

Published Agenda



Tuesday, September 5, 2023
4:00 PM

City Council
Tuesday Meeting Agenda

Council Chambers
200 Forrest Street

- Call to Order
- Call to Prayer and Pledge of Allegiance
- Public Hearing

- 1. 2023-590 Hold Public Hearing to determine if certain properties are in such a state of uncleanliness so as to be a menace to the health and safety of the community, according to the provision of MS Code 1972, Section 21-19-11.

- Attachments: PH 09 05 2023 Request to Set Public Hearing Memo
- 1. 112 Kensington Drive
 - 2. 312 W 4th Street
 - 3. 315 Miller Street
 - 4. 403 Miller Street
 - 5. 413 Miller Street
 - 6. 525 Louise Street
 - 7. 100 South Street AKA 546 W 4th Street
 - 8. 1114 Vernon Street
 - 9. 506 and 521 Barnes Avenue

- Presentation Agenda
- Citizen's Forum

Agenda Adjustments - Add Policy Items #22 and #23 as follows:

- 22. 2023-623 Approval of amended budget for the Hattiesburg Convention Commission for FY2023.
- 23. 2023-624 Acknowledge receipt of and approve the 2024 budget of the Hattiesburg Convention Commission.

POLICY AGENDA

- 1. 2023-603 Approve the minutes for the August 21, 22 & 29, 2023 meetings of the City Council.
- 2. 2023-615 Adopt an Ordinance amending Ordinance 2615 establishing and amending fees for the Hattiesburg Fire Department.
- 3. 2023-591 Adopt Resolutions condemning the following properties as unclean and a menace to the health and safety of the community.
- 4. 2023-616 Adopt a Resolution setting Public Hearing on Monday, October 2, 2023 at 4:00 p.m. in the City Council Chambers located at City Hall to determine if certain properties are in such a state of uncleanliness so as to be a menace to the health and safety of the community, according to the provision of MS Code 1972, Section 21-19-11.
- 5. 2023-612 Adopt a Resolution to adopt the budget for the City of Hattiesburg, Mississippi for the fiscal year beginning October 1, 2023 and ending September 30, 2024.
- 6. 2023-592 Adopt a Resolution declaring portions of property identified as Forrest County Parcel PPIN 20852 necessary for public use, determining that it is prudent and in the best interest of the public to and authorize the mayor to enter into enter an administrative settlement with Mary Barnett, and any and all interest holders in said property, to acquire rights to the property from all interest holders for a total payment of \$7,079.15 to Mary Barnett for the acquisition of permanent right of way and temporary construction easement, and to remediate loss of improvements, damages and cost to cure per construction to be performed as part of Project No. DECD-0018(36)BO, and generally authorizing any and all proceedings necessary to acquire the aforementioned property pursuant to Miss. Code Ann. 21-37-47, as amended.
- 7. 2023-598 Adopt a Resolution declaring portions of property identified as Forrest County Parcel PPINs 17802, 17803, 20813, 20814, 46013, 17801, and 17800 necessary for public use, determining that it is prudent and in the best interest of the public to and authorize the mayor to enter into enter an administrative settlement with Hattiesburg Clinic P.A., and any and all interest holders in said property, to acquire rights to the property from all interest holders for a total payment of \$200,158.00 to Hattiesburg Clinic P.A., 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.

- L

L

- *****

1. 112 Kensington Drive
2. 312 W 4th Street
3. 315 Miller Street
4. 403 Miller Street
5. 413 Miller Street
6. 525 Louise Street
7. 100 South Street AKA 546 W 4th Street
8. 1114 Vernon Street
9. 506 and 521 Barnes Avenue

- 8. **2023-599** Adopt a Resolution declaring portions of property identified as Forrest County Parcel PPIN 20853 necessary for public use, determining that it is prudent and in the best interest of the public to and authorize the mayor to enter into an administrative settlement with Trustees of L. Andrew Dews Sr. Revocable Trust, and any and all interest holders in said property, to acquire rights to the property from all interest holders for a total payment of \$59,371.83 to Trustees of L. Andrew Dews Sr. Revocable Trust, for the acquisition of permanent right of way and temporary construction easement, and to remediate loss of improvements, damages and cost to cure per construction to be performed as part of Project No. DECD-0018(36)BO, and generally authorizing any and all proceedings necessary to acquire the aforementioned property pursuant to Miss. Code Ann. 21-37-47, as amended.

