

BE IT REMEMBERED that the regular meeting of the Hattiesburg City Council was held at 4:00 p.m. Tuesday, February 20, 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; Director of Administration/City Clerk, Kermas Eaton; City Engineer, Lamar Rutland; Interim Fire Chief, Stephen Mooney; Police Chief, Anthony Parker; Assistant Police Chief, Peggy Sealy; Interim Director of Public Works, Colton Hill; Director of the Water Department, Alan Howe; Director of Parks and Recreation, Ronnie Perkins; Director of Urban Development, Andrew Ellard; Planning Administrator, Ginger Maddox; City Attorney, Randy Pope; Customer Service Coordinator, Joe Paul; Chief Communications Officer, Samantha McCain; Deputy Clerk of Council, Lisa Luu; media; and the public.

Council President Carroll called the meeting to order.

The prayer was given by Dr. Scott Hanberry of Hardy Street Baptist Church.

The Pledge of Allegiance was led by Chief Parker.

THE MATTER OF THE AGENDA ORDER came before the Council.

There were no additions or deletions to the agenda.

THE PRESENTATION AGENDA came before the Council.

Mayor Barker called on Joe Kinnan, president of the local chapter of NAMI (National Alliance on Mental Illness). Mr. Kinnan thanked the Mayor for previous sponsorship of legislation on mental health issues and thanked the Council for its support of the Behavioral Health Court. He presented a certificate to the city in appreciation of its patronage of mental health.

THE POLICY AGENDA came before the Council.

- V.-1 2018-215** Take from the table and Adopt an Ordinance for the petition filed by Anthony Wansley, Contractor, on behalf of Clementine Benton, Owner to change the zoning classification for a portion of the property located at 208 McInnis Spring Road (Parcel 041H-27-003.00, PPIN 6970, Ward 5) from Section 4.5.3, R-1A (Single-Family Residential) District to Section 4.5.7, R-3 (Multi-Family Residential) District. The Planning Commission recommended to Deny on January 3, 2018.

Attachments: January 2018 HPC Minutes
 HPC Packet - 208 McInnis Springs Rd
 Frankie L. Benton, Sr. Letter
 Ordinance - 208 McInnis Springs Rd

A MOTION was made by Council Member Brown and seconded by Council Member George to Take from the table and DENY to Adopt an Ordinance for the petition filed by Anthony Wansley, Contractor, on behalf of Clementine Benton, Owner to change the zoning classification for a portion of the property located at 208 McInnis Spring Road (Parcel 041H-27-003.00, PPIN 6970, Ward 5) from Section 4.5.3, R-1A (Single-Family Residential) District to Section 4.5.7, R-3 (Multi-Family Residential) District. The Planning Commission recommended to Deny on January 3, 2018.

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

Yeas: 4 - George, Carroll, Dryden and Brown

Nays: 1 – Delgado

- V.-2 2018-224** Adopt an Ordinance for the petition filed by Valerie Cameron, Representative, on behalf of Donnie Myers, Owner, to change the zoning classification for a certain property located at 1200 Edwards Street (Parcel 038H-15-198.00, PPIN 26857, Ward 2) from Section 4.5.13, I-1 (Light Industrial) District to Section 4.5.10, B-3 (Community Business) District. The Planning Commission recommended to Approve on February 7, 2018.

Attachments: Feb HPC Minutes
1200 Edwards Street - packet
Ordinance - 1200 Edwards

A MOTION was made by Council Member Delgado and seconded by Council Member Brown to Adopt an Ordinance (#3226) for the petition filed by Valerie Cameron, Representative, on behalf of Donnie Myers, Owner, to change the zoning classification for a certain property located at 1200 Edwards Street (Parcel 038H-15-198.00, PPIN 26857, Ward 2) from Section 4.5.13, I-1 (Light Industrial) District to Section 4.5.10, B-3 (Community Business) District. The Planning Commission recommended to Approve on February 7, 2018.

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

- V.-3 2018-220** APPROVE or DENY a petition filed by Lynn Greer, Architect, Mike Essary, Representative, on behalf of Wesley Foundation of MS Southern College to vary from Section 6, Table 6.1 which states maximum impervious surface lot coverage for property located in an R-3 Zone is 50% and instead allow a total of 69% impervious lot coverage for a variance of 19% for a property located at 210 North 32nd Avenue, Hattiesburg, MS (Parcel 028K-07-005.00, PPIN 22976; Parcel 028K-07-004.00, PPIN 22975, Ward 1). The Board of Adjustment recommended to APPROVE with a condition on February 7, 2018.

