

BE IT REMEMBERED that the regular meeting of the Hattiesburg City Council was held at 5:00 p.m. Tuesday, September 18, 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 Director of Administration/City Clerk, Kermas Eaton; City Attorney, Randy Pope; Clerk of Council, Ronda S. Cole; Deputy Clerk of Council, Lisa Luu; City staff members; media; and the public.

Council President Carroll Called the meeting to order.

II. Call to Prayer and Pledge of Allegiance

The prayer was given by Executive Pastor, Jeff May, of Venture Church.

The Pledge of Allegiance was led by Chief Parker.

III. Agenda Order

THE MATTER OF THE AGENDA ORDER came before the Council.

Agenda Adjustments:

Remove Policy Agenda Item VI.-2, Add Addendum to the Claims Docket and Add Routine Agenda Item VII.-8 at the request of the Administration as follows:

A MOTION was made by Council Vice President Dryden and seconded by Council member Brown to Remove Policy Agenda Item VI.-2, Add Addendum to the Claims Docket and Add Routine Agenda Item VII.-9,

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.-8 2018-791

Acknowledge receipt of request filed by Robert Green to appeal the Planning Commission's recommendation for the petition filed by The City of Hattiesburg to change the zoning classification for certain properties located along Dabbs Street from Pauline Avenue to Fredna Avenue (per attached memo - Ward 2) from Section 4.5.9, B-2, (Neighborhood Business) District to Section 4.5.10, B-3, (Community Business) District on behalf of the Katie-John-Dabbs Neighborhood Association. The Planning Commission recommended to Deny on September 5, 2018. Set a public hearing before City Council on October 15, 2018 at 4:00 p.m. and authorize publication of Public Notice setting an Appeal Public Hearing.

Attachments: [September HPC Minutes](#)
[Letter of appeal - Dabbs Green](#)
[Public Notice - Dabbs Green Set Appeal Hearing](#)
[Appeal application - Dabbs Green](#)

V. PRESENTATION AGENDA

THE PRESENTATION AGENDA came before the Council.

IV. Approval of Minutes

IV.-1 2018-788 Approval of minutes - for the September 4 & 11, 2018 meetings of the City Council.

Attachments: min 9-4-18
min 9-11-18 BA FY'19

A MOTION was made by Council Member George and seconded by Council Member Delgado to approve the minutes of the September 4 & 11, 2018, City Council meetings.

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. POLICY AGENDA

THE POLICY AGENDA came before the Council.

VI.-1 2018-780 Adopt a resolution to amend the City's Comprehensive Plan 2008-2028, Chapter 7 Land Use and Development, Hattiesburg's Districts and Corridors, Neighborhood Business Corridors, Pg 119, to include the following within the existing list: "Dabbs Street: From intersection at Pauline Avenue to Fredna Avenue" and also to amend the Future Land Use Map, Appendix C: Map C-6 to show an extent of Dabbs Street as Neighborhood Center Mixed-Use District, specifically from Pauline Avenue to Fredna Avenue. The Planning Commission recommended to Approve on September 5, 2018.

Attachments: September HPC Minutes
Item A HPC
Resolution -Amendment Comp Plan - DABBS

A MOTION was made by Council member George and seconded by Council Vice President Dryden Adopt a resolution to amend the City's Comprehensive Plan 2008-2028, Chapter 7 Land Use and Development, Hattiesburg's Districts and Corridors, Neighborhood Business Corridors, Pg 119, to include the following within the existing list: "Dabbs Street: From intersection at Pauline Avenue to Fredna Avenue" and also to amend the Future Land Use Map, Appendix C: Map C-6 to show an extent of Dabbs Street as Neighborhood Center Mixed-Use District, specifically from Pauline Avenue to Fredna Avenue. The Planning Commission recommended to Approve on September 5, 2018.

Council member Delgado advised that she was in favor of any action that the city takes that was going to improve and increase the number of businesses that locate between Pauline and Fredna Avenues on Dabbs Street. Council member Delgado also stated that she was also concerned that any action the city takes in Ward 2 be consistent with the plans the city has adopted for Twin Forks Rising. With that being said, Councilmember Delgado state that she would vote in favor of the item.