- 9. **2023-600** Adopt a Resolution declaring portions of property identified as Forrest County Parcel PPIN 20851 necessary for public use, determining that it is prudent and in the best interest of the public to and authorize the mayor to enter into an administrative settlement with LADRE, 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 \$11,551.33 to LADRE, LLC, for the acquisition of permanent right of way and temporary construction easement, and to remediate loss of improvements, damages and cost to cure per construction to be performed as part of Project No. DECD-0018(36)BO, and generally authorizing any and all proceedings necessary to acquire the aforementioned property pursuant to Miss. Code Ann. 21-37-47, as amended.

- 10. **2023-613** Adopt a Resolution declaring a portion of the property identified as Forrest County Parcel PPIN 2622;1486;1482 necessary for public use, establishing just compensation and authorizing the Mayor to make fair market value offer to William A. Powe Trust and any and all interest holders in said property, and to acquire rights to the property from all interest holders, and generally authorizing any and all proceedings necessary to acquire the aforementioned property pursuant to Miss. Code Ann. 21-37-47, as amended.

- 11. **2023-604** 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 memos)

- 12. **2023-611** Adopt a Resolution providing support for the Downtown Hattiesburg Association, serving as the local Main Street non-profit organization pursuant to Mississippi Code 21-19-44.1, application to the 2024 Mississippi Main Street Revitalization Grant Program.

- 13. **2023-597** Approve Agreement with Shows, Dearman and Waits, Inc. to provide engineering services related to the Unified Neighborhood Infrastructure Improvements Project Phase I and authorize the Mayor to execute in duplicate.

- 14. **2023-510** Approve Sanitary Sewer Agreement by and between the City of Hattiesburg and Love's Travel Stops and Country Stores, Inc. for the acceptance and treatment of Domestic Wastewater and authorize the Mayor to execute the same.

- 15. **2023-596** 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.

- 16. **2023-606** Approve Supplemental Agreement No. 1 with Colony Construction, LLC for the Hall Avenue Roundabout project (No. FBLD-8769-00(001)LPA 108639-801000) to account for a change in materials at an additional cost of \$41,379.00, and authorize the Mayor to execute said agreement.

- 17. **2023-618** Approve and authorize Request For Proposals to provide professional services authoring a Master Plan for the future development of portions of Broadway Drive and West Pine Street; authorizing publication of advertisement for same.

- 18. **2023-617** Adopt a Resolution approving a 180-day moratorium on any commercial and/or multi-family development in the Broadway Drive and West Pin Corridors and for related purposes.

- 19. **2023-609** Approve Funding Grant Agreement between City of Hattiesburg and the Mississippi Department of Finance and Administration for funding associated with improvements in Midtown as specified in Section 28 of House Bill 603 (ku) of the 2023 legislative session and authorize Mayor to execute any and all necessary documents.

- 20. **2023-610** Approve Funding Grant Agreement between City of Hattiesburg and the Mississippi Department of Finance and Administration for funding associated with improvements in Midtown as specified in Section 28 of House Bill 603 (ds) of the 2023 legislative session and authorize Mayor to execute any and all necessary documents.

- 21. **2023-608** Ratify and confirm the Mayor's appointment of Herman Dungan (W5) to the Hattiesburg Board of Adjustment, filling the unexpired term of Lucy Parkman (W5) beginning December 3, 2022, and ending December 2, 2025.

