Published Agenda

Tuesday, August 22, 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 Items #34 and #35 at the request of the Administration as follows:**

34.	**2023-586**	Adopt a Resolution declaring a portion of property identified as Forrest County Parcel PPIN 46999 necessary for public use, establishing just compensation and authorizing the Mayor to make a fair market value offer to Midtown Townhomes Association, Inc., 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.
35.	**2023-587**	Adopt a Resolution declaring Forrest County Parcel PPIN 41471, also known as lot 11 of Cherokee Court Subdivision, to be necessary for public use, and portions of property identified as Forrest County Parcel PPIN's 26510, 41469, 41470, 26500, 20815 and 20816 necessary for public use, determining that it is prudent and in the best interest of the public to and authorize the Mayor to enter an administrative settlement with Hub Development, LLC, Arlington Park, LLC, and any and all interest holders in said property, to acquire rights to the property from all interest holders for a total payment of $106,657.60 to Hub Development, LLC, also known as lot 11 of the Cherokee Court Subdivision, and the acceptance of donation of portion of other portions of property, and generally authorizing any and all proceedings necessary to acquire the aforementioned property pursuant to Miss. Code Ann. 21-37-47, as amended.

POLICY AGENDA

1.	**2023-563**	Approve the minutes for the August 7 & 8, 2023 meetings of the City Council.
2.	**2023-561**	Adopt an Ordinance on the petition filed by Erik M. Lowrey renaming East Hardy Street to River Ave. The Planning Commission recommended to approve on August 2, 2023.
3.	**2023-558**	Adopt an Ordinance on the petition filed by Ken Thronson, applicant, and John Guice, applicant, to rezone property located at 408 Broadway Drive from a B-5, Regional Business to a B-3, Community Business. Planning Commission recommended to deny on August 2, 2023.
4.	**2023-566**	Approve or Deny the request filed by Ken Thronson, applicant, and John Guice, applicant, for conditional use for a "Group Care Facility" in a B-3 Community Business, located at 408 Broadway Drive. The conditional use request is contingent upon the approval of a rezoning of the property to a B-3 Zone.
5.	**2023-567**	Approve or Deny the request of Denzel Stewman for conditional lien amnesty for property located at 307 Klondyke Street pursuant to Miss. Code Ann. Section 21-19-12.
6.	**2023-562**	Adopt the August 22, 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.
7.	**2023-573**	Adopt a Resolution to sponsor a baby safety device as defined by statute and place said device at Fire Station #1 (or such other station as may be deemed by the city) in the City of Hattiesburg, in accordance with House Bill 1318 passed in the 2023 regular session of the Mississippi Legislature which amended Section 45-15-201 et seq.
8.	**2023-539**	Adopt a Resolution obligating ARPA funds; authorize the execution of a subrecipient agreement by and between the City and the Mississippi Department of Environmental Quality for grant funds under the Mississippi Municipality and County Water Infrastructure grant program for Edwards Street Sewer Improvements.
9.	**2023-540**	Adopt a Resolution obligating ARPA funds; authorize the execution of a subrecipient agreement by and between the City and the Mississippi Department of Environmental Quality for grant funds under the Mississippi Municipality and County Water Infrastructure grant program for the MLK Water and Sewer Project.

