BE IT REMEMBERED that the regular meeting of the Hattiesburg City Council was held at 5:00 p.m. Tuesday, May 16, 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; 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; Director of Urban Development, Pattie Brantley; Planning Administrator, Ginger Maddox; Land Code Administrator, Steve Mitchell; 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 Council Member Bradley.

The Pledge of Allegiance was led by Chief Parker.

THE MATTER OF THE AGENDA ORDER came before the Council.

Remove Routine Agenda Item VII.6 at the request of the Council, and Add Policy Agenda Item VI.21 at the request of the Administration as follows:

A MOTION was made by Council Member Delgado and seconded by Council Member Naylor to Add Policy Agenda Item VI.21 at the request of the Administration as follows:

VI.21. 2017-446 Ratify and confirm the Mayor's appointment of Charlie V. Jones (W2) to the Hattiesburg School Board, for a term beginning 5/16/2017 and ending 5/15/2022.

Attachments: Charlie Jones- Resume
Data Sheet- Jones

There being no discussion, the Motion failed, receiving the negative vote of the Council as follows:

Yeas: 2 - Delgado and Naylor

Nays: 3 - Bradley, Carroll and Dryden

Add Routine Agenda Items VII. 7 and VII.8 at the request of the Administration as follows:

A MOTION was made by Council Member Bradley and seconded by Council member Naylor to Add Routine Agenda Items VII. 7 and VII.8 at the request of the Administration as follows:

VII.7. 2017-419 Approve and authorize issuance of manual check for HOME Program Claim per the attached memorandum. {Entitlement HOME}

Attachments: Manual Check for Hollimon Construction - 106 Ruby Avenue

VII.8. **2017-421** Approve and authorize issuance of manual check for HOME Program Claim per the attached memorandum. {Entitlement HOME}

Attachments: Manual Check for Hollimon Construction - 401 Milton Barnes Avenue

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 Approval of Minutes for the April 17, 18 and 27, 2017, City Council meetings.

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

Yeas: 4 - Bradley, Carroll, Dryden and Naylor

Nays: 0

Abstain: 1 - Delgado

The PRESENTATION AGENDA came before the Council.

There were no presentations at this time.

The POLICY AGENDA came before the Council.

VI.1. **2017-430** Adopt a Resolution authorizing Requisition No. 69 from the Project Fund Construction Account in connection with a certain loan agreement dated December 19, 2013, by and between the Mississippi Development Bank and the City of Hattiesburg.

Attachments: Resolution
Exhibit A

A MOTION was made by Council Member Bradley and seconded by Council Member Naylor to Adopt a Resolution authorizing Requisition No. 69 from the Project Fund Construction Account in connection with a certain loan agreement dated 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

VI.2. **2017-431** Adopt a Resolution authorizing Requisition No. 5 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: Resolution
Exhibit A

A MOTION was made by Council Member Bradley and seconded by Council Member Naylor to Adopt a Resolution authorizing Requisition No. 5 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 - Bradley, Delgado, Carroll, Dryden and Naylor

Nays: 0

VI.3. 2017-408 APPROVE or DENY a petition filed by Joey Taylor, Representative, D. R. Horton, Owner, for a variance from Section 6 Table 6.1 Minimum side setback for R-1A which states the minimum side setback of ten (10) feet and instead allow a setback of seven and one half (7.5) feet for a variance of two and one half (2.5) feet for certain property located at 54 East Yellowstone Drive (Parcel 051C-02-001.076, PPIN 32898, Ward 1). The Planning Commission recommended to APPROVE on May 3, 2017.

