

Published Agenda



Tuesday, September 17, 2024 5:00 PM	City Council Tuesday Meeting Agenda	Council Chambers 200 Forrest Street
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Call to Order
Call to Prayer and Pledge of Allegiance
Presentation Agenda
Agenda Adjustments:

- Add Policy Items #22, #23, #24, Add Routine Item #7, #8 and Addendum to the claims docket at the request of the Administration.
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|-------------|----------|---|
| 22. | 2024-490 | Adopt a Resolution by the Governing Authorities of the City of Hattiesburg, Mississippi, recognizing and designating the month of September, 2024 as "Prostate Cancer Awareness Month" in the City of Hattiesburg, Mississippi and for related purposes. |
| 23. | 2024-491 | Adopt Resolution declaring property identified as Forrest County Parcel PPIN 1488, 1489 and 39311 necessary for public use, establishing just compensation and authorizing the Mayor to make a fair market value offer to Katie McSwain Blankinchip and Bobby Ruth Meeks and any and all interest holders in said property, and to acquire rights to the property from all interests holders, and generally authorizing any and all proceedings necessary to acquire the aforementioned property pursuant to Miss. Code Ann. 21-37-47, as amended, and authorize Mayor to execute any and all documents required to complete said transaction, including the issuance of manual check in payment. |
| 24. | 2024-489 | Approve Agreement between City of Hattiesburg and Verb Architecture, PLLC, for professional architectural services related to repairs and renovations to City Hall through the Mississippi Community Heritage Preservation Grant Program and authorize the Mayor to execute the same. |
| R#7. | 2024-492 | Approve plans and specifications for repairs and renovations to City Hall related to the Mississippi Community Heritage Preservation Grant Program and authorize advertisement for bids |
| R#8. | 2024-494 | Approve Specifications and Authorize publication of an advertisement for term bid #2, repair and rehab of city streets. |
| Add to R#6. | 2024-495 | Addendum to the claims docket for invoice payable to Motorola Solutions, in the amount of \$61,425.00. |

POLICY AGENDA

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| 1. | 2024-458 | Approve the minutes for the September 3 & 13, 2024 meetings of the City Council. |
| 2. | 2024-258 | Take from the table; Approve a variance request from the minimum required frontage of 150 ft for a pole sign for a B-5 zoned property to instead allow for a 93 ft frontage on a property located at 6054 Hwy 98 Hardy Street, as requested by Joel Ford, applicant (PPIN 30851, Ward 3, Lamar County). The Board of Adjustment recommended approval on July 3rd, 2024. (Tabled from the August 20, 2024 Council meeting). |
| 3. | 2024-437 | Take from the table; Approve the Planning Commission recommendation to deny the petition by Douglas Miller, petitioner, to appeal section 11.7 the decision of the Urban Development Director on the request for interpretation of the intent or the meaning of the provisions of the Land Development Code. The request is specifically for the definition of a Congregate Care and/or Church instead of a Group facility. (Tabled at the September 3, 2024 meeting). |
| 4. | 2024-386 | Adopt an Ordinance to amend the comprehensive zoning district map for a property located at 62 Cross Creek Parkway (PPIN 38013, Ward 3, Lamar County) from R-3 (Multi-Family Residential) to B-5 (Regional Business). The Planning Commission recommended approval on September 4th, 2024. |
| 5. | 2024-387 | Adopt an Ordinance to amend the comprehensive zoning district map for a property located 800 W. 7th Street (PPIN 23500, Ward 2, Forrest County) from B-2 (Neighborhood Business) to R-1B (Single-Family Residential). The Planning Commission recommended approval on September 4th, 2024. |
| 6. | 2024-390 | Adopt an Ordinance to amend the comprehensive zoning district map for a located at 532 Cox Street (PPIN 12368, Ward 5, Forrest County) from R-1C (Single-Family Residential) to A-2 (Agricultural Residential). The Planning Commission recommended approval with conditions on September 4 th , 2024. |
| 7. | 2024-389 | Adopt an Ordinance to amend the comprehensive zoning district map for a property located at 1501 W. 7th Street (PPIN 26056, Ward 2, Forrest County) from B-2 (Neighborhood Business) to B-1 (Professional Business). The Planning Commission recommended approval on September 4th, 2024. |
| 8. | 2024-391 | Adopt an Ordinance to amend a Planned Mixed-Use Development known as the "Village at the Beverly," located on Old Airport Road in Forrest County, Ward 5. |