10.	**2023-547**	Adopt a Resolution obligating ARPA funds and authorize the execution of a subrecipient agreement by and between the City and the Mississippi Department of Environmental Quality for grant funds under the Mississippi Municipality and County Water Infrastructure grant program for project # 569-2-SW-5.6.
11.	**2023-548**	Adopt a Resolution obligating ARPA funds and authorize the execution of a subrecipient agreement by and between the City and the Mississippi Department of Environmental Quality for grant funds under the Mississippi Municipality and County Water Infrastructure grant program for project # 568-2-SW-5.6.
12.	**2023-549**	Adopt a Resolution obligating ARPA funds and authorize the execution of a subrecipient agreement by and between the City and the Mississippi Department of Environmental Quality for grant funds under the Mississippi Municipality and County Water Infrastructure grant program project # 566-2-SW-5.6
13.	**2023-551**	Adopt a Resolution obligating ARPA funds and authorize the execution of a subrecipient agreement by and between the City and the Mississippi Department of Environmental Quality for grant funds under the Mississippi Municipality and County Water Infrastructure grant program for project # 567-2-SW-5.6.
14.	**2023-552**	Adopt a Resolution obligating ARPA funds and authorize the execution of a subrecipient agreement by and between the City and the Mississippi Department of Environmental Quality for grant funds under the Mississippi Municipality and County Water Infrastructure grant program for project #589-2-SW-5.6.
15.	**2023-553**	Adopt a Resolution obligating ARPA funds and authorize the execution of a subrecipient agreement by and between the City and the Mississippi Department of Environmental Quality for grant funds under the Mississippi Municipality and County Water Infrastructure grant program for project #438-1-SW-5.6.
16.	**2023-550**	Adopt a Resolution obligating ARPA funds and authorize the execution of a subrecipient agreement by and between the City and the Mississippi Department of Environmental Quality for grant funds under the Mississippi Municipality and County Water Infrastructure grant program for project # 565-2-SW-5.6.
17.	**2023-555**	Adopt a Resolution authorizing application for the Mississippi State Department of Health FY2024 State Victim Services Grant Program for a total of $49,491.00 with NO match required and authorize the Mayor to execute the same.
18.		Removed
19.	**2023-560**	Approve Professional Services Agreement with Shows, Dearman and Waits, Inc. to provide engineering services for the Lincoln Road Stormwater Detention Project and authorize the Mayor to execute in duplicate.
20.	**2023-554**	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.
21.	**2023-564**	Approve Evacuation Agreement between the City of Hattiesburg and Pearl River Valley Opportunity, Inc. HeadStart / Hawkins Early Start to utilize Jackie Dole Sherill as an emergency evacuation shelter for children and staff and authorize the Mayor to execute the same.
22.	**2023-565**	Approve Evacuation Agreement between the City of Hattiesburg and Pearl River Valley Opportunity, Inc. Head Start/ Johna E. Hales Early Head Start Center to utilize Jackie Dole Sherill as an emergency evacuation shelter for children and staff and authorize the Mayor to execute the same.
23.	**2023-535**	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.
24.	**2023-536**	Approve Memorandum of Agreement between Southeast Mississippi Rural Health Initiative, Inc. and the City of Hattiesburg for the LeadSafe Hattiesburg program and authorize the Mayor to execute in triplicate.
25.	**2023-534**	Approve Memorandum of Agreement between the Mississippi Bureau of Narcotics (MBN) and the Mississippi Gulf Coast High Intensity Drug Trafficking Area (HIDTA) and the Hattiesburg Police Department (LEO) shall begin on January 1, 2023 and shall not extend beyond December 31, 2023 unless the period is extended by written modification to this agreement and authorize the Mayor to execute the same.
26.	**2023-537**	Acknowledge receipt of grant award from the Federal Emergency Management Agency FY 2022 Assistance to Firefighters Grant (EMW-2022-FG-01196), in the amount of $56,477.27 with a local match of $5,647.73 for a total project cost of $62,125.00 for the purchase of equipment for the Hattiesburg Fire Department.
27.	**2023-544**	Acknowledge receipt of funding assistance from the U.S. Army Corp of Engineers under the Section 592 Mississippi Environmental Infrastructure Resource Protection and Development Program for improvements to infrastructure related to drainage and stormwater control and authorize the Mayor to execute all necessary agreements upon preparation for related purposes.
28.	**2023-545**	Acknowledge receipt of a grant award from the U.S. Department of Transportation Federal Highway Administration for the Safe Streets and Roads for All Grant in the amount of $240,000 and authorize the Mayor to execute all necessary agreements for related purposes.

29.	**2023-541**	Acknowledge bids received on July 13, 2023, for the Edwards Street Infrastructure Rehabilitation and accept the bid from Grady Crawford Construction Company in the amount of $1,416,860.00 as the lowest and best bid and authorize the Mayor to execute construction contracts upon preparation and all necessary agreements for related purposes.
30.	**2023-543**	Acknowledge bids received on July 13, 2023, for MLK Avenue Area Infrastructure Improvements and accept the bid from Grady Crawford Construction Company in the amount of $4,076,780.50 as the lowest and best bid and authorize the Mayor to execute construction contracts upon preparation and all necessary agreements for related purposes.
31.	**2023-569**	Acknowledge bids received on August 3, 2023, for the Fire Station #7 ReRoof and accept the bid from Associated Contractors, Inc. in the amount of $96,448.00 as the lowest and best bid and authorize the Mayor to execute construction contracts upon preparation and all necessary agreements for related purposes.
32.	**2023-570**	Approve Agreement between City of Hattiesburg, South Mississippi Planning and Development District, and Mobile Street Properties, LLC., for participation in the Commercial Redevelopment Incentive Program for redevelopment of property located at 203 and 205 Mobile Street, Hattiesburg, Mississippi and authorize the Mayor to execute the same.
33.	**2023-571**	Approve Agreement between City of Hattiesburg and Mississippi Power allowing permission for MS Power to use certain parking lot areas locate at Tatum Park in the event of a major disaster for staging trucks and crews.

ROUTINE AGENDA

1.	**2023-546**	Acknowledge receipt of the monthly budget report for the month ending July 31, 2023.
2.	**2023-538**	Acknowledge receipt of the Notice of Adoption of the Motor Vehicle Assessment Schedule received from the Mississippi Department of Revenue and adopt the same for the City of Hattiesburg for the fiscal year beginning October 1, 2023 and ending September 30, 2024; and authorize publication of public hearing for September 18, 2023 before the council to hear complaints or objections to the adoption of the Motor Vehicle Assessment Schedule.
3.	**2023-559**	Approve specifications and authorize publication of advertisement for Term Bid Item #2 (Repair and Rehabilitation of City Streets) for the City of Hattiesburg.
4.	**2023-533**	Approve the sale of grave spaces, per attached Memo's, Receipts, and Deeds.
5.	**2023-542**	Approve claims docket for the period ending August 18, 2023.

In Memoriam:

- Ms. Chalesha Kennedy Blake
- Mrs. Wanda Johnson
- Ms. Deborah "Debi" Davenport

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, August 22, 2023**, in Council Chambers at City Hall; same being from a recessed meeting held on August 21, 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 (via teleconference). 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 Rev. Janet McLelland of Victory Church.

