



Tuesday, October 17, 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 #11, 12, 13 & 14 at the request of the Administration as follows:**

- |     |          |                                                                                                                                                                                                                                                                                    |
|-----|----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 11. | 2023-779 | Approve Contractor and Owner Agreement for the Emergency Roof Repair Initiative for an amount not to exceed \$15,000 according to the Emergency Roof Repair initiative Manual and authorize the Mayor to execute in triplicate.                                                    |
| 12. | 2023-780 | Approve and authorize issuance of manual checks for CDBG/HOME Program Claims per attached Memorandum. {CDBG Entitlement/HOME}                                                                                                                                                      |
| 13. | 2023-777 | Adopt a Resolution authorizing submission of the Mississippi Outdoor Stewardship Trust Grant for design support, development and construction of the River District portion of the Gordon's Creek Linear Trail and authorize the Mayor to execute any and all necessary documents. |
| 14. | 2023-782 | Adopt a Resolution appointing Betsy Mercier as Parks and Recreation Director for the City of Hattiesburg.                                                                                                                                                                          |

**POLICY AGENDA**

- |     |          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|-----|----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.  | 2023-734 | Approve the minutes for the October 2 & 3, 2023 meetings of the City Council.                                                                                                                                                                                                                                                                                                                                                                                                          |
| 2.  | 2023-679 | Approve or Deny a petition filed by John Anglin, Engineer, Kevin Lewis, Architect, and William Carey University, Owner, to request variances for the construction of a new building located at 710 William Carey Parkway. The applicants are requesting a variance from the maximum building height of 35 feet for an R-3 Zoned property and instead to allow for a height of 60 feet. The Board of Adjustment Recommended to Approve. (PPIN 13708, Forrest County, Ward 2).           |
| 3.  | 2023-680 | Approve or Deny a petition filed by Michael W. Anderson, applicant, to request a variance from the minimum zoning buffer requirement of 10 feet for an R-3 zoned property to instead allow for a 0 ft buffer (LDC Table 7.11-2) for a property located at 350 S 11 <sup>th</sup> Avenue for the construction of a parking lot. The Board of Adjustment Recommended to Approve (PPIN 16934, Forrest County, Ward 4).                                                                    |
| 4.  | 2023-681 | Approve or Deny a petition filed by Frank Roberts, owner, Ashley Roberts, applicant, and Robin Roberts, representative, requesting a variance from Section 6.1 for the minimum lot size requirement of an R-1B zoned lot from 7500ft <sup>2</sup> and instead allow for 6750ft <sup>2</sup> for a minor subdivision of a single parcel into three separate parcels, located at 101 Orange Street. The Board of Adjustment recommended to approve (PPIN 24621, Forrest County, Ward 4). |
| 5.  | 2023-755 | Adopt a Resolution establishing petty cash funds effective October 1, 2023 and approve the issuance of a manual check to the petty cash custodian as of October 1, 2023.                                                                                                                                                                                                                                                                                                               |
| 6.  | 2023-754 | Approve a Tax Pledge Agreement between the City of Hattiesburg, the University of Southern Mississippi, and the Board of Trustees of State Institutions of Higher Learning, authorizing the Mayor to execute the Agreement, and waive any conflict of interest that might arise from Moran M. Pope, III, serving as Counsel for the City of Hattiesburg and S. M. Educational Building Corporation.                                                                                    |
| 7.  | 2023-773 | Approve City of Hattiesburg's participation in the MS Emergency Management Agency 2024/2025 District 8 Regional Hazard Mitigation Plan and designate Marybeth Bergin, City Engineer, to represent the City of Hattiesburg.                                                                                                                                                                                                                                                             |
| 8.  | 2023-731 | Authorize the acceptance of the FY23 Edward Byrne Memorial Justice Assistance Grant (JAG) Program Award from the US Department of Justice in the amount of \$29,739.                                                                                                                                                                                                                                                                                                                   |
| 9.  | 2023-775 | Ratify and confirm the Mayor's appointment of Mr. Mike Pruitt (Ward 1) to the Hattiesburg Planning Commission for a five-year term beginning October 31, 2023 to November 1, 2028.                                                                                                                                                                                                                                                                                                     |
| 10. | 2023-776 | Ratify and confirm the Mayor's appointment of Lee Anne Veneable (Ward 4) to the Hattiesburg Planning Commission for a five-year term beginning on October 17, 2023 to October 16, 2028.                                                                                                                                                                                                                                                                                                |

