BE IT REMEMBERED that the regular meeting of the Hattiesburg City Council was held at 4:00 p.m. Tuesday, January 2, 2018, in Council Chambers at City Hall.

Those present included Mayor Toby Barker and members of the City Council Jeffrey George, Ward 1; Deborah Delgado, Ward 2; Carter Carroll, Ward 3; Mary Dryden, Ward 4; and Nicholas Brown, Ward 5. Others in attendance included Chief Administrative Officer, Ann Jones; Interim Chief Financial Officer, Connie Everett; City Engineer, Lamar Rutland; Interim Fire Chief, Stephen Mooney; Assistant Police Chief, Peggy Sealy; Director of Urban Development, Andrew Ellard; Planning Administrator, Ginger Maddox Lowrey; City Attorney, Randy Pope; Clerk of Council, Debbie Bernardo; Deputy Clerk of Council, Lisa Luu; media; and the public.

The prayer was given by Pastor Reginald Byrd of Mt. Olive Baptist Church.

The Pledge of Allegiance was led by Assistant Chief Sealy.

THE MATTER OF THE AGENDA ORDER came before the Council.

A MOTION was made by Council Vice President Dryden and seconded by Council member George to Remove Policy Agenda Item VI.-5 and Add Policy Agenda Item VI.-10 at the request of the Administration as follow:

VI. -10. 2018-125 Authorize and Approve the Mayor to grant an extension of 60 calendar days for the professional services agreement between the City of Hattiesburg and The Walker Associates, Engineers Planners Designers, PLLC, for preparation of plans and specifications and contract documents for construction of the Highway 11 Medical Park Access Roadway Project (DIP Grant 363) due to inclement weather and unforeseen conditions that have caused delays on drainage and subgrade work; original agreement was approved February 16, 2016, at Minute Book 2016 52.

Attachments: Hattiesburg DIP Grant Engineering Contract
Executed Hattiesburg DIP Grant Engineering Contract
Warren Paving Letter
Walker Associates Letter
COH Letter

And, Add Policy Agenda Items VI.-11 and VI.-12 at the request of the Council as follows:

VI. -11. 2018-127 Void duplicate contracts executed by Council President with Carr, Riggs and Ingram for furnishing contract audit services for preparation and audit of the City of Hattiesburg's Comprehensive Annual Financial Report and general purpose financial statement of the Combined Water and Sewer System for fiscal year ending September 30, 2016; contracts were executed November 8, 2016, at Minute Book 2016 Page 303-304.

Attachments: CRI 9 30 16 Contract

VI. -12 2018-126 Authorize Council President to execute duplicate contracts with Topp McWhorter Harvey PLLC for furnishing contract audit services for the preparation and audit of the City of Hattiesburg's Comprehensive Annual Financial Report and for the Combined Water and Sewer System for the fiscal year ending September 30, 2017.

Attachments: Top McWhorter Harvey Contract

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

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

Nays: 0

Approval of Minutes of the December 4, 5, 18, 19, and 28, 2017, City Council meetings.

A MOTION was made by Council Vice President Dryden and seconded by Council member George to approve the minutes of the December 4, 5, 18, 19, and 28, 2017, City Council meetings.

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

Yeas: 4 - George, Carroll, Dryden and Brown

Nays: 0

Abstain: 1 - Delgado

THE PRESENTATION AGENDA came before the Council.

There were no presentations at this time.

THE POLICY AGENDA came before the Council.

VI.-1 2018-104 Adopt an Ordinance to amend Ordinance Number 3165, adopted August 4, 2015, and found at Minute Book 2015 page 232, to update the current Flood Damage Prevention Ordinance (Chapter 10 of the Code of Ordinances) for the City of Hattiesburg to comply with MEMA requirements.

Attachments: ORD Number 3165, Amended, Flood Damage Prevention Ordinance - with edits
Ordinance to Amend Ordinance Number 3165, Chapter 10, Code of Ordinances, Flood Damage Prevention Ordinancel - edited
ORD#3224, executed inance to Amend Ordinance Number 3165, Chapter 10, Code of Ordinances, Flood Damage Prevention Ordinance - edited

A MOTION was made by Council Vice President Dryden and seconded by Council Member Delgado to Adopt an Ordinance (#3224) to amend Ordinance Number 3165, adopted August 4, 2015, and found at Minute Book 2015 page 232, to update the current Flood Damage Prevention Ordinance (Chapter 10 of the Code of Ordinances) for the City of Hattiesburg to comply with MEMA requirements.

Council Vice President Dryden asked for a floodplains update; Ms. Lowrey and Ms. Reid provided one. Ms. Reid stated that the City will recertify by February 1; she said the City is currently rated a Class 8 but can reasonably expect a Class 7 by summer and eventually a Class 6. Also, she said that she is cross-training staff member Nick Williams.

