

Published Agenda



Tuesday, January 2, 2024
4:00 PM

City Council
Tuesday Meeting Agenda

Council Chambers
200 Forrest Street

Call to Order

Call to Prayer and Pledge of Allegiance

Public Hearing

1. 2024-1
- Hold a public hearing for an appeal filed by Douglas Miller, the appellant, to appeal a decision by the Hattiesburg Planning Commission. The appeal is regarding the decision of the Director of Urban Development for a use designation for an entity as a "Group Care Facility."

Presentation Agenda

Citizens' Forum

POLICY AGENDA

1. 2024-2
- Approve the minutes for the December 18 & 19, 2023 meetings of the City Council.
2. 2024-8
- Approve or deny the petition filed by Douglas Miller to appeal a decision by the Hattiesburg Planning Commission. The appeal is regarding the decision of the Director of Urban Development for a use designation for an entity as a "Group Care Facility." The Planning Commission recommended upholding the director's decision on November 15th, 2023.
3. 2024-4
- Approve Professional Services Agreement with Shows, Dearman and Waits, Inc. to provide engineering services for the Gordon's Creek Drainage Improvements Phase I Project and authorize the Mayor to execute in duplicate.
4. 2024-9
- Approve agreement between the City of Hattiesburg and Shows, Dearman & Waits for legal description modification of the Historic Conservation District and authorize the mayor to execute the same.
5. 2024-5
- Acknowledge bids received April 13, 2023 for the Tatum Park Fields #16 & #18 Lighting Project and reject all bids received. Approve final plans and specifications and authorize re-advertisement for bids.
6. 2024-6
- Acknowledge receipt of Final Close-Out Documents for the Highway 49 Lighting Project, authorize payment of final pay application to Webster Electric in the amount of \$48,818.80 and authorize final acceptance of the project.
7. 2024-7
- Acknowledge Statement of Qualifications received for Consulting Services for the development of the City of Hattiesburg Safe Streets For All (SS4A) Action Plan; Accept submittal from Neel-Schaffer, Inc. and Authorize the Mayor to execute contract documents upon preparation.
8. 2024-3
- Declare and approve a sole source purchase for Stop Stick in the amount of \$10,692.00 as a sole source purchase per section 37-7-1 of the Mississippi Code of 1972 as amended; Stop Stick Ltd. is the sole source manufacturer and exclusive distributor of this system.

ROUTINE AGENDA

1. 2024-10
- Acknowledge the draft of the Consolidated Annual Performance & Evaluation Report (CAPER), and approve the public hearing for January 29, 2024, at 5:30 p.m. at the Train Depot.
2. 2024-14
- Acknowledge no bids received on December 21, 2023, for the South Water Source Test Hole for the City of Hattiesburg; Authorize re-advertisement for same.
3. 2024-11
- Acknowledge receipt of the two-quote docket for the period of November 28, 2023 through December 21, 2023.
4. 2024-12
- Approve the sale of grave spaces per attached Memo's, Receipts, and Deeds.
5. 2024-13
- Approve claims docket for the period ending December 31, 2023.

Work Session

1. 2024-15
- Technology and First Responders, requested by Administration.

In Memoriam:

- Mr. Mark Lowrey
- Mayor Cheri Berry
- Master Keyland Grant, Jr.

Meeting Adjourn

Call to Order

BE IT REMEMBERED that the **regular meeting of the Hattiesburg City Council was held at 4:00 p.m. Tuesday, January 2, 2024**, in Council Chambers at City Hall; same being from an adjourned meeting held on December 19, 2023.

Those present included Mayor Toby Barker and members of the City Council Jeffrey George, Ward 1; 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; Deputy Clerk of Council, Lisa Luu Jolly; City staff members; media; and the public. Absent: Council member Deborah Delgado, Ward 2 and Clerk of Council, Ronda S. Kennedy.

Council President George Called the meeting to order.

Call to Prayer and Pledge of Allegiance

The prayer was given by Randy Pope.

The Pledge of Allegiance was led by Kermas Eaton.

