Published Agenda

Tuesday, June 6, 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, #28 & #29 to the agenda at the request of the Administration,

27.	**2023-387**	Approve a Sponsorship Agreement between the City of Hattiesburg and IMG for advertising sponsorship in accordance with MS Code, 17-3-1, in an amount not to exceed $6,000.00.
28.	**2023-388**	Adopt a Resolution authorizing the submission of a grant application to the U.S. Economic Development Authority for the 2023 Public Works and Economic Adjustment Assistance Program.
29.	**2023-389**	Adopt a Resolution authorizing the submission of a grant application to the Federal Highway Administration for the charging and fueling infrastructure grant program.

POLICY AGENDA

1.	**2023-359**	Approve the minutes for the May 15 & 16, 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 11th Ave from R-1B (Single-Family Residential) to R-3 (Multi-family residential) and change the zoning at 709 Mamie Street from R-1A to R-2 (two-family residential) (Forrest County, Ward 4) - tabled at the May 16, 2023 meeting. *(Revised)*
3.	**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 May 16, 2023 meeting.
4.	**2023-354**	Adopt Resolutions condemning the following properties as unclean and a menace to the health and safety of the community.
5.	**2023-356**	Adopt a Resolution approving the issuance of a Free Port Warehouse exemption to Resinall Corporation, and granting the appropriate tax exemption pursuant to Section 21-31-51, of the Mississippi Code.
6.	**2023-352**	Adopt a Resolution appointing Mississippi Municipal League 2023 Voting Delegates for the City of Hattiesburg.
7.	**2023-348**	Adopt a Resolution declaring equipment as surplus and authorize the disposal of said equipment and authorize removal of equipment from the city inventory of the Parks and Recreation Department. (per attached memo)
8.	**2023-374**	Adopt the June 6th, 2023 Amendments to the budget for the City of Hattiesburg for fiscal year ending September 30, 2023 and adopt Resolution authorizing publication of amendments for funds in excess of 10% of the originally appropriated fund balance.
9.	**2023-362**	Approve Lighting Agreement with Mississippi Power Company for Installing 4 New 190W and 280W LED Fixtures at US Hwy 11 (Veterans Blvd) and authorize the Mayor to execute the same.
10.	**2023-360**	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.
11.	**2023-330**	Approve Change Order No. 3 with Hemphill Construction Co. for the Water Plant #1 Rehab Phase I to increase the number of days for completion of the contract and authorize the Mayor to execute in duplicate.
12.	**2023-369**	Approve Supplemental Agreement No. 2 with Holliday Construction, LLC for the North 28th Avenue Bridge Replacement Project to adjust quantities to actual and reduce the contract amount by $3,238.75 for a final contract amount of $546,273.00 and authorize the Mayor to execute in multiples; Authorize the final acceptance and closeout of the project; Authorize payment of the final pay application in the amount of $27,313.65.

