

BE IT REMEMBERED that the regular meeting of the Hattiesburg City Council was held at 4:00 p.m. Tuesday, June 19, 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; Fire Chief, Sherrocko Stewart; Assistant Police Chief, Peggy Sealy; Deputy Director of Streets, Colton Hill; Deputy Director of Sanitation, Wanda Tyler; Deputy Director of Maintenance, Perry Thomas; Director of Parks and Recreation, Ronnie Perkins; Director of Urban Development, Andrew Ellard; Planning Administrator, Ginger Maddox; Code Enforcement Manager, Chris Price; City Attorney, Randy Pope; 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 Phillip McSwain of the Greater 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 Brown to Add Policy Agenda Item VI.-14 at the request of the Council as follows:

VI.-14 2018-560 Adopt a Resolution appointing Ronda S. Cole as Clerk of Council at an annual rate of \$60,000.00.

Attachments: RES- Clerk of Council - Ronda S. Cole

And, Add Policy Agenda Item VI.-15 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, Dryden and Brown

Nays: 0

VI.-15 2018-558 Authorize Mayor to execute two lighting agreements with Mississippi Power for additional street lighting at 1316 Hardy Street for a monthly increase of \$15.92, and at 314 McInnis Spring Road for a monthly increase of \$18.79.

Attachments: MS Power-1316 Hardy St
MS Power-314 McInnis Spring Rd

A MOTION was made by Council Vice President Dryden and seconded by Council member George to approve the minutes of the May 21 and 22, 2018, 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.

Mayor Barker introduced the new Fire Chief, Sherrocko Stewart. The Council welcomed Mr. Stewart.

There were no other presentations at this time.

THE POLICY AGENDA came before the Council.

- VI.-1 2018-531** Adopt an Ordinance for the petition filed by Utpal Patel, Owner, to change the zoning classification for a certain property located at 208 North 38th Avenue (Parcel 2-028L-07-144.01, PPIN 41562, Ward 1) from Section 4.5.9, B-2(Neighborhood Business) District to Section 4.5.10, B-3 (Community Business) District. Hattiesburg Planning Commission recommended to Deny on April 4, 2018

Attachments: April HPC Minutes
208 N 38th Ave - Staff Report
208 N 38th Ave Zoning Map
Ordinance - 208 N 38th Ave (rezone)

A MOTION was made by Council Member George and seconded by Council Vice President Dryden to DENY to Adopt an Ordinance for the petition filed by Utpal Patel, Owner, to change the zoning classification for a certain property located at 208 North 38th Avenue (Parcel 2-028L-07-144.01, PPIN 41562, Ward 1) from Section 4.5.9, B-2 (Neighborhood Business) District to Section 4.5.10, B-3 (Community Business) District. Hattiesburg Planning Commission recommended to Deny on April 4, 2018.

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

Yeas: 4 - George, Carroll, Dryden and Brown

Nays: 1 - Delgado

- VI.-2 2018-532** Adopt an Ordinance filed by Alexander Ignatiev, Applicant, as required in the Land Development Code, Ord. No. 3209, to close and vacate a portion of the undeveloped alley running east and west between Dixie Avenue and Gordons Creek, which is located directly between PPIN 16078 and PPIN 16079 and PPIN 16082. The Planning Commission recommended to Approve on June 6, 2018.

Attachments: June HPC Minutes DRAFT
Dixie Ave Alley Closure
Ordinance - Vacate Alley - Dixie Ave Gordon Creek

A MOTION was made by Council Vice President Dryden and seconded by Council Member Delgado to Adopt an Ordinance (#3232) filed by Alexander Ignatiev, Applicant, as required in the Land Development Code, Ord. No. 3209, to close and vacate a portion of the undeveloped alley running east and west between Dixie Avenue and Gordons Creek, which is located directly between PPIN 16078 and PPIN 16079 and PPIN 16082. The Planning Commission recommended to Approve on June 6, 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

- VI.-3 2018-533** Adopt an Ordinance for the petition filed by Donald Crowther, Representative, Sidney Malone, Owner, to change the zoning classification for a certain property located at 5224 Old Highway 42 (Parcel 2-029D-04-016.00, PPIN 25933, Ward 2) from Section 4.5.13, I-1 (Light Industrial) District to Section 4.5.12, B-5 (Regional Business) District. The Planning Commission recommended to Approve on June 6, 2018.