Attachments: Feb BOA Minutes
210 North 32nd Ave - packet

A MOTION was made by Council Member George and seconded by Council Vice President Dryden to APPROVE with condition a petition filed by Lynn Greer, Architect, Mike Essary, Representative, on behalf of Wesley Foundation of MS Southern College to vary from Section 6, Table 6.1 which states maximum impervious surface lot coverage for property located in an R-3 Zone is 50% and instead allow a total of 69% impervious lot coverage for a variance of 19% for a property located at 210 North 32nd Avenue, Hattiesburg, MS (Parcel 028K-07-005.00, PPIN 22976; Parcel 028K-07-004.00, PPIN 22975, Ward 1). The Board of Adjustment recommended to APPROVE with a condition on February 7, 2018.

Discussion related to the Board of Adjustment condition, which concerned the handling of excess water runoff. Mr. Essary responded to questions from the Council.

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

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

Nays: 0

V.-4 2018-221 APPROVE or DENY the preliminary plat filed by Shea McNease PE, Engineer, and Rob Tatum, Applicant, for a major subdivision for a certain piece of property located between South 31st Avenue and South 30th Avenue, south of Hardy Street Hattiesburg, MS (Parcel 028N-07-078, PPIN 20837; Parcel 028N-07-079.00, PPIN 26492. Ward 3). The Planning Commission recommended to Approve on February 7, 2018.

Attachments: Feb HPC Minutes
3000 Hardy Condominium - packet
15861 Preliminary Condo Plats 2017-12-22

A MOTION was made by Council Member George and seconded by Council Vice President Dryden to APPROVE the preliminary plat filed by Shea McNease PE, Engineer, and Rob Tatum, Applicant, for a major subdivision for a certain piece of property located between South 31st Avenue and South 30th Avenue, south of Hardy Street Hattiesburg, MS (Parcel 028N-07-078, PPIN 20837; Parcel 028N-07-079.00, PPIN 26492. Ward 3). The Planning Commission recommended to Approve on February 7, 2018.

In response to a question from Council President Carroll, Ms. Lowrey stated that the Midtown Code does not include the process for adopting a condominium but is supportive of that use.

Council member Delgado and Council Vice President Dryden asked about inclusion in the city's Land Code; Ms. Lowrey said she has not been included in any talks about condominiums and that the city presently follows state law.

Attorney Jim Gladden responded to a question from Council President Carroll and recommended that the Land Code Ordinance be amended to include condominiums.

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

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

Nays: 0

V.-5 2018-230 Adopt pay scale alignment for the Hattiesburg Fire Department.

Attachments: Fire Department Proposed Pay Scale

A MOTION was made by Council Member Delgado and seconded by Council Member George to TABLE to Adopt pay scale alignment for the Hattiesburg Fire Department.

Mayor Barker said that Ann Jones will present the plan, but requested that the Council table it and that it be brought back in a few weeks or a month for a vote.

After Ms. Jones' presentation, Council member Delgado raised concerns about the amounts allowed for education for fire department personnel and other employees of the City.

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

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

Nays: 0

V.-6 2018-234 Approve or deny to adopt a drug and alcohol policy for Hub City Transit in compliance with requirements of the Federal Transit Administration.

Attachments: Drug Policy FTA compliant 02072018

A MOTION was made by Council Member Delgado and seconded by Council Vice President Dryden to Approve to adopt a drug and alcohol policy for Hub City Transit in compliance with requirements of the Federal Transit Administration.

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

V.-7 2018-240 Adopt a Resolution authorizing Requisition No. 16 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. 16

A MOTION was made by Council Member George and seconded by Council Member Brown to Adopt a Resolution authorizing Requisition No. 16 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: 5 - George, Delgado, Carroll, Dryden and Brown

Nays: 0

V.-8 2018-235 Authorize Mayor to execute Task Order No. 5 with Shows, Dearman and Waits, Inc. to provide professional services for a Comprehensive Sanitary Sewer Study for data collection, inspection, and evaluation of the City's wastewater system.

Attachments: SDW Agreement-Task Order #5

A MOTION was made by Council Member Delgado and seconded by Council Vice President Dryden to TABLE to Authorize Mayor to execute Task Order No. 5 with Shows, Dearman and Waits, Inc. to provide professional services for a Comprehensive Sanitary Sewer Study for data collection, inspection, and evaluation of the City's wastewater system.