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

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

Nays: 0

VI.-2 2018-105 Take from the Table to Approve or Deny a petition filed by Clint Walker, Applicant, to vary from Section 10.13.6 which states "Billboard replacement, of all or any part thereof, shall require the removal of two additional static billboard structures." and instead replace 1 static billboard structure for a variance of 2 static billboard structures for a certain property located at 6192 US Hwy 98 (Parcel 052R-10-015.000, PPIN 20599, Ward 3). The Board of Adjustment recommended to APPROVE on December 6, 2017.

Attachments: Dec HPC BOA Minutes
Billboard Conversion Variance Form
Walker Digital Variance Request

The vote for this item was postponed until after the executive session.

VI.-3 **2018-106** Take from the Table to Approve or Deny a petition filed by Clint Walker, Applicant, to request a permit for a replacement "Digital Billboard" as provided in Section 10.13.6 and all applicable regulations for a certain property located at 6192 US Hwy 98 (Parcel 052R-10-015.000, PPIN 20599, Ward 3). The Planning Commission recommended to APPROVE, contingent upon the approval of a variance from Section 10.13.6, on December 6, 2017.

Attachments: Dec HPC BOA Minutes
Walker Digital Billboard - report

The vote for this item was postponed until after the executive session.

VI.-4 **2018-103** Adopt a Resolution setting Public Hearing before City Council at 4 p.m. on Monday, February 5, 2018 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 and providing for notice to owners and authorize publication of the noticed hearing.

Attachments: Set public hearing MEMORANDUM
Public Hearing Reso 01.02.18

A MOTION was made by Council Member Delgado and seconded by Council Vice President Dryden to Adopt a Resolution setting Public Hearing before City Council at 4 p.m. on Monday, February 5, 2018 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 and providing for notice to owners and authorizing publication of the noticed hearing.

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

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

Nays: 0

VI.-5 **Removed.**

VI.-6 **2018-114** Adopt a Resolution appointing Stephen Mooney as Interim Chief of Hattiesburg Fire Department.

Attachments: RES-Appointing Stephen Mooney Interim Fire Chief
Mooney Resume

A MOTION was made by Council Member George and seconded by Council Vice President Dryden to Adopt a Resolution appointing Stephen Mooney as Interim Chief of Hattiesburg Fire Department.

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

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

Nays: 0

Council Vice President Dryden recused herself for the vote on Policy Agenda item VI.-7.

VI.-7 **2018-109** Adopt a Resolution authorizing Requisition No. 13 from the Project Fund Construction Account in connection with a certain loan agreement, dated August 18, 2016, by and between the Mississippi Development Bank and the City of Hattiesburg.

Attachments: 2016 Bond Resolution No. 13

A MOTION was made by Council Member George and seconded by Council Member Brown to Adopt a Resolution authorizing Requisition No. 13 from the Project Fund Construction Account in connection with a certain loan agreement, dated August 18, 2016, by and between the Mississippi Development Bank and the City of Hattiesburg.

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

Yeas: 3 - George, Carroll and Brown

Nays: 0

Abstain: 1 - Delgado

Recuse: 1 - Dryden

Council Vice President Dryden returned to the room following the vote.

VI.-8 **2018-102** Ratify and confirm the Mayor's appointment of Jerome Brown(W1), to the civil Service Commission, for a term beginning 1-2-2018 and ending 1/1/2023.

Attachments: Brown-Data Sheet

A MOTION was made by Council Member George and seconded by Council Vice President Dryden to Ratify and confirm the Mayor's appointment of Jerome Brown (W1) to the civil Service Commission for a term beginning 1-2-2018 and ending 1/1/2023.

Council President Carroll thanked Mr. Brown for his willingness to serve.

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

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

Nays: 0

VI.-9 **2018-115** Ratify and confirm the Mayor's re-appointment of Mitzi Jo Russell (W3), to the Civil Service Commission, for a term beginning 1-2-2018 and ending 1-1-2023.

Attachments: Russell Data Sheet

A MOTION was made by Council Vice President Dryden and seconded by Council Member George to Ratify and confirm the Mayor's re-appointment of Mitzi Jo Russell (W4) to the Civil Service Commission for a term beginning 1-2-2018 and ending 1-1-2023.

Council President Carroll thanked Ms. Russell for her willingness to serve.

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

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

Nays: 0

VI.-10 **2018-125** Authorize and Approve the Mayor to grant an extension of 60 calendar days for the professional services agreement between the City of Hattiesburg and The Walker Associates, Engineers-Planners-Designers, PLLC, for preparation of plans and specifications and contract documents for construction of the Highway 11 Medical Park Access Roadway Project (DIP Grant 363) due to inclement weather and unforeseen conditions that have caused delays on drainage and subgrade work; original agreement was approved February 16, 2016, at Minute Book 2016-52.

