

BE IT REMEMBERED that the regular meeting of the Hattiesburg City Council was held at 5:00 p.m. Tuesday, October 16, 2018, 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 Director of Administration/City Clerk, Kermas Eaton; 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.

## **II. Call to Prayer and Pledge of Allegiance**

The prayer was given by Pastor Willie Clark of Whole Armor Church of God in Christ.

The Pledge of Allegiance was led by Chief Parker.

## **III. Agenda Order**

There were no additions or deletions to the agenda.

## **IV. PRESENTATION AGENDA**

THE PRESENTATION AGENDA came before the Council.

Mayor Barker welcomed the Optimist Club as they presented a check to the Pinebelt Foundation on behalf of the Dr. Clemon Terrell Memorial Scholarship.

There were no other presentations at this time.

## **V. POLICY AGENDA**

THE POLICY AGENDA came before the Council.

**V.-1 2018-881** Approval of minutes - for the October 1 & 2, 2018 meetings of the City Council.

Attachments: min 10-1-18 PH (unsafe), AR, WS  
min 10-2-18 XS

A MOTION was made by Council Member George and seconded by Council Member Brown to Approval of minutes - for the October 1 & 2, 2018 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

**V.-2 2018-863** Adopt an Ordinance for the petition filed by The City of Hattiesburg to change the zoning classification for certain properties located along Dabbs Street from Pauline Avenue to Fredna Avenue (per the attached memorandum), from Section 4.5.9, B-2, (Neighborhood Business) District to Section 4.5.10, B-3, (Community Business) District on behalf of the Katie-John-Dabbs

Neighborhood Association - Ward 2. The Planning Commission recommended to Deny on September 5, 2018.

Attachments: [September HPC Minutes](#)  
[Ordinance - Dabbs St](#)  
[Item B HPC](#)

A MOTION was made by Council Member Delgado and seconded by Council Vice President Dryden to DENY to Adopt an Ordinance for the petition filed by The City of Hattiesburg to change the zoning classification for certain properties located along Dabbs Street from Pauline Avenue to Fredna Avenue (per the attached memorandum), from Section 4.5.9, B-2, (Neighborhood Business) District to Section 4.5.10, B-3, (Community Business) District on behalf of the Katie-John-Dabbs Neighborhood Association - Ward 2. The Planning Commission recommended to Deny on September 5, 2018.

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

Yeas: 4 - George, Delgado, Carroll and Dryden

Nays: 1 - Brown

**V.-3 2018-861** Approve or Deny a petition filed by Ashley Robinson, Owner to vary from Section 6, Table 6.1 which states the minimum side setback for property located in an R-1A Zone is ten (10) feet and instead allow a side setback of five (5) feet for a variance of five (5) feet for the following properties located in the Mandalay Villas at Greystone subdivision (per the attached memorandum) - Ward 1. The Board of Adjustment recommended to Approve on September 5, 2018.

Attachments: [September BOA Minutes](#)  
[Item A BOA](#)  
[Revised 2Mandalay Villas Covenants 05 Sept 2018 rev01](#)  
[Tim Farris - Board of adjustments letter.doc](#)  
[Mandalay Villas - Additional Docs public hearing](#)  
[Tim Farris letter 10-15-18](#)

A MOTION was made by Council Member George and seconded by Council Member Delgado to Approve the petition filed by Ashley Robinson, Owner to vary from Section 6, Table 6.1 which states the minimum side setback for property located in an R-1A Zone is ten (10) feet and instead allow a side setback of five (5) feet for a variance of five (5) feet for the following properties located in the Mandalay Villas at Greystone subdivision (per the attached memorandum) - Ward 1; with the following conditions:

1. Minimum Square footage of the homes shall be a heated and cooled area of 1600 sq. ft., which shall not include porches, garages, patios, terraces, patios, courts, and any other areas not considered interior living space.
2. 75% Percent brick on all homes and homes shall all use similar siding (i.e. hardy-board) for the remainder; no vinyl siding.