- (PPIN 29647, Ward 5, Forrest County). The Planning Commission recommended approval with conditions on September 4th, 2024.
- 9. 2024-410 Adopt an Ordinance to amend the Land Development Code, Ord. No. 3209, and make changes to Section 12 relating to the changes concerning subdivision regulations and bond requirements for new subdivisions. The Planning Commission recommended approval as amended on September 4th, 2024.
 - 10. 2024-398 - Deleted -
 - 11. 2024-399 Approve the Board of Adjustment's recommendation to approve the request for a variance from the minimum lot size of 43,560 sq ft (1 acre) for an A-2 zoned property to instead allow for a minimum lot size of 16,200 sq ft on a property located at 532 Cox Street. The request is conditional upon the approval of a rezoning request to A-2 (PPIN 12368, Ward 5, Forrest County).
 - 12. 2024-388 Approve the Planning Commission's recommendation to approve a request to alter the platted subdivision known as "Rawl's Addition to the City of Hattiesburg" at 800 W 7th Street to subdivide the property into 7 single-family residential lots (PPIN 23500, Ward 2, Forrest County).
 - 13. 2024-485 Adopt a Resolution approving and authorizing the execution of assignment of the TIF Development Agreement dated March 5, 2013, as amended on July 5, 2016, between the City of Hattiesburg, Mississippi and Whispering Pines Retirement Community, LLC related to the City's Tax Increment Financing Plan (Whispering Pines Retirement Community Project 2012) to VH Development, LLC, and for related purposes.
 - 14. 2024-454 Adopt Resolutions adjudicating and directing the placement as an assessment for the cleanup costs and applicable penalties, not to exceed the values prescribed by State law, against the following properties.
 - 15. 2024-450 Approve Agreement with Zac Fairley Appraisals & Consulting to provide right-of-way appraisal services for the Fourth Street Improvements, Phase IV LPA Project, as per attached scope and authorize the Mayor to execute the same.
 - 16. 2024-451 Approve Agreement with John B. Stewart, Real Estate Appraiser & Consultant, LLC to provide right-of-way appraisal review services for the Fourth Street Improvements, Phase IV LPA Project, as per attached scope and authorize the Mayor to execute the same.
 - 17. 2024-445 Approve Supplemental Agreements No. 1, No. 2, and No 3. for the Hall Avenue West Project (Project No. FBLD-8769-00(001) LPA/108639-802000) with R & J Construction, Inc., which reduces the contract amount by a total of \$1,284.76 and adds thirty (30) days to the project and authorize the Mayor to execute the same.
 - 18. 2024-486 Approve Change Order No. 5 with Phoenix Construction, LLC for the Jaycee Park Improvements project for an increase of \$2,864.84 and authorize the Mayor to execute it in duplicate.
 - 19. 2024-449 Approve two-quote purchase to construct a retaining wall at 127 May Avenue and authorize acceptance of the bid from Homestead Services, LLC in the amount of \$5,250.00.
 - 20. 2024-457 Acknowledge bids received August 15, 2024 for the Vernon Dahmer Park Playground project and authorize acceptance of the bid from Struthers Recreation, LLC in the amount of \$181,076.20; Authorize the mayor to execute contact upon preparation.
 - 21. 2024-453 Acknowledge receipt of a donation from the 2024 Leadership Pine Belt Group for 10 sanitary hygienic dispensers purchased from Aunt Flow valued at \$7,626.00. Dispensers will be installed in public restrooms.

ROUTINE AGENDA

- 1. 2024-461 Approve and authorize Substantial Amendments to the 2021 and 2022 Annual Action Plan for the City of Hattiesburg and authorize submission to the U. S. Department of Housing and Urban Development (HUD).
- 2. 2024-459 Approve and authorize issuance of manual checks for CDBG Program Claims per attached Memorandum. {CDBG-CV Entitlement}
- 3. 2024-460 Approve plans and specifications for Concrete Paved Ditch Repairs Along Gordon's Creek and authorize advertisement for bids.
- 4. 2024-456 Approve the City's purchase of (4) four grave spaces located in Section 20, Lot 55, West Half (W 1/2) at Highland Cemetery, Minute Book# 2023, Page 17, in the amount of \$700.00 from Jean Jones, Authorize manual check for the same.
- 5. 2024-455 Approve the sale of grave spaces per attached, Memo's, Receipts and Deeds.
- 6. 2024-462 Approve claims docket for the period ending September 13, 2024.

In Memoriam:

- Ms. Juanita Magee
- Ms. Mary Lois Burkett
- Mr. Richard Conville
- Mr. Andrew "Scoon" Halsell
- Mrs. Ida Jean Arnold
- Mr. Bruce Robert Dennis
- Dr. Ronald "Ron" Edgar Walker
- Mr. Dennis Shelton

Meeting Adjourn

Call to Order

BE IT REMEMBERED that the **regular meeting of the Hattiesburg City Council was held at 5:00 p.m. Tuesday, September 17, 2024**, in Council Chambers at City Hall; same being from a recessed meeting held on September 16, 2024.

