

Published Agenda



Wednesday, July 5, 2023
4:00 PM

City Council
Wednesday Meeting Agenda

Council Chambers
200 Forrest Street

- Call to Order
- Call to Prayer and Pledge of Allegiance
- Agenda Review
- Citizen's Forum
- Presentation Agenda

POLICY AGENDA

- | | | |
|----|----------|--|
| 1. | 2023-450 | Approve the minutes for the June 19 & 20, 2023 meetings of the City Council. |
| 2. | 2023-433 | Approve Sanitary Sewer Agreement by and between the City of Hattiesburg and J&E Distributors, Inc. for the acceptance and treatment of Domestic Wastewater and authorize the Mayor to execute the same. |
| 3. | 2023-439 | Approve Agreement between the City of Hattiesburg and South Mississippi Planning and Development (SMPDD) to serve as host agency partner in the senior community service employment program and authorize the Mayor to execute the same. |
| 4. | 2023-432 | Adopt a Resolution declaring a portion of property identified as Forrest County Parcel PPIN 38568 necessary for public use, establishing just compensation and authorizing the Mayor to make a fair market value offer to Gary E. Walters, Sr.; Authorize Mayor to execute any and all documents required to complete the transaction and issuance of a manual check. |
| 5. | 2023-434 | Adopt Resolution authorizing application and continuation for the Mississippi State Department of Health FY2024 Violence Against Women Act (VAWA) S.T.O.P. Grant Program, and approve Memorandum of Agreement between the Hattiesburg Municipal Court and the Domestic Abuse Family Shelter, Inc., to establish the obligations of both entities with respect to the provision of services to eligible victims; and authorize the Mayor to execute the same. |
| 6. | 2023-435 | Adopt Resolution authorizing application and continuation for the Mississippi State Department of Health FY2024 Violence Against Women Act (VAWA) S.T.O.P. Grant Program, and approve Memorandum of Agreement between the Hattiesburg Police Department and the Domestic Abuse Family Shelter, Inc., to establish the obligations of both entities with respect to the provision of services to eligible victims; and authorize the Mayor to execute the same. |
| 7. | 2023-436 | Adopt a Resolution re-appointing Randy Pope as City Attorney for the City of Hattiesburg, effective August 1, 2023 to July 31, 2024. |
| 8. | 2023-452 | Adopt a Resolution naming the Hattiesburg Public Safety Complex in honor of former Mayor Johnny L. Dupree. |
| 9. | 2023-453 | Adopt a Resolution naming the Hattiesburg Intermodal Facility (Hattiesburg Train Depot) in honor of former Mayor J. Ed. Morgan. |

ROUTINE AGENDA

- | | | |
|----|----------|--|
| 1. | 2023-437 | Acknowledge receipt of the two-quote docket. |
| 2. | 2023-440 | Acknowledge bids received March 9, 2023 for the lease of ten (10) motorcycles for the Hattiesburg Police Department and accept the bid of Teddy Morse's Daytona Harley Davidson as the best and only bid received. |
| 3. | 2023-456 | Acknowledge revisions to the City of Hattiesburg employee handbook. |
| 4. | 2023-430 | Approve and authorize issuance of manual checks for CDBG/HOME Program Claims per attached Memorandum. {CDBG Entitlement/HOME} |
| 5. | 2023-431 | Approve and authorize publication of Notice of Availability, Public Hearing and Comment Period for the 2023-2023 Consolidated Plan and 2023 Annual Action Plan |
| 6. | 2023-438 | Approve claims docket for the period ending June 30, 2023. |

Work Session

- | | | |
|----|----------|--|
| 1. | 2023-455 | Non business shootings in Hattiesburg - requested by Councilwoman Deborah Delgado. |
|----|----------|--|

In Memoriam:

- Ms. Cassandra Morganfield
- Mr. Shannon Donaldson
- Ms. Elizabeth "Ann" Dever Cole
- Mr. James Miller
- Mrs. Virginia Kirkpatrick

Meeting Adjourn

Call to Order

BE IT REMEMBERED that the **regular meeting of the Hattiesburg City Council was held at 4:00 p.m. Wednesday, July 5, 2023**, in Council Chambers at City Hall; same being from an adjourned meeting held on June 30, 2023.