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

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

Nays: 0

**V.-4 2018-862** Approve or Deny a petition filed by Jeff Sims, Owner to vary from Section 6, Table 6.1 which states the minimum side setback for property located in an R-1A Zone is ten (10) feet and instead allow a side setback of five (5) feet for a variance of five (5) feet for the following properties

located in the Mandalay Villas at Greystone subdivision (per the attached memorandum) - Ward 1.  
The Board of Adjustment recommended to Approve on September 5, 2018.

Attachments: September BOA Minutes  
Item B BOA  
Revised 2Mandalay Villas Covenants 05 Sept 2018 rev01  
Tim Farris - Board of adjustments letter.doc  
Mandalay Villas - Additional Docs public hearing  
Tim Farris letter dated 10-15-18

A MOTION was made by Council Member George and seconded by Council Member Delgado to Approve the petition filed by Jeff Sims, Owner to vary from Section 6, Table 6.1 which states the minimum side setback for property located in an R-1A Zone is ten (10) feet and instead allow a side setback of five (5) feet for a variance of five (5) feet for the following properties located in the Mandalay Villas at Greystone subdivision (per the attached memorandum) - Ward 1; with the following conditions:

1. Minimum Square footage of the homes shall be a heated and cooled area of 1600 sq. ft., which shall not include porches, garages, patios, terraces, patios, courts, and any other areas not considered interior living space.
2. 75% Percent brick on all homes and homes shall all use similar siding (i.e. hardy-board) for the remainder; no vinyl siding.

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

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

Nays: 0

**V.-5 2018-844** Adopt a Resolution for final approval of Motor Vehicle Assessment Schedule for Fiscal Year 2018-2019; authorize publication of same.

Attachments: Reso-2018-2019 MV Schedule

A MOTION was made by Council Vice President Dryden and seconded by Council Member Brown to Adopt a Resolution (#2018-154) for final approval of Motor Vehicle Assessment Schedule for Fiscal Year 2018-2019; authorize publication of 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

**V.-6 2018-865** Adopt an Ordinance for the petition filed by Pricilla Brown, Owner to change the zoning classification for a certain property located at 5583 Hwy 42 Bypass from Section 4.5.5., R-1C (Single-Family Residential) District to Section 4.5.10, B-3, (Community Business) District - Ward 2. The Planning Commission recommended to Approve on October 3, 2018.

Attachments: October HPC Minutes  
5583 Hwy 42 - Staff report  
Ordinance - 5583 Hwy 42

A MOTION was made by Council Member Delgado and seconded by Council Member Brown to Adopt an Ordinance (#3242) for the petition filed by Pricilla Brown, Owner to change the zoning classification for a certain property located at 5583 Hwy 42 Bypass (Parcel 2-029A-03-062.00, PPIN 15014, Ward 2) from Section

4.5.5., R-1C (Single-Family Residential) District to Section 4.5.10, B-3, (Community Business) District. The Planning Commission recommended to Approve on October 3, 2018.

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

**V.-7 2018-866** Approve or Deny a petition filed by Mike Pfleger, Walker Media, Applicant, William F. Martens, Owner, to request a Conditional Use permit for a new accessory “Digital Billboard” as provided in Section 10.13 and all applicable regulations for a certain property located at 6505 Hwy 49 North - Ward 1. The Planning Commission recommended to Deny on October 3, 2018.

Attachments: October HPC Minutes  
6505 Hwy 49 N - Digital Billboard - Staff report

A MOTION was made by Council Member George and seconded by Council Member Brown to Deny the petition filed by Mike Pfleger, Walker Media, Applicant, William F. Martens, Owner, to request a Conditional Use permit for a new accessory “Digital Billboard” as provided in Section 10.13 and all applicable regulations for a certain property located at 6505 Hwy 49 North (Parcel 2-024N-31-022.00, PPIN 27507, Ward 1. The Planning Commission recommended to Deny on October 3, 2018.

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

**V.-8 2018-867** Approve or Deny a petition filed by Mike Pfleger, Walker Media, Applicant, William F. Martens, Owner to request a variance from Section 10 Table 10.13-1 “Area and Setback Regulations Chart: Billboard - New” which states spacing between New Digital Billboards and residentially zoned districts is a minimum of eight hundred (800) ft. and instead allow a distance of one hundred and two (102) ft. for a variance of six hundred and ninety-eight (698) ft. for a proposed New Digital Billboard (Conditional Use Permit pending) located at 6505 Hwy 49 North - Ward 1. The Board of Adjustment recommended to Deny on October 3, 2018.

