BE IT REMEMBERED that the Agenda Review meeting of the Hattiesburg City Council was held at 4:00 p.m. Monday, June 19, 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; City Engineer, Lamar Rutland; Fire Chief, Paul Presley; Director of Public Works, Larry Barnes; General Manager of Public Works, Allen McKinley; 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; Code Enforcement Manager, Mark Jordan; City Attorney, Annie Amos; 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.

Council President Carroll proceeded with the Agenda Review.

The Clerk of Council read aloud amendments to the agenda as follows:

Add Policy Agenda Items V.15 and V.16 at the request of the Administration as follows:

V.15. **2017-508** Adopt a resolution to amend the City's Comprehensive Plan 2008-2028, Chapter – 7 Land Use and Development, Map 2. Future Land Use, changing the designated "Future Land Use" of Bay Street from the intersection of Hall Avenue to Gordon's Creek from "Neighborhood Business" to "Neighborhood Conservation District 1", filed by Tara Poole, President, HHNA. The Planning Commission recommended to APPROVE on June 7, 2017.

Attachments: RES - Amend Comp Plan Future Land Use Map
June HPC BOA Minutes (draft)
Comp Plan Amendment Report - Future Land Use Map
Comp Plan Amendment - Future Land Use Map - Petition Against Change

V.16. **2017-509** Acknowledge receipt of request filed by Corey Arrington to appeal the Planning Commission's recommendation for the petition filed by Tara Poole, President, HHNA, Applicant, to amend the City's Comprehensive Plan 2008-2028, Chapter – 7 Land Use and Development, Map 2. Future Land Use, to change the designated "Future Land Use" of Bay Street from the intersection of Hall Avenue to Gordon's Creek from "Neighborhood Business" to "Neighborhood Conservation District 1"; (Hattiesburg Planning Commission recommended to APPROVE on June 7, 2017); Set a public hearing before City Council at 4:00 p.m. on July 17, 2017, and authorize publication of Public Notice setting an Appeal Public Hearing.

Attachments: Comp Plan Appeal - Arrington – Filed

Add Policy Agenda Items V.17, V.18 and V.19 at the request of the Council as follows:

V.17. **2017-510** Adopt a Resolution authorizing the President of the City Council to sign court papers on behalf of the City, when necessary, in connection with pending litigation in federal court regarding October 1, 2014, Amended Consent Judgment.

Attachments: RES- Council President and Mayor. Sign Consent Judgment. 2017

V.18. **2017-511** Acknowledge receipt of notice terminating the City's contract with BIS Digital for BoardSync software.

Attachments: Email - Notice of Termination, 6-9-17

V.19. **2017-512** Authorize Mayor to enter into an agreement with MCCi for Legistar agenda management software per information in attached memo and quote.

Attachments: 06-20-Legistar Reinstatement

Council President Carroll proceeded with the Agenda Review.

Ms. Maddox presented an overview on planning items, including added Policy Agenda Items V.15 and V.16. In response to a question from Council member Delgado, Ms. Maddox stated that Policy Agenda Item V.15 is on the agenda because an appeal has been filed to the Planning Commission's approval of the time; however, she said, no action can be taken on Policy Agenda Item V.15 until after the appeal public hearing, requested by petitioner Corey Arrington, has been held. She provided a brief overview on Item V.15.

Council President Carroll called on Attorney Jim Gladden. Attorney Gladden agreed that the most prudent action would be to Table Policy Agenda Item V.15 and approve the scheduling of an appeal public hearing for July 17.

Council member Delgado asked Attorney Gladden about work he did for the city opposing Mr. Arrington's application to use his property in a manner consistent with the way it had been used in previous years, and asked his position as to Mr. Arrington's chances of being able to use the property as he wishes.

