

FILED

APR 08 2015

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

CARTER CARROLL and
KIM BRADLEY

Forrest Adams
FORREST COUNTY CIRCUIT CLERK

PLAINTIFFS

VS.

CAUSE NO. CI 14-0212

JOHNNY L. DUPREE, *in his official
capacity as Mayor of the City of Hattiesburg*

DEFENDANT

PLAINTIFFS' MOTION FOR STATUS CONFERENCE

Come now the plaintiffs, Kim Bradley and Carter Carroll, and move the Court for a status conference and hearing, wherein the defendant should be required to appear and show cause why he has not complied with the orders of this Court and the ordinances of the City of Hattiesburg. For cause thereof, plaintiffs would show as follows:

1. The Court has issued two orders of mandamus, directing the defendant to comply with his duties under Miss. Code Ann. § 11-41-1 *et seq.*, the latest of which states plainly as follows: "Should any person who may be submitted by the Mayor to the City Council fail to be confirmed by the Council, then the Mayor shall forthwith submit another name of a duly qualified person for that position." (Emphasis supplied.)
2. Since his reelection in 2013, defendant has placed 22 nominees before the City Council for the 17 available positions. Of these, the Council has approved 14 – leaving only the positions of City Clerk, Chief of Police, and City Attorney vacant.
3. The last time defendant placed any nominees before the City Council was March 3, 2015 – more than 30 days ago.¹ The last time defendant submitted a nominee for City Clerk was

¹ Minutes of the March 3, 2015 meeting are attached as Exhibit A.

nearly 2 months ago.² The defendant made no effort to place any more names before the Council at either the March 17, 2015, meeting or the most recent meeting on April 7, 2015.³

4. Defendant has persisted in his efforts to delay and avoid his statutory obligations. If the mere passage of time were not enough to persuasively demonstrate defendant's intent to stall these proceedings, consider this: defendant attempted to file an appeal with the Mississippi Supreme Court on February 13, 2015, then moved to stay these proceedings pending the outcome of that appeal. Plaintiffs moved to docket and dismiss the appeal, as it was a fundamentally unsound attempt to take a direct appeal from an interlocutory order, and clearly contrary to established Mississippi law. *Bowen v. Clark*, 239 Miss. 182, 121 So. 2d 624 (Miss. 1960) (holding that a motion to dismiss appeal must be sustained where plaintiff appealed from an order on a petition to intervene because such appeal was not from a final disposition of the issues). Plaintiff's motion to dismiss was granted just yesterday.⁴ Regardless of the efficacy (or not) of defendant's ill-fated attempt at an appeal, there was nothing staying defendant's obligation to comply with this Court's orders. This he has failed to do.

5. Chapter 2, Article I, Section 2.7(B) of the Ordinances of the City of Hattiesburg states as follows:

The City shall give preference to any qualified candidate for employment with the City whose principal residence is within the corporate limits of the City of Hattiesburg or the proposed territory to be annexed by the City, as described in Ordinance Number 2261, over any other qualified candidate.

The defendant has ignored this valid City ordinance time and again in his nominations. For instance, of the 8 nominees who have not been approved by the Council, 7 were non-residents of the

² Minutes of the February 17, 2015 meeting are attached as **Exhibit B**.

³ At this writing, the official minutes of the Council are not available. A copy of the meeting agendas are attached as **Exhibits C and D**, respectively.

⁴ **Exhibit E**.

City of Hattiesburg.⁵ Defendant should follow the law and make reasonable efforts to nominate persons in compliance with the cited ordinance.


6. Defendant's steadfast and obstinate refusal to comply with this Court's orders, as well as pursuing a fundamentally unsound strategy of delay through meritless appeals and motions before this Court, all have caused the Plaintiffs to incur fees and expenses

WHEREFORE, Plaintiffs move the Court to set this matter at a place and time certain for a status conference, at which time defendant should be required to appear and show cause why he has not complied with the orders of this Court and the ordinances of the City of Hattiesburg. Plaintiffs pray for such other and further relief as to which they may be entitled.

Respectfully submitted, this the 8th day of April, 2015.

**CARTER CARROLL and
KIM BRADLEY**

By:


ROBERT D. GHOLSON
Attorneys for Plaintiffs

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Attorneys for Plaintiffs

⁵ Crystal Wise Martin, Mitchell Dent, Ramel Cotton, Jimmie Gardiner, Kristi Martin Moore, Charles "C.J." Lawrence III, Catouche J.L. Body.

CERTIFICATE OF SERVICE

I, Robert D. Gholson, hereby certify that a copy of the above and foregoing document has been served on the following, by directing same to their office/ mailing addresses through first-class, United States mail, postage prepaid, on this the 8th day of April, 2015:

Charles Lawrence, Esq. (*also via email*)
1105 Edwards Street
Hattiesburg, MS 39401

Shawn O'Hara
P.O. Box 15275
Hattiesburg, MS 39404

Elisha Jackson
P.O. Box 1542
Hattiesburg, MS 39403


ROBERT D. GHOLSON

BE IT REMEMBERED that the regular meeting of the Hattiesburg City Council was held at 5:00 p.m. Tuesday, March 3, 2015, in Council Chambers at City Hall.

Those present included Mayor Johnny L. DuPree and members of the City Council Kim Bradley, Ward 1; Deborah Delgado, Ward 2; Carter Carroll, Ward 3; Mary Dryden, Ward 4; and Henry Naylor, Ward 5. Others in attendance included Chief Financial Officer, Sharon Waits; City Engineer, Lamar Rutland; Police Chief, Frazier Bolton; Assistant Police Chief, Frank Misenhelter; Director of Public Works, Larry Barnes; Director of Federal and State Programs, La'Keylah White; Director of the Water Department, Chadwick Frierson; Director of Urban Development, Pattie Brantley; City Attorney, Charles Lawrence; Deputy City Clerk, Kermas Eaton; Assistant to the Mayor, Valerie Arnold; Clerk of Council, Debbie Bernardo; Deputy Clerk of Council, Lisa Luu; media; and the public.

THE MEETING was called to order by Council President Bradley.

The prayer was given by Pastor John Major.

The Pledge of Allegiance was led by Assistant Police Chief Misenhelter.

THE MATTER OF THE AGENDA ORDER came before the Council.

A MOTION was made by Council member Carroll and seconded by Council member Dryden to Amend Policy Agenda Item VI. 7 at the request of the Administration to read as follows:

VI. 7 2015 -1708 Adopt a Resolution approving the request for tax exemption filed by Thomas E. and Debbie J. Ferrill for ad valorem tax exemption, except school district ad valorem taxes, for property located at 730 River Avenue, in the amount of \$60,735.00, which is the increase in value of the building per the 2014 tax roll, for a period of seven (7) years beginning January 1, 2015 and ending December 31, 2021.

Attachments: Memo Ferrill
Ferrill Documents
Resolution Ferrill 7

And, Add Policy Agenda Item VI. 15 at the request of the Administration as follows:

VI. 15 2015-1721 Adopt a resolution approving the Tax Increment Financing Plan, Hattiesburg, Mississippi (Corner Market Project).

Attachments: Corner Market TIF Plan 3 3 15

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

Yeas: 5 - Bradley, Delgado, Carroll, Dryden and Naylor

Nays: 0

A MOTION was made by Council member Carroll and seconded by Council member Dryden to approve the minutes of the January 5, 6, 20 and 30, 2015, and February 2, 3, 4 and 17, 2015, City Council meetings.

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

Yeas: 4 - Bradley, Carroll, Dryden and Naylor

Nays: 0

Abstain: 1 - Delgado

THE PRESENTATION AGENDA came before the Council.

Mayor DuPree presented a proclamation declaring March American Red Cross Month in Hattiesburg to Ms. Stubbs, a volunteer from the local chapter of the organization.

There were no other presentations at this time.

THE POLICY AGENDA came before the Council.

- VI.-1 2015-0082** Adopt an Ordinance to amend Ordinance Number 3150, adopted January 20, 2015 at Minute Book 2015 pages 17-18, to update the current Flood Damage Prevention Ordinance for the City of Hattiesburg, effective immediately, so as to conform to FEMA requirements, repealing Ordinance Number 3111, adopted August 20, 2013 and any other Ordinances in conflict herewith.

Attachments: Ordinance - Chapter 10 - 2015 Flood Ordinance - February Final Draft
MEMO FEB 2015 floodplain ordinance

A MOTION was made by Council Member Dryden and seconded by Council Member Carroll to Adopt an Ordinance (#3152) to amend Ordinance Number 3150, adopted January 20, 2015 at Minute Book 2015 pages 17-18, to update the current Flood Damage Prevention Ordinance for the City of Hattiesburg, effective immediately, so as to conform to FEMA requirements, repealing Ordinance Number 3111, adopted August 20, 2013 and any other Ordinances in conflict herewith.

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

Yeas: 5 - Bradley, Delgado, Carroll, Dryden and Naylor

Nays: 0

- VI.-2 2015-1710** Adopt a Resolution appointing Carol Jones Russell as Municipal Court Judge Pro- Tem for the City of Hattiesburg.

Attachments: Resolution-Russell
Russell-Resume

A MOTION was made by Council Member Carroll and seconded by Council Member Delgado to Adopt a Resolution appointing Carol Jones Russell 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 - Bradley, Delgado, Carroll, Dryden and Naylor

Nays: 0

VI-3 2015-1713 Adopt a Resolution appointing Shakita L. Taylor as Municipal Public Defender, for the City of Hattiesburg.

Attachments: Resolution-Taylor
Taylor-Resume

A MOTION was made by Council Member Dryden and seconded by Council Member Naylor to Adopt a Resolution appointing Shakita L. Taylor as Municipal Public Defender, for the City of Hattiesburg.

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

Yeas: 5 - Bradley, Delgado, Carroll, Dryden and Naylor

Nays: 0

VI-4 2015-1714 Adopt a Resolution appointing Ramel L. Cotton as City Attorney for the City of Hattiesburg.

Attachments: Resume-Cotton
Resolution-Cotton

A MOTION was made by Council Member Naylor and seconded by Council Member Delgado to Adopt a Resolution appointing Ramel L. Cotton as City Attorney for the City of Hattiesburg.

Council President Bradley stated that Mr. Cotton employed a local court reporter, did not pay for the work, and was sent to collections; he said collection efforts failed and as a result there is a judgment in justice court against Mr. Cotton for failure to pay the legal bill. Council President Bradley said he cannot support Mr. Cotton to serve as city attorney.

Mayor DuPree asked to comment; Council President Bradley indicated that discussion is for Council members.

Council member Delgado said she would like to hear from the Mayor; the Mayor said he would like Mr. Cotton to have the opportunity to respond. Council President Bradley said the paperwork speaks for itself and that it is unnecessary.

Council member Delgado said that she is waiting to make her comment, and that she would like to hear from Mr. Cotton. Council President Bradley denied the request based on Robert's Rules of Order. Council member Delgado said that a charge has been made and has not been substantiated; she said she had no knowledge of the charge and would have made Mr. Cotton aware of it. She said she regrets the Council is handling [the situation] in this matter, apologizes to Mr. Cotton and hopes [the Council] can do things in a more fair and equitable way.