Attachments: May BOA Minutes (draft)
54 E. Yellowstone Drive Report

A MOTION was made by Council Member Bradley and seconded by Council Vice President Dryden to APPROVE a petition filed by Joey Taylor, Representative, D. R. Horton, Owner, for a variance from Section 6 Table 6.1 Minimum side setback for R-1A which states the minimum side setback of ten (10) feet and instead allow a setback of seven and one half (7.5) feet for a variance of two and one half (2.5) feet for certain property located at 54 East Yellowstone Drive (Parcel 051C-02-001.076, PPIN 32898, Ward 1). The Planning Commission recommended to APPROVE on May 3, 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

VI.4. 2017-409 APPROVE or DENY a petition filed by Rusty Edwards, Representative, on behalf of University Baptist Church, Owner, to request a variance from Section 7.9.1.7. which states the maximum height of walls shall be four feet (4') when located in a front yard and instead allow a height of six feet ten inches (6'10") for a variance of two feet ten inches (2'10") for certain property located at 3200 Arlington Loop (Parcel 028N-07-173.00, PPIN 26520, Ward 3). The Planning Commission recommended to APPROVE on May 3, 2017.

Attachments: May BOA Minutes (draft)
3200 Arlington Loop report

A MOTION was made by Council Vice President Dryden and seconded by Council President Carroll to APPROVE a petition filed by Rusty Edwards, Representative, on behalf of University Baptist Church, Owner, to request a variance from Section 7.9.1.7. which states the maximum height of walls shall be four feet (4') when located in a front yard and instead allow a height of six feet ten inches (6'10") for a variance of two feet ten inches (2'10") for certain property located at 3200 Arlington Loop (Parcel 028N-07-173.00, PPIN 26520, Ward 3). The Planning Commission recommended to APPROVE on May 3, 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

VI.5. 2017-412 Approve or Deny the request to abolish Office Assistant Position 226-34 and re-allocate funds to proposed Office Manager Position, per attached memorandum

Attachments: Office Assistant Position Change

A MOTION was made by Council Vice President Dryden and seconded by Council Member Naylor to Approve the request to abolish Office Assistant Position 226-34 and re-allocate funds to proposed Office Manager Position, per attached memorandum.

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.6. **2017-418** Authorize Mayor to execute a professional service agreement between the City of Hattiesburg and Shows, Dearman and Waits, Inc. in the amount of $161,928.00 for the Rehabilitation of the roadway structure of Lamar Boulevard and extension of the city owned sewer system and for water system along Lamar Boulevard.

Attachments: Agreement
Corrected Payment Terms

A MOTION was made by Council Vice President Dryden and seconded by Council Member Naylor to Authorize Mayor to execute a professional service agreement between the City of Hattiesburg and Shows, Dearman and Waits, Inc. in the amount of $161,928.00 for the Rehabilitation of the roadway structure of Lamar Boulevard and extension of the city owned sewer system and for water system along Lamar Boulevard.

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.7. **2017-441** Authorize Mayor to execute Professional and Consulting Services agreement in duplicate with Broaddus & Associates, effective May 4, 2017.

Attachments: Broaddus & Associates, Inc. Master Services Agreement

A MOTION was made by Council Vice President Dryden and seconded by Council Member Naylor to Authorize Mayor to execute Professional and Consulting Services agreement in duplicate with Broaddus & Associates, effective May 4, 2017.

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

Yeas: 4 - Bradley, Carroll, Dryden and Naylor

Nays: 1 - Delgado

VI.8. **2017-428** Authorize Mayor to execute contract between the City of Hattiesburg and Precision Construction, LLC in the amount of $924,944.00 for the Infrastructure Improvements Along South 31st Avenue, South 30th Avenue, Chevy Chase Drive and Hardy Street Project.

Attachments: Contract
Corrected Payment Terms
Email Regarding the Infrastructure at 30th Ave Contract, 5-16-17

A MOTION was made by Council Member Deborah Delgado and seconded by Council Member Henry Naylor to Authorize Mayor to execute contract between the City of Hattiesburg and Precision Construction, LLC in the amount of $924,944.00 for the Infrastructure Improvements Along South 31st Avenue, South 30th Avenue, Chevy Chase Drive and Hardy Street Project.

Council President Carroll asked Mr. Rutland if; Mr. Rutland responded in the affirmative and said the handwritten figures showed contractor errors.

Council Vice President Dryden had additional questions about the total. The Clerk of Council stated that Deputy Clerk of Council Janet Beech has checked the figures and is satisfied that they total correctly.