Attachments: Hattiesburg DIP Grant Engineering Contract
Warren Paving-Letter
Walker Associates-Letter
COH-Letter

A MOTION was made by Council Vice President Dryden and seconded by Council Member Brown to Authorize and Approve the Mayor to grant an extension of 60 calendar days for the professional services agreement between the City of Hattiesburg and The Walker Associates, Engineers-Planners-Designers, PLLC, for preparation of plans and specifications and contract documents for construction of the Highway 11 Medical Park

Access Roadway Project (DIP Grant 363) due to inclement weather and unforeseen conditions that have caused delays on drainage and subgrade work; original agreement was approved February 16, 2016, at Minute Book 2016-52.

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

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

Nays: 0

VI.-11 2018-127 Void duplicate contracts executed by Council President with Carr, Riggs and Ingram for furnishing contract audit services for preparation and audit of the City of Hattiesburg's Comprehensive Annual Financial Report and general purpose financial statement of the Combined Water and Sewer System for fiscal year ending September 30, 2016; contracts were executed November 8, 2016, at Minute Book 2016-303-304.

Attachments: CRI- 9-30-16 Contract

A MOTION was made by Council Vice President Dryden and seconded by Council Member George to void duplicate contracts executed by Council President with Carr, Riggs and Ingram for furnishing contract audit services for preparation and audit of the City of Hattiesburg's Comprehensive Annual Financial Report and general purpose financial statement of the Combined Water and Sewer System for fiscal year ending September 30, 2016; contracts were executed November 8, 2016, at Minute Book 2016-303-304.

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

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

Nays: 0

VI.-12 2018-126 Authorize Council President to execute duplicate contracts with Topp McWhorter Harvey PLLC for furnishing contract audit services for the preparation and audit of the City of Hattiesburg's Comprehensive Annual Financial Report and for the Combined Water and Sewer System for the fiscal year ending September 30, 2017.

Attachments: Top McWhorter Harvey Contract

A MOTION was made by Council Member Delgado and seconded by Council Vice President Dryden to Authorize Council President to execute duplicate contracts with Topp McWhorter Harvey PLLC for furnishing contract audit services for the preparation and audit of the City of Hattiesburg's Comprehensive Annual Financial Report and for the Combined Water and Sewer System for the fiscal year ending September 30, 2016.

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

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

Nays: 0

THE ROUTINE AGENDA came before the Council.

A MOTION was made by Council Vice President Dryden and seconded by Council member George to approve Routine Agenda items VII.1-VII.-6.

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

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

Nays: 0

VII.-1 2018-111 Authorize submission of Mississippi Office of Highway Safety Driving Grant Application in the amount of $68,682 for the Alcohol Impaired Driving Program.

Attachments: MOHS 19 Grant

VII.-2 2018-112 Acknowledge receipt of the Single Audit of the Hattiesburg Public School District for the year ended June 30, 2017, from Suzanne E. Smith, CPA, PLLC of Auditing and Accounting Services.

Attachments: Audit Letter from Suzanne E. Smith, CPA, PLLC, 12-15-17
Hattiesburg Public School District Audited Financial Statements for the Year Ended June 30, 2017

VII.-3 2018-101 Acknowledge receipt and execution of the Mississippi Department of Public Safety Homeland Security Grant in the amount of $10,000.00 for equipment related to the Mississippi Office of Homeland Security initiatives, for Task Force III. (nunc pro tunc)

Attachments: Grant-Task Force III

VII.-4 2018-107 Acknowledge receipt of bids on December 14, 2017 for the 2017 Water System Improvements Project and accept bid from T L Wallace Construction, Inc. in the amount of $717,310.00 as the lowest and best bid; authorize Mayor to execute contract for same upon preparation.

Attachments: Certified Bid Tab
11247_Specs_Street Ready_2017-10-23
11247_Plans_Final Set_Signed_2017-09-20

VII.-5 2018-108 Acknowledge receipt of bids on December 14, 2017 for the Lamar Boulevard Infrastructure Improvements Project and accept bid from C B Developers, Inc. in the amount of $392,099.40 as the lowest and best bid; authorize Mayor to execute contract for same upon preparation.

Attachments: Certified Bid Tab
11248_Swr_Plans_Final Set_Signed_2017-10-09
11248_Specs_Review Set_2017-11-1_(Lamar)

VII.-6 2018-100 Approve the sale of graves spaces, Per attached receipts and memo's.