Those present included Mayor Toby Barker and members of the City Council Jeffrey George, Ward 1; Deborah Delgado, Ward 2; Carter Carroll, Ward 3; Dave Ware, Ward 4; and Nicholas Brown, Ward 5. Others in attendance included Director of Administration/City Clerk, Kermas Eaton; City Attorney, Randy Pope (in at 4:07 p.m.); Clerk of Council, Ronda S. Kennedy; Deputy Clerk of Council, Lisa Luu Jolly; City staff members; media; and the public.

Council President George Called the meeting to order.

Call to Prayer and Pledge of Allegiance

The prayer was given by Captain Charles Johnson.

The Pledge of Allegiance was led by Kermas Eaton.

Agenda Review

THE MATTER OF THE AGENDA ORDER came before the Council.

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:

- Debbie Everett, 118 Jervis Mims Road

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

Council Vice President Ware closed the Citizen Forum.

Presentation Agenda

The PRESENTATION AGENDA came before the Council.

The Mayor presented a Certificate of Recognition to Sherry Grice, Mass Transit Driver, for her heroic actions and professionalism in a tough situation with a passenger in need of a medical emergency.

There were no other presentations at this time.

POLICY AGENDA

The POLICY AGENDA came before the Council.

1. **2023-450** Approve the minutes for the June 19 & 20, 2023 meetings of the City Council.

Attachments: 6-19-2023 AR Mins.
6-20-2023 XS Mins.

A MOTION was made by Council Member Carroll and seconded by Council Member Delgado to Approve the minutes for the June 19 & 20, 2023 meetings of the City Council.

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

Yeas: 5 - George, Delgado, Carroll, Ware and Brown

Nays: 0

2. **2023-433** Approve Sanitary Sewer Agreement by and between the City of Hattiesburg and J&E Distributors, Inc. for the acceptance and treatment of Domestic Wastewater and authorize the Mayor to execute the same.

Attachments: 23-06-05 JE Distributors - Sewer Agreement DRAFT 6-20-23
Agreement with J&E Distributors, Inc. for sanitary sewer and wastewater treatment

A MOTION was made by Council Member Carroll and seconded by Council Member Brown to Approve Sanitary Sewer Agreement by and between the City of Hattiesburg and J&E Distributors, Inc. for the acceptance and treatment of Domestic Wastewater and authorize the Mayor to execute the same.

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

Yeas: 4 - George, Carroll, Ware and Brown

Nays: 0

Abstain: 1 - Delgado

3. **2023-439** Approve Agreement between the City of Hattiesburg and South Mississippi Planning and Development (SMPDD) to serve as host agency partner in the senior community service employment program and authorize the Mayor to execute the same.

Attachments: SMPDD

A MOTION was made by Council Member Delgado and seconded by Council Member Brown to Approve Agreement between the City of Hattiesburg and South Mississippi Planning and Development (SMPDD) to serve as host agency partner in the senior community service employment program and authorize the Mayor to execute the same.

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

Yeas: 5 - George, Delgado, Carroll, Ware and Brown

Nays: 0

4. **2023-432** Adopt a Resolution declaring a portion of property identified as Forrest County Parcel PPIN 38568 necessary for public use, establishing just compensation and authorizing the Mayor to make a fair market value offer to Gary E. Walters, Sr.; Authorize Mayor to execute any and all documents required to complete the transaction and issuance of a manual check.

Attachments: Resolution PPIN 38568 acquisition 07.05.2023
Appraisal Report - Gary Walters Sr.
Gary Walters - Title Opinion
Warranty Deed from Gary E. Walters Sr. to City 6-16-23 (003)

A MOTION was made by Council Vice President Ware and seconded by Council Member Delgado to Adopt a Resolution (#2023-90) declaring a portion of property identified as Forrest County Parcel PPIN 38568 necessary for public use, establishing just compensation and authorizing the Mayor to make a fair market value offer to Gary E.

Walters, Sr.; Authorize Mayor to execute any and all documents required to complete the transaction and issuance of a manual check.

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

Yeas: 5 - George, Delgado, Carroll, Ware and Brown

Nays: 0

5.