**ROUTINE AGENDA**

- |    |          |                                                                                                                                                                                       |
|----|----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | 2023-774 | Acknowledge the Spectrum Center's Annual Pine Belt Pride Event, held on October 14, 2023, at Town Square Park, as a City approved event for the purposes described in Ordinance 3148. |
| 2. | 2023-733 | Authorize submission of the Norfolk Southern Safety First grant application.                                                                                                          |
| 3. | 2023-745 | Approve and authorize publication of a Request for Qualifications for engineering services for the Hattiesburg Bobby L. Chain Municipal Airport                                       |
| 4. | 2023-744 | Approve the sale of grave spaces, per attached Memo's, Receipts and Deeds.                                                                                                            |

**In Memoriam:**

- Mr. Larry Simmons
- Mr. William Roscoe McDonald, Sr.
- Mr. David Morris
- Mr. Alexander Miller
- Mr. Donovan Barnes
- Mr. George Donald Berger
- Mrs. Mildred Jenkins
- Mrs. Thelma Donella Thomas
- Ms. May Ruth Campbell
- Mr. Sam Britton
- Mr. Bryce Humphrey

**Meeting Adjourn**

\*\*\*\*\*

**Call to Order**

BE IT REMEMBERED that the **regular meeting of the Hattiesburg City Council was held at 5:00 p.m. Tuesday, October 17, 2023**, in Council Chambers at City Hall; same being from a recessed meeting held on October 16, 2023.

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

Council President George Called the meeting to order.

**Call to Prayer and Pledge of Allegiance**

The prayer was given by Malcolm Berch.

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 Agenda Items #11, 12, 13 & 14 at the request of the Administration as follows:

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

**POLICY AGENDA**

The POLICY AGENDA came before the Council.

1. **2023-734** Approve the minutes for the October 2 & 3, 2023 meetings of the City Council.

Attachments: [10-2-2023 PH, AR, WS Mins.](#)  
[10-3-2023 Mins.](#)

A MOTION was made by Council Member Brown and seconded by Council Vice President Ware to Approve the minutes for the October 2 & 3, 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. **2023-679** Approve or Deny a petition filed by John Anglin, Engineer, Kevin Lewis, Architect, and William Carey University, Owner, to request variances for the construction of a new building located at 710 William Carey Parkway. The applicants are requesting a variance from the maximum building height of 35 feet for an R-3 Zoned property and instead to allow for a height of 60 feet. The Board of Adjustment Recommended to Approve. (PPIN 13708, Forrest County, Ward 2).

Attachments: [710 WC Parkway - Building and Perimeter Variance](#)  
[Image Sheet - 710 WC Parkway](#)  
[WCU Variance Application-Height and Landscape Setback](#)  
[WCU Deed](#)  
[Variance Sheet-Landscape Setback](#)  
[Variance Sheet-Height](#)  
[75112062-Civil JCR-3.1 Site](#)  
[MINUTES BOA OCTOBER](#)  
[MINUTES BOA OCTOBER 2023](#)

A MOTION was made by Council Member Delgado and seconded by Council Member Carroll to Approve a petition filed by John Anglin, Engineer, Kevin Lewis, Architect, and William Carey University, Owner, to request variances for the construction of a new building located at 710 William Carey Parkway.