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

Yeas: 4 - Delgado, Carroll, Dryden and Naylor

Nays: 1 - Bradley

VI.9. **2017-429** Authorize Mayor to execute contract between the City of Hattiesburg and C.B. Developers, Inc. in the amount of $799,482.93 for the Lake Forgetful Road Project.

Attachments: Contract
Corrected Payment Terms

A MOTION was made by Council Vice President Dryden and seconded by Council Member Delgado to Authorize Mayor to execute contract between the City of Hattiesburg and C.B. Developers, Inc. in the amount of $799,482.93 for the Lake Forgetful Road Project.

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.10. **2017-439** Authorize Mayor to execute a rental agreement between the City of Hattiesburg and Hattiesburg Moose Lodge for use of the building as a Municipal voting precinct.

Attachments: Moose Lodge agreement

A MOTION was made by Council Member Delgado and seconded by Council Member Naylor to Authorize Mayor to execute a rental agreement between the City of Hattiesburg and Hattiesburg Moose Lodge for use of the building as a Municipal voting precinct.

Council President Carroll asked Mr. Eaton if he still plans a mailing this week regarding voting precincts; Mr. Eaton responded in the affirmative.

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

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

Nays: 0

VI.11. **2017-433** Authorize and Approve Mayor to execute revised professional services agreement between the City of Hattiesburg and Havard Pest Control, Inc., to provide pest and termite control services to the City of Hattiesburg.

Attachments: Pest Control & Termite Contract-Havard Pest Control-May 2017

A MOTION was made by Council Member Bradley and seconded by Council Member Delgado to Authorize and Approve Mayor to execute revised professional services agreement between the City of Hattiesburg and Havard Pest Control, Inc., to provide pest and termite control services to 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

VI.12. **2017-415** Acknowledge receipt of Quitclaim Deed and accept donation of a certain parcel of land in Forrest County to City of Hattiesburg from West Rock United Pentecostal Church of Hattiesburg, per attached map; in turn, Approve granting of Quitclaim Deed and contribution of a certain parcel of land in Forrest County from City of Hattiesburg to West Rock United Pentecostal Church of Hattiesburg, per attached map; Authorize City Clerk to record deeds at Forrest County Chancery Clerk's office.

Attachments: City of Hattisburg's Quitclaim Deed
West Rock UPC Quitclaim Deed
Map

A MOTION was made by Council Vice President Dryden and seconded by Council Member Naylor to Acknowledge receipt of Quitclaim Deed and accept donation of a certain parcel of land in Forrest County to City of Hattiesburg from West Rock United Pentecostal Church of Hattiesburg, per attached map; in turn, Approve granting of Quitclaim Deed and contribution of a certain parcel of land in Forrest County from City of Hattiesburg to West Rock United Pentecostal Church of Hattiesburg, per attached map; Authorize City Clerk to record deeds at Forrest County Chancery Clerk's office.

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.13. 2017-437 Acknowledge receipt of deed and accept donation from Robert N. Graham, LLC of a parcel of land in Lamar County as described in Deed (attached) for the Lake Forgetful Road Project Expansion.

Attachments: Deed

A MOTION was made by Council Member Bradley and seconded by Council Member Naylor to Acknowledge receipt of deed and accept donation from Robert N. Graham, LLC of a parcel of land in Lamar County as described in Deed (attached) for the Lake Forgetful Road Project Expansion.

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.14. 2017-438 Acknowledge receipt of deed and accept donation from Hattiesburg Met 1, LLC, of a parcel of land in Lamar County as described in Deed (attached) for the Lake Forgetful Road Project Expansion; authorize city clerk to record deed with Lamar County.

Attachments: Partial release of deed of trust
Deed of Dedication

A MOTION was made by Council Member Bradley and seconded by Council Member Naylor to Acknowledge receipt of deed and accept donation from Hattiesburg Met 1, LLC, of a parcel of land in Lamar County as described in Deed (attached) for the Lake Forgetful Road Project Expansion; authorize city clerk to record deed with Lamar 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

VI.15. 2017-432 Acknowledge receipt of Quitclaim Deed and Accept Donation from Billy Barrett, Jr. of a parcel of land in Forrest County as described in Exhibit "A" (attached); Authorize City Clerk to record Deed with Forrest County.