Attachments: June HPC Minutes DRAFT
Staff Report - 5224 Old Hwy 42
Ordinance - 5224 Old Hwy 42

A MOTION was made by Council Member Delgado and seconded by Council Member Brown to Adopt an Ordinance (#3233) for the petition filed by Donald Crowther, Representative, Sidney Malone, Owner, to change the zoning classification for a certain property located at 5224 Old Highway 42 (Parcel 2-029D-04-016.00, PPIN 25933, Ward 2) from Section 4.5.13, I-1 (Light Industrial) District to Section 4.5.12, B-5 (Regional Business) District. The Planning Commission recommended to Approve on June 6, 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

- VI.-4 2018-534** Adopt an Ordinance for the petition filed by The City of Hattiesburg to amend the Land Development Code Section 10, Signs. The general intent of the proposed amendment is an effort to clarify language, modify regulations, and to enhance overall sign regulations within the Land Development Code. The Planning Commission recommended to Approve as advertised on June 6, 2018.

Attachments: June HPC Minutes DRAFT
Staff Report - LDC Amendment - Sec 10
Memo - Sec. 10 - Additional changes GML 6-1-18
Memo - LDC Amendment - Digital Billboard Late Addition
Administration - 6-5-2018
Ord. Sec. 10 - Amendment 6-6-18

A MOTION was made by Council Member George and seconded by Council Vice President Dryden to Adopt an Ordinance (#3234) for the petition filed by The City of Hattiesburg to amend the Land Development Code Section 10, Signs. The general intent of the proposed amendment is an effort to clarify language, modify regulations, and to enhance overall sign regulations within the Land Development Code. The Planning Commission recommended to Approve as advertised on June 6, 2018.

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

Yeas: 4 - George, Carroll, Dryden and Brown

Nays: 0

Abstain: 1 - Delgado

- VI.-5 2018-535** APPROVE or DENY a petition filed by Rene Benoit, Representative, and Tracy Clinton, Owner, to vary from Section 6, Table 6.1 setbacks and max impervious lot coverage: Front setback is twenty (20) feet on a corner lot and instead allow a front (south) setback of six feet and a six inches (6' 6") for a variance of thirteen feet and six inches (13' 6") on the south side and a front (east) setback of two (2) feet for a variance of eighteen (18) feet on the east side; Side (north) setback is ten (10) feet and instead allow a side (north) setback of two (2) feet for a variance of eight (8) feet on the north side; Side (west) setback is ten (10) feet and instead allow a side (west) setback of one foot and ten inches (1' 10") for a variance of eight feet and two inches (8' 2") on the west side; Max Impervious Surface Lot Coverage for R-1C is fifty percent (50%) and instead allow for an impervious surface lot coverage of thirty percent (30%) for a variance of twenty percent (20%) for a property located at 900 Mobile Street (Parcel: 2-029G-03-099.00; PPIN: 25677 Ward 2). The Planning Commission recommended to Approve on June 6, 2018.

Attachments: June BOA Minutes
900 Mobile Street

A MOTION was made by Council Member Delgado and seconded by Council Vice President Dryden to APPROVE a petition filed by Rene Benoit, Representative, and Tracy Clinton, Owner, to vary from Section 6, Table 6.1 setbacks and max impervious lot coverage: Front setback is twenty (20) feet on a corner lot and instead allow a front (south) setback of six feet and a six inches (6' 6") for a variance of thirteen feet and six inches (13' 6") on the south side and a front (east) setback of two (2) feet for a variance of eighteen (18) feet on the east side; Side (north) setback is ten (10) feet and instead allow a side (north) setback of two (2) feet for a variance of eight (8) feet on the north side; Side (west) setback is ten (10) feet and instead allow a side (west) setback of one foot and ten inches (1' 10") for a variance of eight feet and two inches (8' 2") on the west side; Max Impervious Surface Lot Coverage for R-1C is fifty percent (50%) and instead allow for an impervious surface lot coverage of thirty percent (30%) for a variance of twenty percent (20%) for a property located at 900 Mobile Street (Parcel:2-029G-03-099.00; PPIN: 25677 Ward 2). The Planning Commission recommended to Approve on June 6, 2018.