Council Vice President Naylor said that as a point of order, it is his understanding that Mr. Cotton or the Mayor could be allowed to speak if the Council were to suspend the rules. He said it would have been his hope that the Mayor or Council would have brought [this matter] up at Agenda Review, as he does not agree with [the nominee] not having the opportunity to speak.

Council member Delgado said she had not received the information, though she was certain other Council members had discussed it; Council Vice President Naylor said he had not received the information. He said if the information is being used, perhaps it should have been brought up [at Agenda Review].

Exhibit A

Following discussion, the Motion failed, receiving the negative vote of the Council as follows:

Yeas: 2 - Delgado and Naylor

Nays: 3 - Bradley, Carroll, and Dryden

VL-5 2015-1715 Adopt a Resolution appointing Jimmie Gardner as Chief of Police for the City of Hattiesburg.

Attachments: Gardner - Resume
Resolution- Gardner
Letter from J. Murray, FAP Lodge #55, Confidence Vote J. Gardner

A MOTION was made by Council Member Carroll and seconded by Council Member Bradley to Deny to Adopt a Resolution appointing Jimmie Gardner as Chief of Police for the City of Hattiesburg.

Council member Carroll asked that the letter from the Hattiesburg Fraternal Order of Police be admitted to the minutes. He said he vetted Mr. Gardner but that the letter had a big impact on his decision; he said he supports the police, and that this letter speaks volumes.

Council President Bradley commented on Mr. Gardner's exit from his last position and said Mr. Gardner's contract had expired but it took court action to regain city property and the keys. He said Hattiesburg has chaos and issues and does not need [more].

Council member Delgado presented a comparative analysis of crime statistics from Hattiesburg and cities of similar sizes. She said Hattiesburg's crime rate is very low for a city of its size and the city does not have a crime problem. She said the police department does a fantastic job and has had stellar leadership over the past years. She said the city is in this process because of sour grapes from [other Council members] because their candidate for Mayor was not successful. Council member Carroll said that the letter [from the fraternal order of police] had nothing to do with the election. Council member Delgado said she was not talking about the letter, but the reason [the Council] is entertaining nominations for police chief and other director positions.

Council member Dryden said it is counter-productive to be contentious and to enter into debate, and suggested the Council handle things [discussions] with dignity to respect the integrity of the individuals who are involved. Discussion subsequently deteriorated.

Following discussion, the Motion failed, receiving the negative vote of the Council as follows:

Yeas: 3 - Bradley, Carroll, and Dryden

Nays: 0

Abstain: 2 - Delgado and Naylor

VL-6 2015-1711 Adopt a Resolution requesting the Mississippi Legislature to enact Local and Private Legislation authorizing the City of Hattiesburg, Mississippi to contribute or appropriate funds to the Hattiesburg Downtown Association, Inc.

Attachments: Resolution Downtown Local Private Legislation

A MOTION was made by Council Member Carroll and seconded by Council Member Dryden to Adopt a Resolution requesting the Mississippi Legislature to enact Local and Private Legislation authorizing the City of Hattiesburg, Mississippi to contribute or appropriate funds to the Hattiesburg Downtown Association, Inc.

Exhibit A

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

Yeas: 5 - Bradley, Delgado, Carroll, Dryden and Naylor

Nays: 0

- VI.-7 2015-1708** Adopt a Resolution approving the request for tax exemption filed by Thomas E. and Debbie J. Ferrill for ad valorem tax exemption, except school district ad valorem taxes, for property located at 730 River Avenue, in the amount of \$60,735.00, which is the increase in value of the building per the 2014 tax roll, for a period of six (6) years beginning January 1, 2015 and ending December 31, 2020.

Attachments: Memo- Ferrill

Ferrill Documents

Resolution Ferrill- 7

A MOTION was made by Council Member Carroll and seconded by Council Member Naylor to Adopt a Resolution approving the request for tax exemption filed by Thomas E. and Debbie J. Ferrill for ad valorem tax exemption, except school district ad valorem taxes, for property located at 730 River Avenue, in the amount of \$60,735.00, which is the increase in value of the building per the 2014 tax roll, for a period of six (6) years beginning January 1, 2015 and ending December 31, 2020.

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

Yeas: 5 - Bradley, Delgado, Carroll, Dryden and Naylor

Nays: 0

- VI.-8 2015-266** Adopt a Resolution authorizing Requisition No. 23 from the Project Fund Construction Account in connection with certain loan agreement, dated as of December 19, 2013, by and between the Mississippi Development Bank and the City of Hattiesburg.

Attachments: 2013 Bond Resolution No. 23

A MOTION was made by Council Member Carroll and seconded by Council Member Dryden to Adopt a Resolution authorizing Requisition No. 23 from the Project Fund Construction Account in connection with certain loan agreement, dated as of December 19, 2013, by and between the Mississippi Development Bank and the City of Hattiesburg.

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

Yeas: 5 - Bradley, Delgado, Carroll, Dryden and Naylor

Nays: 0

- VI.-9 2015-1718** Adopt a resolution authorizing submission of 2016 DUI Enforcement grant in the amount of \$107,703.16 to MS Dept of Public Safety.

Attachments: HBG DUI 2015 app

A MOTION was made by Council Member Carroll and seconded by Council Member Dryden to Adopt a resolution authorizing submission of 2016 DUI Enforcement grant in the amount of \$107,703.16 to MS Dept of Public Safety.

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

Yeas: 5 - Bradley, Delgado, Carroll, Dryden and Naylor

Nays: 0

- VI-10 2015-1703** Authorize Mayor to execute Request for Cash and Summary Support Sheet No. 25 for the USA Yeast Wastewater Treatment Project (CDBG#R-103-205-03-KED) in the amount of \$227,268.52. Authorize Mayor to execute Request for Cash and Summary Support Sheet No. 25 for the USA Yeast Wastewater Treatment Project.

Attachments: USA Yeast Request #25

A MOTION was made by Council Member Carroll and seconded by Council Member Dryden to Authorize Mayor to execute Request for Cash and Summary Support Sheet No. 25 for the USA Yeast Wastewater Treatment Project (CDBG#R-103-205-03-KED) in the amount of \$227,268.52. Authorize Mayor to execute Request for Cash and Summary Support Sheet No. 25 for the USA Yeast Wastewater Treatment Project.

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

Yeas: 5 - Bradley, Delgado, Carroll, Dryden and Naylor

Nays: 0

- VI-11 2015-1701** Authorize Mayor to execute agreement between the Mississippi State Fire Academy (MSFA) and the Hattiesburg Fire Department to administer the Candidate Physical Ability Test (CPAT) for the Hattiesburg Fire Department at a cost of \$730.

Attachments: CPAT Contract 20151

A MOTION was made by Council Member Delgado and seconded by Council Member Dryden to Authorize Mayor to execute agreement between the Mississippi State Fire Academy (MSFA) and the Hattiesburg Fire Department to administer the Candidate Physical Ability Test (CPAT) for the Hattiesburg Fire Department at a cost of \$730.

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

Yeas: 5 - Bradley, Delgado, Carroll, Dryden and Naylor

Nays: 0

- VI-12 2015-1702** Approve Acquisition and Relocation Policy for the property to be obtained for the Safe Routes to School - Hawkins School project (Project No. SRSP-7207-00(004) LPA/ 106877-701000), and accept Letter of Representation engaging Jackson & Arrington, PLLC, to perform legal service required for acquisition of property, easements, and/or right of ways.

Attachments: Jackson SRTS Hawkins Contract

A MOTION was made by Council Member Carroll and seconded by Council Member Dryden to Approve Acquisition and Relocation Policy for the property to be obtained for the Safe Routes to School - Hawkins School project (Project No. SRSP-7207-00(004) LPA/ 106877-701000), and accept Letter of Representation engaging Jackson & Arrington, PLLC, to perform legal service required for acquisition of property, easements, and/or right of ways.

Exhibit A

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

Yeas: 5 - Bradley, Delgado, Carroll, Dryden and Naylor

Nays: 0

- VL-13 2015-1700** Approve Apparatus Purchase Contract between Brindlee Mountain Fire Apparatus, LLC and the Hattiesburg Fire Department for the sale of one (1) 1994 E-One 75' Ladder (Apparatus) to Brindlee Mountain Fire Apparatus, LLC for the sum of \$23,000.00 (Twenty-Three Thousand dollars and no cents); Authorize Mayor to execute same.

Attachments: Brindlee Mountain Purchase Contract 2015

A MOTION was made by Council Member Delgado and seconded by Council Member Dryden to Approve Apparatus Purchase Contract between Brindlee Mountain Fire Apparatus, LLC and the Hattiesburg Fire Department for the sale of one (1) 1994 E-One 75' Ladder (Apparatus) to Brindlee Mountain Fire Apparatus, LLC for the sum of \$23,000.00 (Twenty-Three Thousand dollars and no cents); Authorize Mayor to execute same.

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

Yeas: 5 - Bradley, Delgado, Carroll, Dryden and Naylor

Nays: 0

- VL-14 2015-1716** Acknowledge receipt of Memorandum of Understanding (MOU) between the City of Hattiesburg Police Department and the U.S. Marine Corps Forces, Special Operations Command (MARSOC) permitting MARSOC to conduct military training within the boundaries of Hattiesburg, Mississippi; Authorize Mayor to execute same (nunc pro tunc).

Attachments: MOU Marine Corps

A MOTION was made by Council Member Delgado and seconded by Council Member Dryden to Acknowledge receipt of Memorandum of Understanding (MOU) between the City of Hattiesburg Police Department and the U.S. Marine Corps Forces, Special Operations Command (MARSOC) permitting MARSOC to conduct military training within the boundaries of Hattiesburg, Mississippi; Authorize Mayor to execute same (nunc pro tunc).

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

Yeas: 5 - Bradley, Delgado, Carroll, Dryden and Naylor

Nays: 0

- VL-15 2015-1721** Adopt a resolution approving the Tax Increment Financing Plan , Hattiesburg, Mississippi (Corner Market Project).

Attachments: Corner Market TIF Plan 3-3-15

A MOTION was made by Council Member Delgado and seconded by Council Member Dryden to Adopt a resolution approving the Tax Increment Financing Plan , Hattiesburg, Mississippi (Corner Market Project).

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

Yeas: 5 - Bradley, Delgado, Carroll, Dryden and Naylor

Nays: 0

Exhibit A

THE ROUTINE AGENDA came before the Council.

A MOTION was made by Council member Carroll and seconded by Council member Dryden to approve the Routine Agenda, including the addendum to the docket.

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

Yeas: 5 - Bradley, Delgado, Carroll, Dryden and Naylor

Nays: 0

- VII-1 2015-1707** Acknowledge receipt of the unadvertised bid purchase docket for the period of January 26, 2015 through February 23, 2015 as provided for in Section 31-7-13 (b) of the Mississippi Code of 1972

Attachments: 03-03-UAB Docket

- VII-2 2015-1712** Acknowledge receipt of letter from Community Bank of Texas advising that Letter of Credit #13545 issued to the City on behalf of Hattiesburg-Synergy, LLC and acknowledged at MB 2014-65 has expired, and requesting return of original of said Letter of Credit.

