

BE IT REMEMBERED that the **regular meeting of the Hattiesburg City Council was held at 4:00 p.m. Tuesday, January 22, 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 (via teleconference); 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 payer was given by Deacon Robert Jones of New Jerusalem Church.

The Pledge of Allegiance was led by Chief Parker.

III. Agenda Order

THE MATTER OF THE AGENDA ORDER came before the Council.

AGENDA ADJUSTMENTS

A MOTION was made by Council Vice President Dryden and seconded by Council Member George to Add Policy Agenda Items V.-17 and V.-8 at the request of the Administration as follows:

V.-17 2019-071 Authorize Mayor to execute an agreement between the City of Hattiesburg and William Carey University to create an education tuition discount partnership for children of full-time city employees and pilot program for undergraduate education.

Attachments: City of Hattiesburg Employee Education Agreement 2019

V.-18 2019-072 Authorize issuance of manual check in the amount of \$32,000.00 payable to Forrest County Chancery Clerk pursuant to court order #8-CV-590-SM in the matter TFR Group, LLC, Interpleader.

Attachments: TFR Interpleader Court Order

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

Yeas: 5 - George, Delgado (via teleconference), Carroll, Dryden and Brown

Nays: 0

IV. PRESENTATION AGENDA

THE PRESENTATION AGENDA came before the Council.

Council Vice President Dryden and Council member Brown introduced and welcomed Ms. Penny Potts and her students (the Jobs for Mississippi Graduates Students from N.R. Burger Middle School and Hattiesburg High School).

- IV.-1 2019-037** Adopt a Resolution appointing Gay Polk -Payton as Municipal Court Judge Pro-Tem, for the City of Hattiesburg.

Attachments: [GPPW-Resume](#)
[GPPW- Resolution](#)

A MOTION was made by Council Member George and seconded by Council Vice President Dryden to Adopt a Resolution (#2019-8) appointing Gay Polk-Payton as Municipal Court Judge Pro-Tem, for the City of Hattiesburg.

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

Yeas: 5 - George, Delgado (via teleconference), Carroll, Dryden and Brown

Nays: 0

At this time, Mayor Barker administered the oath of office for Judge Gay Polk Payton-White.

V. POLICY AGENDA

THE POLICY AGENDA came before the Council.

- V.-1 2019-068** Approval of Minutes - for the January 7 & 8, 2019 meetings of the City Council.

Attachments: [min 1-7-19 AR, WS](#)
[min 1-8-19](#)

A MOTION was made by Council Member George and seconded by Council Vice President Dryden to Approve the Minutes for the January 7 & 8, 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 (via teleconference), Carroll, Dryden and Brown

Nays: 0

- V.-2 2019-063** Adopt an Ordinance filed by Bruce Betts to rename the public street presently known as Mixon Street (Ward 2) to Red Moore Street. The Planning Commission recommended to Approve on January 12, 2019.

Attachments: [Staff Report - Red Moore Street](#)
[January HPC Minutes](#)
[Ordinances - street renaming - Mixon to Red Moore](#)

A MOTION was made by Council Member George and seconded by Council Member Brown to Adopt an Ordinance (#3249) filed by Bruce Betts to rename the public street presently known as Mixon Street (Ward 2) to Red Moore Street. The Planning Commission recommended to Approve on January 12, 2019.

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

Yeas: 5 - George, Delgado (via teleconference), Carroll, Dryden and Brown

Nays: 0

- V.-3 2019-051** Adopt a Resolution setting a Public Hearing on Tuesday, February 19, 2019 at 4 p.m. in the City Council Chambers to determine if certain properties are in such as state of uncleanliness so as to be a menace to the health and safety of the community, according to the provision of MS Code 1972, Section 21-19-11.

Attachments: [Request P.H. memo](#)
[Request P.H. resolution](#)

A MOTION was made by Council Vice President Dryden and seconded by Council Member George to Adopt a Resolution (#2019-9) setting a Public Hearing on Tuesday, February 19, 2019 at 4 p.m. in the City Council Chambers to determine if certain properties are in such as state of uncleanliness so as to be a menace to the health and safety of the community, according to the provision of MS Code 1972, Section 21-19-11.

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

Yeas: 5 - George, Delgado (via teleconference), Carroll, Dryden and Brown

Nays: 0

V.-4 2019-070 Adopt a Resolution granting and allowing ad valorem tax exemption, except state and school district ad valorem taxes to Kohler Company, for a period not to exceed five (5) years, commencing December 31, 2017 and ending December 31, 2022, with a true value of \$10,027,717.76 or the amount approved by the Mississippi Department of Revenue.