Attorney Gladden said that Mr. Arrington has a right to appeal the Planning Commission's recommendation, and that it is a little unusual for a private entity or private individual to seek the amendment of a comprehensive plan for a city; he said typically would be generated by a department or board associated with the city, and that in his opinion, the burden of proof is similar to that of a zoning change and lies with the individual requesting the amendment. He said an amendment to the comprehensive plan should not be taken lightly. Mr. Gladden said it would not be proper for him to comment as to Mr. Arrington's chances of success, as it is a pending application; however, he said he knows Mr. Arrington is receiving able assistance from a variety of individuals and he expects that he will put forward the very best case that he can. He said that if Mr. Arrington meets his burden of proof, he expects he will have as good a case as anyone.

Council Vice President Dryden asked Ms. Maddox how long the previous business has been closed; Ms. Maddox said she does not know but that it had been closed for more than six months when . Council Vice President Dryden commented that a business closed; Ms. Maddox agreed and said if the property is to be developed for commercial purposes it would need to fit R-1A zoning,

Council member Delgado said the issue was whether there are adequate records to indicate whether the property was left out of plans to make that a community business district.

Council Vice President Dryden said much was brought forth that did provide that documentation.

Council President Carroll confirmed with Attorney Gladden that Policy Agenda Item V.15 will be Tabled and Item V.16 will be acknowledged, and continued with the Agenda Review.

Regarding Policy Agenda Item V.6, Council Vice President Dryden asked Mr. Rutland why there is a balance due, if this is the final payment; Mr. Rutland said he would check.

Regarding Policy Agenda Item V.8, Council Vice President Dryden asked what will happen to the cemetery on the property; Mr. Rutland said the city is taking a small portion of land and it will not affect the cemetery. Council Vice President Dryden asked for clarification on the reason for the purchase; Mr. Rutland said that if the city builds a mechanical plant, this land will allow for an access road.

Glen Moore, director of the Forrest County Emergency Management District, appeared before the Council regarding Policy Agenda Item V.11. He said the plan was due in June, and must be signed by Forrest County and delivered to MEMA by the end of the week. He thanked the city for its cooperation and for making department heads available for briefings following the 2017 tornado. Council President Carroll explained Mr. Moore's role; Council Vice President Dryden thanked him for his communication following the tornado

During discussion of the Routine Agenda, Mr. Eaton responded to question from Council Vice President Dryden and Council member Delgado regarding payment of poll workers, as well as Forrest County's role in city elections and the accuracy of voter rolls.

Also, Mr. Barnes addressed a recent complaint about maintenance of Highland Cemetery.

Following discussion of agenda items, Council President Carroll closed the Agenda Review.

Council member Bradley left the room at 4:58 p.m. and did not return.

Council member Naylor proceeded with the Citizens' Forum. He stated the procedures and invited members of the public to speak.

Robert Abrams, 613 Sunset Drive, distributed a letter stating that Council member Bradley moved out of his ward. Council President Carroll asked him to sit, but he refused; no police officer was present.

There were no other citizens present who wished to address the Council.

Council member Naylor closed the Citizens' Forum.

2017-532 6-19-17 Citizens' Forum Sign-In Sheet.

Attachments: Citizens' Forum Sign-In Sheet, 6-19-17

2017-533 Letter from Robert Abrams to the City Council, 6-19-17.

Attachments: Letter from Robert Abrams, 6-19-17.

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

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

Yeas: 4 - Delgado, Carroll, Dryden and Naylor

Nays: 0

Absent: 1 - Bradley

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

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

Yeas: 4 - Delgado, Carroll, Dryden and Naylor

Nays: 0

Absent: 1 - Bradley

Those present for the Executive Session were Council members Delgado, Carroll, Dryden and Naylor; newly elected Council members Jeffrey George and Nicholas Brown; Attorney Amos; Mr. Eaton; Elton Sims of Carr, Riggs & Ingram; Ms. Beech; and Ms. Bernardo.

No action was taken during Executive Session.

A MOTION was made by Council member Delgado and seconded by Council member Naylor to come out of Executive Session and re-open the meeting to the public at 5:19 p.m.

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

Yeas: 4 - Delgado, Carroll, Dryden and Naylor

Nays: 0

Absent: 1 - Bradley

By unanimous consent, Council President Carroll closed the meeting at 5:19 p.m., this the 19th day of June, A.D., 2017.