ROUTINE AGENDA

- 1. **2023-595** Acknowledge receipt of the two quote docket for the period of July 29, 2023 through August 25, 2023.

- 2. **2023-593** Acknowledge the issuance of a corrected cemetery deed to Legend Walley, due to an incorrect description (as recorded in File 2023-533) .

- 3. **2023-607** Acknowledge receipt of forfeiture of (1) one 2014 Dodge Ram 1500 pickup and authorize said vehicle to be placed in the Hattiesburg Police Department inventory.

- 4. **2023-574** Approve and authorize issuance of manual checks for CDBG/HOME Program Claims per attached Memorandum. {CDBG Entitlement/HOME}

- 5. **2023-594** Approve the sale of grave spaces, per attached Memo's, Receipts, and Deeds.

Code Enforcement Manager, Charles Copeland, presented the properties to be considered. Mr. Copeland recommended that the Council adopt resolutions determining the properties are in such a state of uncleanness so as to be a menace to the health and safety of the community, providing a specified period of time to remove the violations, and declaring the City's intent to take action to clear violations and charge the cost plus penalty against the property if the violations are not resolved in the specified period of time. He recommended resolutions allowing homeowners 15 days to resolve violations.

Council President George called out each unsafe property listed and asked if there were any citizens who wished to speak on behalf of the property called.

- Des Moines, property owner, 112 Kensington Drive (Case #1)
- Nathaniel Hibbler, property owner, 100 South Street/546 W. 4th Street (Case #7)

There were no other citizens present who wished to address the Council regarding properties listed for the public hearing.

By unanimous consent, Council President George **closed the public hearing at 4:19 p.m. and proceeded with the regular Council meeting.**

Presentation Agenda

The PRESENTATION AGENDA came before the Council.

There were no presentations at this time.

Citizen's Forum

Council Vice President Ware proceeded with the Citizens' Forum.

He stated the procedures and invited members of the public to speak.

The following citizens addressed the Council:

- Rev. Nathan Jordan, P.O. Box 65, Hattiesburg, MS 39401
- Joseph Rawson
- Paige Jenkins, 211 S. 25th Ave.
- Donna Poole, 8 Twin Lake Crossing

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

Council Vice President Ware **closed the Citizen Forum and proceeded with the agenda.**

Agenda Adjustments

A MOTION was made by Council Vice President Ware and seconded by Council Member Brown to Add Policy agenda items #22 and #23 at the request of the Administration as follows:

- 22. 2023-623 Approval of amended budget for the Hattiesburg Convention Commission for FY2023.**

Attachments: 2023 HCC Amended Budget

23.

2023-624

Acknowledge receipt of and approve the 2024 budget of the Hattiesburg Convention Commission.
- Attachments: [2024 HCC Proposed Budget](#)

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

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

POLICY AGENDA

The POLICY AGENDA came before the Council.

1.

2023-603

Approve the minutes for the August 21, 22 & 29, 2023 meetings of the City Council.
- Attachments: [8-21-2023 AR Mins.](#)
[8-22-2023 XS Mins.](#)
[8-29-2023 BPH FY23-24](#)

A MOTION was made by Council Vice President Ware and seconded by Council Member Brown to Approve the minutes for the August 21, 22 & 29, 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 (via teleconference), Ware and Brown
Nays: 0

2.

2023-615

Adopt an Ordinance amending Ordinance 2615 establishing and amending fees for the Hattiesburg Fire Department.
- Attachments: [FIRE FEES ORD](#)

A MOTION was made by Council Vice President Ware and seconded by Council Member Delgado to Adopt an Ordinance (#3332) amending Ordinance 2615 establishing and amending fees for the Hattiesburg Fire Department.

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

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

3.

