Call to Order

BE IT REMEMBERED that the **regular meeting of the Hattiesburg City Council was held at 5:00 p.m. Tuesday, August 20, 2019**, in Council Chambers at City Hall.

Those present included Mayor Toby Barker and members of the City Council Jeffrey George, Ward 1; Deborah Delgado, Ward 2; Carter Carroll, Ward 3; Mary Dryden, Ward 4; and Nicholas Brown, Ward 5. Others in attendance included City Attorney, Randy Pope; Clerk of Council, Ronda S. Cole; Deputy Clerk of Council, Lisa Luu; City staff members; media; and the public.

Council President Carroll Called the meeting to order.

Call to Prayer and Pledge of Allegiance

The prayer was given by Phillip McSwain of the Greater Mt. Olive Baptist Church.

The Pledge of Allegiance was led by Assistant Police Chief Peggy Sealy.

Presentation Agenda

The PRESENTATION AGENDA came before the Council.

There were no presentations at this time.

Agenda Adjustments

THE MATTER OF THE AGENDA ORDER came before the Council.

A MOTION was made by Council Vice President Dryden and seconded by Council Member George to add at the request of the as follows:

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

Yeas: 5 - George, Delgado, Carroll, Dryden and Brown

Nays: 0

1. **2019-108** Adopt a Resolution amending the Services and Facilities Plan for Annexation areas.

Attachments: Resolution amending Services and Facilities Plan August 2019 (1)
S&F Plan (pending council approval) 082019 (1)

POLICY AGENDA

The POLICY AGENDA came before the Council.

1. **2019-92** Approve the minutes for the August 5 & 6, 2019 meetings of the City Council.

Attachments: 8-5-19 AR, WS, FY'19-20 BP Mins.
8-6-19 XS Mins.

A MOTION was made by Council Member George and seconded by Council Member Brown to Approve the minutes for the August 5 & 6, 2019 meetings of the City Council.

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

Yeas: 5 - George, Delgado, Carroll, Dryden and Brown

Nays: 0

2. **2019-61** Adopt an Ordinance filed by Oka Howard to rename the public street presently known as Poplar Row (Ward 2) to Wayne McMickle Sr. Street. The Planning Commission recommended to Approve on August 7, 2019.

Attachments: aug 2019 item b hpc
Ordinance - street renaming - Poplar Row to Wayne McMickle Sr. Street
AUGUST HPC Minutes

A MOTION was made by Council Member Delgado and seconded by Council Member George to Adopt an Ordinance #3261 filed by Oka Howard to rename the public street presently known as Poplar Row (Ward 2) to Wayne McMickle Sr. Street. The Planning Commission recommended to Approve on August 7, 2019.

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

Yeas: 5 - George, Delgado, Carroll, Dryden and Brown

Nays: 0

3. **2019-63** Acknowledge receipt of request filed by Mr. Kenneth Moye, to appeal the Planning Commission's denial of the petition filed by Kenneth Moye, Bay Street Developments, LLC Applicant, Sam Levison, Representative, and Marvin Arrington, Owner, to change the zoning classification for a certain property located at 314 Bay Street (Ward 4) from Section 4.5.4, R-1B (Single Family Residential) District to Section 4.5.9, B-2 (Neighborhood Business) District.

Attachments: notice of appeal

A MOTION was made by Council Member Delgado and seconded by Council Vice President Dryden to Acknowledge receipt of request filed by Mr. Kenneth Moye, to appeal the Planning Commission's denial of the petition filed by Kenneth Moye, Bay Street Developments, LLC Applicant, Sam Levison, Representative, and Marvin Arrington, Owner, to change the zoning classification for a certain property located at 314 Bay Street (Ward 4) from Section 4.5.4, R-1B (Single Family Residential) District to Section 4.5.9, B-2 (Neighborhood Business) District.

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

Yeas: 5 - George, Delgado, Carroll, Dryden and Brown

Nays: 0

4. **2019-62** Approve or Deny a petition filed by Colby Strickland and Kevin Craft, Applicants, and Mitzi Russell, Owner, to request a Conditional Use as "Places of assembly not otherwise listed" as defined by the LDC for a certain property located at 301 Court Street (Ward 4). The Planning Commission recommended to Approve on August 7, 2019.