2023-434

Adopt Resolution authorizing application and continuation for the Mississippi State Department of Health FY2024 Violence Against Women Act (VAWA) S.T.O.P. Grant Program, and approve Memorandum of Agreement between the Hattiesburg Municipal Court and the Domestic Abuse Family Shelter, Inc., to establish the obligations of both entities with respect to the provision of services to eligible victims; and authorize the Mayor to execute the same.
- Attachments:

Resolution authorizing application for FY2024 VAWA Grant Municipal Court
MOU - Municipal Court

A MOTION was made by Council Member Delgado and seconded by Council Member Brown to Adopt Resolution (#2023-91) authorizing application and continuation for the Mississippi State Department of Health FY2024 Violence Against Women Act (VAWA) S.T.O.P. Grant Program, and approve Memorandum of Agreement between the Hattiesburg Municipal Court and the Domestic Abuse Family Shelter, Inc., to establish the obligations of both entities with respect to the provision of services to eligible victims; and authorize the Mayor to execute the same.

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

Yeas: 5 - George, Delgado, Carroll, Ware and Brown

Nays: 0

6.

2023-435

Adopt Resolution authorizing application and continuation for the Mississippi State Department of Health FY2024 Violence Against Women Act (VAWA) S.T.O.P. Grant Program, and approve Memorandum of Agreement between the Hattiesburg Police Department and the Domestic Abuse Family Shelter, Inc., to establish the obligations of both entities with respect to the provision of services to eligible victims; and authorize the Mayor to execute the same.
- Attachments:

Resolution authorizing application for FY2024 VAWA Grant Police Department

A MOTION was made by Council Member Delgado and seconded by Council Vice President Ware to Adopt Resolution (#2023-92) authorizing application and continuation for the Mississippi State Department of Health FY2024 Violence Against Women Act (VAWA) S.T.O.P. Grant Program, and approve Memorandum of Agreement between the Hattiesburg Police Department and the Domestic Abuse Family Shelter, Inc., to establish the obligations of both entities with respect to the provision of services to eligible victims; and authorize the Mayor to execute the same.

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

Yeas: 5 - George, Delgado, Carroll, Ware and Brown

Nays: 0

7.

2023-436

Adopt a Resolution re-appointing Randy Pope as City Attorney for the City of Hattiesburg, effective August 1, 2023 to July 31, 2024.
- Attachments:

COUNCIL RESOLUTION FOR APPOINTMENT-R Pope July 5 2023
City Attorney Letter of Engagement - August 1, 2023 - July 31, 2024

A MOTION was made by Council Vice President Ware and seconded by Council Member Carroll to Adopt a Resolution (#2023-93) re-appointing Randy Pope as City Attorney for the City of Hattiesburg, effective August 1,

2023 to July 31, 2024.

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

Yeas: 5 - George, Delgado, Carroll, Ware and Brown

Nays: 0

8. **2023-452** Adopt a Resolution naming the Hattiesburg Public Safety Complex in honor of former Mayor Johnny L. Dupree.

Attachments: RES-Hattiesburg Safety Complex Naming-Mayor Johnny L. DuPree_rev 6.29.23

A MOTION was made by Council Member Brown and seconded by Council Vice President Ware to Adopt a Resolution (#2023-94) naming the Hattiesburg Public Safety Complex in honor of former Mayor Johnny L. Dupree..

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

Yeas: 5 - George, Delgado, Carroll, Ware and Brown

Nays: 0

9. **2023-453** Adopt a Resolution naming the Hattiesburg Intermodal Facility (Hattiesburg Train Depot) in honor of former Mayor J. Ed. Morgan.

Attachments: RES-Hattiesburg Intermodal Facility (Train Depot)-
Naming-Mayor J. Ed Morgan_rev 6.29.23

A MOTION was made by Council Member Carroll and seconded by Council Vice President Ware to Adopt a Resolution (#2023-95) naming the Hattiesburg Intermodal Facility (Hattiesburg Train Depot) in honor of former Mayor J. Ed. Morgan.

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

Yeas: 5 - George, Delgado, Carroll, Ware and Brown

Nays: 0

ROUTINE AGENDA

THE ROUTINE AGENDA came before the Council.

A MOTION was made by Council Member Carroll and seconded by Council Member Delgado to approve the Routine Agenda.

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

Yeas: 5 - George, Delgado, Carroll, Ware and Brown

Nays: 0

1. **2023-437** Acknowledge receipt of the two-quote docket.