2023-591

Adopt Resolutions condemning the following properties as unclean and a menace to the health and safety of the community.
- Attachments: [PH 09 05 2023 Adopt Resolution to Condemn Memo](#)
[1. 112 Kensington Drive Condemnation Resolution](#)
[2. 32 W 4th Street Condemnation Resolution](#)
[3. 315 Miller Street Condemnation Resolution](#)
[4. 403 Miller Street Condemnation Resolution](#)
[5. 413 Miller Street Condemnation Resolution](#)
[6. 525 Louise Street Condemnation Resolution](#)
[7. 100 South Avenue AKA 546 W 4th Street Condemnation Resolution](#)
[8. 1114 Vernon Street Condemnation Resolution](#)
[9. 506 AKA 521 Barnes Avenue Condemnation Resolution](#)

A MOTION was made by Council Vice President Ware and seconded by Council Member Delgado to Adopt Resolutions (#2023-115-123) 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 (via teleconference), Ware and Brown

Nays: 0

4. **2023-616** Adopt a Resolution setting Public Hearing on Monday, October 2, 2023 at 4:00 p.m. in the City Council Chambers located at City Hall to determine if certain properties are in such a state of uncleanliness so as to be a menace to the health and safety of the community, according to the provision of MS Code 1972, Section 21-19-11.

Attachments: [PH 10 02 2023 Request to Set Public Hearing Memo](#)
[PH 10 02 2023 Resolution](#)

A MOTION was made by Council Vice President Ware and seconded by Council Member Delgado to Adopt a Resolution (#2023-124) setting Public Hearing on Monday, October 2, 2023 at 4:00 p.m. in the City Council Chambers located at City Hall to determine if certain properties are in such a state of uncleanliness so as to be a menace to the health and safety of the community, according to the provision of MS Code 1972, Section 21-19-11..

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

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

Nays: 0

5. **2023-612** Adopt a Resolution to adopt the budget for the City of Hattiesburg, Mississippi for the fiscal year beginning October 1, 2023 and ending September 30, 2024.

Attachments: [Resolution - budget adoption fy 2024](#)
[20230905153133987](#)

A MOTION was made by Council Vice President Ware and seconded by Council Member Delgado to Adopt a Resolution (#2023-125) to adopt the budget for the City of Hattiesburg, Mississippi for the fiscal year beginning October 1, 2023 and ending September 30, 2024.

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

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

Nays: 0

6. **2023-592** Adopt a Resolution declaring portions of property identified as Forrest County Parcel PPIN 20852 necessary for public use, determining that it is prudent and in the best interest of the public to and authorize the mayor to enter into an administrative settlement with Mary Barnett, and any and all interest holders in said property, to acquire rights to the property from all interest holders for a total payment of \$7,079.15 to Mary Barnett for the acquisition of permanent right of way and temporary construction easement, and to remediate loss of improvements, damages and cost to cure per construction to be performed as part of Project No. DECD-0018(36)BO, 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 - Mary Barnett](#)
[Exhibit A - Barnett ppin 20852](#)

A MOTION was made by Council Vice President Ware and seconded by Council Member Brown to Adopt a Resolution (#2023-126) declaring portions of property identified as Forrest County Parcel PPIN 20852 necessary for public use, determining that it is prudent and in the best interest of the public to and authorize the mayor to enter into an administrative settlement with Mary Barnett, and any and all interest holders in said property, to acquire rights to the property from all interest holders for a total payment of \$7,079.15 to Mary Barnett for the acquisition of permanent right of way and temporary construction easement, and to remediate loss of improvements, damages and

cost to cure per construction to be performed as part of Project No. DECD-0018(36)BO, 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: 5 - George, Delgado, Carroll (via teleconference), Ware and Brown

Nays: 0

7.