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

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

Nays: 0

VI.-6 2018-539 Adopt a Resolution setting Public Hearing before City Council on Monday, August 6, 2018 to determine if certain properties are in such a state ofuncleanliness 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 hearing.

Attachments: Setting P.H. Memo 6.19.18 revised-revised
REQUEST P.H. RESOLUTION 6.19.18 revised-revised
1. Setting P.H. Memo 6.19.18
REQUEST P.H. RESOLUTION 6.19.18

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 on Monday, August 6, 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 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.-7 2018-542 Adopt Resolution amending the 2018 Voting Delegates for the City of Hattiesburg, from the resolution adopted May 22,2018, {File #2018-467} in connection with voting in the 2018 Mississippi Municipal League election.

Attachments: Amended Reso-2018 Voting Delegates.

A MOTION was made by Council Member Delgado and seconded by Council Member Brown to Adopt Resolution amending the 2018 Voting Delegates for the City of Hattiesburg, from the resolution adopted May 22,2018, {File #2018-467} in connection with voting in the 2018 Mississippi Municipal League election.

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.-8 2018-549** Adopt a Resolution authorizing Requisition No. 22 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. 22

A MOTION was made by Council Member Brown and seconded by Council Member George to Adopt a Resolution authorizing Requisition No. 22 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

- VI.-9 2018-545** Authorize Mayor to execute 5 lighting requests with Mississippi Power to upgrade lighting in the Arcadia Sunset area for a net monthly increase of \$279.71, in the Arcadia Sunset area near the Alzheimer Care facility for a net monthly increase of \$56.79, in the South Sunset Area for a net monthly increase of \$136.35, near the service road along Highway 49 for a net monthly increase of \$60.60, and on S. 28th Avenue from Lincoln Road to Mimosa for a net monthly increase of \$67.00.

Attachments: Sunset Arcadia Area

A MOTION was made by Council Vice President Dryden and seconded by Council Member Brown to Authorize Mayor to execute 5 lighting requests with Mississippi Power to upgrade lighting in the Arcadia Sunset area for a net monthly increase of \$279.71, in the Arcadia Sunset area near the Alzheimer Care facility for a net monthly increase of \$56.79, in the South Sunset Area for a net monthly increase of \$136.35, near the service road along Highway 49 for a net monthly increase of \$60.60, and on S. 28th Avenue from Lincoln Road to Mimosa for a net monthly increase of \$67.00.

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.-10 2018-537** Authorize Mayor to execute agreement with Craft Entities, LLC d/b/a Wage Hour Expert, a consulting firm, to provide wage hour consultative services to the City of Hattiesburg for a period of twelve (12) months, beginning August 1, 2018 and ending July 31, 2019.

Attachments: Craft Entities Agreement

A MOTION was made by Council Vice President Dryden and seconded by Council Member George to Authorize Mayor to execute agreement with Craft Entities, LLC d/b/a Wage Hour Expert, a consulting firm, to provide wage hour consultative services to the City of Hattiesburg for a period of twelve (12) months, beginning August 1, 2018 and ending July 31, 2019.

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

Yeas: 4 - George, Carroll, Dryden and Brown

Nays: 1 - Delgado

- VI.-11 2018-523** Authorize Mayor to execute Re-Certification of Designation form; designating Breakthrough Community Services as a Community Housing Development Organization (CHDO).

Attachments: [Breakthrough CHDO Re-Certification.pdf](#)
[Breakthrough Community Services Applicant Re-Certification.pdf](#)

A MOTION was made by Council Member Brown and seconded by Council Vice President Dryden to Authorize Mayor to execute Re-Certification of Designation form; designating Breakthrough Community Services as a Community Housing Development Organization (CHDO).

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 2018-546** Approve Supplemental Agreement No. 1 with Precision Construction for the Infrastructure Improvements at S. 31st Avenue, S. 30 Avenue, Chevy Chase Drive & Hardy Street project to adjust final quantities to actual for a total cost overrun of \$3,682.16; Authorize Mayor to execute multiple originals of Supplemental Agreement No. 1; Authorize publication of Notice of Final Settlement for the project; Authorize payment of Pay Application No. 4 and Final in the amount of \$141,953.47.

