BE IT REMEMBERED that the regular meeting of the Hattiesburg City Council was held at 4:00 p.m. Tuesday, January 17, 2017, in Council Chambers at City Hall.

Those present included members of the City Council Kim Bradley, Ward 1; Deborah Delgado, Ward 2; Carter Carroll, Ward 3; Mary Dryden, Ward 4; and Henry Naylor, Ward 5. Others in attendance included Director of Administration/City Clerk, Kermas Eaton; Chief Financial Officer, Sharon Waits; City Engineer, Lamar Rutland; Fire Chief, Paul Presley; Police Chief, Anthony Parker; Assistant Police Chief, Frank Misenhelter; Director of Public Works, Larry Barnes; Director of Federal and State Programs, La'Keylah White; Director of the Water Department, Chadwick Frierson; General Manager of Parks and Recreation, Ann Jones; Director of Urban Development, Pattie Brantley; Planning Administrator, Ginger Maddox; Code Enforcement Manager, Mark Jordan; City Attorney, Annie Amos; Assistant to the Mayor, Valerie Arnold; Clerk of Council, Debbie Bernardo; Deputy Clerk of Council, Lisa Luu; media; and the public.

The MEETING was called to order by Council President Carroll.

The prayer was given by Rev. Victoria Sizemore-Baldwin of St. Paul United Methodist Church.

The Pledge of Allegiance was led by Chief Misenhelter.

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.

There were no presentations at this time.

Council member Delgado invited the public to attend a soul food tasting, part of the City's African American History Month celebration, at the train depot immediately following the February 7, 2017, Council meeting. She said there will be a special presentation honoring the late Charles Davis.

The POLICY AGENDA came before the Council.

V.1. **2017-155** Take from the Table and APPROVE or DENY request to convert a static billboard to a tri-vision billboard located at 5012 US Highway 98, from appeal filed by Leonard Busby, Capturion Network, LLC; Pattie Brantley, Urban Development Director, denied the application on October 10, 2016 based on LDC 95.12.2.; public hearing was set previously for 4 p.m. December 5, 2016.

Attachments: Appeal Letter-Capturion Network October 17 2016
5012 US Hwy 98 - Sign Application - Billboard
Jim Gladden's MEMO - Observation on Trivision Signs in Hattiesburg, 1-17-17

A MOTION was made by Council Vice President Dryden and seconded by Council Member Bradley to Take from the Table and DENY request to convert a static billboard to a tri-vision billboard located at 5012 US Highway 98, from appeal filed by Leonard Busby, Capturion Network, LLC; Pattie Brantley, Urban Development

Director, denied the application on October 10, 2016 based on LDC 95.12.2.; public hearing was set previously for 4 p.m. December 5, 2016.

Council President Carroll called upon Attorney Jim Gladden; Mr. Gladden distributed a memorandum that he said lists about ten items; he said that Number 1 and Number 2 are particularly important. He said the present Land Development Code does not allow tri-vision signs.

Mr. Gladden said there was a discussion at the last meeting about the mobility or rotation of the sign; he said that language is standard language used in a lot of zoning ordinances across the country and does not mean a sign rotating on its axis on a structure, but that it has a moving part which might be rotating. He said that tri-vision signs are made up of perhaps 24-25 pounds that rotate on each axis of that pound, and that is what is meant by what is moving; he said that precludes the existence of a tri-vision sign right now in the City of Hattiesburg.

He stated that the sign regulations of the Land Development Code proposed for adoption shortly absolutely prohibit tri-vision signs. Council member Delgado clarified that Mr. Gladden was referring to the proposed Land Development Code; he confirmed that tri-vision signs are prohibited in the proposed Land Development Code and in the existing one as well. Council member Delgado asked him to show her where they are prohibited in the existing Land Development Code. Mr. Gladden explained that it does not say they are prohibited; rather, he said, tri-vision signs are not allowed because they do not exist as an allowable use as signs. Mr. Gladden said this particular provision goes to the extent of saying it has moveable parts that rotate on their axes; he said tri-vision signs violate this provision too, so there is no basis in the present ordinance for tri-vision signs.

He said since [tri-vision signs are prohibited] in the proposed Land Development Code, it seems to be that there is some rationale for why people do not want tri-vision signs, so he looked into it. He said [the signs] are not exactly favored and that many communities and zoning ordinances absolutely prohibit tri-vision signs; they allow electronic messaging signs, he stated, but not tri-vision. He said when tri-vision signs are allowed, they quite often are restricted severely.