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 Vice President Ware to Add Policy Items #34 and #35 at the request of the Administration as follows:

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

Yeas: 4 - George, Carroll, Ware and Brown (via teleconference)

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. **2023-563** Approve the minutes for the August 7 & 8, 2023 meetings of the City Council.

Attachments: 8-7-2023 AR, BP Mins.
8-8-2023 BP Mins.

A MOTION was made by Council Member Carroll and seconded by Council Vice President Ware to Approve the minutes for the August 7 & 8, 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 (via teleconference)

Nays: 0

Absent: 1 - Delgado

2. **2023-561** Adopt an Ordinance on the petition filed by Erik M. Lowrey renaming East Hardy Street to River Ave. The Planning Commission recommended to approve on August 2, 2023.

Attachments: Staff Summary - East Hardy Street to River Ave
Image Sheet - East Hardy St Rename
PH Application
Signatures from CRAFT's
Victory Church Congregation Petitions
Joseph Cothen Signature
HARDY ADDRESSES AND STRUCTURES
HPC minutes August_draft
Ordinances - street renaming -E Hardy Street to River Ave

A MOTION was made by Council Member Carroll and seconded by Council Vice President Ware to Adopt an Ordinance (#3331) on the petition filed by Erik M. Lowrey renaming East Hardy Street to River Ave.

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

Yeas: 4 - George, Carroll, Ware and Brown (via teleconference)

Nays: 0

Absent: 1 - Delgado

3. **2023-558** Adopt an Ordinance on the petition filed by Ken Thronson, applicant, and John Guice, applicant, to rezone property located at 408 Broadway Drive from a B-5, Regional Business to a B-3, Community Business. Planning Commission recommended to deny on August 2, 2023.

Attachments: Staff Summary - Group Care Facility
Image Sheet - 408 Broadway Dr
HPC minutes August_Final
Rezoning Application_001
Rezoning Legal Description and Warranty Deed_001
Rezoning Site Diagram_001
Statement of Significance - RA Memo
Ordinance - ZONING CHANGE - 408 Broadway Drive

The Council finds that the recommendation of the Planning Commission to deny the request is valid, whereas the conditions outlined in the Land Development Code, Ord. No. 3209 for a zoning map amendment were not met. It was found by the Planning Commission that the burden of proof for the justification of an amendment to the official zoning map was not provided by the applicant or by their representative, and the City Council is in agreeance that the burden of proof was not provided to justify the change in the official zoning map.

It is, therefore, ORDERED that the request of Ken Thronson, applicant, and John Guice, applicant, as required in the Land Development Code, Ord. No. 3209, to request rezoning of the property located at 408 Broadway Drive from a B-5, Regional Business to a B-3, Community Business be denied by the City Council of the City of Hattiesburg.

A MOTION was made by Council Member Carroll and seconded by Council Vice President Ware to Deny the petition filed by Ken Thronson, applicant, and John Guice, applicant, to rezone property located at 408 Broadway Drive from a B-5 to a B-3.

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

Yeas: 4 - George, Carroll, Ware and Brown (via teleconference)

Nays: 0

Absent: 1 - Delgado

4. **2023-566** Approve or Deny the request filed by Ken Thronson, applicant, and John Guice, applicant, for conditional use for a "Group Care Facility" in a B-3 Community Business, located at 408 Broadway Drive. The conditional use request is contingent upon the approval of a rezoning of the property to a B-3 Zone.

Attachments: Staff Summary - Group Care Facility
Image Sheet - 408 Broadway Dr
Rezoning Application_001
Statement of Significance - RA Memo
Rezoning Legal Description and Warranty Deed_001
Rezoning Site Diagram_001
HPC minutes August_Final

**No action was taken.*

5. 2023-567 Approve or Deny the request of Denzel Stewman for conditional lien amnesty for property located at 307 Klondyke Street pursuant to Miss. Code Ann. Section 21-19-12.

Attachments: Miss. Code Ann. _ 21-19-12
D Stewman Klondyke Street Lien Amnesty request

A MOTION was made by Council Member Carroll and seconded by Council Vice President Ware to Approve the request of Denzel Stewman for conditional lien amnesty for property located at 307 Klondyke Street pursuant to Miss. Code Ann. Section 21-19-12.

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

Yeas: 4 - George, Carroll, Ware and Brown (via teleconference)

Nays: 0

Absent: 1 - Delgado

6. 2023-562 Adopt the August 22, 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: Resolution adopting budget amendments
August 22nd Budget Amendments

A MOTION was made by Council Member Carroll and seconded by Council Vice President Ware to Adopt the August 22, 2023 amendments to the budget for the City of Hattiesburg for fiscal year ending September 30, 2023 and adopt Resolution (#2023-100) 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: 4 - George, Carroll, Ware and Brown (via teleconference)

Nays: 0

Absent: 1 - Delgado

7. 2023-573 Adopt a Resolution to sponsor a baby safety device as defined by statute and place said device at Fire Station #1 (or such other station as may be deemed by the city) in the City of Hattiesburg, in accordance with House Bill 1318 passed in the 2023 regular session of the Mississippi Legislature which amended Section 45-15-201 et seq.