Attachments: Request for Letter of Credit
Letter of Credit #13545

- VII-3 2015-1717** Acknowledge receipt of proceeds from sale of 11 sanitation trucks at auction.

Attachments: Sanitation Truck Proceeds

- VII-4 2015-1705** Approve plans and specifications for COMSWIP Sewer Phase VII; authorize the advertisement for bids for same.

Attachments: comSwp Phase VII advertisement for bids
ComSwp Phase VII plans
ComSwp Phase VII Specs & Contract Documents

- VII-5 2015-1709** Approve the sale of grave spaces, per attached memo.

Attachments: Cemetery Deeds- 3-3-15
Cemetery receipts 3-3-15

- VII-6 2015-1706** Approve and authorize issuance of manual checks for CDBG Program Claims per attached memorandum. {Entitlement}

Attachments: CDBG Supporting Docs
MEMORANDUM-Manual Checks-CDBG

- VII-7 2015-1704** Approve claims docket for the period ending February 28, 2015.

Attachments: DOCKET 15 02-28
FORM DOCKET ADDENDUM 3.3.15

Nathan Husman of Neel Schaffer appeared before the Council to provide an update on plans for the wastewater treatment system. During and following the presentation, he responded to questions from Council members. Council member Dryden asked that he compare land application to [the plans he has already presented]. Mr. Husman said that the only information Neel Schaffer has is what was done as part of the Groundworx proposal, so the [new land application proposal] would be a separate slide. He said land application does not affect the plant but can be put side-by-side. Mr. Husman said he would ask the opportunity to evaluate the land application proposal and would footnote any issues that raise concern in order to protect the city; Council member Dryden said that the whole intent is to protect the city fiscally.

2015-1789 Neel-Schaffer Update on Wastewater Treatment Systems

Attachments: Neel Schaffer-March 2 Council Update FINAL

Neel Schaffer-Hattiesburg Preliminary Cost 3 2 15

Neel Schaffer-3 2 15 Presentation Notes

Mayor DuPree said the Council needs to decide whether to ask the legislature for the authority to design-build or design- build-operate, with regard to the wastewater system. He asked that a letter to the community with regard to Mr. Gardner be added to the minutes. He also asked for clarification as to when he is allowed to participate in discussion. Council member Delgado said he is allowed to participate. Council President Bradley said [the Council] follows Robert's Rules of Order. Council member Carroll explained that the Mayor can participate until a motion is made, and that once a motion is made only Council members may participate in discussion unless rules are suspended. Council Vice President Naylor said that the Mayor always has the right to speak. Council President Bradley agreed, and said that is so, up until the time a motion is made.

There was no further discussion.

By unanimous consent, Council President Bradley declared the meeting recessed at 6:04 p.m., this the 3rd day of March, A.D. 2015.

Minutes for the January 5, 6, 20 and 30, 2015, and February 2, 3, 4 and 17, 2015, Council Meetings.

ATTEST:

APPROVE:

Clerk of Council

President

ATTEST AND CERTIFY:

APPROVE:

Deputy City Clerk

Mayor

City of Hattiesburg, MS

*200 Forrest St.
P.O. Box 1898
Hattiesburg, MS 39401*



Minutes Report

Tuesday, February 17, 2015

4:00 PM

Council Chambers

City Council

Exhibit B

I. Call to Order

BE IT REMEMBERED that the regular meeting of the Hattiesburg City Council was held at 4:00 p.m. Tuesday, February 17, 2015, in Council Chambers at City Hall.

Those present included Mayor Johnny L. DuPree and members of the City Council Kim Bradley, Ward 1; Deborah Delgado, Ward 2; Carter Carroll, Ward 3; Mary Dryden, Ward 4; and Henry Naylor, Ward 5. Others in attendance included Chief Financial Officer, Sharon Waits; City Engineer, Lamar Rutland; Police Chief, Frazier Bolton; Assistant Police Chief, Frank Misenhelter; Director of Public Works, Larry Barnes; Director of Federal and State Programs, La'Keylah White; Director of the Water Department, Chadwick Frierson; Director of Urban Development, Pattie Brantley; City Attorney, Charles Lawrence; Deputy City Clerk, Kermas Eaton; Clerk of Council, Debbie Bernardo; Deputy Clerk of Council, Lisa Luu; media; and the public.

THE MEETING was called to order by Council President Bradley.

Kim Bradley; Deborah Delgado; Carter Carroll; Mary Dryden and Henry Naylor.

II. Call to Prayer and Pledge of Allegiance

The prayer was given by Pastor Tony Remeinenq of West Point Baptist Church.

The Pledge of Allegiance was led by Council President Bradley.

III. Agenda Order

THE MATTER OF THE AGENDA ORDER came before the Council.

A MOTION was made by Council member Carroll and seconded by Council member Dryden to add Policy Agenda Items V. - 23 and V. - 24 at the request of the Administration as follows:

V. 23 2015 265 Adopt a Resolution to amend Resolution 2015 12 (adopted January 20, 2015 at MB 2015 page 22), deleting Unit 14407, garbage truck bed, from the list of surplus vehicles and equipment to be sold at auction, and instead donating said truck bed and its truck cab to the City of Moorhead, MS, and removing said vehicle from the inventory of the Public Works Department.

Attachments: Memo Moorhead, MS
RES Surplus Vehicles donation to Moorhead

V. 24 2015 1680 Authorize Mayor to execute Task Order # 3 under professional services contract dated October 8, 2013 with Shows, Dearman & Waits, Inc. for a Comprehensive Sanitary Sewer Study.

Attachments: SSO Task #3

and to amend Routine Agenda Item VI. - 3 at the request of the Administration as follows:

VI. 3 2015 1689 Acknowledge receipt of the Draft 2014 Consolidated Annual Performance and Evaluation Report (CAPER) and approve publication setting a Public Hearing for March 4, 2015 at 5:30 p.m. in the City Council Chambers of City Hall, and establishing a Public Comment period to conclude March 9, 2015.
{Entitlement}

Attachments: Notice of Availability
2014 CAPER Draft
Amended Notice of Availability

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

Yeas: 5 - Bradley, Delgado, Carroll, Dryden and Naylor

Nays: 0

IV. PRESENTATION AGENDA

THE PRESENTATION AGENDA came before the Council.

Nathan Husman of Neel-Schaffer presented an update on plans for a wastewater treatment plant.

There were no other presentations at this time.

2015-1720

Neel-Schaffer Update, Wastewater Treatment, 2-17-15

Attachments: Neel Schaffer February 17 Council Update FINAL

Neel Schaffer, 2 17 15 Presentation Notes

V. POLICY AGENDA

THE POLICY AGENDA came before the Council.

V.-1 2015-1697

Adopt the February 17, 2015 Amendments to the Budget for the City of Hattiesburg for the fiscal year ending September 30, 2015 and adopt Resolution authorizing publication of amendments for funds in excess of 10% of the original appropriation fund balance.

Attachments: February 2015 Budget Amendments

A MOTION was made by Council Member Dryden and seconded by Council Member Carroll to Adopt the February 17, 2015 Amendments to the Budget for the City of Hattiesburg for the fiscal year ending September 30, 2015 and adopt Resolution authorizing publication of amendments for funds in excess of 10% of the original appropriation fund balance.

Ms. Waits said these amendments are in large part clean-up work to adjust beginning cash balances to actual on all funds except the general fund. She said the legal services budget is being increased in the general fund, fuel balances are being increased in the police and public works departments, and the mayor's request for repairs to Eaton School is funded at \$30,000. She said there are fuel budget adjustments due to lower fuel costs, allowing for funds to be shifted to the capital equipment budget in public works; also, Ms. Waits stated that the city is contributing to Hattiesburg High School toward completion of its ball field. She said water and sewer operations costs are coming in higher than anticipated due to the maintenance contract on aerators, and so adjustments are being made in transfers to the water and sewer construction fund. Subsequent discussion related to the effectiveness of the aerators and the USA Yeast evaporator. Ms. Waits stated that there are adjustment in the municipal road and bridge fund for improvements to the Bartur Street intersection and for traffic lights there and near USM.

In response to a question from Council President Bradley, Ms. Waits stated that sales tax revenue is flat. Mayor DuPree stated that the city is trying to freeze the rate of payment for gasoline for three to six months to help with budgeting.

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

Yeas: 5 - Bradley, Delgado, Carroll, Dryden and Naylor

Nays: 0

Council Member Kim Bradley; Council Member Deborah Delgado; Council Member Carter Carroll; Council Member Mary Dryden and Council Member Henry Naylor

V.-2 2015-1698

Adopt a resolution determining the necessity for and invoking the authority granted to municipalities by the legislature with respect to tax increment financing as set forth in Chapter 45 of Title 21, Mississippi Code of 1972, as amended; determining that the Corner Market project is a project eligible for tax increment financing under the laws of the state; setting a public hearing for 4 p.m. Monday, March 2, 2015, in Council Chambers at City Hall in connection with the tax increment financing plan for the project; and for related purposes.

Attachments: Corner Market TIF Notice of Public Hearing

A MOTION was made by Council Member Carroll and seconded by Council Member Delgado to Adopt a resolution determining the necessity for and invoking the authority granted to municipalities by the legislature with respect to tax increment financing as set forth in Chapter 45 of Title 21, Mississippi Code of 1972, as amended; determining that the Corner Market project is a project eligible for tax increment financing under the laws of the state; setting a public hearing for 4 p.m. Monday, March 2, 2015, in Council Chambers at City Hall in connection with the tax increment financing plan for the project; and for related purposes.

Attorney Ron Farris provided an overview of the project. He said this is a true blight redevelopment project and to his knowledge the first one east of Highway 49. He said the Forrest County Board of Supervisors approved its resolution earlier in the day and approved to hold its public hearing jointly with the city.

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

Yeas: 5 - Bradley, Delgado, Carroll, Dryden and Naylor

Nays: 0

Council Member Kim Bradley; Council Member Deborah Delgado; Council Member Carter Carroll; Council Member Mary Dryden and Council Member Henry Naylor

V.-3 2015-264

Adopt Resolution setting Public Hearing at 4 p.m. March 16, 2015 to determine if certain properties are in such a state of uncleanness so as to be a menace to the health and safety of the community.

Attachments: MEMO Setting Public Hearing 2-17-15

RESOLUTION Setting Public Hearing 2-17-15

A MOTION was made by Council Member Carroll and seconded by Council Member Delgado to Adopt Resolution setting Public Hearing at 4 p.m. March 16, 2015 to determine if certain properties are in such a state of uncleanness so as to be a menace to the health and safety of the community.

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

Yeas: 5 - Bradley, Delgado, Carroll, Dryden and Naylor

Nays: 0

Council Member Kim Bradley; Council Member Deborah Delgado; Council Member Carter Carroll; Council Member Mary Dryden and Council Member Henry Naylor

V.-4 2015-1690

Adopt a Resolution appointing Verlina Underwood as Director of Administration/ City Clerk for the City of Hattiesburg.

Attachments: Underwood Resolution

Underwood Resume

A MOTION was made by Council Member Delgado and seconded by Council Member Naylor to Adopt a Resolution appointing Verlina Underwood as Director of Administration/ City Clerk for the City of Hattiesburg.