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

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

Nays: 0

3. **2023-680** Approve or Deny a petition filed by Michael W. Anderson, applicant, to request a variance from the minimum zoning buffer requirement of 10 feet for an R-3 zoned property to instead allow for a 0 ft buffer (LDC Table 7.11-2) for a property located at 350 S 11th Avenue for the construction of a parking lot. The Board of Adjustment Recommended to Approve (PPIN 16934, Forrest County, Ward 4).

Attachments: [350 S 11th Ave - Zoning Buffer](#)  
[Image Sheet - 350 S 11th Ave](#)  
[PH Application](#)  
[ordinance - 350 S 11th Ave - #3330](#)  
[MINUTES BOA OCTOBER 2023](#)

A MOTION was made by Council Vice President Ware and seconded by Council Member Carroll to Approve a petition filed by Michael W. Anderson, applicant, to request a variance from the minimum zoning buffer requirement of 10 feet for an R-3 zoned property to instead allow for a 0 ft buffer for a property located at 350 S 11th Avenue for the construction of a parking lot.

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.

2023-681

Approve or Deny a petition filed by Frank Roberts, owner, Ashley Roberts, applicant, and Robin Roberts, representative, requesting a variance from Section 6.1 for the minimum lot size requirement of an R-1B zoned lot from 7500ft2 and instead allow for 6750ft2 for a minor subdivision of a single parcel into three separate parcels, located at 101 Orange Street. The Board of Adjustment recommended to approve (PPIN 24621, Forrest County, Ward 4).

Attachments: [101 Orange St - Min Lot Size](#)  
[Image Sheet - 101 Orange St](#)  
[101 Orange St](#)  
[MINUTES BOA OCTOBER](#)

A MOTION was made by Council Vice President Ware and seconded by Council Member Carroll to Approve a petition filed by Frank Roberts, owner, Ashley Roberts, applicant, and Robin Roberts, representative, requesting a variance from Section 6.1 for the minimum lot size requirement of an R-1B zoned lot from 7500ft2 and instead allow for 6750ft2 for a minor subdivision of a single parcel into three separate parcels, located at 101 Orange Street.

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.

2023-755

Adopt a Resolution establishing petty cash funds effective October 1, 2023 and approve the issuance of a manual check to the petty cash custodian as of October 1, 2023.

Attachments: [Petty Cash Resolution](#)

A MOTION was made by Council Member Carroll and seconded by Council Member Brown to Adopt a Resolution (#2023-160) establishing petty cash funds effective October 1, 2023 and approve the issuance of a manual check to the petty cash custodian as of October 1, 2023.

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

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

Nays: 0

6.

2023-754

Approve a Tax Pledge Agreement between the City of Hattiesburg, the University of Southern Mississippi, and the Board of Trustees of State Institutions of Higher Learning, authorizing the Mayor to execute the Agreement, and waive any conflict of interest that might arise from Moran M. Pope, III, serving as Counsel for the City of Hattiesburg and S. M. Educational Building Corporation.

Attachments: [Tax Pledge Agreement - Final 10-16-2023](#)  
[Tax Pledge Agreement with USM and Board of Trustees of State Institutions of Higher Learning and waive conflict](#)

A MOTION was made by Council Member Carroll and seconded by Council Member Brown to Approve a Tax Pledge Agreement between the City of Hattiesburg, the University of Southern Mississippi, and the Board of Trustees of State Institutions of Higher Learning, authorizing the Mayor to execute the Agreement, and waive any conflict of interest that might arise from Moran M. Pope, III, serving as Counsel for the City of Hattiesburg and S. M. Educational Building Corporation.

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. **2023-773** Approve City of Hattiesburg's participation in the Ms Emergency Management Agency 2024/2025 District 8 Regional Hazard Mitigation Plan and designate Marybeth Bergin, City Engineer, to represent the City of Hattiesburg.

Attachments: District 8 Regional Hazard Mitigation Plan City intent to participate letter D8 2023  
Dis. 8 Regional Hazard Mitigation Plan City designated representative letter D8 2023

A MOTION was made by Council Member Carroll and seconded by Council Vice President Ware to Approve City of Hattiesburg's participation in the MS Emergency Management Agency 2024/2025 District 8 Regional Hazard Mitigation Plan and designate Marybeth Bergin, City Engineer, to represent the City of Hattiesburg.