2023-598

Adopt a Resolution declaring portions of property identified as Forrest County Parcel PPINs 17802, 17803, 20813, 20814, 46013, 17801, and 17800 necessary for public use, determining that it is prudent and in the best interest of the public to and authorize the mayor to enter into enter an administrative settlement with Hattiesburg Clinic P.A., and any and all interest holders in said property, to acquire rights to the property from all interest holders for a total payment of \$200,158.00 to Hattiesburg Clinic P.A., 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 - Hattiesburg Clinic Exhibit A to Hattiesburg Clinic Admin Settlement](#)

A MOTION was made by Council Vice President Ware and seconded by Council Member Delgado to Adopt a Resolution (#2023-127) declaring portions of property identified as Forrest County Parcel PPINs 17802, 17803, 20813, 20814, 46013, 17801, and 17800 necessary for public use, determining that it is prudent and in the best interest of the public to and authorize the mayor to enter into enter an administrative settlement with Hattiesburg Clinic P.A., and any and all interest holders in said property, to acquire rights to the property from all interest holders for a total payment of \$200,158.00 to Hattiesburg Clinic P.A., 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: 5 - George, Delgado, Carroll (via teleconference), Ware and Brown

Nays: 0

8.

2023-599

Adopt a Resolution declaring portions of property identified as Forrest County Parcel PPIN 20853 necessary for public use, determining that it is prudent and in the best interest of the public to and authorize the mayor to enter into enter an administrative settlement with Trustees of L. Andrew Dews Sr. Revocable Trust, and any and all interest holders in said property, to acquire rights to the property from all interest holders for a total payment of \$59,371.83 to Trustees of L. Andrew Dews Sr. Revocable Trust, for the acquisition of permanent right of way and temporary construction easement, and to remediate loss of improvements, damages and cost to cure per construction to be performed as part of Project No. DECD-0018(36)BO, 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 - Dews Trust Exhibit A - Dews Trust - PPIN-20853 revised 2-9-2023](#)

A MOTION was made by Council Vice President Ware and seconded by Council Member Delgado to Adopt a Resolution (#2023-128) declaring portions of property identified as Forrest County Parcel PPIN 20853 necessary for public use, determining that it is prudent and in the best interest of the public to and authorize the mayor to enter into enter an administrative settlement with Trustees of L. Andrew Dews Sr. Revocable Trust, and any and all interest holders in said property, to acquire rights to the property from all interest holders for a total payment of \$59,371.83 to Trustees of L. Andrew Dews Sr. Revocable Trust, for the acquisition of permanent right of way and temporary

construction easement, and to remediate loss of improvements, damages and cost to cure per construction to be performed as part of Project No. DECD-0018(36)BO, 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: 5 - George, Delgado, Carroll (via teleconference), Ware and Brown

Nays: 0

9. **2023-600** Adopt a Resolution declaring portions of property identified as Forrest County Parcel PPIN 20851 necessary for public use, determining that it is prudent and in the best interest of the public to and authorize the mayor to enter into an administrative settlement with LADRE, 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 \$11,551.33 to LADRE, LLC, for the acquisition of permanent right of way and temporary construction easement, and to remediate loss of improvements, damages and cost to cure per construction to be performed as part of Project No. DECD-0018(36)BO, 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 - LADRE LLC
Exhibit A - Ladre llc ppin 20851

A MOTION was made by Council Vice President Ware and seconded by Council Member Delgado to Adopt a Resolution (#2023-129) declaring portions of property identified as Forrest County Parcel PPIN 20851 necessary for public use, determining that it is prudent and in the best interest of the public to and authorize the mayor to enter into an administrative settlement with LADRE, 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 \$11,551.33 to LADRE, LLC, for the acquisition of permanent right of way and temporary construction easement, and to remediate loss of improvements, damages and cost to cure per construction to be performed as part of Project No. DECD-0018(36)BO, 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: 5 - George, Delgado, Carroll (via teleconference), Ware and Brown