13.	**2023-370**	Approve Change Order No. 2 with Phoenix Construction, LLC for the Jaycee Park Improvements project to account for additional items at an added cost of $3,194.70 and authorize the Mayor to execute in duplicate.
14.	**2023-361**	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.
15.	**2023-363**	Approve contract between City of Hattiesburg and Burkett's Seafood to provide concessionaire services at Tatum Park Softball Complex and authorize the Mayor to execute the same.
16.	**2023-365**	Approve Agreement between City of Hattiesburg, South Mississippi Planning and Development District, and Milk and Honey Properties, LLC., for participation in the Commercial Redevelopment Incentive Program for redevelopment of property located at 415 Broadway Drive, Hattiesburg, Mississippi and authorize the Mayor to execute the same.
17.	**2023-366**	Approve Agreement between City of Hattiesburg and Art Makes Art, Inc., to provide theater and art programs for the City of Hattiesburg in an amount not to exceed $15,000.00, authorize Mayor to execute the same and authorize issuance of manual check."
18.	**2023-367**	Approve Advertisement Sponsorship between City of Hattiesburg and Hattiesburg Exchange Club for the 2023 DYB World Series Baseball Tournament, in accordance with Mississippi Code 17-3-1.
19.	**2023-368**	Acknowledge bids received on May 25, 2023 for the 16th Avenue and Concart Street Improvements project and accept the bid from Colony Construction for the base bid, additive alternate No. 1 and additive alternate No. 2 in the amount of $600,290.10; Authorize the Mayor to execute contracts when prepared.
20.	**2023-371**	Acknowledge bids received on April 20, 2023 for the Gordon's Creek to McLeod Street TAP project, reject all bids as exceeding costs estimates and authorize re-advertisement of the project, subject to Mississippi Department of Transportation (MDOT) approval.
21.	**2023-372**	Approve and authorize the Mayor to execute a contract between the City of Hattiesburg Parks and Recreation Department and Michelle Williams for the management operation of the City of Hattiesburg Summer Aquatic Program.
22.	**2023-385**	Adopt a Resolution appointing Betsy Mercier as Interim Director of the Parks and Recreation Department.
23.	**2023-373**	Ratify and confirm the Mayor's appointment of Lucy Parkman (W5) to the Hattiesburg Board of Adjustment for a three-year term beginning December 3, 2022 and ending December 2, 2025.
24.	**2023-349**	Ratify and confirm the Mayor's re-appointment of Frederick Varnado (W3) to the Hattiesburg-Laurel Regional Airport Authority for a five-year term beginning June 7, 2023 and ending June 6, 2028.
25.	**2023-350**	Ratify and confirm the Mayor's re-appointment of James T. Tisdale to the Pine Belt Regional Solid Waste Management Authority for a four-year term beginning June 30, 2023 and ending June 29, 2027.
26.	**2023-375**	Authorize the acceptance of the Asbury Foundation grant agreement for the Hattiesburg Police Department K-9 Program, for the purchase of one (1) dual-purpose K-9 at $13,000. Authorize the Mayor to execute in duplicate.

ROUTINE AGENDA

1.	**2023-287**	Acknowledge receipt of the two-quote docket.
2.	**2023-351**	Acknowledge receipt of a Declaration of Forfeiture from the 12th Circuit Court Narcotics Enforcement Team forfeiting $504.00 to the Hattiesburg Police Department . The $504.00 will be forfeited in the manner provided per attached memo.
3.	**2023-353**	Approve and authorize issuance of manual checks for CDBG/HOME Program Claims per attached Memorandum. {CDBG Entitlement/HOME}
4.	**2023-357**	Approve the sale of grave spaces per attached Memo's, Receipts, and Deeds.
5.	**2023-347**	Approve claims docket for the period ending May 31, 2023.
6.	**2023-384**	Acknowledge receipt of the FY 2022 Annual Report and Audit of the Hattiesburg Convention Commission.

In Memoriam:

- Mrs. Amy Johnson Sevier
- Mr. Paul L. Kennedy
- Mr. John Lee Prine
- Mr. Gary W. Fordham
- Ms. Barbara Kay Creel Thornton
- Mr. Eric Gressett
- Mr. Robert Byrd, Jr.
- Mr. Robert Frank Cade
- Colonel Ed Felsher
- Mr. George Eagle
- Mrs. Clementine Benton

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, June 6, 2023**, in Council Chambers at City Hall; same being from a recessed meeting held on June 5, 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 Mr. Wiley Quinn.

The Pledge of Allegiance was led by Kermas Eaton.

Presentation Agenda

The PRESENTATION AGENDA came before the Council.

The Mayor introduced and welcomed the City's new Director of Engineering and Transportation Department, Marybeth Bergin.

There were no other 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 #28 and #29 to the agenda at the request of the Administration.

27. **2023-387** Approve a Sponsorship Agreement between the City of Hattiesburg and IMG for advertising sponsorship in accordance with MS Code, 17-3-1, in an amount not to exceed $6,000.00 and authorize a manual check.

28. **2023-388** Adopt a Resolution authorizing the submission of a grant application to the U.S. Economic Development Authority for the 2023 Public Works and Economic Adjustment Assistance Program (PWEAA).