Attachments: 2018-kohler App
County Position-Kohler
12219- Kohler Reso

A MOTION was made by Council Member George and seconded by Council Vice President Dryden to Adopt a Resolution (#2019-10) granting and allowing ad valorem tax exemption, except state and school district ad valorem taxes to Kohler Company, for a period not to exceed five (5) years, commencing December 31, 2017 and ending December 31, 2022, with a true value of \$10,027,717.76 or the amount approved by the Mississippi Department of Revenue.

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

Yeas: 5 - George, Delgado (via teleconference), Carroll, Dryden and Brown

Nays: 0

V.-5 2019-058 Adopt a Resolution granting and allowing ad valorem tax exemption, except state and school district ad valorem taxes to BP Rex Closures, LLC for a period not to exceed ten(10) years, commencing December 31,2017 and ending on December 31, 2027, with a true value of \$1,011,521.00 or the amount approved by the Mississippi Department of Revenue.

Attachments: County Statement-BR Rex 2018
BP Rex-App 2018
BP Rex Closures, LLC

A MOTION was made by Council Member George and seconded by Council Member Brown to Adopt a Resolution (#2019-11) granting and allowing ad valorem tax exemption, except state and school district ad valorem taxes to BP Rex Closures, LLC for a period not to exceed ten (10) years, commencing December 31, 2017 and ending on December 31, 2027, with a true value of \$1,011,521.00 or the amount approved by the Mississippi Department of Revenue.

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

Yeas: 5 - George, Delgado (via teleconference), Carroll, Dryden and Brown

Nays: 0

V.-6 2019-056 Adopt a Resolution granting and allowing ad valorem tax exemption, except state and school district ad valorem taxes to Georgia-Pacific Consumer Operations, LLC for a period not to exceed ten (10) years, commencing December 31,2017 and ending on December 31, 2027, with a true value of \$27,042,828.30 or the amount approved by the Mississippi Department of Revenue.

Attachments: 2018 County Position Statement-SPG Holdings
Georgia Pacific App
Georgia-Pacific Consumer Operations, LLC

A MOTION was made by Council Member George and seconded by Council Vice President Dryden to Adopt a Resolution (#2019-12) granting and allowing ad valorem tax exemption, except state and school district ad valorem taxes to Georgia-Pacific Consumer Operations, LLC, for a period not to exceed ten (10) years, commencing December 31, 2017 and ending on December 31, 2027, with a true value of \$27,042,828.30 or the amount approved by the Mississippi Department of Revenue.

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

Yeas: 5 - George, Delgado (via teleconference), Carroll, Dryden and Brown

Nays: 0

V.-7 2019-055 Adopt a Resolution granting and allowing ad valorem tax exemption, except state and school district ad valorem taxes to Zeon Chemicals, L.P., for a period not to exceed ten(10) years, commencing December 31,2017 and ending on December 31, 2027, with a true value of \$605,569.70 or the amount approved by the Mississippi Department of Revenue.

Attachments: 2018-County Statement-Zeon Chemicals
2018-Zeon Chemicals App
Resolution Zeon Chemicals, L.P.

A MOTION was made by Council Member George and seconded by Council Vice President Dryden to Adopt a Resolution (#2019-13) granting and allowing ad valorem tax exemption, except state and school district ad valorem taxes to Zeon Chemicals, L.P., for a period not to exceed ten (10) years, commencing December 31, 2017 and ending on December 31, 2027, with a true value of \$605,569.70 or the amount approved by the Mississippi Department of Revenue.

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

Yeas: 5 - George, Delgado (via teleconference), Carroll, Dryden and Brown

Nays: 0

V.-8 2019-054 Adopt a Resolution granting and allowing ad valorem tax exemption, except state and school district ad valorem taxes to Western Container Corporation, for a period not to exceed five(5) years, commencing December 31,2017 and ending on December 31, 2022, with a true value of \$7,147,317.95 or the amount approved by the Mississippi Department of Revenue.

Attachments: 2018-Western Container Corp-App
County Statement- Western Container
Resolution - Western Container Corporation

A MOTION was made by Council Member George and seconded by Council Member Brown to Adopt a Resolution (#2019-14) granting and allowing ad valorem tax exemption, except state and school district ad valorem taxes to Western Container Corporation, for a period not to exceed five (5) years, commencing December 31, 2017 and ending on December 31, 2022, with a true value of \$7,147,317.95 or the amount approved by the Mississippi Department of Revenue.