Attachments: October BOA Minutes  
6505 Hwy 49 N - Digital Billboard Variance - Staff report

A MOTION was made by Council Member George and seconded by Council Member Brown to Deny the petition filed by Mike Pfleger, Walker Media, Applicant, William F. Martens, Owner to request a variance from Section 10 Table 10.13-1 “Area and Setback Regulations Chart: Billboard - New” which states spacing between New Digital Billboards and residentially zoned districts is a minimum of eight hundred (800) ft. and instead allow a distance of one hundred and two (102) ft. for a variance of six hundred and ninety-eight (698) ft. for a proposed New Digital Billboard (Conditional Use Permit pending) located at 6505 Hwy 49 North (Parcel 2-024N-31-022.00, PPIN 27507, Ward 1). The Board of Adjustment recommended to Deny on October 3, 2018.

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

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

Nays: 0

**V.-9 2018-868** Approve or Deny a petition filed by Scott Russell, Applicant, Robert O. Tatum Jr., Owner, to vary from the Midtown Form-Based Code Section 5.3.Q.1. which states that “A wall sign must be placed no higher than eighteen (18) ft. above the sidewalk”, and instead allow a sign, measured from the bottom, to be twenty-one (21) ft. above the sidewalk for a variance of three (3) ft.; and to

vary from 5.3.Q.B. which states that maximum sign height is five (5) ft. and instead allow two (2) seven (7) ft. signs for a variance of two (2) ft. each for the property located 109 South 31st Avenue Suite 10 - Ward 3. The Board of Adjustment recommended to Approve on October 3, 2018.

Attachments: [October BOA Minutes](#)  
[109 S 31st Ave St 10 - FBC Sign Variance - Staff report](#)

A MOTION was made by Council Member George and seconded by Council Vice President Dryden to Approve the petition filed by Scott Russell, Applicant, Robert O. Tatum Jr., Owner, to vary from the Midtown Form-Based Code Section 5.3.Q.1. which states that “A wall sign must be placed no higher than eighteen (18) ft. above the sidewalk”, and instead allow a sign, measured from the bottom, to be twenty-one (21) ft. above the sidewalk for a variance of three (3) ft.; and to vary from 5.3.Q.B. which states that maximum sign height is five (5) ft. and instead allow two (2) seven (7) ft. signs for a variance of two (2) ft. each for the property located 109 South 31st Avenue Suite 10 (Parcel 2-028N-07-080.00, PPIN 26492, Ward 3). The Board of Adjustment recommended to Approve on October 3, 2018.

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

**V.-10 2018-875** Adopt a Resolution declaring certain vehicles as surplus; authorize disposal of said vehicles and removal of said vehicles from the inventory of Department of Water and Sewer. (See Attached List)

Attachments: [Howe-Memo](#)  
[W&S Surplus List](#)  
[W&S Surplus Resolution](#)

A MOTION was made by Council Vice President Dryden and seconded by Council Member George to Adopt a Resolution (#2018-155) declaring certain vehicles as surplus; authorize disposal of said vehicles and removal of said vehicles from the inventory of Department of Water and Sewer. (See 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

**V.-11 2018-876** Adopt a Resolution establishing petty cash funds effective October 1, 2018 and approve issuance of a manual check to each custodian as of October 1, 2018.

Attachments: [10-1-2018 Petty Cash Resolution](#)

A MOTION was made by Council Vice President Dryden and seconded by Council Member Brown to Adopt a Resolution (#2018-156) establishing petty cash funds effective October 1, 2018 and approve issuance of a manual check to each custodian as of October 1, 2018.