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 Removed.

- VI.-3 2018-786** Adopt a Resolution authorizing Requisition No. 27 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. 27

A MOTION was made by Council member Delgado and seconded by Council member George to Adopt a Resolution authorizing Requisition No. 27 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.-4 2018-779** Approve Supplemental Agreement No. 1 with Precision Construction, LLC for the Longleaf Trace Depot to Chain Park Project (STP 8771-00 (002)LPA/106943-701000) revising the number of working days for the contract from 70 to 126; Authorize Mayor to execute in duplicate.

Attachments: Supplemental Agreement No. 1

A MOTION was made by Council member Delgado and seconded by Council member Brown to Approve Supplemental Agreement No. 1 with Precision Construction, LLC for the Longleaf Trace Depot to Chain Park Project (STP 8771-00(002)LPA/106943-701000) revising the number of working days for the contract from 70 to 126; Authorize Mayor to execute in duplicate.

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 2018-784** Authorize Mayor to execute Agreed-upon Procedure letter between City of Hattiesburg and TMH to evaluate the financial records, policies and procedures of the Hattiesburg Municipal Court.

Attachments: Municipal Court AUP Engagement Letter-TMH

A MOTION was made by Council Vice President Dryden and seconded by Council member George to Authorize Mayor to execute Agreed-upon Procedure letter between City of Hattiesburg and TMH to evaluate the financial records, policies and procedures of the Hattiesburg Municipal Court.

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.-6 2018-770** Authorize submission of grant application to Mississippi Department of Environmental Quality (MDEQ) for the 2018 Solid Waste Assistance Grant in the amount of \$75,000.00 to fund a Household Hazardous Waste "Right Way to Throw Away Day." The grant requires the city to provide \$25,000.00 in matching funds.

Attachments: 1 - SWA Application Cover Letter
2 - Grant application Part 1 - General Information
4 - Grant application Part 2a
5 - 2018 MDEQ SWA Narrative & Budget

A MOTION was made by Council member George and seconded by Council member Brown to

Authorize submission of grant application to Mississippi Department of Environmental Quality (MDEQ) for the 2018 Solid Waste Assistance Grant in the amount of \$75,000.00 to fund a Household Hazardous Waste "Right Way to Throw Away Day." The grant requires the city to provide \$25,000.00 in matching funds.

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 2018-774 Approve and authorize Mayor to execute in triplicate Amendment No.2 to the agreement with Tyler Technologies, Inc. for the upgrade of EnerGov software used by the Department of Urban Development.

Attachments: AMENDMENT NO. 2 Energov
Memorandum-FEMA Floodplain Data Reporting

A MOTION was made by Council member George and seconded by Council Vice President Dryden to Approve and authorize Mayor to execute in triplicate Amendment No.2 to the agreement with Tyler Technologies, Inc. for the upgrade of EnerGov software used by the Department of Urban Development.

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 2018-768 Approve the sale of a parcel of undeveloped land located off of Highway 49, Forrest County, MS (as described in Exhibit "A") by the Forrest County Industrial Park Commission known as the ("Seller") to Continental Rails, INC known as the (Buyer), in the amount of \$10,000.00, for use to construct a new office building.

Attachments: FCIPC. CR. Purchase Agreement - First Draft (002)
FCIPC.CR.Survey.8.6.18

A MOTION was made by Council member Brown and seconded by Council member George to Approve the sale of a parcel of undeveloped land located off of Highway 49, Forrest County, MS (as described in Exhibit "A") by the Forrest County Industrial Park Commission known as the ("Seller") to Continental Rails, INC known as the (Buyer), in the amount of \$10,000.00, for use to construct a new office building.