Attachments: July 5 2023 Agenda

2. **2023-440** Acknowledge bids received March 9, 2023 for the lease of ten (10) motorcycles for the Hattiesburg Police Department and accept the bid of Teddy Morse's Daytona Harley Davidson as the best and only bid received.

Attachments: Bid Tabulation- Hattiesburg Motorcycles 3-9-23

3. **2023-456** Acknowledge revisions to the City of Hattiesburg employee handbook.

Attachments: Revised Employee Handbook 06-01-23

4.

2023-430

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

Manual Check Memo 07052023

Starter Homes of MS 1000 N 34th 07052023

Starter Homes of MS 124 Cypress 07052023

Starter Homes of MS 106 Eastside 07052023

Starter Homes of MS 814 half Arnold 07052023
5.

2023-431

Approve and authorize publication of Notice of Availability, Public Hearing and Comment Period for the 2023-2023 Consolidated Plan and 2023 Annual Action Plan
- Attachments:

Notice of Availability 08142023
6.

2023-438

Approve claims docket for the period ending June 30, 2023.
- Attachments:

DOCKET 23.06.30

6.30.23 DT

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 4:13 p.m.

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

Yeas: 5 - George, Delgado, Carroll, Ware and Brown

Nays: 0

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

A MOTION was made by Council Vice President Ware and seconded by Council Member Carroll to enter Executive Session to discuss strategy or negotiations with respect pending litigation, since to have an open meeting on this would have a detrimental effect on the litigating position of the City, in accordance with Mississippi Code Section 25-41-7 (b) at 5:14 p.m.

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

Yeas: 5 - George, Delgado, Carroll, Ware and Brown

Nays: 0

The City Attorney stepped out into the hall and announced that the Council has gone into Executive Session to discuss strategy or negotiations with respect to pending litigation.

Those present for the Executive Session were Mayor Toby Barker; Council members Jeffrey George, Deborah Delgado, Carter Carroll, Dave Ware and Nicholas Brown; Director of Administration/City Clerk, Kermas Eaton; City Attorney, Randy Pope; Chief Administrative Officer, Ann Jones; Interim Chief Financial Officer, Malcolm Berch; Police Chief, Peggy Sealy; Fire Chief, Sherrocko Stewart; Major Tony Fontaine; City Engineer, Mary Beth Bergin; Deputy Director of Transportation and Engineering, Hunter White; Director of the Water Department, Alan Howe; Director of Urban Development, Wiley Quinn; Interim Director of Parks and Recreation, Betsy Mercier; Chief Communications Officer, Samantha McCain Alexander; Clerk of Council, Ronda Kennedy; and Deputy Clerk of Council, Lisa Luu Jolly.

Following a report by the City Attorney on the case styled City of Hattiesburg v. Top Five Bar and Grill LLC, the Council authorized the City Attorney to execute an Agreed Order in substantially the form attached in the Agreed Order and Amendment to Agreed Order.

Authorize the City Attorney to execute an Agreed Order in substantially the form attached in the Agreed Order and Amendment to Agreed Order.

Attachments: Agreed Order as executed and filed
Amendments to Agreed Order as signed and filed

A MOTION was made by Council Vice President Ware and seconded by Council Member Delgado to Authorize the City Attorney to execute an Agreed Order in substantially the form attached in the Agreed Order and Amendment to Agreed Order.

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

Yeas: 5 - George, Delgado, Carroll, Ware and Brown

Nays: 0

A MOTION was made by Council Vice President Ware and seconded by Council Member Carroll exit Executive Session and re-open the meeting to the public at 4:39 p.m.

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

Yeas: 5 - George, Delgado, Carroll, Ware and Brown

Nays: 0

Work Session

Council President George proceeded with the Work Session, which included:

- 1. 2023-455 Non business shootings in Hattiesburg - requested by Councilwoman Deborah Delgado.

In Memoriam:

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

- Ms. Cassandra Morganfield
- Mr. Shannon Donaldson
- Ms. Elizabeth “Ann” Dever Cole
- Mr. James Miller
- Mrs. Virginia Kirkpatrick

Meeting Adjourn

Council President George declared the **meeting adjourned at 4:53 p.m., this 5th day of July, 2023**, by unanimous consent, until the 17th day of July, 2023.

ATTEST:

APPROVE:


Clerk of Council


Council President

ATTEST AND CERTIFY:

APPROVE:


City Clerk


Mayor