

BE IT REMEMBERED that the **regular meeting of the Hattiesburg City Council was held at 5:00 p.m. Tuesday, February 5, 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 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 Phillip McSwain of the Greater Mt. Olive Baptist 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 Items V.-16 and V.-17 at the request of the Administration as follows:

V.-16 2019-108 Adopt a Resolution setting Public Hearing on Monday, March 4, 2019, at 4 p.m. in the City Council Chambers with respect to the proposed Avid Hotel TIF Plan.

Attachments: Resolution TIF Plan Avid Hotel
Avid Hotel Project Summary

V.-17 2019-110 Authorize Mayor to execute, in triplicate, contracts with the U.S. Department of Housing and Urban Development, funding of the 2018 City of Hattiesburg Action Plan in the amount of \$560,001.00 in Community Development Block Grant (CDBG) Program funds and \$317,860.00 in HOME Investment Partnership Act (HOME) Program funds. {Entitlements}

Attachments: 2018 HUD Funding Approvals & Grant Agreements

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

IV. PRESENTATION AGENDA

THE PRESENTATION AGENDA came before the Council.

The Mayor and City Council welcomed and recognized the Delta Sigma Theta Sorority.

There were no other presentations at this time.

V. POLICY AGENDA

THE POLICY AGENDA came before the Council.

V.-1 2019-106 Approval of minutes - for the January 22, 2019 meeting of the City Council.

Attachments: min 1-22-19

A MOTION was made by Council Member George and seconded by Council Member Brown to Approve the minutes for the January 22, 2019, meeting 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 2019-088 Adopt the February 5, 2019 Amendments to the Budget for the City of Hattiesburg for the fiscal year ending September 30, 2019 and adopt Resolution authorizing publication of amendments for funds in excess of 10% of the original appropriation fund balance.

Attachments: February 2019 Amended Budget

A MOTION was made by Council Member George and seconded by Council Vice President Dryden to Adopt the February 5, 2019 Amendments to the Budget for the City of Hattiesburg for the fiscal year ending September 30, 2019 and adopt Resolution (#2019-18) authorizing publication of amendments for funds in excess of 10% of the original appropriation fund balance.

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.-3 2019-087 Adopt a Resolution authorizing Requisition No. 35 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. 35

A MOTION was made by Council Member Brown and seconded by Council Member George to Adopt a Resolution (#2019-19) authorizing Requisition No. 35 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, Carroll, Dryden and Brown

Nays: 0

V.-4 2019-082 Approve letter agreement for professional services with Neel-Schaffer, Inc. for engineering services related to the 38th Avenue Streetscape Project; Authorize Mayor to execute in duplicate.

Attachments: 38th Ave Letter Agreement

A MOTION was made by Council Member George and seconded by Council Vice President Dryden to Approve letter agreement for professional services with Neel-Schaffer, Inc. for engineering services related to the 38th Avenue Streetscape Project; 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

- V.-5 2019-080** Approve and Authorize the Police Chief to execute State Plan of Operation between State of Mississippi and the Hattiesburg Police Department regarding efficient transfer of property and accountability of same.

Attachments: Plan of Operation Between MS and HPD

A MOTION was made by Council Vice President Dryden and seconded by Council Member George to Approve and Authorize the Police Chief to execute State Plan of Operation between State of Mississippi and the Hattiesburg Police Department regarding efficient transfer of property and accountability 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 2019-095** Authorize Mayor to execute lease agreement between City of Hattiesburg and Robert Rogge for lease of property located at 101 Main Street.

Attachments: 2019-095 Lease Agreement

A MOTION was made by Council Member George and seconded by Council Member Brown to Authorize Mayor to execute lease agreement between City of Hattiesburg and Robert Rogge for lease of property located at 101 Main Street.

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 2019-083** Authorize Mayor to execute agreement with Butler Snow LLP to serve as Dissemination Agent for annual continuing disclosure requirements for fiscal year 2018 per Securities and Exchange Commission (SEC) rules.