Attachments: Resolution- EDA Economic Adjustment Assistance (EAA) Grant 6.6.23

29. **2023-389** Adopt a Resolution authorizing the submission of a grant application to the Federal Highway Administration for the charging and fueling infrastructure grant program.

Attachments: Resolution-Charging & Fueling Infrastructure Grant 6.6.23

THE MATTER OF THE AGENDA ORDER came before the Council.

POLICY AGENDA

The POLICY AGENDA came before the Council.

1. **2023-359** Approve the minutes for the May 15 & 16, 2023 meetings of the City Council.

Attachments: 05-15-2023 AR Mins
05-16-2023 Mins

A MOTION was made by Council Member Carroll and seconded by Council Member Brown to Approve the minutes for the May 15 & 16, 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. **2023-243** 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 change the zoning at 709 Mamie Street from R-1A to R-2 (two-family residential) (Forrest County, Ward 4) - tabled at the May 16, 2023 meeting. (Revised)

Attachments: Item A Staff Summary
Item A image sheet
Item A Applicant Summary
MINUTES HPC March 2023
Ordinance - Robin Roberts Rezone R3 only (Revised)
Ordinance - Robin Roberts Rezone R2 only (revised)

A MOTION was made by Council Vice President Ware and seconded by Council Member Carroll to 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 to R-3 and change the zoning at 709 Mamie Street from R-1A to R-2 - tabled at the May 16, 2023 meeting.

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

A MOTION was made by Council Member Carroll and seconded by Vice President Ware to Adopt an Ordinance (#3330) changing the zoning classification for property located at 350 S 11th Ave from R-1B to R-3 and to DENY the change of the zoning classification at 709 Mamie Street from R-1A to R-2.

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. **2023-323** 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 May 16, 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 Delgado 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: 5 - George, Delgado, Carroll, Ware and Brown

Nays: 0

A MOTION was made by Council Member Carroll and seconded by Council Member Delgado to 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, until next City Council meeting (June 20, 2023).

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. **2023-354** Adopt Resolutions condemning the following properties as unclean and a menace to the health and safety of the community.

Attachments: PH 06 06 2023 Adopt Resolution to Condemn Memo (1) (revised)
1. 102 West 7th Street Condemnation Resolution
2. 106 Donald Street Condemnation Resolution
3. 108 Donald Street Condemnation Resolution
5. 135 East 7th Street Condemnation Resolution
6. 212 Willis Avenue Condemnation Resolution
7. 314 Bay Street Condemnation Resolution
8. 718 Tatum Road Condemnation Resolution
11. 610 Breland Street Condemnation Resolution
12. 704 Ellis Avenue Condemnation Resolution
13. 1300 North Main Street Condemnation Resolution
14. 1504 Main Street Condemnation Resolution

A MOTION was made by Council Member Delgado and seconded by Council Member Carroll to Pull out the following properties for a separate vote: 314 Bay Street and 704 Ellis Avenue.

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

A MOTION was made by Council Member Delgado and seconded by Council Member Carroll to Adopt Resolutions (#2023-62-66; 68,69,71, 72) condemning the following properties as unclean and a menace to the health and safety of the community.

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

A MOTION was made by Council Vice President Ware and seconded by Council Member Brown to Adopt Resolutions (#2023-67 and #2023-70) condemning the following properties, 314 Bay Street and 704 Ellis Avenue, as unclean and a menace to the health and safety of the community.

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

Yeas: 4 - George, Carroll, Ware and Brown

Nays: 1 - Delgado

5. **2023-356** Adopt a Resolution approving the issuance of a Free Port Warehouse exemption to Resinall Corporation, and granting the appropriate tax exemption pursuant to Section 21-31-51, of the Mississippi Code.

Attachments: FreeportWarehouse

A MOTION was made by Council Member Carroll and seconded by Council Member Brown to Adopt a Resolution (#2023-73) approving the issuance of a Free Port Warehouse exemption to Resinall Corporation, and granting the appropriate tax exemption pursuant to Section 21-31-51, of the Mississippi Code.

