BE IT REMEMBERED that the regular meeting of the Hattiesburg City Council was held at 5:00 p.m. Tuesday, June 20, 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; Director of Federal and State Programs, La'Keylah White; Director of the Water Department, Chadwick Frierson; Director of Parks and Recreation, Clemon Terrell; 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.

The prayer was given by Byron Malone, executive pastor of Venture Church.

The Pledge of Allegiance was led by Mr. Terrell.

THE MATTER OF THE AGENDA ORDER came before the Council.

A MOTION was made by Council Vice President Dryden and seconded by Council Member Naylor to Amend Policy Agenda Item V.6 to read as follows:

V.6. **2017-496** Approve Final Estimate No. 3 and Final Payment to Land Shapers, Inc. in the amount of $26,745.52 for construction services on the Access Road from Lincoln Road to City of Hattiesburg Water Tank Project. Approve final acceptance of said project; and Authorize publication of Final Settlement of said project.

Attachments: Notice of Final Settlement
Closing Documents
Final Pay Application

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 PRESENTATION AGENDA came before the Council.

Council President Carroll, accompanied by Council Vice President Dryden and Council member Delgado, presented resolutions thanking Council members Kim Bradley and Henry Naylor for their years of service to the city. This was the final meeting for both Council members; each one addressed remarks to those in attendance.

There were no other presentations at this time.

Council President Carroll closed the Presentation Agenda.

The POLICY AGENDA came before the Council.

V.1. **2017-486** Adopt an Ordinance for the petition filed by Paige Kennedy, Representative, Lynn Cartlidge, Owner, to change the zoning classification for a certain property located at 105 Mamie Street (Parcel 2-029N-09-002.00, PPIN 19470, Ward 4) from Section 4.5.3, R-1A (Single-family Residential) District to Section 4.5.4 R-1 B (Single Family Residential) District and Section 4.5.8 B-1 (Professional Business) District.

Attachments: June HPC BOA Minutes (draft)
105 Mamie Report - Zoning Change
105 Mamie - Layout from Applicant
Ordinance - 105 Mamie

A MOTION was made by Council Member Bradley and seconded by Council Vice President Dryden to Adopt an Ordinance (#3213) for the petition filed by Paige Kennedy, Representative, Lynn Cartlidge, Owner, to change the zoning classification for a certain property located at 105 Mamie Street (Parcel 2-029N-09-002.00, PPIN 19470, Ward 4) from Section 4.5.3, R-1A (Single-family Residential) District to Section 4.5.4 R-1 B (Single Family Residential) District and Section 4.5.8 B-1 (Professional Business) District.

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

Following the completion of voting on policy agenda items, Council member Delgado changed her vote for Item V.1. With the changed vote, the Motion received the affirmative vote of the Council as follows:

Yeas: 4 - Bradley, Carroll, Dryden and Naylor

Nays: 1 - Delgado

V.2. **2017-487** Adopt an Ordinance for the petition filed by Sarah Newton, Representative, on behalf of David Ott, Owner, to change the zoning classification for a certain property located at 209 Buschman Street (Parcel 029I-10-218.00, PPIN 18556, Ward 4) from Section 4.5.10, B-3 (Community Business) District to Section 4.5.11 B-4 (Downtown) District.

Attachments: June HPC BOA Minutes (draft)
209 Buschman Report - Zoning Change
209 Buschman - Petition
Ordinance - 209 Buschman

A MOTION was made by Council Member Bradley and seconded by Council Vice President Dryden to Adopt an Ordinance (#3214) for the petition filed by Sarah Newton, Representative, on behalf of David Ott, Owner, to change the zoning classification for a certain property located at 209 Buschman Street (Parcel 029I-10-218.00, PPIN 18556, Ward 4) from Section 4.5.10, B-3 (Community Business) District to Section 4.5.11 B-4 (Downtown) District.

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. **2017-498** Adopt a Resolution authorizing Requisition No. 70 from the Project Fund Construction Account in connection with a certain loan agreement, dated as of October 19, 2013, by and between the Mississippi Development Bank and the City of Hattiesburg.