Nays: 0

10. **2023-613** Adopt a Resolution declaring a portion of the property identified as Forrest County Parcel PPIN 2622;1486;1482 necessary for public use, establishing just compensation and authorizing the Mayor to make fair market value offer to William A. Powe Trust and any and all interest holders in said property, and to acquire rights to the property from all interest 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 Powe PPIN 2622,1486,1482
Sims Road Boat Ramp Plat
Sims Road-Powe Property Appraisal 9.1.23

A MOTION was made by Council Vice President Ware and seconded by Council Member Delgado to Adopt a Resolution (#2023-130) declaring a portion of the property identified as Forrest County Parcel PPIN 2622;1486;1482 necessary for public use, establishing just compensation and authorizing the Mayor to make fair market value offer to William A. Powe Trust and any and all interest holders in said property, and to acquire rights to the property from all interest 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: 5 - George, Delgado, Carroll (via teleconference), Ware and Brown

Nays: 0

11.

2023-604

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 memos)

Attachments: [Resol.surplus equipment](#)
[Aug 23 Memo for Surplus](#)
[2023 Surplus](#)

A MOTION was made by Council Vice President Ware and seconded by Council Member Brown to Adopt a Resolution (#2023-131) 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 memos).

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

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

Nays: 0

12.

2023-611

Adopt a Resolution providing support for the Downtown Hattiesburg Association, serving as the local Main Street non-profit organization pursuant to Mississippi Code 21-19-44.1, application to the 2024 Mississippi Main Street Revitalization Grant Program.

Attachments: [Resolution MS Main Street Revitalization Grant Project 9.5.23](#)

A MOTION was made by Council Vice President Ware and seconded by Council Member Brown to Adopt a Resolution (#2023-132) providing support for the Downtown Hattiesburg Association, serving as the local Main Street non-profit organization pursuant to Mississippi Code 21-19-44.1, application to the 2024 Mississippi Main Street Revitalization Grant Program.

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

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

Nays: 0

13.

2023-597

Approve Agreement with Shows, Dearman and Waits, Inc. to provide engineering services related to the Unified Neighborhood Infrastructure Improvements Project Phase I and authorize the Mayor to execute in duplicate.

Attachments: [Unified Standard Form Agreement between Owner and Engineer Contract](#)

A MOTION was made by Council Vice President Ware and seconded by Council Member Delgado to Approve Agreement with Shows, Dearman and Waits, Inc. to provide engineering services related to the Unified Neighborhood Infrastructure Improvements Project Phase I 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 (via teleconference), Ware and Brown

Nays: 0

14. **2023-510** Approve Sanitary Sewer Agreement by and between the City of Hattiesburg and Love's Travel Stops and Country Stores, Inc. for the acceptance and treatment of Domestic Wastewater and authorize the Mayor to execute the same.

Attachments: 2023-07-18 FINAL AGREEMENT - Loves (003)

A MOTION was made by Council Vice President Ware and seconded by Council Member Carroll to Approve Sanitary Sewer Agreement by and between the City of Hattiesburg and Love's Travel Stops and Country Stores, Inc. for the acceptance and treatment of Domestic Wastewater and authorize the Mayor to execute the same.

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

Yeas: 3 - George, Carroll (via teleconference) and Ware

Nays: 2 - Delgado and Brown

15. **2023-596** 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 - 112 2nd Ave
MS Power - Hope Park

A MOTION was made by Council Vice President Ware and seconded by Council Member Delgado 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 (via teleconference), Ware and Brown

Nays: 0

16. **2023-606** Approve Supplemental Agreement No. 1 with Colony Construction, LLC for the Hall Avenue Roundabout project (No. FBLD-8769-00(001)LPA 108639-801000) to account for a change in materials at an additional cost of \$41,379.00, and authorize the Mayor to execute said agreement.

Attachments: Supplemental Agreement No. 1 – Colony

A MOTION was made by Council Vice President Ware and seconded by Council Member Delgado to Approve Supplemental Agreement No. 1 with Colony Construction, LLC for the Hall Avenue Roundabout project (No. FBLD-8769-00(001)LPA 108639-801000) to account for a change in materials at an additional cost of \$41,379.00, and authorize the Mayor to execute said agreement.