Those present included members of the City Council Jeffrey George, Ward 1; Deborah Delgado, Ward 2; Carter Carroll, Ward 3; Dave Ware, 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. Kennedy; Deputy Clerk of Council, Lisa Luu Jolly; City staff members; media; and the public.

Absent: Mayor Toby Barker

Council President George Called the meeting to order.

Call to Prayer and Pledge of Allegiance

The prayer was given by Pastor Phillip McSwain of Starlight Missionary Baptist Church.

The Pledge of Allegiance was led by Kermas Eaton.

Presentation Agenda

Council President George presented a Proclamation to the Daughters of the American Revolution (D.A.R) to declare September 17-23, 2024 U.S. Constitution Week.

Agenda Adjustments:

A MOTION was made by Council Member Carroll and seconded by Council Vice President Ware to **ADD** Policy Items #22, #23, #24, Add Routine Item #7, #8 and Addendum to the claims docket.

22.

2024-490

Adopt a Resolution by the Governing Authorities of the City of Hattiesburg, Mississippi, recognizing and designating the month of September, 2024 as "Prostate Cancer Awareness Month" in the City of Hattiesburg, Mississippi and for related purposes.

Attachments: Resolution prostate cancer awareness month
23.

2024-491

Adopt Resolution declaring property identified as Forrest County Parcel PPIN 1488, 1489 and 39311 necessary for public use, establishing just compensation and authorizing the Mayor to make a fair market value offer to Katie McSwain Blankinchip and Bobby Ruth Meeks and any and all interest holders in said property, and to acquire rights to the property from all interests holders, and generally authorizing any and all proceedings necessary to acquire the aforementioned property pursuant to Miss. Code Ann. 21-37-47, as amended, and authorize Mayor to execute any and all documents required to complete said transaction, including the issuance of manual check in payment.

Attachments: Resolution - Meeks - PPIN 1488, 1489, 39311
PPIN No. 1488 - Appraisal Report
PPIN 1489 - Appraisal Report
PPIN 39311 - Appraisal Report
173Dec23-PPIN 1488 - 631 Ralston Road
174Dec23 - PPIN 1489-641 Ralston Road
24.

2024-489

Approve Agreement between City of Hattiesburg and Verb Architecture, PLLC, for professional architectural services related to repairs and renovations to City Hall through the Mississippi Community Heritage Preservation Grant Program and authorize the Mayor to execute the same.

Attachments: Agreement with Verb Architecture, PLLC for City Hall repairs

- R7.

2024-492

Approve plans and specifications for repairs and renovations to City Hall related to the Mississippi Community Heritage Preservation Grant Program and authorize advertisement for bids

Attachments: [24-01 Specifications City Hall Hattiesburg Draft NFC](#)
[23-35 Repairs to City Hall, Hattiesburg MS Draft NFC Documents](#)
- R8.

2024-494

Approve Specifications and Authorize publication of an advertisement for term bid #2, repair and rehab of city streets.

Attachments: [NTB- Term Bid #2 9-17-24](#)
[Item #2 Specifications_exp 2024.09.30 \(003\) 9-17-24](#)
- R6.

2024-495

Addendum to the claims docket for invoice payable to Motorola Solutions, in the amount of \$61,425.00.

Attachments: [FORM.DOCKET.ADDENDUM](#)
[Claims.Memo.7.19.11](#)

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

Yeas: 5 - George, Delgado, Carroll, Ware and Brown
Nays: 0

POLICY AGENDA

THE MATTER OF THE AGENDA ORDER came before the Council.
The POLICY AGENDA came before the Council.

1.

2024-458

Approve the minutes for the September 3 & 13, 2024 meetings of the City Council.

Attachments: [09-03-2024 APH, PH, BPH Mins.](#)
[09-13-2024 SCM Budget Adoption Mins.](#)

A MOTION was made by Council Member Carroll and seconded by Council Member Brown to **APPROVE** the minutes for the September 3 & 13, 2024 meetings of the City Council.

There being no discussion, the Motion received the affirmative vote of the Council as follows:
Yeas: 5- George, Delgado, Carroll, Ware and Brown
Nays: 0

2.

