attachments: Generator Maintenance Professional Service Agreement 6.20.23

A MOTION was made by Council Member Carroll and seconded by Council Member Brown to Approve Maintenance Agreement between City of Hattiesburg and Doleac Electric Company, Inc., to provide generator maintenance professional services and authorize the Mayor to execute the same.

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

21. **2023-396** Approve Agreement between City of Hattiesburg and the University of Southern Mississippi, College of Nursing and Health Professions for clinical learning experiences for students from the College of Nursing and Health Professions at various City facilities and City Programs, and authorize Mayor to execute the same.

Attachments: USM College of Nursing Internship Agreement 6.20.23

A MOTION was made by Council Member Carroll and seconded by Council Member Brown to Approve Agreement between City of Hattiesburg and the University of Southern Mississippi, College of Nursing and Health Professions for clinical learning experiences for students from the College of Nursing and Health Professions at various City facilities and City Programs, and authorize Mayor to execute the same.

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

22. **2023-393** Approve advertising sponsorship for the 2023 Star Spangled Celebration on the River, July 3, 2023, in accordance with Mississippi 17-3-1, in the amount of \$9500.00, and authorize issuance of manual check for the same.

Attachments: 0220_001

A MOTION was made by Council Member Carroll and seconded by Council Member Brown to Approve advertising sponsorship for the 2023 Star Spangled Celebration on the River, July 3, 2023, in accordance with Mississippi 17-3-1, in the amount of \$9500.00, and authorize issuance of manual check for the same.

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

23. **2023-422** Accept donation of a portion of property identified as Forrest County Parcel PPINs 20822,20812, 20811, 20810, 20808, 20809, 20807, 20805, from East 30th, LLC, and declaring said property interests identified as necessary for public use and authorizing the Mayor to acquire deeds and conveyances from and any and all interest holders in said property, and to acquire rights to the property from all interests

holders, and generally authorizing any and all proceedings necessary to acquire the aforementioned property pursuant to Miss. Code Ann. 21-37-47, as amended.

Attachments: Warranty Deed - East 30th, LLC 001
Temporary Easement - East 30th, LLC 001

A MOTION was made by Council Member Carroll and seconded by Council Vice President Ware to Accept donation of a portion of property identified as Forrest County Parcel PPINs 20822,20812, 20811, 20810, 20808, 20809, 20807, 20805, from East 30th, LLC, and declaring said property interests identified as necessary for public use and authorizing the Mayor to acquire deeds and conveyances from and any and all interest holders in said property, and to acquire rights to the property from all interests holders, and generally authorizing any and all proceedings necessary to acquire the aforementioned property pursuant to Miss. Code Ann. 21-37-47, as amended.

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

24.

2023-423

Accept donation of a portion of property identified as Forrest County Parcel PPINs 20850, 20849, 20855, 20856, 26497, 20857 from Midtown Montevista, LLC, and declaring said property interests identified as necessary for public use and authorizing the Mayor to acquire deeds and conveyances from and any and all interest holders in said property, and to acquire rights to the property from all interests holders, and generally authorizing any and all proceedings necessary to acquire the aforementioned property pursuant to Miss. Code Ann. 21-37-47, as amended.

Attachments: Temporary Easement - Midtown Montevista, LLC 001
Warranty Deed - Midtown Montevista, LLC 001

A MOTION was made by Council Member Carroll and seconded by Council Vice President Ware to Accept donation of a portion of property identified as Forrest County Parcel PPINs 20850, 20849, 20855, 20856, 26497, 20857 from Midtown Montevista, LLC, and declaring said property interests identified as necessary for public use and authorizing the Mayor to acquire deeds and conveyances from and any and all interest holders in said property, and to acquire rights to the property from all interests holders, and generally authorizing any and all proceedings necessary to acquire the aforementioned property pursuant to Miss. Code Ann. 21-37-47, as amended.

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

25.