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. **2023-352** Adopt a Resolution appointing Mississippi Municipal League 2023 Voting Delegates for the City of Hattiesburg.

Attachments: RESOL.DELEGATES

A MOTION was made by Council Member Carroll and seconded by Council Member Brown to Adopt a Resolution (#2023-74) appointing Mississippi Municipal League 2023 Voting Delegates for the City of Hattiesburg.

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. **2023-348** Adopt a Resolution declaring equipment as surplus and authorize the disposal of said equipment and authorize removal of equipment from the city inventory of the Parks and Recreation Department. (per attached memo)

Attachments: Resolution-surplus 2023-6

A MOTION was made by Council Member Carroll and seconded by Council Member Brown to Adopt a Resolution (#2023-75) declaring equipment as surplus and authorize the disposal of said equipment and authorize removal of equipment from the city inventory of the Parks and Recreation Department.

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. **2023-374** Adopt the June 6th, 2023 Amendments to the budget for the City of Hattiesburg for fiscal year ending September 30, 2023 and adopt Resolution authorizing publication of amendments for funds in excess of 10% of the originally appropriated fund balance.

Attachments: 20230601154658539

A MOTION was made by Council Member Carroll and seconded by Council Member Brown to Adopt the June 6th, 2023 Amendments to the budget for the City of Hattiesburg for fiscal year ending September 30, 2023 and adopt Resolution (#2023-76) authorizing publication of amendments for funds in excess of 10% of the originally appropriated fund balance.

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. **2023-362** Approve Lighting Agreement with Mississippi Power Company for Installing 4 New 190W and 280W LED Fixtures at US Hwy 11 (Veterans Blvd) and authorize the Mayor to execute the same.

Attachments: MS Power - Service Agreement
Lighting Agreement with MS Power for LED fixtures at US Hwy 11 (Veterans Blvd)

A MOTION was made by Council Member Brown and seconded by Council Member Delgado to Approve Lighting Agreement with Mississippi Power Company for Installing 4 New 190W and 280W LED Fixtures at US Hwy 11 (Veterans Blvd) 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. **2023-360** 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 - 150 Watt Acorn
MS Power - 610 Francis St
MS Power - End of Tuscan Ave
MS Power - 711 & 804 Highland
MS Power - 33 Install @ $8.65 Ward 5

A MOTION was made by Council Member Brown and seconded by Council Member Carroll 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

11. **2023-330** Approve Change Order No. 3 with Hemphill Construction Co. for the Water Plant #1 Rehab Phase I to increase the number of days for completion of the contract and authorize the Mayor to execute in duplicate.

Attachments: 1273-W015.1_Change Order No 3 - time extension_2023-05-12

A MOTION was made by Council Member Carroll and seconded by Council Member Brown to Approve Change Order No. 3 with Hemphill Construction Co. for the Water Plant #1 Rehab Phase I to increase the number of days for completion of the contract 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

12. **2023-369** Approve Supplemental Agreement No. 2 with Holliday Construction, LLC for the North 28th Avenue Bridge Replacement Project to adjust quantities to actual and reduce the contract amount by $3,238.75 for a final contract amount of $546,273.00 and authorize the Mayor to execute in multiples; Authorize the final acceptance and closeout of the project; Authorize payment of the final pay application in the amount of $27,313.65.

Attachments: N. 28th Ave Bridge Replacement Closeout Docs

A MOTION was made by Council Member Carroll and seconded by Council Member Brown to Approve Supplemental Agreement No. 2 with Holliday Construction, LLC for the North 28th Avenue Bridge Replacement Project to adjust quantities to actual and reduce the contract amount by $3,238.75 for a final contract amount of

$546,273.00 and authorize the Mayor to execute in multiples; Authorize the final acceptance and closeout of the project; Authorize payment of the final pay application in the amount of $27,313.65.

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. **2023-370** Approve Change Order No. 2 with Phoenix Construction, LLC for the Jaycee Park Improvements project to account for additional items at an added cost of $3,194.70 and authorize the Mayor to execute in duplicate.