Attachments: Resolution - Safe Haven Baby Box

A MOTION was made by Council Member Carroll and seconded by Council Vice President Ware to Adopt a Resolution (#2023-101) to sponsor a baby safety device as defined by statute and place said device at Fire Station #1 (or such other station as may be deemed by the city) in the City of Hattiesburg, in accordance with House Bill 1318 passed in the 2023 regular session of the Mississippi Legislature which amended Section 45-15-201 et seq.

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

Yeas: 4 - George, Carroll, Ware and Brown (via teleconference)

Nays: 0

Absent: 1 - Delgado

8. **2023-539** Adopt a Resolution obligating ARPA funds; authorize the execution of a subrecipient agreement by and between the City and the Mississippi Department of Environmental Quality for grant funds under the Mississippi Municipality and County Water Infrastructure grant program for Edwards Street Sewer Improvements.

Attachments: Resolution - Edwards St (w Exhibit C)

A MOTION was made by Council Member Carroll and seconded by Council Vice President Ware to Adopt a Resolution (#2023-102) obligating ARPA funds; authorize the execution of a subrecipient agreement by and between the City and the Mississippi Department of Environmental Quality for grant funds under the Mississippi Municipality and County Water Infrastructure grant program for Edwards Street Sewer Improvements.

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

Yeas: 4 - George, Carroll, Ware and Brown (via teleconference)

Nays: 0

Absent: 1 - Delgado

9. **2023-540** Adopt a Resolution obligating ARPA funds; authorize the execution of a subrecipient agreement by and between the City and the Mississippi Department of Environmental Quality for grant funds under the Mississippi Municipality and County Water Infrastructure grant program for the MLK Water and Sewer Project.

Attachments: MLK Resolution (inc. Contract Ex.C)

A MOTION was made by Council Member Carroll and seconded by Council Vice President Ware to Adopt a Resolution (#2023-103) obligating ARPA funds; authorize the execution of a subrecipient agreement by and between the City and the Mississippi Department of Environmental Quality for grant funds under the Mississippi Municipality and County Water Infrastructure grant program for the MLK Water and Sewer Project..

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

Yeas: 4 - George, Carroll, Ware and Brown (via teleconference)

Nays: 0

Absent: 1 - Delgado

10. **2023-547** Adopt a Resolution obligating ARPA funds and authorize the execution of a subrecipient agreement by and between the City and the Mississippi Department of Environmental Quality for grant funds under the Mississippi Municipality and County Water Infrastructure grant program for project # 569-2-SW-5.6.

Attachments: Resolution Authorizing Irene Chapel Project MCWI Subgrant Agreement

A MOTION was made by Council Member Carroll and seconded by Council Vice President Ware to Adopt a Resolution (#2023-104) obligating ARPA funds and authorize the execution of a subrecipient agreement by and between the City and the Mississippi Department of Environmental Quality for grant funds under the Mississippi Municipality and County Water Infrastructure grant program for project # 569-2-SW-5.6.

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

Yeas: 4 - George, Carroll, Ware and Brown (via teleconference)

Nays: 0

Absent: 1 - Delgado

11. **2023-548** Adopt a Resolution obligating ARPA funds and authorize the execution of a subrecipient agreement by and between the City and the Mississippi Department of Environmental Quality for grant funds under the Mississippi Municipality and County Water Infrastructure grant program for project # 568-2-SW-5.6.

Attachments: Resolution Authorizing Unified Neighborhood Project MCWI Subgrant Agreement

A MOTION was made by Council Member Carroll and seconded by Council Vice President Ware to Adopt a Resolution (#2023-105) obligating ARPA funds and authorize the execution of a subrecipient agreement by and between the City and the Mississippi Department of Environmental Quality for grant funds under the Mississippi Municipality and County Water Infrastructure grant program for project # 568-2-SW-5.6.

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

Yeas: 4 - George, Carroll, Ware and Brown (via teleconference)

Nays: 0

Absent: 1 - Delgado

12. **2023-549** Adopt a Resolution obligating ARPA funds and authorize the execution of a subrecipient agreement by and between the City and the Mississippi Department of Environmental Quality for grant funds under the Mississippi Municipality and County Water Infrastructure grant program project # 566-2-SW-5.6

Attachments: Resolution Authorizing W. 7th Street Project MCWI Subgrant Agreement

A MOTION was made by Council Member Carroll and seconded by Council Vice President Ware to Adopt a Resolution (#2023-106) obligating ARPA funds and authorize the execution of a subrecipient agreement by and between the City and the Mississippi Department of Environmental Quality for grant funds under the Mississippi Municipality and County Water Infrastructure grant program project # 566-2-SW-5.6.

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

Yeas: 4 - George, Carroll, Ware and Brown (via teleconference)

Nays: 0

Absent: 1 - Delgado

13. **2023-551** Adopt a Resolution obligating ARPA funds and authorize the execution of a subrecipient agreement by and between the City and the Mississippi Department of Environmental Quality for grant funds under the Mississippi Municipality and County Water Infrastructure grant program for project # 567-2-SW-5.6.