2023-424

Accept donation of a portion of property identified as Forrest County Parcel PPINs 26499, 26498 from West 31st, LLC, and declaring said property interests identified as necessary for public use and authorizing the Mayor to acquire deeds and conveyances from and any and all interest holders in said property, and to acquire rights to the property from all interests holders, and generally authorizing any and all proceedings necessary to acquire the aforementioned property pursuant to Miss. Code Ann. 21-37-47, as amended.

Attachments: Temporary Easement - West 31st, LLC 001

A MOTION was made by Council Member Carroll and seconded by Council Vice President Ware to Accept donation of a portion of property identified as Forrest County Parcel PPINs 26499, 26498 from West 31st, LLC, and declaring said property interests identified as necessary for public use and authorizing the Mayor to acquire deeds and

conveyances from and any and all interest holders in said property, and to acquire rights to the property from all interests holders, and generally authorizing any and all proceedings necessary to acquire the aforementioned property pursuant to Miss. Code Ann. 21-37-47, as amended.

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

26. **2023-412** Approve and authorize issuance of manual check for consultant services provided by Grace Aaron Development Consulting for the creation of the 2023-2027 Consolidated Plan and 2023 Annual Action Plan per attached Memorandum. {Entitlement CDBG/HOME}

Attachments: G Aaron Invoice_06202023

A MOTION was made by Council Member Carroll and seconded by Council Member Brown to Approve and authorize issuance of manual check for consultant services provided by Grace Aaron Development Consulting for the creation of the 2023-2027 Consolidated Plan and 2023 Annual Action Plan per attached Memorandum. {Entitlement CDBG/HOME}.

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

27. **2023-428** Adopt a Resolution authorizing the submission of a grant application to the U.S. Department of Defense for the 2023 Defense Community Infrastructure Pilot Program for the expansion of the terminal building at the Hattiesburg Bobby L. Chain Municipal Airport.

Attachments: Hattiesburg Bobby Chain Terminal Building DCIP Grant Resolution

A MOTION was made by Council Member Carroll and seconded by Council Vice President Ware to Adopt a Resolution (#2023-88) authorizing the submission of a grant application to the U.S. Department of Defense for the 2023 Defense Community Infrastructure Pilot Program for the expansion of the terminal building at the Hattiesburg Bobby L. Chain Municipal Airport.

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

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: 4 – George, Carroll, Ware and Brown

Nays: 0

Absent: 1 – Delgado

1.

2023-426

Ratify Agreement with Artisan Pyrotechnics, Inc., for June 19, 2023, Juneteenth Celebration.

Attachments: [Juneteenth Fireworks Program Agreement](#)
2.

2023-413

Acknowledge privilege license report for the month ending May 2023.

Attachments: [Privilege License May 2023 Monthly Report](#)
3.

2023-403

Acknowledge the Hattiesburg Planning Commission's decision to approve a historic flood variance for Hawkins Elementary at 526 Forrest St.

Attachments: [Staff Summary - 526 Forrest St Elementary School Flood Variance](#)
[Image Sheet - Hawkins Elementary Flood Variance](#)
4.

2023-394

Approve the donation of a Belgian Malinois canine from Sunshine Smith valued at \$15,000.00 to the Hattiesburg Police Department for the use of a police service dog.

Attachments: [Memo - K9 Donation Approval](#)
[Sunshine Smith - Donation](#)
5.

2023-406

Approve and authorize publication of Notice for Request for Proposals for Public WiFi Services in various locations in the City of Hattiesburg.

Attachments: [CoH WiFi RFP_06202023](#)
6.

2023-402

Authorize publication of Notice of Public Authorize publication of Notice of Public Hearing to present the draft HOME-American Rescue Plan (ARP) Allocation Plan and substantial amendment to the 2021 Annual Action Plan incorporating HOME-ARP.

Attachments: [NOTICE OF PUBLIC HEARING HOME-ARP_08012023](#)
7.

2023-408

Approve plans and specifications for Fire Station #7 Re-Roof Project; Authorize advertisement for bids for same.