Mayor Barker asked the Council to Table the item so that the Administration can consider ways to handle a portion of this work in-house.

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

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

Nays: 0

V.-9 2018-238 Authorize Mayor to execute (in duplicate) Agreement with Shows, Dearman & Waits, Inc. for engineering services related to the Martin Luther King Improvements project.

Attachments: SDW Agreement 2-12-18

A MOTION was made by Council Vice President Dryden and seconded by Council Member Brown to Authorize Mayor to execute (in duplicate) Agreement with Shows, Dearman & Waits, Inc. for engineering services related to the Martin Luther King Improvements project.

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

V.-10 2018-228 Authorize Mayor to execute Agreement for Sewer Treatment in duplicate with Grand Magnolia Properties, LLC (f/k/a Sims Properties, LLC).

Attachments: Grand Magnolia Properties LLC Agreement 2018.1

A MOTION was made by Council Member George and seconded by Council Vice President Dryden to Authorize Mayor to execute Agreement for Sewer Treatment in duplicate with Grand Magnolia Properties, LLC (a/k/a Sims Properties, LLC).

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

V.-11 2018-239 Authorize Mayor to execute two lighting agreements with Mississippi Power for two locations on West 4th Street (near 2505 W. 4th and 3901 W. 4th) for net monthly increases of \$69.38 and 54.02 respectively.

Attachments: MS Power-Brewskys and Endzone

A MOTION was made by Council Vice President Dryden and seconded by Council Member George to Authorize Mayor to execute two lighting agreements with Mississippi Power for two locations on West 4th Street (near 2505 W. 4th and 3901 W. 4th) for net monthly increases of \$69.38 and 54.02 respectively.

Mayor Barker stated that these lighting improvements and others are being made in response to safety concerns expressed by citizens. Council Vice President Dryden and Council member George thanked the Mayor for the city's response.

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

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

Nays: 0

- V.-12 2018-237** Authorize Mayor to execute agreement between the City of Hattiesburg Fire Department and Fire Department International, Inc. to provide promotional testing for Engineer/Driver, Lieutenant, Captain, and Battalion Chief.

Attachments: Hattiesburg Fire Department Testing Contract-Fire Department International 2018

A MOTION was made by Council Member George and seconded by Council Vice President Dryden to Authorize Mayor to execute agreement between the City of Hattiesburg Fire Department and Fire Department International, Inc. to provide promotional testing for Engineer/Driver, Lieutenant, Captain, and Battalion Chief.

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

- V.-13 2018-236** Ratify and confirm the Mayor's appointment of Yolanda Morris (W3) to the Hattiesburg School Board for a five (5) - year term beginning March 5, 2018 and ending March 4, 2023.

Attachments: Y Morris Resume
Data Sheet-Morris

A MOTION was made by Council Member George and seconded by Council Member Brown to Ratify and confirm the Mayor's appointment of Yolanda Morris (W3) to the Hattiesburg School Board for a five (5) - year term beginning March 5, 2018 and ending March 4, 2023.

The Mayor introduced Ms. Morris and Council members thanked her 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

- V.-14 2018-246** Ratify and confirm the Mayor's appointment of Andrew A. Hatten to the Southeast Mississippi Community Investment Corporation Board of Directors for a three - year term beginning January 1, 2018 and ending December 31, 2020.

Attachments: Hatten Resume

A MOTION was made by Council Member George and seconded by Council Vice President Dryden to Ratify and confirm the Mayor's appointment of Andrew A. Hatten to the Southeast Mississippi Community Investment Corporation Board of Directors for a three (3) - year term beginning January 1, 2018 and ending December 31, 2020.

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

- V.-15 2018-247** Ratify and confirm the Mayor's appointment of Lemon "Trey" Sullivan to the Southeast Mississippi Community Investment Corporation Board of Directors for a three - year term beginning January 1, 2018 and ending December 31, 2020.

Attachments: Sullivan-Resume

A MOTION was made by Council Member Brown and seconded by Council Member George to Ratify and confirm the Mayor's appointment of Lemon "Trey" Sullivan to the Southeast Mississippi Community Investment Corporation Board of Directors for a three (3) year term beginning January 1, 2018 and ending December 31, 2020.

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 VI.-1 - VI.-12.