Attachments: [Notice of Final Settlement-Water Phase III](#)
[Supplemental Agreement No. 1](#)
[Closeout Documents](#)

A MOTION was made by Council Member George and seconded by Council Member Brown to Approve Supplemental Agreement No. 1 with Precision Construction for the Infrastructure Improvements at S. 31st Avenue, S. 30 Avenue, Chevy Chase Drive & Hardy Street project to adjust final quantities to actual for a total cost overrun of \$3,682.16; Authorize Mayor to execute multiple originals of Supplemental Agreement No. 1; Authorize publication of Notice of Final Settlement for the project; Authorize payment of Pay Application No. 4 and Final in the amount of \$141,953.47.

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 2018-541** Ratify and confirm the Mayor's appointment of Darryn Cook-Kelley(W4) to the Recreation Board for a five (5) year term beginning June 19, 2018 and ending June 18, 2023.

Attachments: [Darryn_Cook-Kelley_resume_2018_06](#)
[Kelley Data Sheet](#)

A MOTION was made by Council Vice President Dryden and seconded by Council Member George to Ratify and confirm the Mayor's appointment of Darryn Cook-Kelley(W4) to the Recreation Board for a five(5) year term beginning June 19, 2018 and ending June 18, 2023.

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

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

Nays: 0

VI.-14 2018-560 Adopt a Resolution appointing Ronda S. Cole as Clerk of Council at an annual rate of \$60,000.00.

Attachments: RES- Clerk of Council - Ronda S. Cole

A MOTION was made by Council Vice President Dryden and seconded by Council Member Delgado to Adopt a Resolution appointing Ronda S. Cole as Clerk of Council at an annual rate of \$60,000.00, set appointment to be effective July 5, 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

VI.-15 2018-558 Authorize Mayor to execute two lighting agreements with Mississippi Power for additional street lighting at 1316 Hardy Street for a monthly increase of \$15.92, and at 314 McInnis Spring Road for a monthly increase of \$18.79.

Attachments: MS Power-1316 Hardy St
MS Power-314 McInnis Spring Rd

A MOTION was made by Council Member Delgado and seconded by Council Member Brown to Authorize Mayor to execute two lighting agreements with Mississippi Power for additional street lighting at 1316 Hardy Street for a monthly increase of \$15.92, and at 314 McInnis Spring Road for a monthly increase of \$18.79.

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 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, Dryden and Brown

Nays: 0

VII.-1 2018-547 Authorize Mayor to execute Yearly Maintenance Contract between The City of Hattiesburg and MCCi for Legistar Software at a cost of \$13,576.50.

Attachments: Hattiesburg, MS Legistar Invoice

VII.-2 2018-528 Acknowledge certification of results of the 2018 School Bond Referendum special election.

Attachments: Official Recapitulation-2018 School Referendum

VII.-3 2018-551 Acknowledge Proof of Publication for the month of April and May 2018.