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

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

Nays: 0

17. **2023-618** Approve and authorize Request For Proposals to provide professional services authoring a Master Plan for the future development of portions of Broadway Drive and West Pine Street; authorizing publication of advertisement for same.

Attachments: RFP_BROADWAY DRIVE_09.2023

A MOTION was made by Council Vice President Ware and seconded by Council Member Delgado to Approve and authorize Request For Proposals to provide professional services authoring a Master Plan for the future development of portions of Broadway Drive and West Pine Street; authorizing publication of advertisement for same.

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

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

Nays: 0

18. 2023-617
- Adopt a Resolution approving a 180-day moratorium on any commercial and/or multi-family development in the Broadway Drive and West Pin Corridors and for related purposes.

Attachments: [Moratorium Resolution _ Broadway](#)

A MOTION was made by Council Vice President Ware and seconded by Council Member Delgado to Adopt a Resolution (#2023-133) approving a 180-day moratorium on any commercial and/or multi-family development in the Broadway Drive and West Pin Corridors and for related purposes.

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

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

Nays: 0

19. 2023-609
- Approve Funding Grant Agreement between City of Hattiesburg and the Mississippi Department of Finance and Administration for funding associated with improvements in Midtown as specified in Section 28 of House Bill 603 (ku) of the 2023 legislative session and authorize Mayor to execute any and all necessary documents.

Attachments: [HB603 \(ku\) MOU 9.5.23](#)
[HB603 \(ku\) Letter requesting transfer of funds 9.5.23](#)
[HB603 \(ku\) Bond Advisory Contact Form](#)
[COH Completed W-9 \(2\) \(2\)](#)
[HB603 \(ku\) Verification Form](#)

A MOTION was made by Council Vice President Ware and seconded by Council Member Delgado to Approve Funding Grant Agreement between City of Hattiesburg and the Mississippi Department of Finance and Administration for funding associated with improvements in Midtown as specified in Section 28 of House Bill 603 (ku) of the 2023 legislative session and authorize Mayor to execute any and all necessary documents.

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

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

Nays: 0

20. 2023-610
- Approve Funding Grant Agreement between City of Hattiesburg and the Mississippi Department of Finance and Administration for funding associated with improvements in Midtown as specified in Section 28 of House Bill 603 (ds) of the 2023 legislative session and authorize Mayor to execute any and all necessary documents.

Attachments: [HB603 \(ds\) Midtown MOU 9.5.23](#)
[HB603 \(ds\) Letter requesting transfer of funds 9.5.23](#)
[HB603 \(ds\) Bond Advisory Contact Form](#)
[COH Completed W-9 \(2\) \(2\) \(1\)](#)
[HB603 \(ds\) Verification Form](#)

A MOTION was made by Council Vice President Ware and seconded by Council Member Delgado to Approve Funding Grant Agreement between City of Hattiesburg and the Mississippi Department of Finance and Administration for funding associated with improvements in Midtown as specified in Section 28 of House Bill 603 (ds) of the 2023 legislative session and authorize Mayor to execute any and all necessary documents.

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

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

Nays: 0

21. **2023-608** Ratify and confirm the Mayor's appointment of Herman Dungan (W5) to the Hattiesburg Board of Adjustment, filling the unexpired term of Lucy Parkman (W5) beginning December 3, 2022, and ending December 2, 2025.

Attachments: Herman Dungan Resume
Data sheet Dungan BOA September 2023

A MOTION was made by Council Member Brown and seconded by Council Vice President Ware to Ratify and confirm the Mayor's appointment of Herman Dungan (W5) to the Hattiesburg Board of Adjustment, filling the unexpired term of Lucy Parkman (W5) 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 (via teleconference), Ware and Brown

Nays: 0

22. **2023-623** Approval of amended budget for the Hattiesburg Convention Commission for FY2023.