Public Hearing

BE IT REMEMBERED that the Hattiesburg City Council held a **public hearing at 4:02 p.m. Tuesday, January 2, 2024**, in Council Chambers at City Hall, for the appeal filed by Douglas Miller, the appellant, to appeal a decision by the Hattiesburg Planning Commission.

Council President George called the meeting to order and explained the procedures.

1. **2024-1** Hold a public hearing for an appeal filed by Douglas Miller, the appellant, to appeal a decision by the Hattiesburg Planning Commission. The appeal is regarding the decision of the Director of Urban Development for a use designation for an entity as a "Group Care Facility."

Attachments: [Appeal of PC Decision to City Council](#)
[Appeal Letter use determination 1st appeal](#)

Cory Long, Planning Manager, provided a presentation overview on the petition for a use designation for an entity as a "Group Care Facility" (see attached presentation).

Attachment: [CC January 2 2024 PP](#)

Attorney Douglas Miller, the appellant, presented an overview of the petition.

Attachment: [Douglas Miller's Presentation, 01-02-2024](#)

Council President George asked the public if there were any citizens for or against the petition.

- Ken Thronson, spoke for the petition
- Mallory Touchstone, spoke for the petition
- Janie Bowling, spoke for the petition
- Shannon Barbin, spoke for the petition
- Patricia Netto, spoke for the petition

There were no other citizens who wished to speak for or against the petition.

Council President George called on Mr. Miller for rebuttal.

By unanimous consent, Council President George **closed the public hearing at 4:249 p.m. and proceeded with the regular meeting.**

Presentation Agenda

The PRESENTATION AGENDA came before the Council.

There were no presentations at this time.

Citizens' Forum

Council Vice President Ware proceeded with the Citizens' Forum.

He 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 Ware closed the Citizen Forum.

Agenda Adjustments:

A MOTION was made by Council Vice President Ware and seconded by Council Member Carroll to Take from the Table and Add Policy Agenda #9 at the request of the Council.

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

Yeas: 4 - George, Carroll, Ware and Brown

Nays: 0

Absent: 1 - Delgado

9. **2024-32** Take from the Table and Adopt Resolution condemning the following property, 20 Broadacres Drive, as unclean and a menace to the health and safety of the community.

Attachments: PH 12 19 2023 Adopt Resolution to Condemn Memo
20 Broadacres Drive Condemnation Resolution

A MOTION was made by Council Vice President Ware and seconded by Council Member Carroll to TABLE Resolution condemning the following property, 20 Broadacres Drive, as unclean and a menace to the health and safety of the community until the next meeting (January 16, 2023).

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

Yeas: 4 - George, Carroll, Ware and Brown

Nays: 0

Absent: 1 – Delgado

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 4:52 p.m.

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

Yeas: 4 - George, Carroll, Ware and Brown

Nays: 0

Absent: 1 – Delgado

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 potential 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 4:53 p.m.

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

Yeas: 4 - George, Carroll, Ware and Brown

Nays: 0

Absent: 1 – Delgado

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 potential litigation.

Those present for the Executive Session were Mayor Toby Barker; Council members Jeffrey George, Carter Carroll, 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; Attorney David Miller; Attorney Jim Gladden; Police Chief, Peggy Sealy; Fire Assistant Chief, Chris Carr; City Engineer, Marybeth Bergin; Deputy Director of Engineering and Transportation, Hunter White; Director of Urban Development, Wiley Quinn; Planning Manager, Cory Long; Senior Planner, Nathan Satcher; Director of the Water Department, Alan Howe; Public Works, Ronnie Perkins; Police Chief Communications Officer, Tate Rutland; John Arender; Deputy Clerk of Council, Lisa Luu Jolly.

A MOTION was made by Council Vice President Ware and seconded by Council Member Carroll exit Executive Session and re-open the meeting to the public at 5:08 p.m.

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

Yeas: 4 - George, Carroll, Ware and Brown

Nays: 0

Absent: 1 – Delgado

Council President Gerooge stated to the public that there was no action taken during Executive Session and proceeded with the regular meeting.