Attachments: 3922 Change Order #2 for Owner Signature
Change Order #2 with Phoenix Construction, LLC - Jaycee Park Improvements Project

A MOTION was made by Council Member Carroll and seconded by Council Member Delgado to Approve Change Order No. 2 with Phoenix Construction, LLC for the Jaycee Park Improvements project to account for additional items at an added cost of $3,194.70 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

14. **2023-361** 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: 412 N 38th Av Agrmt_06062023
312 Willis Av Agrmt_06062023
Contractor and homeowner agreements for emergency roof repair projects - 6-6-2023

A MOTION was made by Council Member Carroll and seconded by Council Vice President Ware 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 and Brown

Nays: 0

15. **2023-363** Approve contract between City of Hattiesburg and Burkett's Seafood to provide concessionaire services at Tatum Park Softball Complex and authorize the Mayor to execute the same.

Attachments: BurkettsSeafood_Tatum Softball Concession Contract_updated2023

A MOTION was made by Council Member Carroll and seconded by Council Member Brown to Approve contract between City of Hattiesburg and Burkett's Seafood to provide concessionaire services at Tatum Park Softball Complex 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

16. **2023-365** Approve Agreement between City of Hattiesburg, South Mississippi Planning and Development District, and Milk and Honey Properties, LLC., for participation in the Commercial Redevelopment Incentive Program for redevelopment of property located at 415 Broadway Drive, Hattiesburg, Mississippi and authorize the Mayor to execute the same.

Attachments: Redevelopment Program-SMPDD- Milk & Honey Properties, LLC. 6.6.23
Agreement with COH, SMPDD and Milk & Honey Properties, LLC – redevelopment of 415 Broadway Drive

A MOTION was made by Council Vice President Ware and seconded by Council Member Carroll to Approve Agreement between City of Hattiesburg, South Mississippi Planning and Development District, and Milk and Honey Properties, LLC., for participation in the Commercial Redevelopment Incentive Program for redevelopment of property located at 415 Broadway Drive, Hattiesburg, Mississippi 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

17. **2023-366** Approve Agreement between City of Hattiesburg and Art Makes Art, Inc., to provide theater and art programs for the City of Hattiesburg in an amount not to exceed $15,000.00, authorize Mayor to execute the same and authorize issuance of manual check."

Attachments: 2023 Theater and Arts Program-Abigail Allen
Agreement between COH and Art Makes Art, Inc., to provide theater and art programs

A MOTION was made by Council Vice President Ware and seconded by Council Member Carroll to Approve Agreement between City of Hattiesburg and Art Makes Art, Inc., to provide theater and art programs for the City of Hattiesburg in an amount not to exceed $15,000.00, authorize Mayor to execute the same and authorize issuance of manual check."

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

18. **2023-367** Approve Advertisement Sponsorship between City of Hattiesburg and Hattiesburg Exchange Club for the 2023 DYB World Series Baseball Tournament, in accordance with Mississippi Code 17-3-1.

Attachments: DYB Invoice City of Hattiesburg

A MOTION was made by Council Member Brown and seconded by Council Member Delgado to Approve Advertisement Sponsorship between City of Hattiesburg and Hattiesburg Exchange Club for the 2023 DYB World Series Baseball Tournament, in accordance with Mississippi Code 17-3-1; and authorize a manual check.

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

19. **2023-368** Acknowledge bids received on May 25, 2023 for the 16th Avenue and Concart Street Improvements project and accept the bid from Colony Construction for the base bid, additive alternate No. 1 and additive alternate No. 2 in the amount of $600,290.10; Authorize the Mayor to execute contracts when prepared.

Attachments: 16th Ave and Concart St Certified Bid Tab
16th Ave and Concart St Bid Tab Ltr

A MOTION was made by Council Vice President Ware and seconded by Council Member Carroll to Acknowledge bids received on May 25, 2023 for the 16th Avenue and Concart Street Improvements project and accept the bid from Colony Construction for the base bid, additive alternate No. 1 and additive alternate No. 2 in the amount of $600,290.10; Authorize the Mayor to execute contracts when prepared.