Attachments: 2023 HCC Amended Budget

A MOTION was made by Council Vice President Ware and seconded by Council Member Delgado to Approval of amended budget for the Hattiesburg Convention Commission for FY2023.

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

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

Nays: 0

23. **2023-624** Acknowledge receipt of and approve the 2024 budget of the Hattiesburg Convention Commission.

Attachments: 2024 HCC Proposed Budget

A MOTION was made by Council Vice President Ware and seconded by Council Member Delgado to Acknowledge receipt of and approve the 2024 budget of the Hattiesburg Convention Commission.

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

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

Nays: 0

ROUTINE AGENDA

THE ROUTINE AGENDA came before the Council.

A MOTION was made by Council Vice President Ware and seconded by Council Member Brown to approve the Routine Agenda.

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

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

Nays: 0

1.

2023-595

Acknowledge receipt of the two quote docket for the period of July 29, 2023 through August 25, 2023.

Attachments: September 5, 2023 Council Agenda
2.

2023-593

Acknowledge the issuance of a corrected cemetery deed to Legend Walley, due to an incorrect description (as recorded in File 2023-533) .

Attachments: Corrected (Baby space-Legend Walley)
3.

2023-607

Acknowledge receipt of forfeiture of (1) one 2014 Dodge Ram 1500 pickup and authorize said vehicle to be placed in the Hattiesburg Police Department inventory.

Attachments: memo from Asst Chief Sims
FC Disposition Cause No 23-314H
4.

2023-574

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

Attachments: Starter Homes of MS 524 E 6th Street 09052023
Manual Check Memo 09052023
5.

2023-594

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

Attachments: Memo's (09-05-2023)
Receipts (09-05-2023)
Deeds (09-05-2023)
6.

2023-602

Approve claims docket for the period ending August 31, 2023.

Attachments: 8.31.23 DT
DOCKET 23.08.31

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 4:55 p.m.

Council Member Delgado left the chambers at 4:55 p.m.

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

Council Member Delgado reentered the chambers at 4:57 p.m.

A MOTION was made by Council Vice President Ware and seconded by Council Member Brown 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 4:57 p.m.

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

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

Nays: 0

Council Member Carroll disconnected via teleconference at 4:57 p.m.

The Mayor left the chambers at 4:57 p.m.

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 Council members Jeffrey George, Deborah Delgado, 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; Assistant Police Chief, Hardy Sims; Fire Chief, Sherrocko Stewart; Fire Code Enforcement Officer, Shawn Whitaker; City Engineer, Mary Beth Bergin; Deputy Director of Engineering and Transportation, Hunter White; Director of Urban Development, Wiley Quinn; Planning Division Manager, Cory Long; Senior Planner, Nathan Satcher; Code Enforcement Division Manager, Charles Copeland; Code Enforcement Officer, Whit Sanguinetti; Director of the Water Department, Alan Howe; Interim Director of Parks and Recreation, Betsy Mercier; Chief Communications Officer, Samantha McCain; Clerk of Council, Ronda Kennedy; Deputy Clerk of Council, Lisa Luu Jolly.

A MOTION was made by Council Vice President Ware and seconded by Council Member Brown exit Executive Session and re open the meeting to the public at 5:26 p.m.

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

Yeas: 4 George, Delgado, Ware and Brown
Nays: 0
Absent: 1 - Carroll

Council President Carroll 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:

- Mrs. Catherine Scarborough
- Mr. Jimmy Buffett
- Representative Mac Huddleston
- Mr. Keith Cascio

Meeting Adjourn

Council President George declared the **meeting adjourned at 5:27 p.m., this 5th day of September, 2023**, by unanimous consent, until the 18th day of September, 2023.

ATTEST:

APPROVE:


Clerk of Council


Council President

ATTEST AND CERTIFY:

APPROVE:


City Clerk


Mayor