There being no discussion, the Motion failed, receiving the vote of the Council as follows:

Yeas: 1 - Delgado

Nays: 3 - Bradley, Carroll and Dryden

Abstain: 1 - Naylor

Council Member Deborah Delgado; Council Member Kim Bradley; Council Member Carter Carroll; Council Member Mary Dryden and Council Member Henry Naylor

V.-5 2015-1671

Adopt a resolution appointing Cecilia Jones as Deputy Municipal Clerk and Deputy Municipal Registrar.

Attachments: Jones- Resolution

A MOTION was made by Council member Delgado and seconded by Council member Naylor to Adopt a resolution appointing Cecilia Jones as Deputy Municipal Clerk and Deputy Municipal Registrar.

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

Yeas: 5 - Bradley, Delgado, Carroll, Dryden and Naylor

Nays: 0

Council Member Kim Bradley; Council Member Deborah Delgado; Council Member Carter Carroll; Council Member Mary Dryden and Council Member Henry Naylor

V.-6 2015-261

Adopt a Resolution authorizing Requisition No. 21 from the Project Fund Construction Account in connection with certain loan agreement, dated as of December 19, 2013, by and between the Mississippi Development Bank and the City of Hattiesburg.

Attachments: 2013 Bond Resolution No. 21

A MOTION was made by Council Member Delgado and seconded by Council Member Carroll to Adopt a Resolution authorizing Requisition No. 21 from the Project Fund Construction Account in connection with certain loan agreement, dated as of December 19, 2013, by and between the Mississippi Development Bank and the City of Hattiesburg.

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

Yeas: 5 - Bradley, Delgado, Carroll, Dryden and Naylor

Nays: 0

Council Member Kim Bradley; Council Member Deborah Delgado; Council Member Carter Carroll; Council Member Mary Dryden and Council Member Henry Naylor

V.-7 2015-263

Adopt a Resolution authorizing Requisition No. 22 from the Project Fund Construction Account in connection with certain loan agreement, dated as of December 19, 2013, by and between the Mississippi Development Bank and the City of Hattiesburg.

Attachments: 2013 Bond Resolution No. 22

A MOTION was made by Council Member Carroll and seconded by Council Member Dryden to Adopt a Resolution authorizing Requisition No. 22 from the Project Fund Construction Account in connection with certain loan agreement, dated as of December 19, 2013, by and between the Mississippi Development Bank and the City of Hattiesburg.

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

Yeas: 5 - Bradley, Delgado, Carroll, Dryden and Naylor

Nays: 0

Council Member Kim Bradley; Council Member Deborah Delgado; Council Member Carter Carroll; Council Member Mary Dryden and Council Member Henry Naylor

V.-8 2015-262

Adopt a Resolution suspending the application of the requirements of The Land Development Code for a properties to be repaired, rehabilitated and/or reconstructed by the funds made available to the applicants in the City of Hattiesburg from the Mississippi Development Authority (MDA) Neighborhood Home Program (NHP), located at 1112 Scott Street and 325 Satchel Road.

Attachments: Council Resolution MDA Scott St. and Satchel 2-4-15

Exhibit A

Exhibit B

A MOTION was made by Council Member Delgado and seconded by Council Member Carroll to Adopt a Resolution suspending the application of the requirements of The Land Development Code for a properties to be repaired, rehabilitated and/or reconstructed by the funds made available to the applicants in the City of Hattiesburg from the Mississippi Development Authority (MDA) Neighborhood Home Program (NHP), located at 1112 Scott Street and 325 Satchel Road.

Council President Bradley asked if the city has taken this action before; the Mayor replied in the affirmative. The Mayor stated that previously, many properties have been listed at once but that funds are dwindling. He said the program allows properties to be rebuilt or rehabilitated and suspends fees for the work in question.

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

Yeas: 5 - Bradley, Delgado, Carroll, Dryden and Naylor

Nays: 0

Council Member Kim Bradley; Council Member Deborah Delgado; Council Member Carter Carroll; Council Member Mary Dryden and Council Member Henry Naylor

V.-9 2015-1673

Adopt Resolution declaring surplus Police Canine Tonka and authorize removal of Tonka from the Police Department inventory and disposal of same to his Handler, Officer Zachary Rooke

Attachments: Police Canine TonkaResolution-Police Canine Tonka

A MOTION was made by Council Member Delgado and seconded by Council Member Dryden to Adopt Resolution declaring surplus Police Canine Tonka and authorize disposal of same to his Handler, Officer Zachary Rooke.

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

Yeas: 5 - Bradley, Delgado, Carroll, Dryden and Naylor

Nays: 0

Council Member Kim Bradley; Council Member Deborah Delgado; Council Member Carter Carroll; Council Member Mary Dryden and Council Member Henry Naylor

V.-10 2015-1649

Authorize Mayor to execute Summary Change Order No. 1 with Eddie Pearson Roofing, LLC., to adjust contract completion date from December 18, 2014, to December 23, 2014, due to unforeseen conditions encountered during repair of the building awning and adjust contract amount by \$12,759.00 for a total contract amount of \$71,399.00 for the Jackie Dole Sherrill Community Center Shingle Roof Renovation. Approve acceptance of Jackie Dole Sherrill Community Center Shingle Roof Renovation.

Attachments: JDSCC Shingle Roof Final Close Out

A MOTION was made by Council Member Delgado and seconded by Council Member Dryden to Authorize Mayor to execute Summary Change Order No. 1 with Eddie Pearson Roofing, LLC., to adjust contract completion date from December 18, 2014, to December 23, 2014, due to unforeseen conditions encountered during repair of the building awning and adjust contract amount by \$12,759.00 for a total contract amount of \$71,399.00 for the Jackie Dole Sherrill Community Center Shingle Roof Renovation. Approve acceptance of Jackie Dole Sherrill Community Center Shingle Roof Renovation.

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

Yeas: 5 - Bradley, Delgado, Carroll, Dryden and Naylor

Nays: 0

Council Member Kim Bradley; Council Member Deborah Delgado; Council Member Carter Carroll; Council Member Mary Dryden and Council Member Henry Naylor

V.-11 2015-1659

Authorize Mayor to execute original lease agreement between City of Hattiesburg and Mississippi Power for LED fixtures on city owned traffic signal poles at HWY 49 & Tatum Intersection.

Attachments: Unregulated Lighting Lease Contract City of Hattiesburg 49Tatum Inter

A MOTION was made by Council Member Dryden and seconded by Council Member Carroll to Authorize Mayor to execute original lease agreement between City of Hattiesburg and Mississippi Power for LED fixtures on city owned traffic signal poles at HWY 49 & Tatum Intersection.

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

Yeas: 5 - Bradley, Delgado, Carroll, Dryden and Naylor

Nays: 0

Council Member Kim Bradley; Council Member Deborah Delgado; Council Member Carter Carroll; Council Member Mary Dryden and Council Member Henry Naylor

V.-12 2015-1668

Approve contract between the City of Hattiesburg and Shows, Dearman & Waits, Inc. for engineering services related to the Unetta Street and Hillendale Project. Authorize Mayor to execute duplicate copies of same.

Attachments: SDW Contract - Hillendale & Unetta

A MOTION was made by Council Member Dryden and seconded by Council Member Naylor to Approve contract between the City of Hattiesburg and Shows, Dearman & Waits, Inc. for engineering services related to the Unetta Street and Hillendale Project. Authorize Mayor to execute duplicate copies of same.

Council President Bradley asked for additional information; Mr. Rutland stated that these are bridge replacements. The Mayor said that the city pays the engineering but the state bridge program pays for the bridges.

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

Yeas: 5 - Bradley, Delgado, Carroll, Dryden and Naylor

Nays: 0

Council Member Kim Bradley; Council Member Deborah Delgado; Council Member Carter Carroll; Council Member Mary Dryden and Council Member Henry Naylor

V.-13 2015-1678

Authorize Mayor to execute duplicate original agreement between City of Hattiesburg Parks and Recreation Department and Hattiesburg Little League to operate and promote Little League Baseball for Hattiesburg residents. This program will operate October 1, 2014 through September 30, 2015. (Nunc Pro Tunc)

Attachments: Little League Contract 2015

Contract Attachments

A MOTION was made by Council Member Carroll and seconded by Council Member Delgado to Authorize Mayor to execute duplicate original agreement between City of Hattiesburg Parks and Recreation Department and Hattiesburg Little League to operate and promote Little League Baseball for Hattiesburg residents. This program will operate October 1, 2014 through September 30, 2015. (Nunc Pro Tunc)

Council Vice President Naylor asked if this program is at Vernon Dahmer Park; Mayor DuPree responded in the affirmative.

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

Yeas: 5 - Bradley, Delgado, Carroll, Dryden and Naylor

Nays: 0

Council Member Kim Bradley; Council Member Deborah Delgado; Council Member Carter Carroll; Council Member Mary Dryden and Council Member Henry Naylor

V.-14 2015-1676

Authorize Mayor to execute duplicate original agreement between City of Hattiesburg Parks and Recreation Department and Noon Day Optimist Club to operate and promote Dixie Boys Baseball for Hattiesburg residents. This program will operate October 1, 2014 through September 30, 2015. (Nunc Pro Tunc)

Attachments: Dixie Boys 2015 Contract

Contract Attachments

A MOTION was made by Council Member Dryden and seconded by Council Member Delgado to Authorize Mayor to execute duplicate original agreement between City of Hattiesburg Parks and Recreation Department and Noon Day Optimist Club to operate and promote Dixie Boys Baseball for Hattiesburg residents. This program will operate October 1, 2014 through September 30, 2015. (Nunc Pro Tunc)

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

Yeas: 5 - Bradley, Delgado, Carroll, Dryden and Naylor

Nays: 0

Council Member Kim Bradley; Council Member Deborah Delgado; Council Member Carter Carroll; Council Member Mary Dryden and Council Member Henry Naylor

V.-15 2015-1674

Authorize Mayor to execute duplicate original agreement between City of Hattiesburg Parks and Recreation Department and Hattiesburg Exchange Club/Dixie Youth Inc. to operate and promote Dixie Youth Baseball for Hattiesburg residents. This program will operate October 1, 2014 through September 30, 2015. (Nunc Pro Tunc)

Attachments: Dixie Youth 2015 Contract

Contract Attachments

A MOTION was made by Council Member Dryden and seconded by Council Member Carroll to Authorize Mayor to execute duplicate original agreement between City of Hattiesburg Parks and Recreation Department and Hattiesburg Exchange Club/Dixie Youth Inc. to operate and promote Dixie Youth Baseball for Hattiesburg residents. This program will operate October 1, 2014 through September 30, 2015. (Nunc Pro Tunc)

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

Yeas: 5 - Bradley, Delgado, Carroll, Dryden and Naylor

Nays: 0

Council Member Kim Bradley; Council Member Deborah Delgado; Council Member Carter Carroll; Council Member Mary Dryden and Council Member Henry Naylor

V.-16 2015-1658

Approve and authorize Mayor to execute forty-nine (49) Cancellations of Deeds of Trusts as described in the attached memorandum. {Entitlement}