Attachments: aug 2019 item c hpc
AUGUST HPC Minutes

A MOTION was made by Council Vice President Dryden and seconded by Council Member Nicholas Brown to TABLE to Approve or Deny a petition filed by Colby Strickland and Kevin Craft, Applicants, and Mitzi Russell, Owner, to request a Conditional Use as "Places of assembly not otherwise listed" as defined by the LDC for a certain property located at 301 Court Street (Ward 4). The Planning Commission recommended to Approve on August 7, 2019.

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

Yeas: 5 - George, Delgado, Carroll, Dryden and Brown

Nays: 0

5. **2019-65** Approve or Deny a petition filed by Darlene Thomas, Representative, and David Lee, Clark Technologies, LLC, Owner, to request variance from Section 10 Table 10.6-2 Pole Sign "Front Setback", "10' (min)", and instead allow for a front setback of two and a half (2.5) feet for a front setback variance of seven and a half (7.5) feet and a variance from Section 10 Table 10.6-2 Pole Sign "Side Setback", "15' (min)", and instead allow for a side setback of two (2) feet for a side setback variance of thirteen (13) feet a proposed sign (existing non-conforming structure) located at 205 S. 40th Avenue (Ward 3). The Board of Adjustment recommended to Approve on August 7, 2019.

Attachments: aug 2019 item a boa
August BOA Minutes

A MOTION was made by Council President Carroll and seconded by Council Vice President Dryden to Approve a petition filed by Darlene Thomas, Representative, and David Lee, Clark Technologies, LLC, Owner, to request variance from Section 10 Table 10.6-2 Pole Sign "Front Setback", "10' (min)", and instead allow for a front setback of two and a half (2.5) feet for a front setback variance of seven and a half (7.5) feet and a variance from Section 10 Table 10.6-2 Pole Sign "Side Setback", "15' (min)", and instead allow for a side setback of two (2) feet for a side setback variance of thirteen (13) feet a proposed sign (existing non-conforming structure) located at 205 S. 40th Avenue (Ward 3). The Board of Adjustment recommended to Approve on August 7, 2019.

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

Yeas: 5 - George, Delgado, Carroll, Dryden and Brown

Nays: 0

6. **2019-66** Approve or Deny a petition filed by Darlene Thomas, Representative, and Ken Kleban, Kleban Properties, Owner, to request variance from Section 10 Table 10.6-2 Pole Signs "Sign Height", "35' (max)" and instead allow for a height of forty-five (45) feet, for a variance of ten (10) feet for a proposed sign (existing non-conforming structure) at 4400 Hardy Street (Ward 3). The Board of Adjustment recommended to Approve on August 7, 2019.

Attachments: aug 2019 item b boa
August BOA Minutes

A MOTION was made by Council President Carroll and seconded by Council Vice President Dryden to Deny a petition filed by Darlene Thomas, Representative, and Ken Kleban, Kleban Properties, Owner, to request variance from Section 10 Table 10.6-2 Pole Signs "Sign Height", "35' (max)" and instead allow for a height of forty-five (45) feet, for a variance of ten (10) feet for a proposed sign (existing non-conforming structure) at 4400 Hardy Street (Ward 3). The Board of Adjustment recommended to Approve on August 7, 2019.

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

Yeas: 5 - George, Delgado, Carroll, Dryden and Brown

Nays: 0

7. **2019-64** Approve or Deny the amended preliminary plat filed by Shannon Wells, Engineer, Applicant, on behalf of Josh Morris, JMJ Properties, for Shadow Ridge Subdivision Phase II properties located along Waverly Court (Ward 3). The Planning Commission recommended to Approve on August 7, 2019.

Attachments: aug 2019 business item
AUGUST HPC Minutes

A MOTION was made by Council Vice President Dryden and seconded by Council Member Brown to Approve the amended preliminary plat filed by Shannon Wells, Engineer, Applicant, on behalf of Josh Morris, JMJ Properties, for Shadow Ridge Subdivision Phase II properties located along Waverly Court (Ward 3). The Planning Commission recommended to Approve on August 7, 2019.

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

Yeas: 5 - George, Delgado, Carroll, Dryden and Brown

Nays: 0

8. **2019-94** Adopt a Resolution authorizing Southern Mississippi Planning and Development District to assist and serve as agent for the City of Hattiesburg to establish a commercial redevelopment program in certain underdeveloped areas of the city.

Attachments: Resolution-Revitalization Program 2019
Redevelopment District Map-SMPDD Program

A MOTION was made by Council Member Brown and seconded by Council Member George to Adopt a Resolution (#2019-257) authorizing Southern Mississippi Planning and Development District to assist and serve as agent for the City of Hattiesburg to establish a commercial redevelopment program in certain underdeveloped areas of the city.