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

20. **2023-371** Acknowledge bids received on April 20, 2023 for the Gordon's Creek to McLeod Street TAP project, reject all bids as exceeding costs estimates and authorize re-advertisement of the project, subject to Mississippi Department of Transportation (MDOT) approval.

Attachments: Bid Rejection Ltr
Bid Rejection Checklist
16242_CertBidTab
Sworn Proof-CL
Rejection of bids for Gordon's Creek to McLeod Three TAP Project and authorize readvertisement, subject to MDOT approval

A MOTION was made by Council Vice President Ware and seconded by Council Member Carroll to Acknowledge bids received on April 20, 2023 for the Gordon's Creek to McLeod Street TAP project, reject all bids as exceeding costs estimates and authorize re-advertisement of the project, subject to Mississippi Department of Transportation (MDOT) approval.

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

21. **2023-372** Approve and authorize the Mayor to execute a contract between the City of Hattiesburg Parks and Recreation Department and Michelle Williams for the management operation of the City of Hattiesburg Summer Aquatic Program.

Attachments: Michelle Williams Pool Services Labor Contract 2023

A MOTION was made by Council Member Brown and seconded by Council Vice President Ware to Approve and authorize the Mayor to execute a contract between the City of Hattiesburg Parks and Recreation Department and Michelle Williams for the management operation of the City of Hattiesburg Summer Aquatic 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

22. **2023-385** Adopt a Resolution appointing Betsy Mercier as Interim Director of the Parks and Recreation Department.

Attachments: COUNCIL RESOLUTION FOR APPOINTMENT-Betsy Mercier

A MOTION was made by Council Member Carroll and seconded by Council Vice President Ware to Adopt a Resolution (#2023-77) appointing Betsy Mercier as Interim Director of the Parks and Recreation Department.

Council Member Delgado made a statement and read aloud her statement for the record.

> "There is no question that the mayor has the right to appoint directors just as there is no question that the Council has the power to confirm. Similarly, there should be no question that each councilmember has the right to vote in the confirmation process according to what that councilmember believes to be in the best interest of the City. The vast majority of the time my

votes have been in favor of the candidate put forward by the mayor though i have occasionally had my doubts. On the other hand, there have been instances where my research and experience have required me to vote against particular appointments. One example was in the case of the last appointment to this position, I voted against that two times.

Today, unfortunately, is another instance where my vote is in opposition to the appointment.

During the work session yesterday, the mayor said that there was opportunity to go to him with concerns about this same appointment earlier. To be frank, I had no idea that an interim appointment to the position had been made until recently as complaints started to pour in from too many employees in the department about the even more toxic environment. Given the mayor's right to appoint, and the statutory requirement that such appointments to come before the council, it was my thought that there would be opportunity to raise questions when presentation was made to the Council. It was my understanding that it would be within 90 days and that the matter of pay would also be presented. Consequently, I waited. MS Code §21-15-41 states, " **(1) No person shall serve in an interim or hold-over capacity for longer than ninety (90) days in a position that is required by law to be filled by appointment of the governing body of a municipality, or by mayoral appointment with the advice and consent of the council or aldermen. If such position is not filled within ninety (90) days after the expiration of the position's term, or within ninety (90) days after the date of appointment if an interim appointment, the hold-over service or interim appointment shall terminate and no municipal funds may thereafter be expended to compensate the person serving in the position. Further, any action or vote taken by such person after the ninety-day period shall be invalid and without effect. If a council or board of aldermen rejects, or otherwise fails to confirm, an individual submitted by the mayor for appointment, the mayor may not resubmit or reappoint the same individual for that position during the remainder of the mayor's current term in office.**

Because my concern was not only with the requirement to bring the matter before the council for approval, but also with the requirement that salaries be set by Council Ordinance, I now have increased concern. **MS Code §21-8-21 (2)......Every officer or employee of the municipality shall receive such a salary of compensation as the council shall by ordinance provide, and the salary compensation of all employees of such municipality shall be fixed by the council from time to time, as occasion may demand.** Many times there is strict adherence to the rules and at other times we are relaxed. Today, however, we are voting on an interim position where the salary increase was awarded without benefit of council vote.