Attachments: 2018-Continuing Disclosure Agreement

A MOTION was made by Council Member Delgado and seconded by Council Member George to Authorize Mayor to execute agreement with Butler Snow LLP to serve as Dissemination Agent for annual continuing disclosure requirements for fiscal year 2018 per Securities and Exchange Commission (SEC) rules.

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 2019-094** Authorize Mayor to execute preventive maintenance agreement between the City of Hattiesburg and Central Alabama Training Solutions for semi-annual preventive maintenance for compressor service, air testing, and containment fill station on equipment used by the Hattiesburg Fire Department.

Attachments: CATS Agreement

A MOTION was made by Council Member Brown and seconded by Council Member George to

Authorize Mayor to execute preventive maintenance agreement between the City of Hattiesburg and Central Alabama Training Solutions for semi-annual preventive maintenance for compressor service, air testing, and containment fill station on equipment used by the Hattiesburg Fire Department.

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.-9 2019-076 Authorize Mayor to execute in duplicate an amendment for the Mosquito Control Support Grant (award # NU50CK000414-03-04) with the Mississippi State Department of Health, extending the performance period end date until 7/31/2019 and amending the project budget from \$49,688.00 to \$45,936.00.

Attachments: Revised Mosquito Control Support Grant
MSDH Grant Agreement NU50CK000414-03-04

A MOTION was made by Council Member Delgado and seconded by Council Member George to Authorize Mayor to execute in duplicate an amendment for the Mosquito Control Support Grant (award # NU50CK000414-03-04) with the Mississippi State Department of Health, extending the performance period end date until 7/31/2019 and amending the project budget from \$49,688.00 to \$45,936.00.

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.-10 2019-105 Authorize Mayor to execute agreement between the City of Hattiesburg and TV Eyes Inc., for media monitoring services for the City of Hattiesburg for a cost not to exceed \$3,600.00.

Attachments: TV Eyes Agreement

A MOTION was made by Council Vice President Dryden and seconded by Council Member George to Authorize Mayor to execute agreement between the City of Hattiesburg and TV Eyes Inc, for media monitoring services for the City of Hattiesburg for a cost not to exceed \$3,600.00.

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

V.-11 2019-096 Acknowledge receipt of claim by Stuart C. Irby Co. against the Payment Bond executed by Granite RE, Inc. naming Buckhaults Electric Services as bond principal for the Tatum Park Soccer Fields 15 & 17 Lighting Project; Authorize payment to Granite RE, Inc. in the amount of \$94,917.87 in satisfaction of the claim by Stuart C. Irby Co., and payment to Buckhaults Electrical Service in the amount of \$38,082.13, the balance due on pay application No. 1, both payments to be made by manual check.

Attachments: FW Tatum Park - Soccer Fields-email
Buckhaults Electric-Stuart Irby Claim Against Payment
Granite RE, Inc. Ltr-Notice of Claim
Performance Bond
Buckhaults Pay App No. 1
Buckhaults Contract - signed
Full and Final Release and Assignment

A MOTION was made by Council Member Brown and seconded by Council Member George to Acknowledge receipt of claim by Stuart C. Irby Co. against the Payment Bond executed by Granite RE, Inc. naming Buckhaults Electric Services as bond principal for the Tatum Park Soccer Fields 15 & 17 Lighting Project; Authorize payment to Granite RE, Inc. in the amount of \$94,917.87 in satisfaction of the claim by Stuart C. Irby Co., and payment to Buckhaults Electrical Service in the amount of \$38,082.13, the balance due on pay application No. 1, both payments to be made by manual check.

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 2019-092 Acknowledge receipt of and accept Appraisal Review Report for a portion of Parcel PPIN 26426 located in Forrest County for a sidewalk project. Approve Establishment of Just Compensation and declare Appraised Value of \$10,400 to be Fair Market Value pursuant to MS Code 43-37-3 and other applicable statutes.

Attachments: 4th street just compensation
4th street appraisal

A MOTION was made by Council Vice President Dryden and seconded by Council Member George to Acknowledge receipt of and accept Appraisal Review Report for a portion of Parcel PPIN 26426 located in Forrest County for a sidewalk project. Approve Establishment of Just Compensation and declare Appraised Value of \$10,400 to be Fair Market Value pursuant to MS Code 43-37-3 and other applicable statutes.