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

Yeas: 5 - George, Delgado, Carroll, Dryden and Brown

Nays: 0

9. **2019-100** Approve Lease Agreement between City of Hattiesburg and Region XII Commission on Mental Health and Retardation (DBA Pine Belt Mental Healthcare Resources) for office space located at 1410 W. Pine Street (Old Courtesy Ford Building) and authorize the Mayor to execute the same.

Attachments: Lease Agreement Pine Belt Mental Healthcare Resources

A MOTION was made by Council Vice President Dryden and seconded by Council Member George to Approve Lease Agreement between City of Hattiesburg and Region XII Commission on Mental Health and Retardation (DBA Pine Belt Mental Healthcare Resources) for office space located at 1410 W. Pine Street (Old Courtesy Ford Building) and authorize the Mayor to execute the same.

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

Yeas: 5 - George, Delgado, Carroll, Dryden and Brown

Nays: 0

10. **2019-102** Approve Alarm Monitoring Service Agreement between the City of Hattiesburg and Gilliland Electronics for a city owned facility located at 1410 West Pine Street. (Former Courtesy Building) and authorize the Mayor to execute the same.

Attachments: Gilliands Monitoring

A MOTION was made by Council Member George and seconded by Council Vice President Dryden to Approve Alarm Monitoring Service Agreement between the City of Hattiesburg and Gilliland Electronics for a city owned facility located at 1410 West Pine Street. (Former Courtesy Building) and authorize the Mayor to execute the same.

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

Yeas: 5 - George, Delgado, Carroll, Dryden and Brown

Nays: 0

11. **2019-101** Approve Franchise Agreement between the City of Hattiesburg and Southern Light, LLC., related to fiber-optic transmission lines and authorize the Mayor to execute the same.

Attachments: Southern Light Franchise Agreement

A MOTION was made by Council Member George and seconded by Council Vice President Dryden to Approve Franchise Agreement between the City of Hattiesburg and Southern Light, LLC., related to fiber-optic transmission lines and authorize the Mayor to execute the same.

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

Yeas: 5 - George, Delgado, Carroll, Dryden and Brown

Nays: 0

12. **2019-98** Approve 16th Section Commercial Lease Agreement between the City of Hattiesburg and Hattiesburg Public School District for a parcel of land identified as 1410 West Pine Street and authorize the Mayor to execute the same.

Attachments: 1410 W Pine St Legal Desc
1410 W Pine Street Lease Agreement

A MOTION was made by Council Vice President Dryden and seconded by Council Member George to Approve 16th Section Commercial Lease Agreement between the City of Hattiesburg and Hattiesburg Public School District for a parcel of land identified as 1410 West Pine Street and authorize the Mayor to execute the same.

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

Yeas: 5 - George, Delgado, Carroll, Dryden and Brown

Nays: 0

13. **2019-95** Approve Shared Use Agreement between City of Hattiesburg and Hattiesburg Public School District for use of school facilities for recreational purposes and authorize the Mayor to execute the same.

Attachments: Hattiesburg Public School District Shared Use Agreement-2019

A MOTION was made by Council Member George and seconded by Council Vice President Dryden to Approve Shared Use Agreement between City of Hattiesburg and Hattiesburg Public School District for use of school facilities for recreational purposes and authorize the Mayor to execute the same.

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

Yeas: 5 - George, Delgado, Carroll, Dryden and Brown

Nays: 0

14. **2019-93** Approve or deny Lease Agreement between City of Hattiesburg and Ebenezer Baptist Church for lease of property located at 900 E. 8th Street and authorize the Mayor to execute the same.

Attachments: Ebenezar lease agreement

A MOTION was made by Council Member Delgado and seconded by Council Vice President Dryden to Approve Lease Agreement between City of Hattiesburg and Ebenezer Baptist Church for lease of property located at 900 E. 8th Street and authorize the Mayor to execute the same.

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

Yeas: 5 - George, Delgado, Carroll, Dryden and Brown

Nays: 0

15. **2019-72** Approve Contract for the purchase of property located at 2100 Eddy Street related to the Hazard Mitigation Grant Program and authorizing the Mayor to execute the same.

Attachments: 2100 Eddy St Purchase Contract 8 12 2019

A MOTION was made by Council Vice President Dryden and seconded by Council Member Delgado to Approve Contract for the purchase of property located at 2100 Eddy Street related to the Hazard Mitigation Grant Program and authorizing the Mayor to execute the same.