Employees in that department have the audacity to believe that the work place should be a democratic environment where there is a set standard for the opportunity to advance and that matters of employee advancement and pay are standardized. In fact, employees throughout the City seem to have that expectation. For example, it is unbelievable that in public employment, because an
employee who happens to work in a department that generates income or an enterprise fund, that employee is given higher pay. Others with the same employment classification work in areas that in no way generate income for the City are paid as much as $20,000 less than the income generating employee. Either we "are" a public employer or we are not.

Success in a position is often enabled by the blessings of complete support of the administration and the creation of an environment to assure success. I have seen many capable employees, who, but for not having the institutional support necessary to enable stellar performance, have not been able to actualize their potential. Success is not singular.

Many people who work for the City live in my ward. Many of these rank and file employees have come to me for fear of reprisals. And even when I suggest that they follow the chain of command, fear of employment retaliation keeps them silent. I have recommended collective bargaining to many of them. I still recommend it to promote a democratic work environment, higher wages, fair and humane treatment, a bully free work environment and consistency of treatment. Beyond that, there is nothing I can do.

Unfortunately, this is the third time I am forced to vote against the choice for leadership in this important city department."

Council Member Brown stated his concerns and comments regarding how he can not support this item.

Council Vice President Ware stated his comments in support.

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

Yeas: 3- George, Carroll and Ware

Nays: 2- Delgado and Brown

23. **2023-373** Ratify and confirm the Mayor's appointment of Lucy Parkman (W5) to the Hattiesburg Board of Adjustment for a three-year term beginning December 3, 2022 and ending December 2, 2025.

A MOTION was made by Council Member Brown and seconded by Council Vice President Ware to Ratify and confirm the Mayor's appointment of Lucy Parkman (W5) to the Hattiesburg Board of Adjustment for a three-year term beginning December 3, 2022 and ending December 2, 2025.

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

24. **2023-349** Ratify and confirm the Mayor's re-appointment of Frederick Varnado (W3) to the Hattiesburg- Laurel Regional Airport Authority for a five-year term beginning June 7, 2023 and ending June 6, 2028.

Attachments: data sheet.airport

A MOTION was made by Council Vice President Ware and seconded by Council Member Brown to Ratify and confirm the Mayor's re-appointment of Frederick Varnado (W3) to the Hattiesburg- Laurel Regional Airport Authority for a five-year term beginning June 7, 2023 and ending June 6, 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

25. **2023-350** Ratify and confirm the Mayor's re-appointment of James T. Tisdale to the Pine Belt Regional Solid Waste Management Authority for a four-year term beginning June 30, 2023 and ending June 29, 2027.

Attachments: James T Tisdale resume no ref

A MOTION was made by Council Member Carroll and seconded by Council Member Delgado to Ratify and confirm the Mayor's re-appointment of James T. Tisdale to the Pine Belt Regional Solid Waste Management Authority for a four-year term beginning June 30, 2023 and ending June 29, 2027.

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

26. **2023-375** Authorize the acceptance of the Asbury Foundation grant agreement for the Hattiesburg Police Department K-9 Program, for the purchase of one (1) dual-purpose K-9 at $13,000. Authorize the Mayor to execute in duplicate.

Attachments: Grant Award and Agreement

A MOTION was made by Council Member Brown and seconded by Council Vice President Ware to Authorize the acceptance of the Asbury Foundation grant agreement for the Hattiesburg Police Department K-9 Program, for the purchase of one (1) dual-purpose K-9 at $13,000. 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

27. **2023-387** Approve a Sponsorship Agreement between the City of Hattiesburg and IMG for advertising sponsorship in accordance with MS Code, 17-3-1, in an amount not to exceed $6,000.00 and authorize a manual check.

A MOTION was made by Council Member Carroll and seconded by Council Vice President Ware to Approve a Sponsorship Agreement between the City of Hattiesburg and IMG for advertising sponsorship in accordance with MS Code, 17-3-1, in an amount not to exceed $6,000.00 and authorize a manual check.