Attachments: Resolution Authorizing Gordon's Creek Project MCWI Subgrant Agreement

A MOTION was made by Council Member Carroll and seconded by Council Vice President Ware to Adopt a Resolution (#2023-107) obligating ARPA funds and authorize the execution of a subrecipient agreement by and between the City and the Mississippi Department of Environmental Quality for grant funds under the Mississippi Municipality and County Water Infrastructure grant program for project # 567-2-SW-5.6.

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

Yeas: 4 - George, Carroll, Ware and Brown (via teleconference)

Nays: 0

Absent: 1 - Delgado

14. **2023-552** Adopt a Resolution obligating ARPA funds and authorize the execution of a subrecipient agreement by and between the City and the Mississippi Department of Environmental Quality for grant funds under the Mississippi Municipality and County Water Infrastructure grant program for project #589-2-SW-5.6.

Attachments: Resolution Authorizing Lincoln Road Project MCWI Subgrant Agreement

A MOTION was made by Council Member Carroll and seconded by Council Vice President Ware to Adopt a Resolution (#2023-108) obligating ARPA funds and authorize the execution of a subrecipient agreement by and between the City and the Mississippi Department of Environmental Quality for grant funds under the Mississippi Municipality and County Water Infrastructure grant program for project #589-2-SW-5.6.

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

Yeas: 4 - George, Carroll, Ware and Brown (via teleconference)

Nays: 0

Absent: 1 - Delgado

15. **2023-553** Adopt a Resolution obligating ARPA funds and authorize the execution of a subrecipient agreement by and between the City and the Mississippi Department of Environmental Quality for grant funds under the Mississippi Municipality and County Water Infrastructure grant program for project #438-1-SW-5.6.

Attachments: Resolution Authorizing 7th Street & 25th Drainage Project MCWI Subgrant Agreement

A MOTION was made by Council Member Carroll and seconded by Council Vice President Ware to Adopt a Resolution (#2023-109) obligating ARPA funds and authorize the execution of a subrecipient agreement by and between the City and the Mississippi Department of Environmental Quality for grant funds under the Mississippi Municipality and County Water Infrastructure grant program for project #438-1-SW-5.6.

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

Yeas: 4 - George, Carroll, Ware and Brown (via teleconference)

Nays: 0

Absent: 1 - Delgado

16. **2023-550** Adopt a Resolution obligating ARPA funds and authorize the execution of a subrecipient agreement by and between the City and the Mississippi Department of Environmental Quality for grant funds under the Mississippi Municipality and County Water Infrastructure grant program for project # 565-2-SW-5.6.

Attachments: Resolution Authorizing S. 40th Avenue Project MCWI Subgrant Agreement

A MOTION was made by Council Member Carroll and seconded by Council Vice President Ware to Adopt a Resolution (#2023-110) obligating ARPA funds and authorize the execution of a subrecipient agreement by and between the City and the Mississippi Department of Environmental Quality for grant funds under the Mississippi Municipality and County Water Infrastructure grant program for project # 565-2-SW-5.6.

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

Yeas: 4 - George, Carroll, Ware and Brown (via teleconference)

Nays: 0

Absent: 1 - Delgado

17. **2023-555** Adopt a Resolution authorizing application for the Mississippi State Department of Health FY2024 State Victim Services Grant Program for a total of $49,491.00 with NO match required and authorize the Mayor to execute the same.

Attachments: Resolution-FY2023 State Victim Services Grant
2023stategrant

A MOTION was made by Council Member Carroll and seconded by Council Vice President Ware to Adopt a Resolution (#2023-111) authorizing application for the Mississippi State Department of Health FY2024 State Victim Services Grant Program for a total of $49,491.00 with NO match required 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 (via teleconference)

Nays: 0

Absent: 1 - Delgado

18. **Removed**

19. **2023-560** Approve Professional Services Agreement with Shows, Dearman and Waits, Inc. to provide engineering services for the Lincoln Road Stormwater Detention Project and authorize the Mayor to execute in duplicate.

Attachments: 12237_Standard Form Agreement between Owner and Engineer

A MOTION was made by Council Member Carroll and seconded by Council Vice President Ware to Approve Professional Services Agreement with Shows, Dearman and Waits, Inc. to provide engineering services for the Lincoln Road Stormwater Detention Project 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 (via teleconference)

Nays: 0

Absent: 1 - Delgado

20. **2023-554** 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 - Hope Park
MS Power - Alley Behind 2315 Hardy St
MS Power - 800 N 9th Ave
MS Power - 802 Elizabeth Ave

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

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

Yeas: 4 - George, Carroll, Ware and Brown (via teleconference)

Nays: 0

Absent: 1 - Delgado

21. **2023-564** Approve Evacuation Agreement between the City of Hattiesburg and Pearl River Valley Opportunity, Inc. HeadStart / Hawkins Early Start to utilize Jackie Dole Sherill as an emergency evacuation shelter for children and staff and authorize the Mayor to execute the same.

Attachments: Hawkins Early Head Start Letter of Evacuation Agreement 072423

A MOTION was made by Council Member Carroll and seconded by Council Vice President Ware to Approve Evacuation Agreement between the City of Hattiesburg and Pearl River Valley Opportunity, Inc. HeadStart / Hawkins Early Start to utilize Jackie Dole Sherill as an emergency evacuation shelter for children and staff 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 (via teleconference)

Nays: 0

Absent: 1 - Delgado

22. **2023-565** Approve Evacuation Agreement between the City of Hattiesburg and Pearl River Valley Opportunity, Inc. Head Start/ Johna E. Hales Early Head Start Center to utilize Jackie Dole Sherill as an emergency evacuation shelter for children and staff and authorize the Mayor to execute the same.