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 2019-091 Authorize city attorney to file Eminent Domain on behalf of the City of Hattiesburg to acquire property located on W. 4th St., Parcel #2-028F-06-084.00, PPIN 26426, for public purpose.

Attachments: Memo - Eminent Domain authority

A MOTION was made by Council Vice President Dryden and seconded by Council Member Brown to Authorize city attorney to file Eminent Domain on behalf of the City of Hattiesburg to acquire property located on W. 4th St., Parcel #2-028F-06-084.00, PPIN 26426, for public purpose.

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 2019-079 Authorize submission of grant application to the Asbury Foundation of Hattiesburg for the Hattiesburg Police Department K-9 Program Expansion, in the amount of \$192,000; Authorize Mayor to execute in duplicate.

Attachments: Proposal Summary
Budget & Narrative
Application Cover Sheet 2018

A MOTION was made by Council Member George and seconded by Council Vice President Dryden to Authorize submission of grant application to the Asbury Foundation of Hattiesburg for the Hattiesburg Police

Department K-9 Program Expansion, in the amount of \$192,000; 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

V.-15 2019-107 Approve payment and authorized manual check in the amount of \$2500.00 to Sho, LLC (Shelby Van Every) for taxes associated with property parcel 2-0291-10-060.00, 603 East Pine Street, and authorize city attorney to secure quitclaim deeds for the same to clear title.

A MOTION was made by Council Member Delgado and seconded by Council Member George to Approve payment and authorized manual check in the amount of \$2500.00 to Sho, LLC (Shelby Van Every) for taxes associated with property parcel 2-0291-10-060.00, 603 East Pine Street, and authorize city attorney to secure quitclaim deeds for the same to clear title.

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.-16 2019-108 Adopt a Resolution setting Public Hearing on Monday, March 4, 2019, at 4 p.m. in the City Council Chambers with respect to the proposed Avid Hotel TIF Plan.

Attachments: [Resolution TIF Plan Avid Hotel](#)
[Avid Hotel Project Summary](#)

A MOTION was made by Council Member Brown and seconded by Council Vice President Dryden to Adopt a Resolution (#2019-20) setting Public Hearing on Monday, March 4, 2019, at 4 p.m. in the City Council Chambers with respect to the proposed Avid Hotel TIF Plan.

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 2019-110 Authorize Mayor to execute, in triplicate, contracts with the U.S. Department of Housing and Urban Development, funding of the 2018 City of Hattiesburg Action Plan in the amount of \$560,001.00 in Community Development Block Grant (CDBG) Program funds and \$317,860.00 in HOME Investment Partnership Act (HOME) Program funds. {Entitlements}

Attachments: [2018 HUD Funding Approvals & Grant Agreements](#)

A MOTION was made by Council Member Delgado and seconded by Council Member George to Authorize Mayor to execute, in triplicate, contracts with the U.S. Department of Housing and Urban Development, funding of the 2018 City of Hattiesburg Action Plan in the amount of \$560,001.00 in Community Development Block Grant (CDBG) Program funds and \$317,860.00 in HOME Investment Partnership Act (HOME) Program funds. {Entitlements}

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 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

- VI-1 2019-085** Acknowledge receipt of the annual actuarial valuation report covering the participation of the City of Hattiesburg in the Mississippi Municipal Retirement System for the period ending June 30, 2018.

Attachments: 6-30-2018- Valuation

- VI-2 2019-078** Acknowledge receipt of the two quote bid purchase docket report for the period of December 21, 2018 through January 24, 2019 as provided for in Section 31-7-13 (b) of the Mississippi Code of 1972.

Attachments: Memo for Council
2766 FINAL
2770 FINAL
2771 FINAL
2775 FINAL
2776 FINAL
2777 FINAL
2778 FINAL
UAB Docket

- VI-3 2019-073** Acknowledge bids received January 3, 2019 for the Knuckle Boom Loader and Trash Body with Chassis and accept the bid from Empire Truck Sales, LLC in the amount of \$172,300.00.