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

Yeas: 5 - George, Delgado (via teleconference), Carroll, Dryden and Brown

Nays: 0

- V.-9 2019-053** Adopt a Resolution granting and allowing ad valorem tax exemption, except state and school district ad valorem taxes, to Green Bay Converting, Inc. for a period not to exceed ten (10) years, commencing December 31, 2017 and ending on December 31, 2027, with a true value of \$1,071,069.00 or the amount approved by the Mississippi Department of Revenue.

Attachments: Position Statement-Green Bay
2018-Green Bay App
Resolution Green Bay Converting, Inc.

A MOTION was made by Council Member George and seconded by Council Vice President Dryden to Adopt a Resolution (#2019-15) granting and allowing ad valorem tax exemption, except state and school district ad valorem taxes, to Green Bay Converting, Inc., for a period not to exceed ten (10) years, commencing December 31, 2017 and ending on December 31, 2027, with a true value of \$1,071,069.00 or the amount approved by the Mississippi Department of Revenue.

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

Yeas: 5 - George, Delgado (via teleconference), Carroll, Dryden and Brown

Nays: 0

- V.-10 2019-069** Adopt a Resolution authorizing acceptance of Donation of Permanent Right of Way Easements and Temporary Construction Easements, and for Related Purposes.

Attachments: Resolution Accepting Donations FGH
Acknowledgment of Charitable Gift FGH

A MOTION was made by Council Member George and seconded by Council Vice President Dryden to Adopt a Resolution (#2019-16) authorizing acceptance of Donation of Permanent Right of Way Easements and Temporary Construction Easements, and For Related Purposes.

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

Yeas: 5 - George, Delgado (via teleconference), Carroll, Dryden and Brown

Nays: 0

- V.-11 2019-052** Adopt a Resolution authorizing Requisition No. 34 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. 34

A MOTION was made by Council Member George and seconded by Council Member Brown to Adopt a Resolution (#2019-17) authorizing Requisition No. 34 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 - George, Delgado (via teleconference), Carroll, Dryden and Brown

Nays: 0

- V.-12 2019-040** Approve lighting agreement with Mississippi Power for additional lighting in the Southern Heights neighborhood for an increase in monthly billing of \$277.16; Authorize Mayor to execute.

Attachments: MS Power-Southern Heights Neighborhood

A MOTION was made by Council Member George and seconded by Council Vice President Dryden to Approve lighting agreement with Mississippi Power for additional lighting in the Southern Heights neighborhood for an increase in monthly billing of \$277.16; Authorize Mayor to execute.

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

Yeas: 5 - George, Delgado (via teleconference), Carroll, Dryden and Brown

Nays: 0

- V.-13 2019-046** Approve and authorize Mayor to execute in triplicate a Contractor and Owner Agreement and a Housing Repair Grant Award to Gwen Varnado of 208 West 5th Street in an amount not to exceed \$10,000 according to the Housing Rehabilitation and Housing Programs Manual Section VIII (E). {Entitlement}

Attachments: COHCDD Contractor & G. Varnado Agreement 01.14.19
Grant Agreement - G. Varnado (\$10-) 01.14.19

A MOTION was made by Council Vice President Dryden and seconded by Council Member Brown to Approve and authorize Mayor to execute in triplicate a Contractor and Owner Agreement and a Housing Repair Grant Award to Gwen Varnado of 208 West 5th Street in an amount not to exceed \$10,000 according to the Housing Rehabilitation and Housing Programs Manual Section VIII (E). {Entitlement}

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

Yeas: 5 - George, Delgado (via teleconference), Carroll, Dryden and Brown

Nays: 0

- V.-14 2019-042** Authorize Mayor to execute Memorandum of Agreement for the Educational and Community Outreach Program between the City of Hattiesburg and the University of Southern Mississippi, for the period beginning March 1, 2019 and ending February 28, 2020 (Agreement GM000673 Amendment No.15) as authorized by MS Code 39-15-1, to allow municipalities to expend monies for support of the arts.

Attachments: MOA- Amendment #15

A MOTION was made by Council Vice President Dryden and seconded by Council Member George to Authorize Mayor to execute Memorandum of Agreement for the Educational and Community Outreach Program between the City of Hattiesburg and the University of Southern Mississippi, for the period beginning March 1, 2019 and ending February 28, 2020 (Agreement GM000673 Amendment No.15) as authorized by MS Code 39-15-1, to allow municipalities to expend monies for support of the arts.