Attachments: 0401_001

A MOTION was made by Council Member Carroll and seconded by Council Vice President Ware to Approve Evacuation Agreement between the City of Hattiesburg and Pearl River Valley Opportunity, Inc. Head Start/ Johna E. Hales Early Head Start Center to utilize Jackie Dole Sherill as an emergency evacuation shelter for children and staff 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 (via teleconference)

Nays: 0

Absent: 1 - Delgado

23. **2023-535** 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: Roof Agreement - K. Crowell 1 Continental Blvd
Roof Agreement - P. Jones_114 Cypress Ave.
Roof Agreement - R. Buckley_1792 James Street
Roof Agreement - S. Hall_19 Annie Christie
Roof agreement - Y. Guess_457 Buschman St.
Roof agreement_J.Bowens - 718 Woodland
Roof Agreement - B.Gray_106 Townsend
Roof agreement - D.Smith_Roby Street

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: 4 - George, Carroll, Ware and Brown (via teleconference)

Nays: 0

Absent: 1 - Delgado

24. **2023-536** Approve Memorandum of Agreement between Southeast Mississippi Rural Health Initiative, Inc. and the City of Hattiesburg for the LeadSafe Hattiesburg program and authorize the Mayor to execute in triplicate.

Attachments: MoA_SeMRHI_City of Hattiesburg Urban Development_Lead Testing

A MOTION was made by Council Member Carroll and seconded by Council Vice President Ware to Approve Memorandum of Agreement between Southeast Mississippi Rural Health Initiative, Inc. and the City of Hattiesburg for the LeadSafe Hattiesburg program and authorize the Mayor to execute in triplicate.

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

Yeas: 4 - George, Carroll, Ware and Brown (via teleconference)

Nays: 0

Absent: 1 - Delgado

25. **2023-534** Approve Memorandum of Agreement between the Mississippi Bureau of Narcotics (MBN) and the Mississippi Gulf Coast High Intensity Drug Trafficking Area (HIDTA) and the Hattiesburg Police Department (LEO) shall begin on January 1, 2023 and shall not extend beyond December 31, 2023 unless the period is extended by written modification to this agreement and authorize the Mayor to execute the same.

Attachments: Memorandum Of Agreement - MBN, HIDTA, & HPD

A MOTION was made by Council Member Carroll and seconded by Council Vice President Ware to Approve Memorandum of Agreement between the Mississippi Bureau of Narcotics (MBN) and the Mississippi Gulf Coast High Intensity Drug Trafficking Area (HIDTA) and the Hattiesburg Police Department (LEO) shall begin on January 1, 2023 and shall not extend beyond December 31, 2023 unless the period is extended by written modification to this agreement 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 (via teleconference)

Nays: 0

Absent: 1 - Delgado

26. **2023-537** Acknowledge receipt of grant award from the Federal Emergency Management Agency FY 2022 Assistance to Firefighters Grant (EMW-2022-FG-01196), in the amount of $56,477.27 with a local match of $5,647.73 for a total project cost of $62,125.00 for the purchase of equipment for the Hattiesburg Fire Department.

Attachments: EMW-2022-FG-01196 - Award Package

A MOTION was made by Council Member Carroll and seconded by Council Vice President Ware to Acknowledge receipt of grant award from the Federal Emergency Management Agency FY 2022 Assistance to Firefighters Grant (EMW-2022-FG-01196), in the amount of $56,477.27 with a local match of $5,647.73 for a total project cost of $62,125.00 for the purchase of equipment for the Hattiesburg Fire Department.

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

Yeas: 4 - George, Carroll, Ware and Brown (via teleconference)

Nays: 0

Absent: 1 - Delgado

27. **2023-544** Acknowledge receipt of funding assistance from the U.S. Army Corp of Engineers under the Section 592 Mississippi Environmental Infrastructure Resource Protection and Development Program for improvements to infrastructure related to drainage and stormwater control and authorize the Mayor to execute all necessary agreements upon preparation for related purposes.

Attachments: S. 539 Fed. Budget

A MOTION was made by Council Member Carroll and seconded by Council Vice President Ware to Acknowledge receipt of funding assistance from the U.S. Army Corp of Engineers under the Section 592 Mississippi Environmental Infrastructure Resource Protection and Development Program for improvements to infrastructure related to drainage and stormwater control and authorize the Mayor to execute all necessary agreements upon preparation for related purposes.

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

Yeas: 4 - George, Carroll, Ware and Brown (via teleconference)

Nays: 0

Absent: 1 - Delgado

28. **2023-545** Acknowledge receipt of a grant award from the U.S. Department of Transportation Federal Highway Administration for the Safe Streets and Roads for All Grant in the amount of $240,000 and authorize the Mayor to execute all necessary agreements for related purposes.