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

Yeas: 5 - George, Delgado, Carroll, Dryden and Brown

Nays: 0

16. **2019-99** Approve Architectural Services Agreement between City of Hattiesburg and Williams and Associates, PA related to the reconstruction of Fire Station #2 and authorize the Mayor to execute the same.

Attachments: Attachment A - HourlyRates 2019 Word
B104-2017 - Final
Hattiesburg B104-2017 Signature Page0001

A MOTION was made by Council Member George and seconded by Council Vice President Dryden to Approve Architectural Services Agreement between City of Hattiesburg and Williams and Associates, PA related to the reconstruction of Fire Station #2 and authorize the Mayor to execute the same.

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

Yeas: 5 - George, Delgado, Carroll, Dryden and Brown

Nays: 0

17. **2019-51** Approve Lighting Agreement with Mississippi Power Company for additional lighting at 119 Conti Avenue for an additional monthly increase of $12.47 and authorize Mayor to execute the same.

Attachments: MS Power-119 Conti Avenue

A MOTION was made by Council Vice President Dryden and seconded by Council Member George to Approve Lighting Agreement with Mississippi Power Company for additional lighting at 119 Conti Avenue for an additional monthly increase of $12.47 and authorize Mayor to execute the same.

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

Yeas: 5 - George, Delgado, Carroll, Dryden and Brown

Nays: 0

18. **2019-60** Approve Copier Rental Agreement between the City of Hattiesburg and RJ Young for copier located at the Engineering Department at a cost of $262.00 per month for 48 months and authorize the Mayor to execute in duplicate.

Attachments: RJ Young Copier Rental Agreement

A MOTION was made by Council Member George and seconded by Council Member Brown to Approve Copier Rental Agreement between the City of Hattiesburg and RJ Young for copier located at the Engineering Department at a cost of $262.00 per month for 48 months and authorize the Mayor to execute in duplicate.

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

Yeas: 5 - George, Delgado, Carroll, Dryden and Brown

Nays: 0

19. **2019-58** Approve Task Force Agreement between the Hattiesburg Police Department and the United States Department of Justice, Drug Enforcement Administration (hereinafter "DEA") concerning the use and abuse of controlled substances and authorizing the Mayor or designee to execute the same.

Attachments: DEA HIDTA Task Force Agreement

A MOTION was made by Council Member George and seconded by Council Vice President Dryden to Approve Task Force Agreement between the Hattiesburg Police Department and the United States Department of Justice, Drug Enforcement Administration (hereinafter "DEA") concerning the use and abuse of controlled substances and authorizing the Mayor or designee to execute the same.

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

Yeas: 5 - George, Delgado, Carroll, Dryden and Brown

Nays: 0

20. **2019-76** Approve the State Holiday Schedule as the City's holidays for the fiscal year 2019-2020 in accordance with MS Code 3-3-7, per attached list.

Attachments: 2019-2020 holiday schedule

A MOTION was made by Council Vice President Dryden and seconded by Council Member Delgado to Approve the State Holiday Schedule as the City's holidays for the fiscal year 2019-2020 in accordance with MS Code 3-3-7, per attached list.

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

Yeas: 5 - George, Delgado, Carroll, Dryden and Brown

Nays: 0

21. **2019-67** Approve a budget modification for the 2019-2020 Stop Violence Against Women Grant from the Mississippi State Department of Health, to incorporate a realignment of Victim Advocate salary and fringe benefits. The modified grant budget is for a total of $45,895.26 ($33,715 Federal and $12,180.26 local match). Authorize Mayor to execute in duplicate.

Attachments: VAWA Budget Summary
VAWA Budget Detail
VAWA Budget Narrative - Final

A MOTION was made by Council Member Delgado and seconded by Council Vice President Dryden to Approve a budget modification for the 2019-2020 Stop Violence Against Women Grant from the Mississippi State Department of Health, to incorporate a realignment of Victim Advocate salary and fringe benefits. The modified grant budget is for a total of $45,895.26 ($33,715 Federal and $12,180.26 local match). Authorize

Mayor to execute in duplicate.

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

Yeas: 5 - George, Delgado, Carroll, Dryden and Brown

Nays: 0

22. **2019-69** Acceptance of the 2100 Eddy Street grant award increase in the amount of $19,110.00 from FEMA with a city share cost of $43,143.00 and the total estimated project cost of $172,570.00.