Attachments: Memos (01-02-18)
Deeds (01-02-2018)
Receipts (01-02-2018)

Council Vice President Dryden recused herself for the vote on Routine Agenda item VII.-7, the claims docket.

A MOTION was made by Council Member George and seconded by Council Member Brown to approve Routine Agenda Item VII.-7.

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

Yeas: 4 - George, Delgado, Carroll and Brown

Nays: 0

Recuse: 1 - Dryden

Council Vice President Dryden returned to Chambers following the vote.

VII.-7 2018-110 Approve claims docket for the period ending December 31, 2017.

Attachments: 1-2-17 Claims Docket

Council Vice President Dryden proceeded with the Citizens' Forum. She stated the procedures and invited members of the public to speak.

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

Council Vice President Dryden closed the Citizen Forum.

2018-212 Citizens' Forum Sign-In Sheet, 1-2-18.

Attachments: Citizens' Forum 1-2-18 Sign-In Sheet

A MOTION was made by Council Vice President Dryden and seconded by Council member George to consider the need to go into Executive Session to discuss personnel and potential litigation, in accordance with Mississippi Code Sections 25-41-7 (a) and (b).

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

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

Nays: 0

A MOTION was made by Council Vice President Dryden and seconded by Council member George to go into Executive Session to discuss personnel and potential litigation, in accordance with Mississippi Code Sections 25-41-7 (a) and (b).

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

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

Nays: 0

Those present for the Executive Session were Mayor Barker; Council members George, Delgado, Carroll, Dryden and Brown; Mr. Eaton; Ms. Jones; Ms. Lowery; Mr. Ellard; Mr. Guthrie; Attorney Pope; Ms. McCain; and Ms. Bernardo.

No action was taken during Executive Session.

A MOTION was made by Council member George and seconded by Council member Delgado to come out of Executive Session and re-open the meeting to the public at 4:50 p.m.

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

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

Nays: 0

A MOTION was made by Council member Delgado and seconded by Council

Vice President Dryden to revise the minute order for the contract with Topp McWhorter Harvey, PLLC, to reflect that services will cover the 2016 fiscal year.

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

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

Nays: 0

VI.-2 **2018-105** Take from the Table to Approve or Deny a petition filed by Clint Walker, Applicant, to vary from Section 10.13.6 which states "Billboard replacement, of all or any part thereof, shall require the removal of two additional static billboard structures." and instead replace 1 static billboard structure for a variance of 2 static billboard structures for a certain property located at 6192 US Hwy 98 (Parcel 052R-10-015.000, PPIN 20599, Ward 3). The Board of Adjustment recommended to APPROVE on December 6, 2017.

Attachments: Dec HPC BOA Minutes
Billboard Conversion Variance Form
Walker Digital Variance Request

A MOTION was made by Council Member Delgado and seconded by Council Member Brown to Take from the Table to Deny a petition filed by Clint Walker, Applicant, to vary from Section 10.13.6 which states "Billboard replacement, of all or any part thereof, shall require the removal of two additional static billboard structures" and instead replace 1 static billboard structure for a variance of 2 static billboard structures for a certain property located at 6192 US Hwy 98 (Parcel 052R-10-015.000, PPIN 20599, Ward 3). The Board of Adjustments recommended to APPROVE on December 6, 2017.

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

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

Nays: 0

VI.-3 2018-106 Take from the Table to Approve or Deny a petition filed by Clint Walker, Applicant, to request a permit for a replacement "Digital Billboard" as provided in Section 10.13.6 and all applicable regulations for a certain property located at 6192 US Hwy 98 (Parcel 052R-10-015.000, PPIN 20599, Ward 3). The Planning Commission recommended to APPROVE, contingent upon the approval of a variance from Section 10.13.6, on December 6, 2017.

Attachments: Dec HPC BOA Minutes
Walker Digital Billboard - report

A MOTION was made by Council Member Delgado and seconded by Council Member George to Take from the Table to Deny a petition filed by Clint Walker, Applicant, to request a permit for a replacement "Digital Billboard" as provided in Section 10.13.6 and all applicable regulations for a certain property located at 6192 US Hwy 98 (Parcel 052R-10-015.000, PPIN 20599, Ward 3). The Planning Commission recommended to APPROVE, contingent upon the approval of a variance from Section 10.13.6, on December 6, 2017.

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

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

Nays: 0

By unanimous consent, Council President Carroll declared the meeting recessed at 4:54 p.m., this the 2nd day of January, A.D., 2018.

Minutes for the December 4, 5, 18, 19, and 28, 2017, Council Meetings.

ATTEST: APPROVE:

Clerk of Council President

ATTEST AND CERTIFY: APPROVE:

City Clerk Mayor