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

Yeas: 5 - George, Delgado (via teleconference), Carroll, Dryden and Brown

Nays: 0

- V.-15 2019-036** Authorize Mayor to execute an amendment for award MS-2017-006-01 with the Federal Transit Administration to incorporate the FY 2018 allocation of Section 5307 funds for Operating Assistance, Capital Assistance (Preventive Maintenance), and Capital (Rolling Stock). This amendment incorporates \$1,043,000 in federal funds and \$626,714 in local match.

Attachments: MS-2017-006-01 Amendment

A MOTION was made by Council Vice President Dryden and seconded by Council Member George to Authorize Mayor to execute an amendment for award MS-2017-006-01 with the Federal Transit Administration to incorporate the FY 2018 allocation of Section 5307 funds for Operating Assistance, Capital Assistance (Preventive Maintenance), and Capital (Rolling Stock). This amendment incorporates \$1,043,000 in federal funds and \$626,714 in local match.

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

Yeas: 5 - George, Delgado (via teleconference), Carroll, Dryden and Brown

Nays: 0

V.-16 2019-057 Authorize Mayor to enter into 3 year licensing agreement with Environmental Systems Research Institute, Inc. (ESRI) for ArcGis licenses and support; Declare and approve the purchase of said licenses and support services 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 letter.

Attachments: ArcGis Sole Source Letter
ArcGis Quote
Arc Gis Agreement

A MOTION was made by Council Member George and seconded by Council Vice President Dryden to Authorize Mayor to enter into 3 year licensing agreement with Environmental Systems Research Institute, Inc. (ESRI) for ArcGis licenses and support; Declare and approve the purchase of said licenses and support services 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 letter.

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

Yeas: 5 - George, Delgado (via teleconference), Carroll, Dryden and Brown

Nays: 0

V.-17 2019-071 Authorize Mayor to execute an agreement between the City of Hattiesburg and William Carey University to create an education tuition discount partnership for children of full-time city employees and pilot program for undergraduate education.

Attachments: City of Hattiesburg Employee Education Agreement 2019

A MOTION was made by Council Member George and seconded by Council Vice President Dryden to Authorize Mayor to execute an agreement between the City of Hattiesburg and William Carey University to create an education tuition discount partnership for children of full-time city employees and pilot program for undergraduate education.

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

Yeas: 5 - George, Delgado (via teleconference), Carroll, Dryden and Brown

Nays: 0

V.-18 2019-072 Authorize issuance of manual check in the amount of \$32,000.00 payable to Forrest County Chancery Clerk pursuant to court order #8-CV-590-SM in the matter TFR Group, LLC, Interpleader.

Attachments: TFR Interpleader Court Order

A MOTION was made by Council Member George and seconded by Council Vice President Dryden to Authorize issuance of manual check in the amount of \$32,000.00 payable to Forrest County Chancery Clerk pursuant to court order #8-CV-590-SM in the matter TFR Group, LLC, Interpleader.

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

Yeas: 5 - George, Delgado (via teleconference), 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 (via teleconference), Carroll, Dryden and Brown

Nays: 0

VI.-1 2019-039 Acknowledge receipt of monthly budget report for the month ending December 31, 2018.

Attachments: EXP18.0119
 REV18.0119

VI.-2 2019-064 Acknowledge Proofs of Publication for the month of December 2018.

Attachments: Proof of Publications Dec 2018

VI.-3 2019-038 Acknowledge bid received December 20, 2018 for the Cured in Place Pipe Sewer Repair project (CIPP project) and accept the bid from Suncoast Infrastructure, Inc. in the amount of \$3,559,581.00 for the base bid and additive alternative No. 1; Authorize Mayor to execute related contracts upon preparation.

Attachments: Certified Bid Tab
 Recommendation Letter
 11256 Plans Street Ready 2018-08-22
 11256 Specs Street Ready 2018 09 24

VI.-4 2019-061 Acknowledge bids received on January 10, 2019 for Eighty (80) Supervisory Control and Data Acquisition Units for the Department of Water and Sewer and accept the bid of JH Wright & Associates on behalf of Mission Communications, in the amount of \$93,440.00 as the best and lowest bid received.