Attachments: Quit Claim Deed- Barrett

A MOTION was made by Council Member Bradley and seconded by Council Member Naylor to Acknowledge receipt of Quitclaim Deed and Accept Donation from Billy Barrett, Jr. of a parcel of land in Forrest County as described in Exhibit "A" (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

VI.16. 2017-407 Declare and approve the purchase of National Night Out Against Crime supplies in an amount not to exceed $6,928, from NATW as a sole source purchase as provided for in Section 31-7-13 (viii), of the Mississippi Code of 1972, based on information as per attached memorandum and budget.

Attachments: NATW Memo
2017 NNO Budget

A MOTION was made by Council Vice President Dryden and seconded by Council Member Naylor to Declare and approve the purchase of National Night Out Against Crime supplies in an amount not to exceed $6,928, from NATW as a sole source purchase as provided for in Section 31-7-13 (viii), of the Mississippi Code of 1972, based on information as per attached memorandum and budget.

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

Yeas: 4 - Bradley, Carroll, Dryden and Naylor

Nays: 0

Abstain: 1 - Delgado

VI.17. 2017-443 Designate the Antique Car Show, to be co-hosted by the Lucky Rabbit and the Historic Hattiesburg Downtown Association on Saturday, June 3, 2017, as a city-approved event for the purposes described in Ordinance Number 3148.

Attachments: HHDA Letter, The Lucky Rabbit Antique Car Show, 5-16-17

A MOTION was made by Council Vice President Dryden and seconded by Council Member Naylor to Designate the Antique Car Show, to be co-hosted by the Lucky Rabbit and the Historic Hattiesburg Downtown Association on Saturday, June 3, 2017, as a city-approved event for the purposes described in Ordinance Number 3148.

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.18. 2017-410 Ratify and confirm the Mayor's appointment of Jessie Wilson (Ward 2) to the Board of Adjustment for a term (May 16, 2017 through May 15, 2019) beginning May 16, 2017 and ending May 15, 2019.

Attachments: Jessie Wilson appoint agenda item
Data Sheet-Wilson

A MOTION was made by Council Member Naylor and seconded by Council Member Bradley to Ratify and confirm the Mayor's appointment of Jessie Wilson (Ward 2) to the Board of Adjustment for a term (May 16, 2017 through May 15, 2019) beginning May 16, 2017 and ending May 15, 2019.

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

Yeas: 4 - Bradley, Carroll, Dryden and Naylor

Nays: 1 - Delgado

VI.19. 2017-444 Extend state of emergency for an additional 30 days to allow for the ongoing cleanup resulting from the tornado that occurred on January 21, 2017.

A MOTION was made by Council Member Bradley and seconded by Council Vice President Dryden to Extend state of emergency for an additional 30 days to allow for the ongoing cleanup resulting from the tornado that occurred on January 21, 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

VI.20. 2017-445 Designate the Porter Pub's Anniversary Celebration, to be co-hosted by the Historic Hattiesburg Downtown Association on Friday, June 2, 2017, as a city-approved event for the purposes described in Ordinance Number 3148.

Attachments: HHDA Letter, The Porter Pub Anniversary Celebration, 5-16-17

A MOTION was made by Council Vice President Dryden and seconded by Council Member Delgado to Designate the Porter Pub's Anniversary Celebration, to be co-hosted by the Historic Hattiesburg Downtown Association on Friday, June 2, 2017, as a city-approved event for the purposes described in Ordinance Number 3148.

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 Council Member Naylor to approve Routine Agenda Items VII.1 - VII.8.

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

VII.1. 2017-411 Acknowledge receipt of the monthly budget report for the month ending April 30, 2017.

Attachments: Expenditure 4-30-2017
Revenue 4-30-2017

VII.2. 2017-423 Approve three year contract with CSpire for internet at the temporary Mass Transit location for $289.00 per month.