Council member Delgado asked Mr. Gladden who is to say [that Hattiesburg is a community] that would not like [tri-vision signs]. Mr. Gladden said he is not saying that and is not stating an opinion as to what [the Council] should do; he said he is just saying that before [the Council] does something it is not allowed to do, it needs to at least amend the Land Development Code to allow tri-vision signs if that is what it want. Council member Delgado asked his meaning, and he said the ordinance does not allow tri-vision signs. Council member Delgado said that unless there is specific language that prohibits [tri-vision signs], she does not understand it; Mr. Gladden said zoning ordinances do not work that way. He said, generally speaking, [zoning ordinances] talk about what is prohibited; he said [people] cannot do anything they want, but must look at what is allowed and what is not allowed. Council member Delgado asked how she can know what is allowed and not allowed if it is not specifically prohibited. Mr. Gladden stated that the language of the ordinance prohibits the sign: it has moveable parts and panels that rotate on their axes. He said that the rest of the paragraph discusses that these types of structural signs, including tri-vision signs, are prohibited.

Attorney Gladden repeated that he is not advocating one way or another; he said the Council and the City must decide what to do, and that he is just relating to the Council that tri-vision signs in and of themselves are looked at very carefully.

Council member Delgado asked Attorney Gladden if he had advised the Land Code department before a determination was made on this application concerning the tri-vision sign. Attorney Gladden replied in the negative and said he was told of the decision after the fact.

Council President Carroll asked if he is correct in understanding that [Capturion] asked Ms. Brantley for a permit for the sign but that she could not give a permit because [the city] does not have the ability to give one. Mr. Gladden said from what he understood, Ms. Brantley's based her decision to deny Mr. Busby's application on [Land Development Code] section 95.12.2, that it has rotating and revolving parts on its axes and any sign like that is prohibited.

Council President Carroll offered Attorney Craig Orr of Burson, Entrekin, Orr, Mitchell & Lacey, P.A. time to speak.

Attorney Orr disagreed with Mr. Gladden's opinion that the Land Development Code specifically prohibits tri-vision signs. He said he understands that tri-vision signs are prohibited in the proposed Land Development Code, but said they are not mentioned in the existing code. Mr. Orr said that to say the Code bars [tri-vision signs], all [one] has to do is ride around the City. He said it is not factual for Mr. Gladden to say that tri-vision signs are prohibited in the existing Land Development Code.

Council member Naylor asked if there is a reason why the Council is just hearing from Mr. Gladden today; Mr. Gladden responded that he was not asked to research this matter until last week.

Council Vice President Dryden said her understanding of the reason Hattiesburg has its tri-vision signs is that MDOT was in charge and later added a provision that cities were to determine that.

Following discussion, the Motion to Take from the Table and Deny received the affirmative vote of the Council as follows:

Yeas: 3- Bradley, Carroll and Dryden

Nays: 2- Delgado and Naylor

Council member Bradley asked Mr. Orr if [Capturion} had received its permit for the LED sign on old Highway 11; Mr. Orr said he had turned that matter over to Mr. Busby. Ms. Maddox responded that the Planning Department reviewed the site plan last week; she said it was approved to allow the applicant to submit for the permit.

V.2. **2017-168** Adopt a Resolution declaring a state of emergency due to a winter storm that began on January 6, 2017.

Attachments: Resolution-State of Emergency

A MOTION was made by Council Member Bradley and seconded by Council Member Naylor to Adopt a Resolution declaring a state of emergency due to a winter storm that began on January 6, 2017. .

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

Yeas: 5 - Bradley, Delgado, Carroll, Dryden and Naylor

Nays: 0

V.3. **2017-157** Adopt a Resolution authorizing Requisition No. 62 from the Project Fund Construction Account in connection with certain loan agreement, dated as of December 19, 2013, by and between the Mississippi Development Bank and the City of Hattiesburg.

Attachments: 2013 Bond Resolution No. 62

A MOTION was made by Council Member Bradley and seconded by Council Member Naylor to Adopt a Resolution authorizing Requisition No. 62 from the Project Fund Construction Account in connection with certain loan agreement, dated as of December 19, 2013, 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 - Bradley, Delgado, Carroll, Dryden and Naylor

Nays: 0

V.4. **2017-169** Authorize Mayor to execute professional services agreement with Butler Snow LLP, in connection with the Mississippi 2017 Continuing Disclosure filing.