Attachments: Memo-Howe 1-10-19
 SCADA Bid Tab

VI.-5 2019-043 Approve Specifications and Authorize Publication of Advertisement for Various Term Bid Items for Various Departments

Attachments: Notice to Bidders - Item 3 - Ready Mix Concrete
 Specs - Item 3 - Ready Mix Concrete
 Notice to Bidders - Item 33 - Crushed Concrete
 Specs - Item 33 - Crushed Concrete
 Notice to Bidders - Item 21 - Couplings
 Specs - Item 21 - Couplings

VI.-6 2019-048 Approve and authorize issuance of manual check for CDBG Program Claims per attached memorandum. {Entitlement CDBG}

Attachments: MEMORANDUM for CDBG Check Request January 22, 2019
 Invoice for CDBG Program Claims January 22, 2019

VI.-7 2019-045 Approve the City's purchase of two (2) grave spaces, per attached request, receipt, and deed.
Attachments: Buy Back (Jennifer Beasley) (01-22-19)

VI.-8 2019-044 Approve the sale of grave spaces, per attached Memo's, Receipts, and Deeds.
Attachments: Memo's (01-22-19)
Receipts (01-22-19)
Deeds (01-22-19)

VI.-9 2019-041 Approve claims docket for the period ending January 18, 2019.
Attachments: DOCKET 19.01-18

Citizens' Forum.

Council Vice President Dryden proceeded with the Citizens' Forum. She stated the procedures and invited members of the public to speak.

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

Council Vice President Dryden closed the Citizen Forum.

2019-103 Citizens' Forum Sign-In Sheet, 1-22-19.
Attachments: 1-22-19 Citizens' Forum Sign-In Sheet

Executive Session

A MOTION was made by Council Member George for the Council to enter closed session to determine the need to enter Executive Session at 4:47 p.m.

Council member Delgado disconnected the teleconference at 4:47 p.m.

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

Yeas: 4 - George, Carroll, Dryden and Brown

Nays: 0

Absent: 1 - Delgado

The Council President asked for the Chambers to be cleared at this time.

A MOTION was made by Council Member George and seconded by Council Vice President Dryden to enter Executive Session to discuss litigation regarding the annexation lawsuit with Rawls Springs, in accordance with Mississippi Code Section 25-41-7 (b) at 4:50 p.m.

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

Yeas: 4 - George, Carroll, Dryden and Brown

Nays: 0

Absent: 1 – Delgado

The City Attorney stepped out into the hall and announced that the Council was in Executive Session to discuss pending litigation.

Those present for the Executive Session were Mayor Toby Barker; Council members Jeffrey George,

Carter Carroll, Mary Dryden and Nicholas Brown; Director of Administration/City Clerk, Kermas Eaton; City Attorney, Randy Pope; Chief Administrative Officer, Ann Jones; Interim Chief Financial Officer, Connie Everett; Municipal Court Judge, Wes Curry; Chief Communications Officer, Samantha McCain; Director of Urban Development, Andrew Ellard; Fire Chief, Sherrocko Stewart; Director of Public Works, Ronnie Perkins; Director of Parks and Recreation, Chris McGee; City Engineer, Lamar Rutland; Director of the Water Department, Alan Howe; Deputy Director of Sanitation Wanda Tyler; Deputy Director of Maintenance Perry Thomas; Customer Service Coordinator, Joe Paul; and Clerk of Council, Ronda Cole.

A MOTION was made by Council Member George and seconded by Council Vice President Dryden to exit Executive Session and re-open the meeting to the public at 5:02 p.m.

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

- Yeas: 4 - George, Carroll, Dryden and Brown
- Nays: 0
- Absent: 1 - Delgado

The City Attorney stated to the public that there was no action taken during Executive Session.

2019-104 Authorize the City Attorney to execute the joint motion with the Rawls Springs Utility District for entry of an Agreed Judgement in the Forrest County Chancery court case styled in the matter of the enlargement and extension of the boundaries of the City of Hattiesburg.

A MOTION was made by Council Vice President Dryden and seconded by Council Member George to Authorize the City Attorney to execute the joint motion with the Rawls Springs Utility District for entry of an Agreed Judgement in the Forrest County Chancery court case styled in the matter of the enlargement and extension of the boundaries of the City of Hattiesburg.

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

- Yeas: 4 - George, Carroll, Dryden and Brown
- Nays: 0
- Absent: 1 – Delgado

VIII. Adjournment

By unanimous consent, Council President Carroll declared the **meeting adjourned at 5:04 p.m., this the 22nd day of January, 2019.**

ATTEST:

APPROVE:

Clerk of Council

Council President

ATTEST AND CERTIFY:

APPROVE:

City Clerk

Mayor