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

28. **2023-388** Adopt a Resolution authorizing the submission of a grant application to the U.S. Economic Development Authority for the 2023 Public Works and Economic Adjustment Assistance Program (PWEAA).

Attachments: Resolution- EDA Economic Adjustment Assistance (EAA) Grant 6.6.23

A MOTION was made by Council Member Carroll and seconded by Council Vice President Ware to Adopt a Resolution (#2023-78) authorizing the submission of a grant application to the U.S. Economic Development Authority for the 2023 Public Works and Economic Adjustment Assistance Program (PWEAA).

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

29. **2023-389** Adopt a Resolution authorizing the submission of a grant application to the Federal Highway Administration for the charging and fueling infrastructure grant program.

Attachments: Resolution-Charging & Fueling Infrastructure Grant 6.6.23

A MOTION was made by Council Member Carroll and seconded by Council Member Brown to Adopt a Resolution (#2023-79) authorizing the submission of a grant application to the Federal Highway Administration for the charging and fueling infrastructure grant 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

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.

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

1. **2023-287** Acknowledge receipt of the two-quote docket.

Attachments: Two Quote June 6 2023

2. **2023-351** Acknowledge receipt of a Declaration of Forfeiture from the 12th Circuit Court Narcotics Enforcement Team forfeiting $504.00 to the Hattiesburg Police Department . The $504.00 will be forfeited in the manner provided per attached memo.

Attachments: Receipt of Forfeiture Memo
Forfeiture Check
Order for Disposition of Seized Property - May 2023

3. **2023-353** Approve and authorize issuance of manual checks for CDBG/HOME Program Claims per attached Memorandum. {CDBG Entitlement/HOME}

Attachments: Manual Check Memo 06062023
Starter Homes of MS_2805 Hillside Dr_06062023
Starter Homes of MS_709 Woodland Ct_06062023
Starter Homes of MS_716 Barkley Rd_06062023
Starter Homes of MS_705 Quinn St_06062023
Starter Homes of MS_115 Independence Dr_06062023

4. **2023-357** Approve the sale of grave spaces per attached Memo's, Receipts, and Deeds.

Attachments: Memo's (06-06-2023)
Receipts (06-06-2023)
Deeds (06-06-2023)

5. **2023-347** Approve claims docket for the period ending May 31, 2023.

Attachments: DOCKET 23.05.31
5.31.23 DT

6. **2023-384** Acknowledge receipt of the FY 2022 Annual Report and Audit of the Hattiesburg Convention Commission.

Attachments: 2022 Hbg Convention Comm Annual Report and Audit

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 5:32 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 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 5:34 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 pending 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, City Engineer, Mary Beth Bergin; Deputy Director of Transportation and Engineering; Director of the Water Department, Alan Howe; Interim Director of Parks and Recreation, Betsy Mercier; Chief Communications Officer, Samantha McCain Alexander; Clerk of Council, Ronda Kennedy; Deputy Clerk of Council, Lisa Luu Jolly; and Attorney Keith Turner of Watkins & Eager law firm.

A MOTION was made by Council Vice President Ware and seconded by Council Member Carroll exit Executive Session and re-open the meeting to the public at 5:54 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

In Memoriam:

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

- Mrs. Amy Johnson Sevier
- Mr. Paul L. Kennedy
- Mr. John Lee Prine
- Mr. Gary W. Fordham
- Ms. Barbara Kay Creel Thornton
- Mr. Eric Gressett
- Mr. Robert Byrd, Jr.

- Mr. Robert Frank Cade
- Colonel Ed Felsher
- Mr. George Eagle
- Mrs. Clementine Benton

Meeting Adjourn

Council President George declared the **meeting adjourned at 5:55 p.m., this 6th day of June, 2023**, by unanimous consent, until the 19th day of June, 2023.

ATTEST: **APPROVE:**

Clerk of Council **Council President**

ATTEST AND CERTIFY: **APPROVE:**

City Clerk **Mayor**

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