Attachments: Engagement Letter

A MOTION was made by Council Vice President Dryden and seconded by Council Member Bradley to Authorize Mayor to execute professional services agreement with Butler Snow LLP, in connection with the Mississippi 2017 Continuing Disclosure filing.

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

Yeas: 5 - Bradley, Delgado, Carroll, Dryden and Naylor

Nays: 0

V.5. **2017-160** Authorize Mayor to execute Lighting Agreement with Mississippi Power Company to provide additional lighting at the Hattiesburg Public Safety Complex.

Attachments: Lighting Agreement

A MOTION was made by Council Vice President ~~Mary~~ Dryden and seconded by Council Member ~~Henry~~ Naylor to Authorize Mayor to execute Lighting Agreement with Mississippi Power Company to provide additional lighting at the Hattiesburg Public Safety Complex..

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

Yeas: 5 - Bradley, Delgado, Carroll, Dryden and Naylor

Nays: 0

V.6. **2017-162** Authorize Mayor to execute Lighting Agreement with Mississippi Power Company to install additional lighting along McInnis Spring Road.

Attachments: Lighting Agreement

A MOTION was made by Council Member Naylor and seconded by Council Vice President Dryden to Authorize Mayor to execute Lighting Agreement with Mississippi Power Company to install additional lighting along McInnis Spring Road.

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

Yeas: 5 - Bradley, Delgado, Carroll, Dryden and Naylor

Nays: 0

V.7. **2017-138** Authorize Mayor to enter into a lease agreement between the City of Hattiesburg and Gilliland Phone Systems for the lease of a phone system at the temporary police location for $884.99 per month and an installation charge of $3,991.14.

Attachments: 01-17-Gilliland HPD Phone Lease

A MOTION was made by Council Vice President Dryden and seconded by Council Member Naylor to Authorize Mayor to enter into a lease agreement between the City of Hattiesburg and Gilliland Phone Systems for the lease of a phone system at the temporary police location for $884.99 per month and an installation charge of $3,991.14.

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

Yeas: 5 - Bradley, Delgado, Carroll, Dryden and Naylor

Nays: 0

V.8. **2017-164** Authorize Mayor to enter into a telecommunications service agreement with CSpire for network connections (see attached agreement for locations).

Attachments: 01-17-CSpire Service Agreement

A MOTION was made by Council Member Kim Bradley and seconded by Council Member Henry Naylor to Authorize Mayor to enter into a telecommunications service agreement with CSpire for network connections (see attached agreement for locations).

Leonard White, Sales Engineer for CSpire, provided a brief overview of the service agreement. He said CSpire will replace the old wide area network with fiber, and that the tower at the police department will go dark, meaning other locations with internet also will go dark.

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

Yeas: 5 - Bradley, Delgado, Carroll, Dryden and Naylor

Nays: 0

V.9. **2017-163** Authorize and approve subscription package (Standard) with CSpire for web filtering for $250.00 per month and a one time set up fee of $125.00.

Attachments: C-Spire Filtering

A MOTION was made by Council Vice President Dryden and seconded by Council Member Naylor to Authorize and approve subscription package (Standard) with CSpire for web filtering for $250.00 per month and a one time set up fee of $125.00.

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

Yeas: 5 - Bradley, Delgado, Carroll, Dryden and Naylor

Nays: 0

V.10. **2016-131** Authorize Mayor to execute duplicate original agreement between Hattiesburg Parks and Recreation Department and Anointed Hands Services, LLC., to provide janitorial services for the Recreation Maintenance Office and Shop located at 139 Parkway Blvd.

Attachments: Anointed Hands Contract

A MOTION was made by Council Member Delgado and seconded by Council Member Naylor to Authorize Mayor to execute duplicate original agreement between Hattiesburg Parks and Recreation Department and Anointed Hands Services, LLC., to provide janitorial services for the Recreation Maintenance Office and Shop located at 139 Parkway Blvd.

Council Vice President Dryden thanked the Parks and Recreation and Public Works Departments for work on the dog park.