- Attachments:** Cancellation of Deeds of Trusts Memorandum - 01.27.15 Nu
- 1 Cancellation of Deed of Trust Carmen Gibbs 01.09.15 - 2
 - 2 Cancellation of Deed of Trust Mary Rayborn - 2
 - 3 Cancellation of Deed of Trust Dessie Lee 01.09.15 - 2
 - 4 Cancellation of Deed of Trust Celia Kelly 01.08.15 - 2
 - 5 Cancellation of Deed of Trust Mamie Beckum - 2
 - 6 Cancellation of Deed of Trust Della Watson 05.15.14 - 2
 - 7 Cancellation of Deed of Trust S.McDuffie 01.08.15 - 2
 - 8 Cancellation of Deed of Trust Ovell Travis - 2
 - 9 0Cancellation of Deed of Trust Emma Beasley - 2
 - 10 Cancellation of Deed of Trust Henery McFarlin - 2
 - 11 Cancellation of Deed of Trust Mary Sims 05.09.14 - 2
 - 12 Cancellation of Deed of Trust Tracy Boone 10.01.2014 - 2
 - 13 Cancellation of Deed of Trust Mary Breland 05.09.14 - 2
 - 14 Cancellation of Deed of Trust Cassandra Coleman - 2
 - 15 Cancellation of Deed of Trust Cynthia Glass 05.09.14 - 2
 - 16 Cancellation of Deed of Trust Iola Austin 10.01.2014 - 2
 - 17 Cancellation of Deed of Trust Carolyn Downs 05.09.14 - 2
 - 18 Cancellation of Deed of Trust Anguia Sims 05.09.14 - 2
 - 19 Cancellation of Deed of Trust Joyce Bennett 05.09.14 - 2
 - 20 Cancellation of Deed of Trust Willie Banks - 2
 - 21Cancellation of Deed of Trust Carlee Bates - 2
 - 22 Cancellation of Deed of Trust Lucile Jackson 05.13.14 - 2
 - 23 Cancellation of Deed of Trust Claudia Magee - 2
 - 24 Cancellation of Deed of Trust Joe Hinton 05.14.14 - 2
 - 25 Cancellation of Deed of TrustSebelle Reeves b10.01.2014 - 2
 - 26 Cancellation of Deed of Trust Dorothy Miller 05.14.14 - 2
 - 27 Cancellation of Deed of Trust Shellie Sims 05.09.14 - 2
 - 28 Cancellation of Deed of Trust Regina Lindsey 05.15.14 - 2
 - 29 Cancellation of Deed of Trust Georgia Reid 05.14.14 - 2
 - 30 Cancellation of Deed of Trust Robert Smith 05.15.14 - 2
 - 31 Cancellation of Deed of Trust Cora Miller - 2
 - 32 Cancellation of Deed of Trust Doris Lewis 05.15.14 - 2
 - 33 Cancellation of Deed of Trust George Perry2 - 2
 - 34 Cancellation of Deed of Trust George Perry 1 - 2
 - 35 Cancellation of Deed of Trust Mildred McGee - 2
 - 36 Cancellation of Deed of Trust Gwen Varnado 05.15.14 - 2
 - 37 Cancellation of Deed of Trust Frances Williams 05.09.14 - 2

- 38 Cancellation of Deed of Trust Victoria Johnson 01.14.15 - 2
39 Cancellation of Deed of Trust Queen Smith 05.15.14 - 2
40 Cancellation of Deed of Trust JoAnn Hill 05.13.14 - 2
41 Cancellation of Deed of Trust Tanyetta Smith 05.09.14 - 2
42 Cancellation of Deed of Trust Lillie Nix 05.15.14 - 2
43 Cancellation of Deed of Trust Barbara Williams 05.09.14 - 2
44 Cancellation of Deed of Trust Lucy Holloway 05.13.14 - 2
45 Cancellation of Deed of Trust Gracie Hawthorne 05.12.14 - 2
46 Cancellation of Deed of Trust Margaret Maury 05.14.14 - 2
47 Cancellation of Deed of Trust Eva Lofton 05.09.14 - 2
48 Cancellation of Deed of Trust Williams Louise - 2
49 Cancellation of Deed of Trust LaJuana Thomas - 2

A MOTION was made by Council Member Carroll and seconded by Council Member Delgado to Approve and authorize Mayor to execute forty-nine (49) Cancellations of Deeds of Trusts as described in the attached memorandum. {Entitlement}

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

Yeas: 5 - Bradley, Delgado, Carroll, Dryden and Naylor

Nays: 0

Council Member Kim Bradley; Council Member Deborah Delgado; Council Member Carter Carroll; Council Member Mary Dryden and Council Member Henry Naylor

V.-17 2015-1696

Ratify and confirm the Mayor's re-appointment of Mary Williams (W4) to the Hattiesburg School Board for a 5-year term beginning 3/4/2015 and ending 3/3/2020.

Attachments: Williams-Data Sheet

A MOTION was made by Council Member Delgado and seconded by Council Member Dryden to Ratify and confirm the Mayor's re-appointment of Mary Williams (W4) to the Hattiesburg School Board for a 5-year term beginning 3/4/2015 and ending 3/3/2020.

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

Yeas: 5 - Bradley, Delgado, Carroll, Dryden and Naylor

Nays: 0

Council Member Kim Bradley; Council Member Deborah Delgado; Council Member Carter Carroll; Council Member Mary Dryden and Council Member Henry Naylor

V.-18 2015-1692

Ratify and confirm the Mayor's appointment of Shelia Varnado, (replaces Chris Rowell) to the Hattiesburg Tourism Commission for a term (5/02/2011 to 11/5/2015) beginning February 17, 2015 and ending November 5, 2015.

Attachments: Varnado-Fact Sheet

A MOTION was made by Council Member Carroll and seconded by Council Member Dryden to Ratify and confirm the Mayor's appointment of Shelia Varnado, (replaces Chris Rowell) to the Hattiesburg Tourism Commission for a term (5/02/2011 to 11/5/2015) beginning February 17, 2015 and ending November 5, 2015.

Council Vice President Naylor asked what ward Ms. Varnado represents; Mayor DuPree replied that she is from Ward 3. Mayor DuPree stated that the tourism commission must include representation from certain categories.

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

Yeas: 5 - Bradley, Delgado, Carroll, Dryden and Naylor

Nays: 0

Council Member Kim Bradley; Council Member Deborah Delgado; Council Member Carter Carroll; Council Member Mary Dryden and Council Member Henry Naylor

V.-19 2015-1695

Ratify and confirm the Mayor's appointment of Bob Patel, (ocl) to the Hattiesburg Tourism Commission for a term beginning 2/17/2015 and ending 2/16/2020.

Attachments: Patel- Data Sheet

A MOTION was made by Council Member Carroll and seconded by Council Member Delgado to Ratify and confirm the Mayor's appointment of Bob Patel, (ocl) to the Hattiesburg Tourism Commission for a term beginning 2/17/2015 and ending 2/16/2020.

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

Yeas: 5 - Bradley, Delgado, Carroll, Dryden and Naylor

Nays: 0

Council Member Kim Bradley; Council Member Deborah Delgado; Council Member Carter Carroll; Council Member Mary Dryden and Council Member Henry Naylor

V.-20 2015-1688

Ratify and confirm the Mayor's appointment of Dr. Margaret Dwight Shelton (W2) to the Hattiesburg Historic Conservation Commission for a 5-year term - 2/17/2015 - 2/17/2020

Attachments: Dwight - HHCC Memo Appoint

A MOTION was made by Council Member Delgado and seconded by Council Member Naylor to Ratify and confirm the Mayor's appointment of Dr. Margaret Dwight Shelton (W2) to the Hattiesburg Historic Conservation Commission for a 5-year term - 2/17/2015 - 2/17/2020.

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

Yeas: 5 - Bradley, Delgado, Carroll, Dryden and Naylor

Nays: 0

Council Member Kim Bradley; Council Member Deborah Delgado; Council Member Carter Carroll; Council Member Mary Dryden and Council Member Henry Naylor

V.-21 2015-1686

Ratify and confirm the Mayor's appointment of Russell Archer (W4) to the Hattiesburg Historic Conservation Commission for a 5-year term - 2/17/2015 - 2/17/2020

Attachments: Archer - HHCC Memo Appoint

A MOTION was made by Council Member Dryden and seconded by Council Member Naylor to Ratify and confirm the Mayor's appointment of Russell Archer (W4) to the Hattiesburg Historic Conservation Commission for a 5-year term - 2/17/2015 - 2/17/2020.

There being no discussion, the Motion received the affirmative vote of the

Council as follows:

Yeas: 5 - Bradley, Delgado, Carroll, Dryden and Naylor

Nays: 0

Council Member Kim Bradley; Council Member Deborah Delgado; Council Member Carter Carroll; Council Member Mary Dryden and Council Member Henry Naylor

V.-22 2015-1687

Ratify and confirm the Mayor's appointment of Glenn Nees (W4) to the Hattiesburg Historic Conservation Commission for a 5-year term - 2/17/2015 - 2/17/2020

Attachments: Nees - HHCC Memo Appoint

A MOTION was made by Council Member Dryden and seconded by Council Member Naylor to Ratify and confirm the Mayor's appointment of Glenn Nees (W4) to the Hattiesburg Historic Conservation Commission for a 5-year term - 2/17/2015 - 2/17/2020.

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

Yeas: 5 - Bradley, Delgado, Carroll, Dryden and Naylor

Nays: 0

Council Member Kim Bradley; Council Member Deborah Delgado; Council Member Carter Carroll; Council Member Mary Dryden and Council Member Henry Naylor

V.-23 2015-265

Adopt a Resolution to amend Resolution 2015-12 (adopted January 20, 2015 at MB 2015 page 22), deleting Unit 14407, garbage truck bed, from the list of surplus vehicles and equipment to be sold at auction, and instead donating said truck bed and its truck cab to the City of Moorhead, MS, and removing said vehicle from the inventory of the Public Works Department.

Attachments: Memo Moorhead, MS

RES-Surplus Vehicles-donation to Moorhead

A MOTION was made by Council Member Carroll and seconded by Council Member Naylor to Adopt a Resolution to amend Resolution 2015-12 (adopted January 20, 2015 at MB 2015 page 22), deleting Unit 14407, garbage truck bed, from the list of surplus vehicles and equipment to be sold at auction, and instead donating said truck bed and its truck cab to the City of Moorhead, MS, and removing said vehicle from the inventory of the Public Works Department.

Council member Carroll expressed appreciation that the city is donating the equipment to Moorhead.

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

Yeas: 5 - Bradley, Delgado, Carroll, Dryden and Naylor

Nays: 0

Council Member Kim Bradley; Council Member Deborah Delgado; Council Member Carter Carroll; Council Member Mary Dryden and Council Member Henry Naylor

V.-24 2015-1680

Authorize Mayor to execute Task Order # 3 under professional services contract dated October 8, 2013 with Shows, Dearman & Waits, Inc. for a Comprehensive Sanitary Sewer Study.

Attachments: SSO Task #3

A MOTION was made by Council Member Carroll and seconded by Council Member Naylor to Authorize Mayor to execute Task Order # 3 under professional services contract dated October 8, 2013 with Shows, Dearman & Waits, Inc. for a Comprehensive Sanitary Sewer Study.