Attachments: 2013 Bond Resolution No. 70

A MOTION was made by Council Member Bradley and seconded by Council Member Naylor to Adopt a

Resolution authorizing Requisition No. 70 from the Project Fund Construction Account in connection with a certain loan agreement, dated as of October 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. **2017-502** Adopt a Resolution authorizing Requisition No. 6 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. 6

A MOTION was made by Council Member Bradley and seconded by Council Member Naylor to Adopt a Resolution authorizing Requisition No. 6 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

V.5. **2017-491** Adopt a Resolution authorizing Disbursement No. 16 from the Project Fund Escrow Account in connection with certain Equipment Lease/Purchase Agreement, dated as of February 4, 2016, by and between Banc of America Public Capital Corp. and City of Hattiesburg.

Attachments: Energy Performance Disbursement No. 16

A MOTION was made by Council Member Bradley and seconded by Council Member Naylor to Adopt a Resolution authorizing Disbursement No. 16 from the Project Fund Escrow Account in connection with certain Equipment Lease/Purchase Agreement, dated as of February 4, 2016, by and between Banc of America Public Capital Corp. and 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.6. **2017-496** Approve Final Estimate No. 3 and Final Payment to Land Shapers, Inc. in the amount of $26,745.52 for construction services on the Access Road from Lincoln Road to City of Hattiesburg Water Tank Project. Approve final acceptance of said project; and Authorize publication of Final Settlement of said project.

Attachments: Notice of Final Settlement
Closing Documents
Final Pay Application

A MOTION was made by Council Member Bradley and seconded by Council Member Naylor to Approve Final Estimate No. 3 and Final Payment to Land Shapers, Inc. in the amount of $26,745.52 for construction services on the Access Road from Lincoln Road to City of Hattiesburg Water Tank Project. Approve final acceptance of said project; and Authorize publication of Final Settlement of said 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

V.7. **2017-494** Approve and authorize Mayor to execute agreement between Natural Resources Conservation Service and the City of Hattiesburg for the construction costs at Campbell Loop, Old Bakery #2, River Street, and In Town Suites. City of Hattiesburg is obligated to contribute $204,612.50 for these four projects.

Attachments: Approved EWP Site Agreement

A MOTION was made by Council Member Bradley and seconded by Council Member Naylor to Approve and authorize Mayor to execute agreement between Natural Resources Conservation Service and the City of Hattiesburg for the construction costs at Campbell Loop, Old Bakery #2, River Street, and In Town Suites. City of Hattiesburg is obligated to contribute $204,612.50 for these four projects.

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. **2017-499** Authorize payment to George Walters for a parcel of land in Forrest County as described in Deed (attached) for the Wastewater Plant Access Road. Approve and authorize issuance of manual check in the amount of $6,900.00 to George Walters.

Attachments: Warranty Deed
Appraisal - Walters Property
Appraisal - Oberlies Trust

A MOTION was made by Council Member Bradley and seconded by Council Member Naylor to Authorize payment to George Walters for a parcel of land in Forrest County as described in Deed (attached) for the Wastewater Plant Access Road. Approve and authorize issuance of manual check in the amount of $6,900.00 to George Walters.

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.9. **2017-500** Authorize payment to Pine Belt Regional Solid Waste Management Authority for a parcel of land in Forrest County as described in Deed (attached) for the Wastewater Plant Access Road. Approve and authorize issuance of manual check in the amount of $500.00 to Pine Belt Regional Solid Waste Management Authority.

Attachments: Warranty Deed

A MOTION was made by Council Member Bradley and seconded by Council Member Naylor to Authorize payment to Pine Belt Regional Solid Waste Management Authority for a parcel of land in Forrest County as described in Deed (attached) for the Wastewater Plant Access Road. Approve and authorize issuance of manual check in the amount of $500.00 to Pine Belt Regional Solid Waste Management Authority.

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. **2017-503** Authorize Mayor to execute contract between City of Hattiesburg and Bush Construction Company, Inc. in the amount of $1,248,577.68 for the Fourth Street Roadway Improvements Project - Phase II (Federal Aid Project # HPP-7194-00(003) LPA/105845-801000).