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. ROUTINE AGENDA

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 2018-782** Acknowledge receipt of request filed by John Eye to appeal the Board of Adjustment's recommendation for the petition filed by Ashley Robinson, Owner, vary from Section 6, Table 6.1 which states the minimum side setback for property located in an R-1A Zone is ten (10) feet and instead allow a side setback of five (5) feet for a variance of five (5) feet for the following properties located in the Mandalay Villas at Greystone subdivision at the intersection of J. Ed Turner Drive and Topanga Trail (per attached memo - Ward 1). The Board of Adjustment recommended to Approve on September 5, 2018. Set a public hearing before City Council on October 15, 2018 at 4:00 p.m. and authorize publication of Public Notice setting an Appeal Public Hearing.
- Attachments: [September BOA Minutes Corrected](#)
[Item A BOA](#)
[Public Notice - Mandalay Ashley Robinson Set Appeal Hearing](#)
[Mandalay Villas - Additional Docs public hearing](#)
[appeal_planning_commission_9-7-2018 John Eye](#)
- VII.-2 2018-783** Acknowledge receipt of request filed by John Eye to appeal the Board of Adjustment's recommendation for the petition filed by Jeff Sims, Owner as required in the Land Development Code, Ord. No. 3209, to vary from Section 6, Table 6.1 which states the minimum side setback for property located in an R-1A Zone is ten (10) feet and instead allow a side setback of five (5) feet for a variance of five (5) feet for properties located in the Mandalay Villas at Greystone subdivision at the intersection of J. Ed Turner Drive and Topanga Trail (per attached memo - Ward 1). The Board of Adjustment recommended to Approve on September 5, 2018. Set a public hearing before City Council on October 15, 2018 at 4:00 p.m. and authorize publication of Public Notice setting an Appeal Public Hearing.
- Attachments: [September BOA Minutes Corrected](#)
[Item B BOA](#)
[Public Notice - Mandalay Jeff Sims Set Appeal Hearing](#)
[Mandalay Villas - Additional Docs public hearing](#)
[appeal_planning_commission_9-7-2018 John Eye](#)
- VII.-3 2018-765** Acknowledge receipt of the monthly budget report for the month ending August 31, 2018.
- Attachments: [EXP18.0818](#)
[REV18.0818](#)
- VII.-4 2018-767** Acknowledge the issuance of corrected cemetery deed to Fred Lee Meggs, due to incorrect description (as recorded in MB 2018-197).
- Attachments: [Corrected Deed-Fred Lee Meggs](#)
- VII.-5 2018-766** Approve the State Holiday Schedule as the City's holidays for the fiscal; year 2018-2019 in accordance with MS Code 3-3-7, per attached list.
- Attachments: [2018-2019- Holiday Schedule.](#)
- VII.-6 2018-787** Approve publication of Notice re-scheduling a Public Hearing to hear public comment on the Motor Vehicle Assessment Schedule for the City of Hattiesburg for the Fiscal Year beginning October 1, 2018 and ending September 30, 2019
- Attachments: [Revised PH 2018-2019 Motor Vehicle Hearing](#)
- VII.-7 2018-769** Approve claims docket for the period ending September 14, 2018.
- Attachments: [DOCKET 18.09-14](#)
[Additional claim to the docket](#)
- VII.-8 2018-791** Acknowledge receipt of request filed by Robert Green to appeal the Planning Commission's recommendation for the petition filed by The City of Hattiesburg to change the zoning classification for certain properties located along Dabbs Street from Pauline Avenue to Fredna Avenue (per attached memo - Ward 2) from Section 4.5.9, B-2, (Neighborhood Business) District to Section 4.5.10, B-3, (Community Business) District on behalf of the Katie-John-Dabbs Neighborhood Association. The Planning Commission recommended to Deny on September 5, 2018. Set a public hearing before City Council on October 15, 2018 at 4:00 p.m. and authorize publication of Public Notice setting an Appeal Public Hearing.

Attachments: September HPC Minutes
Letter of appeal - Dabbs Green
Public Notice - Dabbs Green Set Appeal Hearing
Appeal application - Dabbs Green

VIII. Adjournment

By unanimous consent, Council President Carroll declared the meeting adjourned at 5:13 p.m., this the 18th day of September, A.D., 2018.

Minutes for the September 4 and 11, 2018, Council Meetings.

ATTEST:

APPROVE:


Clerk of Council


President

ATTEST AND CERTIFY:

APPROVE:


City Clerk


Mayor