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

Yeas: 5 - Bradley, Delgado, Carroll, Dryden and Naylor

Nays: 0

Council Member Kim Bradley; Council Member Deborah Delgado; Council Member Carter Carroll; Council Member Mary Dryden and Council Member Henry Naylor

VI. ROUTINE AGENDA

THE ROUTINE AGENDA came before the Council.

A MOTION was made by Council member Carroll 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 - Bradley, Delgado, Carroll, Dryden and Naylor

Nays: 0

VI.-1 2015-1651

Authorize Mayor to Renew Master Cellular Voice and Data Service and Equipment Agreement between Cellular South and the City of Hattiesburg

Attachments: 02-03-Cellular Agreement

VI.-2 2014-1572

Acknowledge receipt of request filed by Marvin Arrington Sr., to appeal the Planning Commission's recommendation for the petition filed by Marvin Arrington, Sr., Owner, to change the zoning classification of a certain property located at 314 Bay Street (Parcel 029P-10-281.00, PPIN 18609, Ward 4) from R-1B (Single-Family Residential) District to B-2 (Neighborhood Business) District; (Hattiesburg Planning Commission recommended to DENY on November 10, 2014); set a public hearing before Council on March 16, 2015 at 4:00 p.m.; and authorize publication of Public Notice setting an Appeal Public Hearing.

Attachments: November PC Minutes - Draft

Image Sheet - 314 Bay St (Rezoning)

Staff Summary - 314 Bay St (Rezoning)

Arrington Appeal

Notice of City Council Public Hearing 3-16-2015

VI.-3 2015-1689

Acknowledge receipt of the Draft 2014 Consolidated Annual Performance and Evaluation Report (CAPER) and approve publication setting a Public Hearing for February 20, 2015 at 5:30 p.m. in the City Council Chambers of City Hall, and establishing a Public Comment period to conclude March 9, 2015. {Entitlement}

Attachments: Notice of Availability
2014 CAPER Draft
Amended Notice of Availability

VI.-4 2015-1650

Acknowledge receipt of the unadvertised bid purchase docket for the period of November 25, 2014 through January 26, 2015 as provided for in Section 31-7-13 (b) of the Mississippi Code of 1972

Attachments: 02-03-UAB Docket

VI.-5 2015-1646

Acknowledge receipt of Municipal Retirement Systems annual valuation report from the Public Employees Retirement System for period ending June 30, 2014.

Attachments: PFDR Annual Report 2014

VI.-6 2015-1694

Acknowledge receipt of audit for the Emergency Management District for the fiscal year ended September 30, 2014 from Wright CPA Group, PLLC (on file in the City Clerk's Office).

Attachments: 2014 Audit - Emergency Management District

VI.-7 2015-1693

Acknowledge receipt of audit for the Library of Hattiesburg, Petal and Forrest County for the fiscal year ended September 30, 2014 from Herzog CPA Company, PLLC (on file in the City Clerk's Office).

Attachments: 2014 Audit - Library

VI.-8 2015-1664

Acknowledge 2014 Bucket Brigade award from Georgia-Pacific, in the amount of Five Thousand Dollars and zero cents (\$5,000.00) to the City of Hattiesburg Fire Department to be placed in the Municipal Fire Protection Fund to purchase equipment.

Attachments: Georgia-Pacific Award 2014

VI.-9 2015-1677

Acknowledge receipt of FY 2013-2014 Expenditure Report from Hattiesburg Little League for Little League Baseball Program.

Attachments: 2014 Little League Expenditure Report

VI.-10 2015-1675

Acknowledge receipt of FY 2013-2014 Expenditure Report from Noon Day Optimist Club for Dixie Boys Baseball Program.

Attachments: 2014 Dixie Boys Expenditure Report

VI.-11 2015-1672

Acknowledge Receipt of FY 2013-2014 Expenditure Report from Hattiesburg Exchange Club for Dixie Youth Baseball.

Attachments: 2014 Dixie Youth Expenditure Report

VI.-12 2015-1669

Acknowledge receipt of Privilege License report for the month of January, 2015 from the Tax Department, as per recommendation.

Attachments: New License- Jan 2015

Renewed License Jan 2015

Memo Jan 2015

VI.-13 2015-1683

Reject all bids received on December 11, 2014, for the Jackie Dole Sherrill Community Center Foundation Repair, and authorize re-advertisement of the same.

Attachments: JDCC Foundation Repair 2-9-15

JDSOC Foundation Repair 2-9-2015

VI.-14 2015-1682

Approve the City's purchase of two grave spaces located in the Southeast Quarter(SE1/4) Lot 92 Section 37, Highland Cemetery, recorded at MB 2013-321, in the amount \$350.00 to Stanley and Alice Marie McGill; authorize manual check for the same.

Attachments: McGill Deed

Supporting Documents-McGill

VI.-15 2015-1681

Approve the sale of grave spaces, per attached memo

Attachments: Cemetery receipts 2-17

Cemetery Deeds

VI.-16 2015-1648

Approve and authorize issuance of manual checks for CDBG Program Claims per attached memorandum. {Entitlement}

Attachments: MEMORANDUM-Manual Checks-CDBG

CDBG Supporting Docs

VI.-17 2015-1699

Approve claims docket for the period ending February 13, 2015.

Attachments: 2-17-15 Claims Docket

Council President Bradley called for additional business.

He stated that the public hearing on the proposed Corner Market TIF will be held at 4 p.m. Monday, March 2, 2015.

Council member Delgado invited members of the public to attend the Soul Food Celebration beginning at 6 p.m. at the train depot.

Mayor DuPree announced that he has accepted the resignation of City Attorney Charles Lawrence, who is retiring after 30 years of service to the city, effective no later than June 30, 2015. The Mayor thanked Mr. Lawrence for his service. He also announced that Chief Frazier Bolton has decided that he will retire in August; the Mayor said that Chief Bolton will be re-purposed within the next 30 days to serve as director of public safety and that specific duties will include reducing costs of prisoner care, trying to get funds for the gym at Hawkins, [working with] the PALS Program, and [assisting with] the new [public] safety facility. The mayor thanked Chief Bolton for his service in Hattiesburg and for his 40 years of law enforcement service.

Mr. Lawrence reminded the Council that he needs authority to settle an \$1,800 claim for violations of signs related to weapons.

There was no other additional business.

By unanimous consent, Council President Bradley declared the meeting adjourned at 5:05 p.m., this the 17th day of February, A.D., 2015.

City of Hattiesburg, MS

*200 Forrest St.
P.O. Box 1898
Hattiesburg, MS 39401*



Meeting Agenda

Tuesday, March 17, 2015

5:00 PM

Council Chambers

City Council

I. Call to Order

II. Call to Prayer and Pledge of Allegiance

III. Agenda Order

IV. PRESENTATION AGENDA**V. POLICY AGENDA**

- V.-1** 2015-1743 APPROVE or DENY to adopt an ordinance to change the zoning classification of a certain property located at 314 Bay Street (Parcel 029P-10-281.00, PPIN 18609, Ward 4) from R-1B (Single-Family Residential) District to B-2 (Neighborhood Business) District, filed by Marvin Arrington Sr., Owner. The Planning Commission recommended to DENY on November 10, 2014.

Attachments: November PC Minutes - Draft
Image Sheet - 314 Bay St (Rezoning)
Staff Summary - 314 Bay St (Rezoning)
Ordinance - 314 Bay (Arrington)

- V.-2** 2015-269 Adopt a Resolution suspending the application of the requirements of The Land Development Code for properties to be repaired, rehabilitated and/or reconstructed by the funds made available to the applicants in the City of Hattiesburg from the Mississippi Development Authority (MDA) Neighborhood Home Program (NHP), located at 115 W. Roberts Street and 520 Ferguson Alley.

Attachments: Council Resolution MDA Roberts St. and Ferguson Alley 3-16-15
Exhibit A - Johnny Ingram - 115 W Roberts St
Exhibit B - JoAnn Conner - 520 Ferguson Alley

- V.-3** 2015-1747 APPROVE or DENY the petition filed by James M. Humphreys (Humphreys and Associates), Applicant, on behalf of Alpesh Patel (Hattiesburg HP LLC) Owner, with the Mayor and Council of the City of Hattiesburg, Mississippi, as required in the Comprehensive Zoning Ordinance No. 2330, as amended, of the City of Hattiesburg, Mississippi, requesting a variance from Article 4, Section 62.04(7) which states that no building or structure shall exceed three (3) stories in height, and instead allow four (4) stories. The properties are located at 120 Plaza Drive (Parcels 051J-12-045.00 & 051J-12-044.000, PPINs 8242 & 14400, respectively, Ward 3) and are zoned B-5 (Regional Business) District. The Hattiesburg Planning Commission recommended to APPROVE on March 4, 2015

Attachments: March PC Minutes (DRAFT)
 Image Sheet - HamptonInn&Home2
 Staff Summary - HamptonInn&Home2 (Variances)
 HamptonInn&Home2 Site Plan

- V.-4 2015-1748** APPROVE or DENY the petition filed by James M. Humphreys (Humphreys and Associates), Applicant, on behalf of Alpesh Patel (Hattiesburg HP LLC) Owner, with the Mayor and Council of the City of Hattiesburg, Mississippi, as required in the Comprehensive Zoning Ordinance No. 2330, as amended, of the City of Hattiesburg, Mississippi, requesting a variance from Article 5, Section 86.04(23) which states that one and one tenth (1.1) parking spaces are required for each guest or sleeping room or suite, and instead allow one (1) parking space per guest or sleeping room or suite. The properties are located at 120 Plaza Drive (Parcels 051J-12-045.00 & 051J-12-044.000, PPINs 8242 & 14400, respectively, Ward 3) and are zoned B-5 (Regional Business) District. The Hattiesburg Planning Commission recommended to APPROVE on March 4, 2015

Attachments: March PC Minutes (DRAFT)
 Image Sheet - HamptonInn&Home2
 Staff Summary - HamptonInn&Home2 (Variances)
 HamptonInn&Home2 Site Plan

- V.-5 2015-1746** APPROVE or DENY the petition filed by James M. Humphreys (Humphreys and Associates), Applicant, on behalf of Alpesh Patel (Hattiesburg HP LLC) Owner, with the Mayor and Council of the City of Hattiesburg, Mississippi, as required in the Comprehensive Zoning Ordinance No. 2330, as amended, of the City of Hattiesburg, Mississippi, requesting a variance from Article 4, Section 62.04(1) which states that the minimum front setback is thirty (30) feet, and instead allow a setback of five (5) feet. The properties are located at 120 Plaza Drive (Parcels 051J-12-045.00 & 051J-12-044.000, PPINs 8242 & 14400, respectively, Ward 3) and are zoned B-5 (Regional Business) District. The Hattiesburg Planning Commission recommended to APPROVE on March 4, 2015

Attachments: March PC Minutes (DRAFT)
 Image Sheet - HamptonInn&Home2
 Staff Summary - HamptonInn&Home2 (Variances)
 HamptonInn&Home2 Site Plan