THE MATTER OF THE AGENDA ORDER came before the Council.

POLICY AGENDA

1. **2024-2** Approve the minutes for the December 18 & 19, 2023 meetings of the City Council.

Attachments: 12-18-2023 AR, XS mins.
12-19-2023 mins.

A MOTION was made by Council Member Carroll and seconded by Council Member Brown to Approve the minutes for the December 18 & 19, 2023 meetings of the City Council.

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

Yeas: 4 - George, Carroll, Ware and Brown

Nays: 0

Absent: 1 – Delgado

2.

2024-8

Approve or deny the petition filed by Douglas Miller to appeal a decision by the Hattiesburg Planning Commission. The appeal is regarding the decision of the Director of Urban Development for a use designation for an entity as a "Group Care Facility." The Planning Commission recommended upholding the director's decision on November 15th, 2023.

Attachments: [Appeal of PC Decision to City Council](#)
[Appeal Letter use determination 1st appeal](#)
[MINUTES NOVEMBER SCM HPC](#)

A MOTION was made by Council Vice President Ware and seconded by Council Member Carroll to TABLE the petition filed by Douglas Miller to appeal a decision by the Hattiesburg Planning Commission until the January 16, 2024 Council meeting for further advisement.

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

Yeas: 4 - George, Carroll, Ware and Brown
Nays: 0
Absent: 1 – Delgado

3.

2024-4

Approve Professional Services Agreement with Shows, Dearman and Waits, Inc. to provide engineering services for the Gordon's Creek Drainage Improvements Phase I Project and authorize the Mayor to execute in duplicate.

Attachments: [12220-009 GCPI Standard Form Agreement between Owner and Engineer](#)

A MOTION was made by Council Vice President Dave Ware and seconded by Council Member Carter Carroll to Approve Professional Services Agreement with Shows, Dearman and Waits, Inc. to provide engineering services for the Gordon's Creek Drainage Improvements Phase I Project and authorize the Mayor to execute in duplicate.

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

Yeas: 4 - George, Carroll, Ware and Brown
Nays: 0
Absent: 1 – Delgado

4.

2024-9

Approve agreement between the City of Hattiesburg and Shows, Dearman & Waits for legal description modification of the Historic Conservation District and authorize the mayor to execute the same.

Attachments: [Historic Conservation District Legal Description Agreement](#)

A MOTION was made by Council Vice President Ware and seconded by Council Member Carroll to Approve agreement between the City of Hattiesburg and Shows, Dearman & Waits for legal description modification of the Historic Conservation District and authorize the mayor to execute the same.

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

Yeas: 4 - George, Carroll, Ware and Brown
Nays: 0
Absent: 1 – Delgado

5.

2024-5

Acknowledge bids received April 13, 2023, for the Tatum Park Fields #16 & #18 Lighting Project and reject all bids received. Approve final plans and specifications and authorize re-advertisement for bids.

Attachments: [Tatum Fields 16 and 18 Lighting-Final Plans](#)
[Tatum Fields 16 and 18 Lighting-Final Specs](#)
[Tatum Park Fields 16 & 18 Lighting-Cert Bid Tab](#)
[Advertisement for Bid](#)

A MOTION was made by Council Member Brown and seconded by Council Member Carroll to Acknowledge bids received April 13, 2023 for the Tatum Park Fields #16 & #18 Lighting Project and reject all bids received. Approve final plans and specifications and authorize re-advertisement for bids.

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

Yeas: 4 - George, Carroll, Ware and Brown

Nays: 0

Absent: 1 – Delgado

6. **2024-6** Acknowledge receipt of Final Close-Out Documents for the Highway 49 Lighting Project, authorize payment of final pay application to Webster Electric in the amount of \$48,818.80 and authorize final acceptance of the project.

Attachments: HWY 49 LIGHTING PROJ CLOSE OUT DOCS

A MOTION was made by Council Member Brown and seconded by Council Member Carroll to Acknowledge receipt of Final Close-Out Documents for the Highway 49 Lighting Project, authorize payment of final pay application to Webster Electric in the amount of \$48,818.80 and authorize final acceptance of the project.