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.-1 2018-223** Approve notice of publication setting a Public Comment Period and scheduling a Public Hearing for the 2017 Consolidated Annual Performance and Evaluation Report (CAPER) for the CDBG and HOME Programs. {Entitlement CDBG and HOME}

Attachments: CAPER DRAFT 2017.pdf

Notice of Availability, Public Hearing for 2017 CAPER.pdf

- VI.-2 2018-217** Acknowledge receipt of the monthly budget report for the month ending January 31, 2018, on permanent file in the City Clerk's Office.

Attachments: REV18.0118

EXP18.0118

- VI.-3 2018-218** Acknowledge receipt of the unadvertised bid purchase docket for the period of October 1, 2017 through December 31, 2017 as provided for in section 31-7-13(b) of the Mississippi Code of 1972.

Attachments: Memo-Unadvertised bid memo

Unadvertised Bids

- VI.-4 2018-241** Acknowledge receipt of the Financial Statements of the Emergency Management District for the fiscal year ending September 30, 2017, from WM. F. Horne & Company, PLLC (on file in the City Clerk's Office).

Attachments: Emergency Management-Financial Statements

- VI.-5 2018-248** Acknowledge receipt of the Southeast Mississippi Community Investment Corporation (SEMCIC) bylaws, adopted June 18, 2014; SEMCIC exists to help enhance small business lending in Greater Hattiesburg.

Attachments: SEMCIC Bylaws, 2014

- VI.-6 2018-233** Acknowledge Bids received February 1, 2018 for the Comprehensive Sewer /Water Improvements Project - Phase VIII - Camp Street and reject all bids; Approve new plans and specifications for project and authorize re-advertisement for bids.
- Attachments:** Memo - Weeks, Shows Dearman & Waits
Advertisement for Bids
1273S010_Plans_Street Ready Set_Signed_2018-02-12
1273-S010_Specs_Review Set_2018_02_12
- VI.-7 2018-229** Approve plans and specifications for the South 28th Avenue Bridge Replacement Project; Authorize advertisement for bids for same.
- Attachments:** 11204 construction plans signed 2018-02-12
11204_Specs_Review Set_2018_02_12
Advertisement For Bids
- VI.-8 2018-232** Approve plans and specifications for the Infrastructure Improvements along North 40th Ave, North 39th Ave, and Mable Street Project; Authorize advertisement for bids for same.
- Attachments:** 11254_Advertisement for Bids
11254_Plans_Street Ready Set_Signed_2018-02-05
11254_Specs_Review Set_98p_2018_02_09
- VI.-9 2018-242** Approve Specifications and Authorize Publication of Advertisement for Various Term Bid Items for the Hattiesburg Water Department beginning on April 1, 2018.
- Attachments:** Item #13 - Notice to Bidders
Item #13 - Specifications
Item #20 Notice to Bidders
Item #20 Specifications
Item #26 Notice to Bidders
Item #26 Specifications
Item # 28 - Notice to Bidders
Item # 28 - Specifications
Item #11 - Notice to Bidders
Item #11 - Specifications
- VI.-10 2018-243** Approve Specifications and Authorize Publication of Advertisement for Various Term Bid Items for the City of Hattiesburg Public Works Department beginning April 1, 2018.
- Attachments:** Item #2 Notice to Bidders
Item #2 Specifications
Item #2A Notice to Bidders
Item #2A Specifications
- VI.-11 2018-219** Approve the sale of grave spaces, per attached Memo, Receipts, and Deeds.
- Attachments:** Memos (02-20-18)
Receipts (02-20-18)
Deeds (02-20-18)
- VI.-12 2018-222** Approve and authorize issuance of manual check for CDBG Program Claim per the attached memorandum. {Entitlement CDBG}
- Attachments:** Breakthrough Request for Payment February 20, 2018.pdf

A MOTION was made by Council Vice President Dryden and seconded by Council member George to approve the claims docket (Routine Agenda Item VI.-13).

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.-13 2018-231 Approve claims docket for the period ending February 16, 2018.

Attachments: 2-20-18 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 Citizens' Forum.

2018-293 Citizens' Forum Sign-In Sheet, 2-20-18.

Attachments: 2-20-18 Citizens' Forum Sign-In Sheet

Council President Carroll called for additional business.

The Mayor stated that both the Hattiesburg High School boys and girls basketball teams are district champions and will play at South State this weekend. He congratulated the Sacred Heart girls' soccer team for winning the state championship last week, and the USM baseball team for beating Mississippi State.

By unanimous consent, Council President Carroll declared the meeting adjourned at 4:42 p.m., this the 20th day of February, A.D., 2018.