Attachments: 4248-0015 Hattiesburg Acquisition Project HMGP SOW-C Increase Approval_5-20-2019

A MOTION was made by Council Vice President Dryden and seconded by Council Member George to Acceptance of the 2100 Eddy Street grant award increase in the amount of $19,110.00 from FEMA with a city share cost of $43,143.00 and the total estimated project cost of $172,570.00.

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

Yeas: 5 - George, Delgado, Carroll, Dryden and Brown

Nays: 0

23. **2019-70** Acknowledge proposals received July 11, 2019 for Debris Monitoring Services in the event of a disaster in accordance with FEMA recommendations; Accept proposal from DebrisTech, LLC and authorize Mayor to execute contract upon preparation.

Attachments: DebrisTech, LLC Response to City of Hattiesburg Debris Monitoring RFP-optimized

A MOTION was made by Council Vice President Dryden and seconded by Council Member George to Acknowledge proposals received July 11, 2019 for Debris Monitoring Services in the event of a disaster in accordance with FEMA recommendations; Accept proposal from DebrisTech, LLC and authorize Mayor to execute contract upon preparation.

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

Yeas: 4 - George, Carroll, Dryden and Brown

Nays: 0

Abstain: 1 - Delgado

24. **2019-71** Acknowledge proposals received July 11, 2019 for Disaster Debris Removal and Disposal Services in the event of a disaster in accordance with FEMA recommendations; Accept proposal from CrowderGulf and authorize Mayor to execute contract upon preparation.

Attachments: CG - Hattiesburg FINAL PROPOSAL

A MOTION was made by Council Vice President Dryden and seconded by Council Member George to Acknowledge proposals received July 11, 2019 for Disaster Debris Removal and Disposal Services in the event of a disaster in accordance with FEMA recommendations; Accept proposal from CrowderGulf and authorize Mayor to execute contract upon preparation.

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

Yeas: 4 - George, Carroll, Dryden and Brown

Nays: 0

Abstain: 1 - Delgado

25. **2019-108** Adopt a Resolution amending the Services and Facilities Plan for Annexation areas.

Attachments: Resolution amending Services and Facilities Plan August 2019 (1)
S&F Plan (pending council approval) 082019 (1)

A MOTION was made by Council Vice President Dryden and seconded by Council Member Delgado to Adopt a Resolution (#2019-258) amending the Services and Facilities Plan for Annexation areas.

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

Yeas: 5 - George, Delgado, Carroll, Dryden and Brown

Nays: 0

ROUTINE AGENDA

THE ROUTINE AGENDA came before the Council.

A MOTION was made by Council Member George and seconded by Council member Council Member Delgado to approve the Routine Agenda.

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

Yeas: 5 - George, Delgado, Carroll, Dryden and Brown

Nays: 0

1. **2019-68** Approve Plans and Specifications for Audubon-Westwood & Lynnwood Neighborhoods Water Improvements Project and Authorize advertisement for bids.

Attachments: 11275_Requesting Permission to Advertise_trans wAttachment (Rutland)
11275_Plans_Street Ready Set_Signed_2019-07-03
11275_Updated Specs_2019-08-08

2. **2019-56** Ratify State and Local Disaster Assistance Agreement with Mississippi Emergency Management Agency (MEMA) in relation to the Flood Event December 27-29, 2018.

Attachments: State-Local Agreement May 2019-signed

3. **2019-57** Acknowledge receipt of Privilege Tax License Report for July 2019

Attachments: PTL Monthly Report-July 2109

4. **2019-59** Acknowledge Proof of Publications for the month of July 2019.

Attachments: Proof of Publication HUB_20190809105742

5. **2019-55** Approve the sale of grave spaces, Per attached Memo's, Receipts, and Deeds.

Attachments: Memo's (08-20-19)
Receipts (08-20-19)
Deeds (08-20-19)

6. **2019-50** Approve the sale of grave spaces, per attached Memo's, Receipts, and Deeds.

Attachments: Memo's (08-06-19)
Receipts (08-06-19)
Deeds(08-06-19)1
Deeds (08-06-19)2

7. **2019-103** Approve claims docket for the period ending August 16, 2019.

Attachments: DOCKET 8.16.19

In Memoriam:

There are no Memorial Adjournments at this time.

Meeting Adjourn

By unanimous consent, Council President Carroll declared the **meeting adjourned at 5:16 p.m., this 20th day of August, 2019**.

ATTEST: **APPROVE:**

Rhonda S. Cole

Clerk of Council **Council President**

ATTEST AND CERTIFY: **APPROVE:**

City Clerk **Mayor**