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

Yeas: 4 - George, Carroll, Ware and Brown

Nays: 0

Absent: 1 – Delgado

7. **2024-7** Acknowledge Statement of Qualifications received for Consulting Services for the development of the City of Hattiesburg Safe Streets For All (SS4A) Action Plan; Accept submittal from Neel-Schaffer, Inc. and Authorize the Mayor to execute contract documents upon preparation.

Attachments: Statement of Qualifications - Neel Schaffer

A MOTION was made by Council Vice President Ware and seconded by Council Member Carroll to Acknowledge Statement of Qualifications received for Consulting Services for the development of the City of Hattiesburg Safe Streets For All (SS4A) Action Plan; Accept submittal from Neel-Schaffer, Inc. and Authorize the Mayor to execute contract documents upon preparation.

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

Yeas: 4 - George, Carroll, Ware and Brown

Nays: 0

Absent: 1 – Delgado

8. **2024-3** Declare and approve a sole source purchase for Stop Stick in the amount of \$10,692.00 as a sole source purchase per section 37-7-1 of the Mississippi Code of 1972 as amended; Stop Stick Ltd. is the sole source manufacturer and exclusive distributor of this system.

Attachments: Request from Chief Sealy
 Quote for Stop Stick
 Sole Source Letter (Stop Stick)

A MOTION was made by Council Vice President Ware and seconded by Council Member Carroll to Declare and approve a sole source purchase for Stop Stick in the amount of \$10,692.00 as a sole source purchase per section 37-7-1 of the Mississippi Code of 1972 as amended; Stop Stick Ltd. is the sole source manufacturer and exclusive

distributor of this system.

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

Yeas: 4 - George, Carroll, Ware and Brown

Nays: 0

Absent: 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: 4 - George, Carroll, Ware and Brown

Nays: 0

Absent: 1 – Delgado

1. **2024-10** Acknowledge the draft of the Consolidated Annual Performance & Evaluation Report (CAPER), and approve the public hearing for January 29, 2024, at 5:30 p.m. at the Train Depot.

 Attachments: 2022 CAPER draft
 CAPER 2022 Notice of Public Hearing
2. **2024-14** Acknowledge no bids received on December 21, 2023, for the South Water Source Test Hole for the City of Hattiesburg; Authorize re-advertisement for same.

 Attachments: 1235-212_Street Ready Specs_2023-12-21
3. **2024-11** Acknowledge receipt of the two-quote docket for the period of November 28, 2023 through December 21, 2023.

 Attachments: January 2, 2024, Council Agenda
4. **2024-12** Approve the sale of grave spaces per attached Memo's, Receipts, and Deeds.

 Attachments: Deeds (01-02-2024)
 Memo's (01-02-2024)
 Receipts (01-02-2024)
5. **2024-13** Approve claims docket for the period ending December 31, 2023.

 Attachments: DOCKET 23.12.29
 DT 23.12.29

Work Session

Council President George proceeded with the Work Session, which included:

1. **2024-15** Technology and First Responders, requested by Administration.

In Memoriam:

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

- Mr. Mark Lowrey
- Mayor Cheri Berry
- Master Keyland Grant, Jr.
- Mr. Buddy McDonald
- Mrs. Cleo Gulley Johnson

Meeting Adjourn

Council President George declared the **meeting adjourned at 5:21 p.m., this 2nd day of January, 2024**, by unanimous consent, until the 16th day of January, 2024.

ATTEST:

APPROVE:

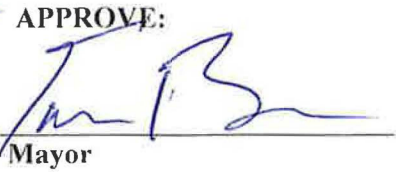

Clerk of Council


Council President

ATTEST AND CERTIFY:

APPROVE:


City Clerk


Mayor