Attachments: Loader with Chassis Bids 1032019
Empire Proposal
Bid Acceptance Recommendation

- VI-4 2019-074** Acknowledge bid received January 3, 2019 for the Knuckle Boom Loader and Trash Body with Side Loader and accept the bid from Truckworx in the amount of \$148,950.00.

Attachments: Loader with Side Loader Bids 1032019
Truckworx Proposal
Bid Acceptance Recommendation

- VI-5 2019-084** Approve and Authorize publication of Notice to Consultants soliciting Statements of Qualifications from consulting firms to provide professional design, engineering and construction management services for the construction of a new fire station for the City.

Attachments: NOTICE TO CONSULTANTS 1-28-19
Engineering Proposal Evaluation Sheet MDOT

- VI-6 2019-077** Approve Specifications and Authorize Publication of Advertisement for Various Term Bid Items for Various Departments.

Attachments: Notice to Bidders - Item 16 - HPD Uniforms
Specs - Item 16 - HPD Uniforms
Notice to Bidders - Item 25 - Concrete and Brick Structures
Specs - Item 25 - Concrete and Brick Structures
Notice to Bidders - Item 34 - Mat Rental
Specs - Item 34 - Mat Rental

- VI.7 2019-093** Approve plans and specifications for the 38th Avenue Pathway - Hardy St. to Longleaf Trace project and Authorize publication of advertisement for bids.
- Attachments: 38th Ave Pathway Advertisement for Bids
38th Ave Pathway Final Plans
38th Ave Pathway Final Specs
- VI.8 2019-090** Approve the City's purchase of Ten (10) grave spaces, per attached request, receipt, and deed. The entire Lot 85, on section 36, at Highland Cemetery, and (2) spaces located in the Southwest Quarter (SW 1/4) of Lot 76, Section 36, at Highland Cemetery Minute Book 2013, Page# 105, in the amount of \$1,750.00 from Winston and Martha Phillips, authorize manual check for the same.
- Attachments: Buy Back (Winston and Martha Phillips (01-28-19)
- VI.9 2019-081** Approve the sale of grave spaces, per attached Memo's, Receipts, and Deeds.
- Attachments: Memo's (02-05-19)
Receipts (02-05-19)
Deeds (02-05-19)
- VI.10 2019-101** Approve claims docket for the period ending January 31, 2019.
- Attachments: DOCKET 19.01-31

Additional Business

Council President Carroll called for additional business.

Council member Delgado invited the public to attend a soul food tasting, part of the City's African American History Month celebration, at the Cultural Center at 6 p.m.

Council member Delgado also invited the public to a watch party of Stacey Abrams, to deliver her response to the President's State of the Union, at the HUB at 7:30 p.m.

There was no other additional business.

Executive Session

A MOTION was made by Council Vice President Dryden for the Council to enter closed session to determine the need to enter Executive Session at 5:22 p.m.

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

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

A MOTION was made by Council Vice President Dryden and seconded by Council Member George to enter Executive Session to discuss strategy concerning the lawsuit involving The Kohler Company, since to have an open meeting on this would have a detrimental effect on the litigating position of the City, in accordance with Mississippi Code Section 25-41-7 (b) at 5:24 p.m.

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

The City Attorney stepped out into the hall and announced that the Council was in Executive Session to discuss strategy concerning litigation involving The Kohler Company's suit against the City and Forrest County.

Those present for the Executive Session were Mayor Toby Barker; Council members Jeffrey George, Deborah Delgado, 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; Director of Urban Development, Andrew Ellard; Police Chief, Anthony Parker; 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; Clerk of Council, Ronda Cole; Deputy Clerk of Council, Lisa Luu Jolly.

A MOTION was made by Council Vice President Dryden and seconded by Council Member George exit Executive Session and re-open the meeting to the public at 5:35 p.m.

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

Council President Carroll stated to the public that there was no action taken during Executive Session.

VII. Meeting Recess

By unanimous consent, Council President Carroll declared the **meeting recessed at 5:36 p.m., this the 5th day of February, 2019.**

ATTEST:

APPROVE:

Clerk of Council

Council President

ATTEST AND CERTIFY:

APPROVE:

City Clerk

Mayor

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