Attachments: PUBLICATIONS FOR APRIL & MAY 2018

- VII.-4 2018-527** Acknowledge receipt of the monthly budget report for the month ending May 31, 2018.
- Attachments: REV18.0518
EXP18.0518
- VII.-5 2018-521** Acknowledge receipt of May 2018 Privilege Tax License Report
- Attachments: Memo-Accept Privilege Tax License
Privilege License Report-May 01-31, 2018
- VII.-6 2018-495** Acknowledge receipt of Declaration of Forfeitures from the Forrest/Perry Metro Narcotics Task Force forfeiting \$25,000.00 to the Hattiesburg Police Department. The \$25,000.00 will be forfeited in the manner provided per attached memo.
- Attachments: Forfeitures - March 2018
- VII.-7 2018-496** Acknowledge receipt of Declaration of Forfeiture from the Forrest/Perry Metro Narcotics Task Force forfeiting \$11,024.00 to the Hattiesburg Police Department. The \$11,024.00 will be forfeited in the following manner provided per attached memo.
- Attachments: Forfeiture - March 30, 2018
- VII.-8 2018-509** Acknowledge receipt of Declaration of Forfeiture from the Forrest/Perry Metro Narcotics Task Force forfeiting \$1,169.00 to the Hattiesburg Police Department. The \$1,169.00 will be forfeited in the manner provided per attached memo.
- Attachments: Forfeiture - October 2017
- VII.-9 2018-505** Acknowledge receipt of Declaration of Forfeiture from the Forrest/Perry Metro Narcotics Task Force forfeiting \$1,200.00 to the Hattiesburg Police Department. The \$1,200.00 will be forfeited in the manner provided per attached memo.
- Attachments: Forfeiture - March 14 (2018)
- VII.-10 2018-498** Acknowledge receipt of Declaration of Forfeiture from the Forrest/Perry Metro Narcotics Task Force forfeiting \$831.00 to the Hattiesburg Police Department. The \$831.00 will be forfeited in the manner provided per attached memo.
- Attachments: Forfeiture - March 9, 2018
- VII.-11 2018-497** Acknowledge receipt of Declaration of Forfeiture from the Forrest/Perry Metro Narcotics Task Force forfeiting \$619.00 to the Hattiesburg Police Department. The \$619.00 will be forfeited in the manner provided per attached memo.
- Attachments: Forfeiture - March 13, 2018
- VII.-12 2018-499** Acknowledge receipt of Declaration of Forfeiture from the Forrest/Perry Metro Narcotics Task Force forfeiting \$566.00 to the Hattiesburg Police Department. The \$566.00 will be forfeited in the manner provided per attached memo.
- Attachments: Forfeiture - March 10, 2018
- VII.-13 2018-500** Acknowledge receipt of Declaration of Forfeiture from the Forrest/Perry Metro Narcotics Task Force forfeiting \$381.00 to the Hattiesburg Police Department. The \$381.00 will be forfeited in The manner provided per attached memo.
- Attachments: Forfeiture - March 14, 2018
- VII.-14 2018-494** Acknowledge receipt of Declaration of Forfeitures from the Forrest/Perry Metro Narcotics Task Force forfeiting \$353.00 to the Hattiesburg Police Department. The \$353.00 will be forfeited in the manner provided per attached memo.
- Attachments: Forfeitures - September 13, 2017

VII.-15 2018-504 Acknowledge receipt of Declaration of Forfeiture from the Forrest/Perry Metro Narcotics Task Force forfeiting \$300.00 to the Hattiesburg Police Department. The \$300.00 will be forfeited in the manner provided per attached memo.

Attachments: Forfeiture - March 14

VII.-16 2018-544 Acknowledge bids received May 31, 2018 for the Repair of Bridge SA18-165 on Barkley Road, and accept the bid of Key, LLC of Madison, MS in the amount of \$144,795.00 as the lowest and best bid; Authorize Mayor to execute contracts upon preparation.

Attachments: 11266 plans Street Ready Set Signed 2018-04-06
Bid Tab & Specifications

VII.-17 2018-524 Approve Specifications and Authorize Publication of Advertisement of bid for ten (10) Side Loader Automated Refuse Trucks for the City of Hattiesburg Solid Waste / Public Works Department.

Attachments: Bid for Garbage Trucks 5212018wt

VII.-18 2018-529 Approve the sale of grave spaces, per attached Receipts, Memo's and Deeds.

Attachments: Receipts (06-19-18)
Memo's (06-19-18)
Deeds (06-19-18)

VII.-19 2018-526 Approve claims docket for the period ending June 15, 2018.

Attachments: Claims Docket ending 6-15-2018

VII.-20 2018-555 Approve publication setting a Public Hearing for July 9, 2018 at 5:30 p.m. at C. E. Roy Community Center and establishing a Public Comment Period beginning on June 22, 2018 and concluding on July 9, 2018 for the 2018-2022 Consolidated Plan and 2018 Annual Action Plan.

Attachments: NOTICE OF PUBLIC COMMENT PERIOD and Public Hearing for Con Plan & 2018 Annual Action Plan.pdf

Council President Carroll called for additional business.

There was no additional business.

By unanimous consent, Council President Carroll declared the meeting adjourned at 5:21 p.m., this the 19th day of June, A.D., 2018.

Minutes for the May 21 and 22, 2018, Council Meetings.

ATTEST:

APPROVE:


Clerk of Council


President

ATTEST AND CERTIFY:

APPROVE:


City Clerk


Mayor