Attachments: Signed Specs

A MOTION was made by Council Member Bradley and seconded by Council Member Naylor to Authorize Mayor to execute contract between City of Hattiesburg and Bush Construction Company, Inc. in the amount of $1,248,577.68 for the Fourth Street Roadway Improvements Project - Phase II (Federal Aid Project # HPP-7194-00(003) LPA/105845-801000).

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.11. **2017-505** Authorize Mayor to execute the 2017 Forrest County Comprehensive Emergency Management Plan.

Attachments: Emerg. Mtg Plan/Support Annex
Emerg. Mtg Plan/Incident Annex
Emerg. Mtg Plan/Basic Plan
Emerg. Mtg Plan/Emerg. Support Function

A MOTION was made by Council Member Kim Bradley and seconded by Council Vice President Dryden to Authorize Mayor to execute the 2017 Forrest County Comprehensive Emergency Management Plan.

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.12. **2017-497** Authorize Mayor to enter into agreement between The City of Hattiesburg and The University of Southern Mississippi for Fire Protection and related services.

Attachments: USM Fire Protection Agreement 2017

A MOTION was made by Council Member Bradley and seconded by Council Member Naylor to Authorize Mayor to enter into agreement between The City of Hattiesburg and The University of Southern Mississippi for Fire Protection and related services.

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. **2017-495** Authorize Mayor to enter in agreement with ImageTrend to host the Fire Bridge Software.

Attachments: Image Trend Fire Bridge Software

A MOTION was made by Council Member Bradley and seconded by Council Member Naylor to Authorize Mayor to enter in agreement with ImageTrend to host the Fire Bridge Software.

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. **2017-506** 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 Member Naylor to Extend the 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

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

A MOTION was made by Council Vice President Dryden and seconded by Council Member Naylor to TABLE to 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.

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.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

A MOTION was made by Council Member Bradley and seconded by Council Member Naylor to 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.

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.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

A MOTION was made by Council Member Bradley and seconded by Council Member Naylor to 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.

Council member Delgado stated her concern that the Council is on a trajectory of encroaching on the Mayor's role; she said the Council has a significant role, but that the incoming mayor should have the opportunity to sign pleadings and to be the mayor.

Council President Carroll agreed, but said this is a time-sensitive matter that must be signed today and that Mayor DuPree is out of town and has asked that Council President Carroll sign the document.

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

Yeas: 4 - Bradley, Carroll, Dryden and Naylor

Nays: 1 - Delgado

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

A MOTION was made by Council Member Bradley and seconded by Council Vice President Dryden to Acknowledge receipt of notice terminating the City's contract with BIS Digital for BoardSync software.

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.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

A MOTION was made by Council Member Bradley and seconded by Council Vice President Dryden to Authorize Mayor to enter into an agreement with MCCi for Legistar agenda management software per information in attached memo and quote.

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 the Routine Agenda.

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. **2017-481** Acknowledge receipt of the monthly budget report for the month ending May 31, 2017.

Attachments: Revenue 5-31-17
Expenditure 5/31/17

VI.2. **2017-501** Acknowledge bids received on June 7, 2017, for the Hattiesburg Bobby L. Chain Municipal Airport Taxiway Extension (Airport Improvement Project No 3-28-0031-024-217) and accept bid from Warren Paving, Inc. in the amount of $1,036,771.00 as the lowest and best bid.

Attachments: Letter of Recommendation
Bid Tabulation
Bid Advertisement

VI.3. **2017-507** Approve payment to Barnett Concrete Work, LLC, to settle threatened litigation for work on condemned property.

Attachments: Letter, L. Barnett, 6-12-17
Barnett Concrete Request for Payment for work at 720 East 7th Street

VI.4. **2017-480** Approve the sale of Grave Spaces, per attached memos.

Attachments: Memo's (06-20-17)
Deeds (06-20-17)
Receipts(06-20-17)

VI.5. **2017-488** 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

VI.6. **2017-489** 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

VI.7. **2017-482** Approve claims docket for the period ending June 16, 2017.

Attachments: Claims Docket 06-16-17

By unanimous consent, Council President Carroll declared the meeting adjourned at 6:34 p.m., this 20th day of June, A.D., 2017.