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

Yeas: 5 - Bradley, Delgado, Carroll, Dryden and Naylor

Nays: 0

V.11. **2017-143** Accept donation and Acknowledge receipt of Special Warranty Deed from Hattiesburg Clinic Professional Association for a parcel of land in Forrest County as described in Exhibit A (attached) for the Highway 11 Medical Park Access Roadway Project (DIP Grant 363); Authorize City Clerk to record Deed with Forrest County.

Attachments: Special Warranty Deed
Partial Release Deed of Trust

A MOTION was made by Council Member Bradley and seconded by Council Member Naylor to Accept donation and Acknowledge receipt of Special Warranty Deed from Hattiesburg Clinic Professional Association for a parcel of land in Forrest County as described in Exhibit A (attached) for the Highway 11 Medical Park Access Roadway Project (DIP Grant 363); Authorize City Clerk to record Deed with Forrest County.

In response to a question from Council President Carroll, Mr. Rutland said this deed is for the DIP grant for the roadway for Hattiesburg Clinic for a medical complex being built near Tatum Park.

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

Yeas: 5 - Bradley, Delgado, Carroll, Dryden and Naylor

Nays: 0

V.12. **2017-149** Accept donation and Acknowledge receipt of Deed Donating Parcel from B.N.O., LLC for a parcel of land in Forrest County as described in Parcel "C" Exhibit (attached); Authorize City Clerk to record Deed with Forrest County.

Attachments: Deed

A MOTION was made by Council Member Delgado and seconded by Council Vice President Dryden to Accept donation and Acknowledge receipt of Deed Donating Parcel from B.N.O., LLC for a parcel of land in Forrest County as described in Parcel "C" Exhibit (attached); Authorize City Clerk to record Deed with Forrest County.

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

Yeas: 5 - Bradley, Delgado, Carroll, Dryden and Naylor

Nays: 0

V.13. **2017-152** Approve Acquisition and Relocation Policy for the property to be obtained for the COMSWIP Sewer Phase V Project, and accept Letter of Representation engaging Pittman Law Firm to perform legal service required for acquisition of property, easements, and/or right of ways.

Attachments: Engagement Letter
Acquisition and Relocation Policy

A MOTION was made by Council Member Bradley and seconded by Council Vice President Dryden to Approve Acquisition and Relocation Policy for the property to be obtained for the COMSWIP Sewer Phase V Project, and accept Letter of Representation engaging Pittman Law Firm to perform legal service required for acquisition of property, easements, and/or right of ways.

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

Yeas: 5 - Bradley, Delgado, Carroll, Dryden and Naylor

Nays: 0

V.14. **2017-151** Approve Basic Rehabilitation/Emergency Repair Agreement with Breakthrough Community Services and authorize Mayor to execute in triplicate. {Entitlement CDBG}.

Attachments: Breakthrough Basic Rehabilitation/ Emergency Repair Agreement

A MOTION was made by Council Vice President Dryden and seconded by Council Member Delgado to Approve Basic Rehabilitation/Emergency Repair Agreement with Breakthrough Community Services and authorize Mayor to execute in triplicate. {Entitlement CDBG}.

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

Yeas: 5 - Bradley, Delgado, Carroll, Dryden and Naylor

Nays: 0

V.15. **2017-167** Approve and authorize issuance of manual check for CDBG Program Claims per the attached memorandum. {Entitlement CDBG}

Attachments: Memorandum for CDBG Payment
Receipts and Payment Record

A MOTION was made by Council Member Delgado and seconded by Council Vice President Dryden to Approve and authorize issuance of manual check for CDBG Program Claims per the attached memorandum. {Entitlement CDBG}.

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

Yeas: 5 - Bradley, Delgado, Carroll, Dryden and Naylor

Nays: 0

THE ROUTINE AGENDA came before the Council.

A MOTION was made by Council Member Bradley and seconded by Council Member Delgado to approve the Routine Agenda Items VI.1-VI.14.

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

Yeas: 5 - Bradley, Delgado, Carroll, Dryden and Naylor

Nays: 0

VI.1. **2017-145** Acknowledge receipt of monthly budget report for the month ending December 31, 2016, on permanent file in the City Clerk's Office.

Attachments: Expenditure 12-31-16
Reve 12-31-16

VI.2. **2017-150** Acknowledge receipt of the unadvertised bid docket for the period of November 15, 2016 through January 9, 2017, as provided for in Section 37-1-13(b) of the Mississippi Code 1972.

Attachments: UAB Memo
UAB Docket

VI.3. **2017-144** Acknowledge receipt of Temporary Construction Easement-A from H.T.R. Development, LLC for the Gordon's Creek - Depot District Buschman Street to River Avenue Project.