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

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

Nays: 0

8. **2023-731** Authorize the acceptance of the FY23 Edward Byrne Memorial Justice Assistance Grant (JAG) Program Award from the US Department of Justice in the amount of \$29,739.

Attachments: Award\_Package\_FAW-178172

A MOTION was made by Council Member Carroll and seconded by Council Member Brown to Authorize the acceptance of the FY23 Edward Byrne Memorial Justice Assistance Grant (JAG) Program Award from the US Department of Justice in the amount of \$29,739.

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. **2023-775** Ratify and confirm the Mayor's appointment of Mr. Mike Pruitt (Ward 1) to the Hattiesburg Planning Commission for a five-year term beginning October 31, 2023 to November 1, 2028.

Attachments: Data sheet Pruitt HPC

A MOTION was made by Council Member Carroll and seconded by Council Vice President Ware to Ratify and confirm the Mayor's appointment of Mr. Mike Pruitt (Ward 1) to the Hattiesburg Planning Commission for a five-year term beginning October 31, 2023 to November 1, 2028.

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

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

Nays: 0

10. **2023-776** Ratify and confirm the Mayor's appointment of Lee Anne Veneable (Ward 4) to the Hattiesburg Planning Commission for a five-year term beginning on October 17, 2023 to October 16, 2028.

Attachments: Data sheet Veneable HPC

A MOTION was made by Council Vice President Ware and seconded by Council Member Brown to Ratify and confirm the Mayor's appointment of Lee Anne Veneable (Ward 4) to the Hattiesburg Planning Commission for a five-year term beginning on October 17, 2023 to October 16, 2028.

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

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

Nays: 0

11.

2023-779

Approve Contractor and Owner Agreement for the Emergency Roof Repair Initiative for an amount not to exceed \$15,000 according to the Emergency Roof Repair initiative Manual and authorize the Mayor to execute in triplicate.

Attachments: [1011 Geneva Grant Agreement 10.17.23](#)

A MOTION was made by Council Member Carroll and seconded by Council Vice President Ware to Approve Contractor and Owner Agreement for the Emergency Roof Repair Initiative for an amount not to exceed \$15,000 according to the Emergency Roof Repair initiative Manual and authorize the Mayor to execute in triplicate.

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

Yeas: 5 - George, Delgado, Carroll, Ware and Brown  
Nays: 0

12.

2023-780

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

Attachments: [Manual Check Memo 10172023](#)

A MOTION was made by Council Member Carroll and seconded by Council Vice President Ware to Approve and authorize issuance of manual checks for CDBG/HOME Program Claims per attached Memorandum. {CDBG Entitlement/HOME}.

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

Yeas: 5 - George, Delgado, Carroll, Ware and Brown  
Nays: 0

13.

2023-777

Adopt a Resolution authorizing submission of the Mississippi Outdoor Stewardship Trust Grant for design support, development and construction of the River District portion of the Gordon's Creek Linear Trail and authorize the Mayor to execute any and all necessary documents.

Attachments: [Resolution-MS Outdoor Stewardship Trust Grant 10.17.23](#)

A MOTION was made by Council Vice President Ware and seconded by Council Member Carroll to Adopt a Resolution (#2023-162) authorizing submission of the Mississippi Outdoor Stewardship Trust Grant for design support, development and construction of the River District portion of the Gordon's Creek Linear Trail and authorize the 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, Ware and Brown  
Nays: 0

14.

2023-782

Adopt a Resolution appointing Betsy Mercier as Parks and Recreation Director for the City of Hattiesburg.

Attachments: [COUNCIL RESOLUTION FOR APPOINTMENT-Betsy Mercier 10.17.23](#)

A MOTION was made by Council Member Carroll and seconded by Council Vice President Ware to Adopt a Resolution (#2023-163) appointing Betsy Mercier as Parks and Recreation Director for the City of Hattiesburg.