Attachments: [00-3982 - COMBINED SPECS](#)
[3982 - 00 11 13 SG - Advertisement For Bids](#)
[3982-Fire Station 7 Re-Roof - Final CD's](#)
8.

2023-410

Approve Specifications and Authorize publication of a Request for Proposals for Pre-Disaster Debris Monitoring Services.

Attachments: [Pre-Disaster Debris Monitoring RFP - COH 2023](#)
9.

2023-411

Approve Specifications and Authorize publication of a Request for Proposals for Pre-Disaster Debris Removal Services.

Attachments: [Pre-Disaster Debris Removal COH RFP 2023](#)
10.

2023-391

Approve the City's purchase of (1) one grave space, located in the North Half (N 1/2) of the Northeast Quarter (NE 1/4), Lot 61, Section 39, at Highland Cemetery, Minute Book# 2022- Page # 167, in the amount of \$ 175.00 from Octavia Carroll Cooper Authorize manual check for the same.

Attachments: [Buy Back \(Octavia Cooper\) 06-20-2023](#)
11.

2023-390

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

Attachments: [Memo's \(06-20-2023\)](#)
[Receipts \(06-20-2023\)](#)
[Deeds \(06-20-2023\)](#)

12. 2023-395 Approve claims docket for the period ending June 16, 2023.

Attachments: DOCKET 23.06.16
DT 23.06.16

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 5:15 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 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 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 5:16 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 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; Fire Chief, Sherrocko Stewart; Fire Code Enforcement Officer, Shawn Whitaker; Major Tony Fontaine; Officer David Matos; Detective Gerald Essary; City Engineer, Mary Beth Bergin; Deputy Director of Transportation and Engineering; Director of the Water Department, Alan Howe; Director of Public Works, Ronnie Perkins; Director of Urban Development, Wiley Quinn; Planning Division Manager, Cory Long; City Senior Planner, Nathan Satcher; Interim Director of Parks and Recreation, Betsy Mercier; Chief Communications Officer, Samantha McCain Alexander; Clerk of Council, Ronda Kennedy; and Deputy Clerk of Council, Lisa Luu Jolly.

A MOTION was made by Council Member Carroll and seconded by Council Member Brown exit Executive Session and re-open the meeting to the public at 5:40 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 President George stated to the public that there was no action taken during Executive Session.

A MOTION was made by Council Vice President Ware and seconded by Council Member Carroll to Add Policy #28.

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

- Yeas: 3 - George, Carroll and Ware
- Nays: 0
- Abstain: 1 - Brown
- Absent: 1 – Delgado

28. 2023-429 Adopt a Resolution authorizing and directing the City Attorney to file action in Forrest County Chancery Court to immediately and permanently abate the public nuisance operating as Top 5 Bar & Grill.

Attachments: Resolution for City Council

A MOTION was made by Council Member Ware and seconded by Council Member Carroll to Adopt a Resolution (#2023-89) authorizing and directing the City Attorney to file action in Forrest County Chancery Court to immediately and permanently abate the public nuisance operating as Top 5 Bar & Grill.

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

- Yeas: 3 - George, Carroll and Ware
- Nays: 0
- Abstain: 1 - Brown
- Absent: 1 – Delgado

In Memoriam:

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

- Mr. James Thomason Cox
- Mr. Kennon Barton
- Mr. Hunter Eugene Garrett
- Mr. Louis Earl Rhian
- Mrs. Sandra Kaye Norris

Meeting Adjourn

Council President George stated that the next City Council meeting will be held on the 5th of July, Wednesday at 4:00 p.m. due to the 4th of July holiday.

Council President George declared the **meeting adjourned at 5:42 p.m., this 20th day of June, 2023**, by unanimous consent, until the 5th day of July, 2023.

ATTEST:

APPROVE:


Clerk of Council


Council President

ATTEST AND CERTIFY:

APPROVE:


City Clerk


Mayor