Attachments: Temporary Construction Easement

VI.4. **2017-147** Acknowledge receipt of Temporary Construction Easement-B from H.T.R. Development, LLC for the Gordon's Creek - Depot District Buschman Street to River Avenue Project.
Attachments: Temporary Construction Easement

VI.5. **2017-148** Acknowledge receipt of Temporary Construction Easement-C from B.N.O., LLC for the Gordon's Creek - Depot District Buschman Street to River Avenue Project.

Attachments: Temporary Construction Easement

VI.6. **2017-139** Acknowledge Notice to Proceed for Land Shapers, Inc. for construction services on the Access Road from Lincoln Road to City of Hattiesburg Water Tank Project.

Attachments: Notice to Proceed

VI.7. **2017-140** Acknowledge Notice to Proceed for Thompson Brothers Drilling, Inc. for construction services for the 1500 GPM Wesley Well No. 2 Project.

Attachments: Notice to Proceed

VI.8. **2017-141** Acknowledge Notice to Proceed for Walters Construction Company, Inc. for construction services on the Edwards Street to Hall Avenue Pathway Project.

Attachments: Notice to Proceed

VI.9. **2017-156** Approve Specifications and Authorize Publication of Advertisement for Water Department Term Bid Items beginning on April 1, 2017.

Attachments: Notice to Bidders
Item 11 Chlorine Gas
Item 12 Sodium Flouride

VI.10. **2017-158** Approve Specifications and Authorize Publication of Advertisement for Towing Services for city-owned vehicles Term Bid beginning April 1, 2017.

Attachments: Notice to Bidders
Item 9 Towing Services

VI.11. **2017-159** Approve Specifications and Authorize Publication of Advertisement for Item 29 Lettering for City of Hattiesburg Vehicles per MS Code 25-1-87; Term Bid beginning April 1, 2017.

Attachments: Notice to Bidders
Item 29 Vehicle Lettering Specs

2017-286 Proposal from Mark Klinedinst, President of the Downtown Hattiesburg Farmer's Association, 2-6-17

Attachments: 2-6-17 Proposal from Mark Klinedinst

Council President Carroll proceeded with the Work Session, which included a discussion of brown water by Mr. Frierson and Frances Griffin, division manager for water billing, and a discussion of fire station safe rooms by Fire Marshall Stephen Mooney.

2017-287 Attorney Opinion Regarding Water Bills to Attorney Amos, 2-6-17

Attachments: Water Bill Attorney Opinion, 2-6-17

Council President Carroll called for additional business.

Catherine Anderson, Intergovernmental Affairs Specialist External Affairs with FEMA, and Greg Dawson, Public Affairs Specialist with the Small Business Administration (SBA), presented information on disaster relief. Ms. Anderson and Mr. Dawson both distributed fact sheets as part of their presentation.

There was no other additional business.

2017-288 Presentation from Catherine Anderson, FEMA and Greg Dawson, SBA, 2-6-17

Attachments: FEMA Presentation, 2-6-17
SBA Presentation, 2-6-17

A MOTION was made by Council member Bradley and seconded by Council Vice President Dryden to consider the need to go into Executive Session to discuss legal matters, in accordance with Mississippi Code Section 25-41-7 (b).

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

Yeas: 5 - Bradley, Delgado, Carroll, Dryden and Naylor

Nays: 0

A MOTION was made by Council member Bradley and seconded by Council Vice President Dryden to go into Executive Session to discuss legal matters, in accordance with Mississippi Code Section 25-41-7 (b).

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

Yeas: 5 - Bradley, Delgado, Carroll, Dryden and Naylor

Nays: 0

Those present for the Executive Session were Council members Bradley, Delgado, Carroll, Dryden and Naylor; Mr. Eaton; Attorney Amos; and Ms. Bernardo. Chief Parker entered the room at 5:07 p.m.

No action was taken during Executive Session.

A MOTION was made by Council member Bradley and seconded by Council Vice President Dryden to come out of Executive Session and re-open the meeting to the public at 5:12 p.m.

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

Yeas: 5 - Bradley, Delgado, Carroll, Dryden and Naylor

Nays: 0

By unanimous consent, Council President Carroll closed the meeting at 5:12 p.m., this the 6th day of February, A.D., 2017.

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