Attachments: 05-16-CSpire Mass Transit

VII.3. 2017-426 Approve and authorize issuance of manual check for CDBG Program Claim per the attached memorandum. {Entitlement CDBG}

Attachments: Memorandum for CBDG Payment for May 16, 2017

VII.4. 2017-414 Approve the sale of Grave spaces, per attached memos.

Attachments: Receipts(05-16-17)
Memo's (05-16-17)
Deeds 5-16-17

VII.5. 2017-420 Approve claims docket for the period ending May 12, 2017.

Attachments: claims docket 5-12-17

VII.6. 2016-111 Removed.

VII.7. **2017-419** Approve and authorize issuance of manual check for HOME Program Claim per the attached memorandum. {Entitlement HOME}

Attachments: Manual Check for Hollimon Construction - 106 Ruby Avenue

VII.8. **2017-421** Approve and authorize issuance of manual check for HOME Program Claim per the attached memorandum. {Entitlement HOME}

Attachments: Manual Check for Hollimon Construction - 401 Milton Barnes Avenue

Council President Carroll called for additional business.

Council member Bradley said that Mr. Eaton has begun paperwork to create a temporary full-time position so that an additional clerk can be hired in the Land Code Division. He said the position is not permanent but will not cost the city money.

Council member Delgado discussed the item to appoint Charles Jones to the School Board. She said Ward 2 has no representation on the School Board, and spoke of Mr. Jones' education and qualifications. She expressed disappointment that the item was not added to the agenda.

Council Vice President Dryden recused herself from the meeting at 5:15 p.m.

A MOTION was made by Council Member Bradley and seconded by Council Member Naylor to consider the need to go into Executive Session to discuss the purchase of land, in accordance with Mississippi Code Section 25-41-7(g).

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

Yeas: 4 - Bradley, Delgado, Carroll and Naylor

Nays: 0

Absent: 1 - Dryden

A MOTION was made by Council Member Bradley and seconded by Council Member Naylor to go into Executive Session to discuss the purchase of land, in accordance with Mississippi Code Section 25-41-7(g).

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

Yeas: 4 - Bradley, Delgado, Carroll and Naylor

Nays: 0

Absent: 1 - Dryden

Those present for the Executive Session were Council members Bradley, Delgado, Carroll and Naylor; Jack Pittman of the Pittman Law Firm; Kyle Wallace of Shows, Dearman and Waits; Ms. Waits; Attorney Amos; and Ms. Bernardo.

No action was taken during Executive Session.

A MOTION was made by Council member Delgado and seconded by Council member Bradley to come out of Executive Session and re-open the meeting to the public at 5:48 p.m.

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

Yeas: 4 - Bradley, Delgado, Carroll and Naylor

Nays: 0

Absent: 1 - Dryden

2017-473 Approve waiver valuations and appraisal amounts and declare them as fair market value for property necessary for COMSWIP Sewer Project Phase V - Site 1, pursuant to MS Code 43-37-3 and other applicable statutes.

Attachments: Email Regarding COMSWIP Sewage Project Phase V, 5-16-17
Waiver Valuations

A MOTION was made by Council Member Bradley and seconded by Council President Carroll to Approve waiver valuations and appraisal amounts and declare them as fair market value for property necessary for COMSWIP Sewer Project Phase V - Site 1, pursuant to MS Code 43-37-3 and other applicable statutes.

There being no discussion, the Motion failed, receiving a tie vote of the Council as follows:

Yeas: 2 - Bradley and Carroll

Nays: 2 - Delgado and Naylor

Absent: 1 – Dryden

By unanimous consent, Council President Carroll declared the meeting adjourned at 5:49 p.m., this the 16th day of May, A.D., 2017.

Minutes for the April 17, 18 and 27, 2017, Council Meetings.

ATTEST: APPROVE:

Clerk of Council President

ATTEST AND CERTIFY: APPROVE:

City Clerk Mayor

Continued to pages 271, skipped in error.