Attachments: Hattiesburg _ Draft SS4A FY22 Grant Agreement (2023-06-15)HW_flb 8-10-23
Grant Award from US Dept of Transportation FHA for Safe Streets and Roads

A MOTION was made by Council Member Carroll and seconded by Council Vice President Ware to Acknowledge receipt of a grant award from the U.S. Department of Transportation Federal Highway Administration for the Safe Streets and Roads for All Grant in the amount of $240,000 and authorize the Mayor to execute all necessary agreements for related purposes.

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

Yeas: 4 - George, Carroll, Ware and Brown (via teleconference)

Nays: 0

Absent: 1 - Delgado

29. **2023-541** Acknowledge bids received on July 13, 2023, for the Edwards Street Infrastructure Rehabilitation and accept the bid from Grady Crawford Construction Company in the amount of $1,416,860.00 as the lowest and best bid and authorize the Mayor to execute construction contracts and all necessary agreements for related purposes.

Attachments: Edwards Infrastructure Bid Tab
Grady Crawford Bid - Edwards
Hemphill Construction Bid - Edwards St

A MOTION was made by Council Member Carroll and seconded by Council Vice President Ware to Acknowledge bids received on July 13, 2023, for the Edwards Street Infrastructure Rehabilitation and accept the bid from Grady Crawford Construction Company in the amount of $1,416,860.00 as the lowest and best bid and authorize the Mayor to execute construction contracts and all necessary agreements for related purposes.

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

Yeas: 4 - George, Carroll, Ware and Brown (via teleconference)

Nays: 0

Absent: 1 - Delgado

30. 2023-543 Acknowledge bids received on July 13, 2023, for MLK Avenue Area Infrastructure Improvements and accept the bid from Grady Crawford Construction Company in the amount of $4,076,780.50 as the lowest and best bid and authorize the Mayor to execute construction contracts and all necessary agreements for related purposes.

Attachments: MLK Bid Tab
Grady Crawford Bid - MLK Infrastructure Improvements
Hemphill Construction Bid - MLK Infrastructure Improvements

A MOTION was made by Council Member Carroll and seconded by Council Vice President Ware to Acknowledge bids received on July 13, 2023, for MLK Avenue Area Infrastructure Improvements and accept the bid from Grady Crawford Construction Company in the amount of $4,076,780.50 as the lowest and best bid and authorize the Mayor to execute construction contracts and all necessary agreements for related purposes.

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

Yeas: 4 - George, Carroll, Ware and Brown (via teleconference)

Nays: 0

Absent: 1 - Delgado

31. 2023-569 Acknowledge bids received on August 3, 2023, for the Fire Station #7 ReRoof and accept the bid from Associated Contractors, Inc. in the amount of $96,448.00 as the lowest and best bid and authorize the Mayor to execute construction contracts and all necessary agreements for related purposes.

Attachments: Bid Tabulation
Award Recommendation

A MOTION was made by Council Member Carroll and seconded by Council Vice President Ware to Acknowledge bids received on August 3, 2023, for the Fire Station #7 ReRoof and accept the bid from Associated Contractors, Inc. in the amount of $96,448.00 as the lowest and best bid and authorize the Mayor to execute construction contracts and all necessary agreements for related purposes.

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

Yeas: 4 - George, Carroll, Ware and Brown (via teleconference)

Nays: 0

Absent: 1 - Delgado

32. 2023-570 Approve Agreement between City of Hattiesburg, South Mississippi Planning and Development District, and Mobile Street Properties, LLC., for participation in the Commercial Redevelopment Incentive Program for redevelopment of property located at 203 and 205 Mobile Street, Hattiesburg, Mississippi and authorize the Mayor to execute the same.

Attachments: Redevelopment Program-SMPDD-Mobile St. Properties LLC. 8.22.23

A MOTION was made by Council Member Carroll and seconded by Council Vice President Ware to Approve Agreement between City of Hattiesburg, South Mississippi Planning and Development District, and Mobile Street Properties, LLC., for participation in the Commercial Redevelopment Incentive Program for redevelopment of property located at 203 and 205 Mobile Street, 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: 4 - George, Carroll, Ware and Brown (via teleconference)

Nays: 0

Absent: 1 - Delgado

33. 2023-571 Approve Agreement between City of Hattiesburg and Mississippi Power allowing permission for MS Power to use certain parking lot areas locate at Tatum Park in the event of a major disaster for staging trucks and crews.

Attachments: MPC Staging Site Hold Harmless - City of Hattiesburg-Tatum Park_07-2023

A MOTION was made by Council Member Carroll and seconded by Council Vice President Ware to Approve Agreement between City of Hattiesburg and Mississippi Power allowing permission for MS Power to use certain parking lot areas locate at Tatum Park in the event of a major disaster for staging trucks and crews.