- V.-6 2015-1749** APPROVE or DENY the petition filed by Cesar Potenza, Owner, with the Mayor and Council of the City of Hattiesburg, Mississippi, as required in the Comprehensive Zoning Ordinance No. 2330, as

amended, of the City of Hattiesburg, Mississippi, requesting a variance from Article 5, Section 86.04(29) which states that two (2) parking spaces are required for each dwelling unit, and instead allow one and three quarters (1.75) parking spaces per dwelling unit. The properties are located at 1602 Cedar Street (Parcels 0381-22-056.00, 0381-22-063.00, 0381-22-134.00, and 0381-22-051.00, PPINs 38202, 6351, 6361, and 10476, respectively, Ward 5). Pending rezoning to R-3 (Multi-Family Residential) District. The Hattiesburg Planning Commission recommended to APPROVE on March 4, 2015

Attachments:March PC Minutes (DRAFT)Image Sheet - Destiny Park RedevelopmentStaff Summary - Destiny Park Redevelopment (Rezone & Variance)Conceptual Plan - Destiny Park on Cedar Street

- V.-7** 2015-1750 APPROVE or DENY to adopt an Ordinance for the petition filed by Cesar Potenza, Owner, with the Mayor and Council of the City of Hattiesburg, Mississippi, as required in the Comprehensive Zoning Ordinance No. 2330, as amended, of the City of Hattiesburg, Mississippi, to change the zoning classification of certain properties located at 1602 Cedar Street (Parcels 0381-22-056.00, 0381-22-063.00, 0381-22-134.00, and 0381-22-051.00, PPINs 38202, 6351, 6361, and 10476, respectively, Ward 5) from R-1C, (Single-Family Residential) District to R-3 (Multi-Family Residential) District. The Hattiesburg Planning Commission recommended to APPROVE on March 4, 2015

Attachments:March PC Minutes (DRAFT)Image Sheet - Destiny Park RedevelopmentStaff Summary - Destiny Park Redevelopment (Rezone & Variance)Conceptual Plan - Destiny Park on Cedar StreetOrdinance - 1602 Cedar St - Destiny Park Redevelopment

- V.-8** 2015-1657 Adopt Resolutions condemning the following properties as unclean and a menace to the health and safety of the community

Attachments:**Adopt Resolutions MEMO 3-17-15**

1. 722 Walnut St.
2. 1101 Cherry St.
3. 717 E 7th St.
4. 405 E 5th St.
5. 422 Clark St.
6. 1209 Rebecca Ave.
7. 1102 Gravel Line St.
8. 708 Short 9th St.
9. 708 River St.
10. 451 W 4th St.
11. 706 E 7th St.
12. 602 Fairley St.
13. 500 Short 5th St.
14. 807 Bouie St.
15. 906 Dewey St.
16. 904 Tuscan Ave. 26857
17. 904 Tuscan Ave. 26860
18. 904 Tuscan Ave. 26861
19. 116 Elaine Circle
20. 218 N 19th Ave.
21. 313 N 21st Ave.
22. 501 Hood Rd.
23. 410 Dumas Ave.
24. 101 Independence Ave.
25. 108 Cypress Ave.
26. 10 Longino Rd.
27. 204 Railroad Ave.

- V.-9 2015-1758** Adopt an Ordinance establishing a classification compensation plan for the City of Hattiesburg, Mississippi, and repealing Ordinance Number 2826, adopted 8-19-03, and any other ordinances in conflict therewith.

Attachments:**HAVPAY Ordinance, 2015**

- V.-10 2015-270** Adopt a Resolution requesting local and private legislation authorizing the City of Hattiesburg to enter into a contract to design and/or construct facilities to accommodate the collection, storage, transportation, treatment and/or disposal of all or any portions of its wastewater or other systems and/or enter into a long-term agreement for the operation of all or any portions of its wastewater

collection, storage, transportation, treatment or other systems.

Attachments: Resolution for Legislation Sewer Treatment
Proposed Legislation Local and Private Sewer Treatment

- V.-11** 2015-1756 Adopt a Resolution declaring the intent of the Mayor and City Council of the City of Hattiesburg to acquire, construct, renovate, finance, and equip a Public Safety Complex including Police Department, Fire Department Administration Building, Municipal Court Building and a Parks & Recreation Administration Building and related facilities under authority of Sections 31-8-1 et seq., Mississippi Code of 1972, under one or more leases between the City and the Southern Mississippi Investment Co. Inc., a non-profit corporation organized under the laws of the State of Mississippi (the "Corporation"); Approving a Special Counsel and a Financial Advisor to the Corporation in connection with the lease or leases and the issuance of one or more Certificates of Participation, or negotiating one or more loan agreements secured each by a note to fund the cost of the project.

Attachments: Intent Engagement Resolution Pub Safety Complex.docx

- V.-12** 2015-267 Adopt a Resolution authorizing Requisition No. 24 from the Project Fund Construction Account in connection with certain loan agreement, dated as of December 19, 2013, by and between the Mississippi Development Bank and the City of Hattiesburg.

Attachments: 2013 Bond Resolution No. 24

- V.-13** 2015-1723 Authorize Mayor to execute Request for Cash and Summary Support Sheet - Final for the USA Yeast Wastewater Treatment Project (CDBG#R-103-205-03-KED) in the amount of \$10,000.

Attachments: Request for Cash - Final

- V.-14** 2015-1724 Authorize Mayor to execute four (4) copies of closeout package for USA Yeast Project Grant #R-103-205-03-KED.

Attachments: USA Yeast Closeout Documents

- V.-15** 2015-1725 Authorize Mayor to execute a Project Development Agreement between City of Hattiesburg and Johnson Controls, Inc. to provide a Technical Energy Audit of the City of Hattiesburg facilities and infrastructure.

Attachments: FINAL Hattiesburg JCI Project Development Agreement 3-13-15

- V.-16** 2015-1722 Adopt the City of Hattiesburg's Procurement Manual as amended, to address the Procurement Procedures and requirements of the Federal Transit Administration's Grant Management administration and oversight process, updated policies & procedures that address FTA guidelines and documentation of how the grantee will implement those requirements for FTA-funded procurements that

conform to applicable Federal law, including: 49 CFR Part 18; FTA C 4220.1F, "Third Party Contracting Guidance"; and the Master Agreement.

Attachments: Procurement Manual Final as submitted to FTA

- V.-17** 2015-1757 Approve Professional Services Contract between the City of Hattiesburg and L & A Construction, Inc. for the repair and maintenance of North and South Lagoon Wastewater Treatment Facilities Aerators for a period of 12 months from the effective date of said agreement, and for an amount not to exceed \$500,000; Authorize Mayor to execute same in duplicate.

Attachments: L A Contracting Prof Service Contract March 2015
 L A Construction Fee Schedule

- V.-18** 2015-1728 Approve Amendment to the Subrecipient Agreement with AIDS Services Coalition (Sheley Place) (found at MB2013-356) to extend the term of the agreement to October 31, 2015, allowing for the Acquisition and Rehabilitation of a multi-unit development to provide permanent supportive housing and the expenditure of funds remaining under the agreement; Authorize Mayor to execute in triplicate for same. {entitlement}

Attachments: 2015 AGREEMENT AMENDMENT - AIDS Services Coalition

- V.-19** 2015-1730 Acknowledge receipt of the Final Draft of the 2014 Consolidated Annual Performance and Evaluation Report (CAPER) and approve the subsequent submission of the CAPER to the U.S. Department of Housing and Urban Development by March 31, 2015. {Entitlement}

Attachments: 2014 CAPER Final Draft

- V.-20** 2015-1739 Acknowledge receipt of interest rate quotes to provide lease-purchase financing for sanitation trucks for the City of Hattiesburg and accept the quote of Regions Bank; authorize Mayor to execute necessary lease-purchase financing documents.

Attachments: Interest Rate Quotes

- V.-21** 2015-1760 Rescind Resolution 2014-160 at Minute Book 2014-230-231 and Final Order Resolution 2014-229 at Minute Book 2014 pg 352 ; Adopt resolution granting and allowing ad valorem tax exemption except state and school district ad valorem taxes, to The Kohler Company, for a period not to exceed ten (10) years, commencing on December 31, 2013 and ending December 31, 2023 with a true value of \$1,987,047.71.

Attachments: Memo-Kermas
 Assessor Statement-Kohler
 Kohler itemized list of property
 Kohler Resolution-Amend

- V.-22** 2015-1759 Acknowledge receipt of list containing 76 tax-forfeited properties in the City of Hattiesburg to be auctioned by the Secretary of State, to be marketed for private ownership or to be transferred to the local government for public use.

Attachments: COUNCIL MEMO State Owned Properties

VI. ROUTINE AGENDA

- VI.-1** 2015-1745 Authorize the Mayor to execute Maintenance Agreement with Kronos for 1 year beginning June 16, 2015 and ending June 15, 2016 for the Timekeeping Software & Hardware.

Attachments: KRON CORR109 DATADEF 38760185 1

- VI.-2** 2015-1741 Authorize Mayor to excute a one year contract 03/01/2015 through 02/29/16 with Benecom Technologies for City Hall AS400's hardware and Printer at the Water Billing office for \$3,996.00

Attachments: Quote AS400 Hardware Maint Printer (3)

- VI.-3** 2015-1726 Authorize Mayor to renew a maintenance contract between the City of Hattiesburg and Cellebrite USA, Inc. for maintenance on UFED 4PC Ultimate Software not to exceed \$5,000.

Attachments: Cellebrite Renewal

- VI.-4** 2015-1734 Authorize Mayor to renew Lease Agreement between City of Hattiesburg and RJ Young for a copier located in Public Works for the period February 15, 2015 to February 14, 2016 (nunc pro tunc).

Attachments: 03-17-RJ Young Lease - Public Works

- VI.-5** 2015-1731 Acknowledge receipt of monthly budget report for the month of February 28,2015, on permanent file in the City Clerk's office.

Attachments: All Expenditures February 2015
 REV15.0205

- VI.-6** 2015-1736 Acknowledge bid received on February 19, 2015 for Sport Shirts for the Hattiesburg Police Department and reject the bid because it does not meet the City's advertised specifications; Approve Specifications and Authorize Publication of Advertisement for above item

Attachments: 03-17-Reject and Advertise HPD Sport Shirts

- VI.-7** 2015-1737 Acknowledge no bids were received on February 19, 2015 for Term

Bid Item #25 - Concrete & Brick Transportation Structures and
Approve Specifications and Authorize Publication of Advertisement
for above item

Attachments: 03-17-Advertise PS 25

VI.-8 2015-1738 Acknowledge bids received on February 19, 2015 for Various Term
Bid Items and Accept the bids as per the attached memorandum

Attachments: 03-17-Accept PS Term Bids

VI.-9 2015-1727 Approve plans and specifications for Eaton School Phase I;
authorize the advertisement for bids for same.

Attachments: Eaton School Phase-1 Specs
Eaton Phase-I Drawings Binder 03-03-15
Eaton School Advertisement for Bid

VI.-10 2015-1740 Approve the issuance of taxi permit for Michael Eugene
Collier(F-007) to drive for Angel Haven-Vehicle for hire.