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

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

## **ROUTINE AGENDA**

THE ROUTINE AGENDA came before the Council.

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

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

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

Nays: 0

1.      **2023-774**      Acknowledge the Spectrum Center's Annual Pine Belt Pride Event, held on October 14, 2023, at Town Square Park, as a City approved event for the purposes described in Ordinance 3148.

Attachments:   Spectrum Center Flyer  
                         Spectrum Center Certificate of Insurance

2.      **2023-733**      Authorize submission of the Norfolk Southern Safety First grant application.

Attachments:   ns grant app

3.      **2023-745**      Approve and authorize publication of a Request for Qualifications for engineering services for the Hattiesburg Bobby L. Chain Municipal Airport

Attachments:   NOTICE TO AIRPORT CONSULTANTS 10.06.2023

4.      **2023-744**      Approve the sale of grave spaces, per attached Memo's, Receipts and Deeds.

Attachments:   Memo's (10-17-2023)  
                         Receipts (10-17-2023)  
                         Deeds (10-17-2023)

5.      **2023-732**      Approve claims docket for the period ending October 13, 2023.

Attachments:   23.10.13 Docket

## **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 5:10 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 5:11 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 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; Police Chief, Peggy Sealy; Assistant Police Chief, Hardy Sims; Detective, Thomas Reid; Detective, Kelly Gardner; Detective, Chadra Daniels; Sargent, LaShaunda Buckhalter; Fire Chief, Sherrocko Stewart; City Engineer, Mary Beth Bergin; Deputy Director of Engineering and Transportation, Hunter White; Director of Urban Development, Wiley Quinn; Director of Public Works, Ronnie Perkins; Director of Parks and Recreation, Betsy Mercier; Chief Communications Officer, Samantha Alexander; 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 Carroll to exit Executive Session and re-open the meeting to the public at 5:31 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 Geroqe stated to the public that there was no action taken during Executive Session.

A MOTION was made by Council Vice President Ware and seconded by Council Member Carroll to add Policy Agenda Item #15.

- 15. 2023-784** Adopt a Resolution finding that the operation of the Arts & Entertainment Club constitutes a public nuisance and should be abated. Furthermore, the City Council authorizes and directs the City Attorney to bring an action in the Forrest County Chancery Court or other appropriate venue to immediately and permanently abate the public nuisance operating at 811 Timothy Lane, Hattiesburg, MS as the Arts & Entertainment Club.

Attachments: Executed Resolution #2023-161 declaring ARTs & Entertainment Club as a public nuisance and permanently abate

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 to Adopt a Resolution (#2023-161) finding that the operation of the Arts & Entertainment Club constitutes a public nuisance and should be abated. Furthermore, the City Council authorizes and directs the City Attorney to bring an action in the Forrest County Chancery Court or other appropriate venue to immediately and permanently abate the public nuisance operating at 811 Timothy Lane, Hattiesburg, MS as the Arts & Entertainment Club.

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

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

Nays: 0

### **In Memoriam:**

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

- Mr. Larry Simmons
- Mr. William Roscoe McDonald, Sr.
- Mr. David Morris
- Mr. Alexander Miller



- Mr. Donovan Barnes
- Mr. George Donald Berger
- Mrs. Mildred Jenkins
- Mrs. Thelma Donella Thomas
- Ms. May Ruth Campbell
- Mr. Sam Britton
- Mr. Bryce Humphrey

**Meeting Adjourn**

Council President George declared the meeting adjourned at 5:10 p.m., this 17<sup>th</sup> day of October, 2023, by unanimous consent, until the 6<sup>th</sup> day of November, 2023.

**ATTEST:**

**APPROVE:**

  
Clerk of Council

  
Council President

**ATTEST AND CERTIFY:**

**APPROVE:**

  
City Clerk

  
Mayor