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

Yeas: 4 - George, Carroll, Ware and Brown (via teleconference)

Nays: 0

Absent: 1 - Delgado

34. 2023-586 Adopt a Resolution declaring a portion of property identified as Forrest County Parcel PPIN 46999 necessary for public use, establishing just compensation and authorizing the Mayor to make a fair market value offer to Midtown Townhomes Association, Inc., 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: Resolution - Midtown Townhomes - PPIN 46999
FAIR MARKET VALUE OFFER - Midtown Townhomes PPIN 46999
EJCO-Midtown Townhomes PPIN 46999

A MOTION was made by Council Member Carroll and seconded by Council Vice President Ware to Adopt a Resolution (#2023-112) declaring a portion of property identified as Forrest County Parcel PPIN 46999 necessary for public use, establishing just compensation and authorizing the Mayor to make a fair market value offer to Midtown Townhomes Association, Inc., 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 (via teleconference)

Nays: 0

Absent: 1 - Delgado

35. 2023-587 Adopt a Resolution declaring Forrest County Parcel PPIN 41471, also known as lot 11 of Cherokee Court Subdivision, to be necessary for public use, and portions of property identified as Forrest County Parcel PPIN's 26510, 41469, 41470, 26500, 20815 and 20816 necessary for public use, determining that it is prudent and in the best interest of the public to and authorize the Mayor to enter an administrative settlement with Hub Development, LLC, Arlington Park, LLC, and any and all interest holders in said property, to acquire rights to the property from all interest holders for a total payment of $106,657.60 to Hub Development, LLC, also known as lot 11 of the Cherokee Court Subdivision, and the acceptance of donation of portion of other portions of property, and generally authorizing any and all proceedings necessary to acquire the aforementioned property pursuant to Miss. Code Ann. 21-37-47, as amended.

Attachments: Resolution - Administrative Settlement - Hub Development and Arlington Park
Exhibit A to Admin Sett Resolution

A MOTION was made by Council Member Carroll and seconded by Council Vice President Ware to Adopt a Resolution (#2023-113) declaring Forrest County Parcel PPIN 41471, also known as lot 11 of Cherokee Court

Subdivision, to be necessary for public use, and portions of property identified as Forrest County Parcel PPIN's 26510, 41469, 41470, 26500, 20815 and 20816 necessary for public use, determining that it is prudent and in the best interest of the public to and authorize the Mayor to enter an administrative settlement with Hub Development, LLC, Arlington Park, LLC, and any and all interest holders in said property, to acquire rights to the property from all interest holders for a total payment of $106,657.60 to Hub Development, LLC, also known as lot 11 of the Cherokee Court Subdivision, and the acceptance of donation of portion of other portions of property, 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 (via teleconference)

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 Vice President Ware 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 (via teleconference)

Nays: 0

Absent: 1 - Delgado

1. **2023-546** Acknowledge receipt of the monthly budget report for the month ending July 31, 2023.

Attachments: REV 0723
EXP 0723

2. **2023-538** Acknowledge receipt of the Notice of Adoption of the Motor Vehicle Assessment Schedule received from the Mississippi Department of Revenue and adopt the same for the City of Hattiesburg for the fiscal year beginning October 1, 2023 and ending September 30, 2024; and authorize publication of public hearing for September 18, 2023 before the council to hear complaints or objections to the adoption of the Motor Vehicle Assessment Schedule.

Attachments: UAS 2023_2024 - 6.1.23
MOTOR VEHICLE.DOC 2020 - Copy (002)

3. **2023-559** Approve specifications and authorize publication of advertisement for Term Bid Item #2 (Repair and Rehabilitation of City Streets) for the City of Hattiesburg.

Attachments: Item #2 Specifications_exp 2024.09.30 (003)
NTB- Term Bid #2

4. **2023-533** Approve the sale of grave spaces, per attached Memo's, Receipts, and Deeds.

Attachments: Memo's (08-22-2023)
Receipts (08-22-2023)
Deeds (08-22-2023)

5. **2023-542** Approve claims docket for the period ending August 18, 2023.

Attachments: DOCKET 23.08.18
DT 23.08.18

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 5:23 p.m.

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

Yeas: 4 - George, Carroll, Ware and Brown (via teleconference)

Nays: 0

Absent: 1 - Delgado

Council Member Brown disconnected via teleconference at 5:23 p.m.

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 5:24 p.m.

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

Yeas: 3 - George, Carroll and Ware

Nays: 0

Absent: 2 - Delgado and Brown

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 and Dave Ware; Director of Administration/City Clerk, Kermas Eaton; City Attorney, Randy Pope; Chief Administrative Officer, Ann Jones; Interim Chief Financial Officer, Malcolm Berch; Assistant Fire Chief, Chris Carr; City Engineer, Mary Beth Bergin; Deputy Director of Engineering and Transportation, Hunter White; Interim Director of Parks and Recreation, Betsy Mercier; Director of Urban Development, Wiley Quinn; Director of Public Works, Ronnie Perkins; Chief Communications Officer, Samantha McCain; Clerk of Council, Ronda S. Kennedy; Deputy Clerk of Council, Lisa Luu Jolly; Attorney Michael Reid; and Attorney David Miller.

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 5:33 p.m.

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

Yeas: 3 - George, Carroll and Ware

Nays: 0

Absent: 2 - Delgado and Brown

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

In Memoriam:

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

- Ms. Chalesha Kennedy Blake
- Mrs. Wanda Johnson
- Ms. Deborah "Debi" Davenport

Meeting Adjourn

Council President George declared the **meeting adjourned at 5:34 p.m., this 22nd day of August, 2023**, by unanimous consent, until the 5th day of September, 2023.

ATTEST:

Ronda S. Kennedy
Clerk of Council

APPROVE:

Jeffrey George
Council President

ATTEST AND CERTIFY:

City Clerk

APPROVE:

Mayor

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