Attachments: Collier Permit

VI.-11 2015-1733 Approve and authorize issuance of manual checks for the HOME
Program Claims per attached memorandum. {Entitlement}

Attachments: HOME Program Payments
MEMORANDUM-Manual Checks-HOME

VI.-12 2015-1732 Approve and authorize issuance of manual checks for CDBG
Program claims per attached memorandum. {Entitlement}

Attachments: CDBG Program Payments
MEMORANDUM-Manual Checks-CDBG

VI.-13 2015-1729 Approve claims docket for the period ending March 13, 2015.

Attachments: DOCKET 15 03-13

City of Hattiesburg, MS

*200 Forrest St.
P.O. Box 1898
Hattiesburg, MS 39401*



Meeting Agenda

Tuesday, April 7, 2015

5:00 PM

Council Chambers

City Council

I. Call to Order

II. Call to Prayer and Pledge of Allegiance

III. Agenda Order

IV. Approval of Minutes

for the March 2, 3, 16, 17 and 23, 2015 City Council meetings.

V. PRESENTATION AGENDA**VI. POLICY AGENDA****VI.-1 2015-1773**

Adopt an ordinance enlarging, extending and defining the corporate limits and boundaries of the City of Hattiesburg, Lamar County, Mississippi, to include certain lands situated in Lamar County, Mississippi.

Attachments:

LETTER REQUESTING TO BE ANNEXED

WEST HILLS AND W 4TH ST PROPOSED ANNEXATION 3

OVERALL LEGAL WITH WESTHILLS AND 4TH PROP ANNEX ADDED

VI.-2 2015-1785

Adopt a Resolution declaring the necessity and intention of the Mayor and City Council of the City of Hattiesburg, Mississippi, to issue a General Obligation Note, Series 2015, of the City of Hattiesburg, Mississippi in the principal amount of not to exceed Two Million Dollars (\$2,000,000.00) to provide funds for design, demolition, repair, renovation, and construction of a Public Safety Complex, and directing publication of notice of sale.

Attachments:

Intent Resolution Note Sale Architect Fees

VI.-3 2015-282

Adopt a Resolution authorizing Requisition No. 25 from the Project Fund Construction Account in connection with certain loan agreement, dated as of December 19, 2013, by and between the Mississippi Development Bank and the City of Hattiesburg.

Attachments:

2013 Bond Resolution No. 25

VI.-4 2015-1767

Designate Southern Prohibition Brewing's free outdoor/indoor concert Saturday, May 9, 2015, on Mobile Street in downtown Hattiesburg as a city-approved event for the purposes described in Ordinance Number 3148.

Attachments: Emails from E. Curry, 5-9-2015 concert
ORD 3148 - Possession and Consumption of Beer and Light Wine

VI.-5 2015-1784

Designate Historic Hattiesburg Downtown Association's Spring Art Walk Saturday, April 11, 2015, and other events listed on the attached 2015 HHDA schedule, as city-approved events for the purposes described in Ordinance Number 3148.

Attachments: Letter and Schedule - A. Saffie, HHDA
Memo, F. Misenhelter, PD Overtime Costs
ORD 3148 - Possession and Consumption of Beer and Light Wine

VI.-6 2015-1783

Authorize the Mayor and Fire Chief to execute joint contractual agreement between the Mississippi State Fire Academy (MSFA) and the Hattiesburg Fire Department to provide the Driver/Operator NFPA 1002: Pumper-Field Course, to be held at the Petal Fire Department April 6 - 20, 2015, for 6 students at a cost per student of \$140.29, for a total cost \$841.74.

Attachments: State Fire Academy MOU

VI.-7 2015-1768

Approve Supplemental Agreement No. 1 for Comprehensive Sewer Improvements Phase I, decreasing construction contract by Two Hundred Ninety-Eight Thousand Eight Hundred Seventy-One and 43/100 Dollars (\$298,871.43); Authorize Mayor to execute four (4) copies of said Supplemental Agreement No. 1; Approve Final Acceptance of Comprehensive Sewer Improvements Phase I; and Authorize Publication of the Notice of Final Settlement of contract of said project.

Attachments: comSwip Supplemental 1 and closeout
NOTICE OF FINAL SETTLEMENT ComSWIP Phase I

VI.-8 2015-1786

Approve professional services agreement by and between the City of Hattiesburg and Eisenstein Malanchuk LLP for Environmental Insurance Cost Recovery services; Authorize Mayor to execute same (nunc pro tunc).

Attachments: Eisenstein Malanchuk LLP

VI.-9 2015-1777

Approve the CDBG/HOME Rehabilitation and Housing Repair Grants Program Manual, amended to reflect changes recommended by Training & Development Associates (TDA) and the Community Development Division and required by HUD.

Attachments: REHABILITATION AND REPAIR MANUAL AMENDED APRIL 2015

VI.-10 2015-1781

Ratify and confirm the Mayor's re-appointment of Judy Corts (Ward 1) to the Planning Commission for a 5-year term (5/12/2015 to 5/12/2020).

Attachments: Memo appoint agenda item Corts
 Data sheet Corts 2015

VI.-11 2015-1780

Ratify and confirm the Mayor's re-appointment of Annie Pope (Ward 2) to the Planning Commission for a 5-year term (5/12/2015 to 5/12/2020).

Attachments: Memo appoint agenda item Pope
 Data sheet Pope 2015

VI.-12 2015-1782

Ratify and confirm the Mayor's appointment of Mark Miller (Ward 3) to the Planning Commission for the remaining portion of a 5-year term (4/7/2015 to 5/12/2018).

Attachments: Memo appoint agenda item Miller
 Data sheet Miller 2015

VII. ROUTINE AGENDA

VII.-1 2015-1766

Authorize Mayor to enter into a maintenance agreement between the City of Hattiesburg and Innovative Service Solutions, LLC to provide maintenance on four (4) Automatic External Defibrillators for Public Works at an annual cost of \$760.00.

Attachments: Innovative Service Solutions, LLC

VII.-2 2015-1774

Authorize Mayor to renew maintenance agreement between the City of Hattiesburg and Owens Business Machines for Maintenance on copier located in HCT for the period beginning March 1, 2015 at a cost not to exceed \$400.00

Attachments: 04-07-15-HCT Copier Maint-Owens

VII.-3 2015-1778

Acknowledge receipt of the unadvertised bid purchase docket for the period of February 24, 2015 through March 30, 2015 as provided for in Section 31-7-13 (b) of the Mississippi Code of 1972

Attachments: 04-07-UAB Docket

VII.-4 2015-1761

Acknowledge submission of Mississippi Department of Transportation 2015 Urban Youth Corps grant in the amount of \$51,100 (\$35,000 state / \$16,100 local) to fund employment for youth on transportation projects.

Attachments: MDOT UYC 2015 app

VII.-5 2015-1771

Acknowledge proofs of publication for the month of February 2015.

Attachments: Publications 2-2015

VII.-6 2015-1763

Acknowledge receipt of privilege license report for the month of February, 2015 from the Tax Department, as per recommendation.

Attachments: Memo
 New Lic
 Renewals

VII.-7 2015-1775

Approve Specifications and Authorize Publication of Advertisement for Public Services Term Bid Item #20 - Ready Mix Concrete

Attachments: 04-07-15-Advertise PS 20

VII.-8 2015-1787

Approve Specifications and Authorize Publication of Advertisement for Term Bid Item #33 - Uniform Rental Service

Attachments: 04-07-Advertise PS 33

VII.-9 2015-1770

Approve plans and specifications for the Bobby L. Chain Municipal Airport Runway 13-31 Rehabilitation Restoration (AIP NO. 3-28-0031-0022-2015); Authorize advertisement for bids for same.

Attachments: HBG RWY Rehab Specs
 Bid Advertisement Airport 2015
 HBG RWY Rehab Plans 032415

VII.-10 2015-1764

Approve the City's purchase of six (6) grave spaces located at Lot 141 section 18, Highland Cemetery, recorded at MB 18/380, in the amount of \$480.00 to A.L. Kirkpatrick; authorize manual check for the same.

Attachments: Memo and Deed-Kirkpatrick

VII.-11 2015-1769

Approve the sale of grave spaces, per attached memo.

Attachments: receipt 4-7-15

VII.-12 2015-1776

Approve and authorize issuance of manual check for CDBG Program claims per attached memorandum. {Entitlement}

Attachments: CDBG Payments April 6, 2015

VII.-13 2015-1772

Approve claims docket for the period ending March 31, 2015.

Attachments: DOCKET 15.03-31

Serial: 197961

IN THE SUPREME COURT OF MISSISSIPPI

No. 2015-TS-00241

**JOHNNY L. DUPREE, IN HIS
OFFICIAL CAPACITY AS MAYOR OF
THE CITY OF HATTIESBURG,
MISSISSIPPI**

Appellant

FILED

APR 07 2015

v.

SUPREME COURT CLERK

**CARTER CARROLL AND KIM
BRADLEY**

Appellees

ORDER

This matter is before the panel of Randolph, P.J., Kitchens and King, JJ., on the Motion to Docket and Dismiss Appeal filed by Carter Carroll and Kim Bradley, members of the Hattiesburg City Council. Carroll and Bradley asks the Court to dismiss Mayor Johnny Dupree's appeal for lack of a final, appealable judgment. After due consideration, the panel finds that the motion is well taken and should be granted.

IT IS THEREFORE ORDERED that the Motion to Docket and Dismiss Appeal filed by Carter Carroll and Kim Bradley is hereby granted. The appeal in Cause No. 2015-TS-00241, is hereby dismissed. All costs of the appeal are assessed to the Appellant.

SO ORDERED, this the 7th day of April, 2015.


JAMES W. KITCHENS, JUSTICE

Exhibit E

**GHOLSON
BURSON
ENTREKIN
& ORR, PA**

MAILING ADDRESS:
POST OFFICE BOX 1289
LAUREL, MISSISSIPPI 39441-1289
WWW.GBEOLAW.COM
FAX: (601) 649-4441

ROBERT D. GHOLSON¹
RICHARD O. BURSON
ROMNEY H. ENTREKIN²
CRAIG N. ORR
RYAN J. MITCHELL
P. GRAYSON LACEY, JR.
KATHERINE B. SUMRALL

¹ALSO ADMITTED IN TENNESSEE

²ALSO ADMITTED IN LOUISIANA

April 8, 2015

Via Hand-Delivery

Honorable Lou Ellen Adams
Forrest County Circuit Clerk
P.O. Box 992
Hattiesburg, MS 39403-0992

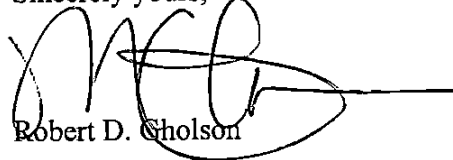
**Re: *Carroll & Bradley v. Dupree*
*Cause No. CI14-0212***

Dear Ms. Adams:

Enclosed herein for filing in the above referenced matter is the Plaintiffs' Motion for Status Conference, along with an extra copy to be stamped "filed."

If you have any questions, please feel free to give me a call.

Sincerely yours,



Robert D. Gholson

RDG/mm

Enclosures

cc: Charles Lawrence, Esq.
Shawn O'Hara
Elisha Jackson

535 NORTH 5TH AVENUE
LAUREL, MS 39440
(601) 649-4440

106 MADISON PLAZA, SUITE C
HATTIESBURG, MS 39402
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