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

**V.-12 2018-841** Approve the 2018-2022 Consolidated Plan and the 2018 Annual Action Plan and authorize the submittal of both to the Department of Housing and Urban Development for review and approval. {Entitlement}

Attachments: 2018-2022 CONSOLIDATED PLAN and 2018 ANNUAL ACTION PLAN

A MOTION was made by Council Member George and seconded by Council Member Delgado to Approve the 2018-2022 Consolidated Plan and the 2018 Annual Action Plan and authorize the submittal of both to the Department of Housing and Urban Development for review and approval. {Entitlement}

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

**V.-13 2018-839** Approve and authorize Mayor to execute in duplicate a Collaboration Agreement for the 2020-2025 Analysis of Impediments Between the Mississippi Home Corporation and the City of Hattiesburg. {Entitlement}

Attachments: City of Hattiesburg REVISED Collaboration Agreement  
INVOICE - City of Hattiesburg

A MOTION was made by Council Member Brown and seconded by Council Member George to Approve and authorize Mayor to execute in duplicate a Collaboration Agreement for the 2020-2025 Analysis of Impediments Between the Mississippi Home Corporation and the City of Hattiesburg. {Entitlement}

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

**V.-14 2018-849** Approve and Authorize execution of two copies of a Joint-Funding Agreement for the period of October 1, 2018 - September 30, 2019 to continue the cooperative program between the U.S. Geological Survey (USGS) and the City of Hattiesburg for the operation and maintenance of the Bouie River Flood Monitoring Site at Glendale Avenue, and for hydrologic modeling and development of inundation maps for the Leaf River, with total cost to the city of \$5,865.00.

Attachments: Agreement

A MOTION was made by Council Vice President Dryden and seconded by Council Member Delgado to Approve and Authorize execution of two copies of a Joint-Funding Agreement for the period of October 1, 2018 - September 30, 2019 to continue the cooperative program between the U.S. Geological Survey (USGS) and the City of Hattiesburg for the operation and maintenance of the Bouie River Flood Monitoring Site at Glendale Avenue, and for hydrologic modeling and development of inundation maps for the Leaf River, with total cost to the city of \$5,865.00.

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

**V.-15 2018-848** Authorize Mayor to execute lighting agreement with Mississippi Power for additional lighting at various locations as per the attached list for a monthly increase of \$364.51.

Attachments: MS Power - Various SWAT 4

A MOTION was made by Council Vice President Dryden and seconded by Council Member Delgado to

Authorize Mayor to execute lighting agreement with Mississippi Power for additional lighting at various locations as per the attached list for a monthly increase of \$364.51.

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

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

Nays: 0

**V.-16 2018-873** Authorize the Mayor and City Clerk to execute certification to the Municipal Compliance Questionnaire for fiscal year ending September 30, 2018.

Attachments: municipal-compliance-questionnaire

A MOTION was made by Council Member George and seconded by Council Member Delgado to Authorize the Mayor and City Clerk to execute certification to the Municipal Compliance Questionnaire for fiscal year ending September 30, 2018.

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

**V.-17 2018-847** Authorize submission of an application to the Mississippi Emergency Management Agency (MEMA) Hazard Mitigation Grant Program to fund a drainage improvement project on Grace Avenue, in the amount of \$305,860 (\$229,395 federal/\$76,465 local match); Authorize Mayor to execute the MEMA Maintenance Agreement in duplicate.

Attachments: 1 - MEMA Pre-Application  
2 - Grace Ave. Cost Estimate 2018-09-14  
3 - MEMA Maintenance Agreement

A MOTION was made by Council Member Delgado and seconded by Council Member George to Authorize submission of an application to the Mississippi Emergency Management Agency (MEMA) Hazard Mitigation Grant Program to fund a drainage improvement project on Grace Avenue, in the amount of \$305,860 (\$229,395 federal/\$76,465 local match); Authorize Mayor to execute the MEMA Maintenance Agreement 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

**V.-18 2018-845** Authorize the acceptance of the FY18 Edward Byrne Memorial Justice Assistance Grant (JAG) Program Award from the US Department of Justice in the amount of \$18,505 and authorize the Mayor to execute the same in duplicate.

Attachments: FY2018 Byrne JAG Award

A MOTION was made by Council Member George and seconded by Council Vice President Dryden to Authorize the acceptance of the FY18 Edward Byrne Memorial Justice Assistance Grant (JAG) Program Award from the US Department of Justice in the amount of \$18,505 and authorize the Mayor to execute the same 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

**VI. ROUTINE AGENDA**

THE ROUTINE AGENDA came before the Council.

A MOTION was made by Council member George and seconded by Council member Brown 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

- VI.-1**

**2018-853**

End the Local State of Emergency occurring as a result of Tropical Storm Gordon on September 3, 2018.
- VI.-2**

**2018-850**

Acknowledge Proof of Publication for the month of August and September 2018.

Attachments:

CLARION LEDGER Proof Publication 09-2018

HUB CITY SPOKES Proof Publication 08-2018

HUB CITY SPOKES Proof Publication 09-2018
- VI.-3**

**2018-871**

Acknowledge receipt of Privilege Tax License Report for the month of September 2018.

Attachments:

Memo-Privilege License Report for September 2018

Privilege license Report-September-2018
- VI.-4**

**2018-855**

Acknowledge receipt of Warranty Deed and Temporary Construction Easement from Carney Real Estate, LLC for a portion of Forrest County Tax Parcel No. 2-028L-07-146.00 (PPIN 23170) for the 38th Avenue Sidewalk Project; Authorize payment of the agreed upon market value of \$12,435.00 by manual check; Authorize Mayor to execute and City Attorney to record with Forrest County.

Attachments:

Carney Deed - signed
- VI.-5**

**2018-858**

Acknowledge receipt of Warranty Deed and Temporary Construction Easement from the Robert L. Touchstone, Jr. Family Trust for a portion of Forrest County Tax Parcel No. 2-038D-16-108.00 (PPIN 17619) for the NRCS Drainage Project near Timothy Lane; Authorize payment of the agreed upon market value of \$2,400.00 by manual check; Authorize Mayor to execute and City Attorney to record with Forrest County.

Attachments:

Touchstone Valuation Letter

Easement - Touchstone
- VI.-6**

**2018-846**

Acknowledge receipt of bids received by reverse auction on October 4, 2018 for Term Bid Item #23 - Corrugated HDPE Drainage Pipe for the Public Services Department and accept the bids as per recommendation in the attached memorandum.

Attachments:

Item 23 - Memo Accept

Item 23 - Corrugated HDPE Notice to Bidders

Item 23 - Corrugated HDPE Specs

Item 23 Addendum Signed

Item 23 Bid Proposal Form

Bid Tab

Item 23 - Copy of Reverse Auction Bids
- VI.-7**

**2018-851**

Acknowledge bids received September 20, 2018 for the South 28th Avenue Bridge Replacement project and accept the bid from Colom Construction Company, Inc. in the amount of \$545,369.60 as the lowest and best bid received; Authorize mayor to execute contracts upon preparation.



Attachments:   Recommendation Ltr  
                          Specs with Bid Documents  
                          Certified Bid Tab  
                          11204 construction plans signed 2018-02-12  
                          Certified Bid Tab 9-20-18

**VI.-8    2018-843**            Approve claims docket for the period ending October 12, 2018.

Attachments:   DOCKET 18.10-12

**VI.-9    2018-882**            Acknowledge receipt of the monthly budget report for the month ending September 30, 2018.

Attachments:   REV18.0918  
                          EXP18.0918  
                          Property Tax Collection Memo

**Additional Business**

Council President Carroll called for additional business.

Council member Delgado invited the public to come and volunteer for Make a Difference Day, Saturday, October 27 which is city-wide, and Ward 2 will be holding a Make a Difference Week, October 22-27.

There was no other additional business.

**VII. Adjournment**

By unanimous consent, Council President Carroll declared the meeting adjourned at 5:22 p.m., this the 16<sup>th</sup> day of October, 2018.

**ATTEST:**

**APPROVE:**

\_\_\_\_\_  
**Clerk of Council**

\_\_\_\_\_  
**Council President**

**ATTEST AND CERTIFY:**

**APPROVE:**

\_\_\_\_\_  
**City Clerk**

\_\_\_\_\_  
**Mayor**

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