2024-258
[TABLED]

Take from the table; Approve a variance request from the minimum required frontage of 150 ft for a pole sign for a B-5 zoned property to instead allow for a 93 ft frontage on a property located at 6054 Hwy 98 Hardy Street, as requested by Joel Ford, applicant (PPIN 30851, Ward 3, Lamar County). The Board of Adjustment recommended approval on July 3rd, 2024. (Tabled from the August 20, 2024 Council meeting).

Attachments: [A1 - Staff Summary - Big Chicken](#)
[A1 - Image Sheet - Big Chicken](#)
[PH Application_with variance application](#)
[Warranty Deed](#)
[BIG CHICK POLE SIGN - site plan](#)
[BOA JULY - MINUTES](#)

A MOTION was made by Council Member Carroll and seconded by Council Member Brown to **TAKE FROM THE TABLE**; a variance request from the minimum required frontage of 150 ft for a pole sign for a B-5 zoned property to instead allow for a 93 ft frontage on a property located at 6054 Hwy 98 Hardy Street (Tabled from the August 20, 2024 Council meeting).

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

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

Nays: 0

A MOTION was made by Council Member Carroll and seconded by Council Member Brown to **TABLE** a variance request for the minimum required frontage for a pole sign on a property located at 6054 Hwy 98 Hardy Street, until the next Council meeting (*October 8, 2024*) to allow the property owner additional time to work with the surrounding businesses on an acceptable solution.

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

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

Nays: 0

3.
- 2024-437
- Take from the table; Approve the Planning Commission recommendation to deny the petition by Douglas Miller, petitioner, to appeal section 11.7 the decision of the Urban Development Director on the request for interpretation of the intent or the meaning of the provisions of the Land Development Code. The request is specifically for the definition of a Congregate Care and/or Church instead of a Group facility. (Tabled at the September 3, 2024 meeting).

Attachments: [A1 - Staff Summary - 408 Broadway Drive](#)
 [A2 Image Sheet - 408 Broadway Drive](#)
 [01 Lighthouse Rescue Mission Inc - Pre-app APPLICATION](#)
 [02 Lighthouse Rescue Mission - Pre- App Notes](#)
 [03 Questions from applicant regarding use designation](#)
 [04 Response to applicant on questions](#)
 [05 Appeal Form](#)
 [Exhibit A-1](#)
 [Exhibit A-2](#)
 [Exhibit A-3](#)
 [Exhibit A-4](#)
 [HPC JULY - MINUTES](#)

A MOTION was made by Council Vice President Ware and seconded by Council Member Carroll to **TAKE FROM THE TABLE**; Approve the Planning Commission recommendation to deny the petition by Douglas Miller, petitioner, to appeal section 11.7 the decision of the Urban Development Director on the request for interpretation of the intent or the meaning of the provisions of the Land Development Code. The request is specifically for the definition of a Congregate Care and/or Church instead of a Group facility. (Tabled at the September 3, 2024 meeting).

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

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

Nays: 0

A MOTION was made by Council Vice President Ware and seconded by Council Member Carroll to **ADOPT ORDER** prepared by the City Attorney dismissing the appeal of Lighthouse Rescue Mission, Inc.

ORDER

THERE CAME ON for hearing before the City Council the appeal of Douglas Miller on behalf Lighthouse Rescue Mission, Inc., of the decision of the Planning Commission of the City of Hattiesburg to uphold the decision of the Director of Urban Development (“the Director”) that the proposed use of the property at 408 Broadway Drive, Hattiesburg, Mississippi, would be as a “Group Care Facility,” and the purported denial of Lighthouse to use the property as a church. Having heard and reviewed the presentation of the Planning Division Manager of the City and the eight (8) individuals who spoke on behalf of Lighthouse, which included

Mr. Miller and the Director of Lighthouse, Ken Thronson, as well as the packet of information provided by Lighthouse and the material provided in the Council's agenda packet, the Council took the matter under advisement. Having considered the evidence and testimony presented to it, the Council FINDS and ORDERS as follows:

I.

This is the third time in a little over a year that the question of the use of the property located at 408 Broadway Drive in Hattiesburg, Mississippi, has been before the City Council ("the Council"). On August 22, 2023, the Council upheld the recommendation of the City of Hattiesburg's Planning Commission (the Planning Commission) to deny a change in zoning for the subject property from B-5 (Regional Business) to B-3 (Community Business). The Council found that "the burden of proof for the justification of an amendment to the official zoning map was not provided by the applicant or by their representative, and the City Council is in agreement that the burden of proof was not provided to justify the change in the official zoning map." The Council's decision was not appealed.

On January 16, 2024, the Council upheld the recommendation of the Planning Commission to uphold the decision of the Director of Urban Development ("the Director") for a use designation of the subject property as a "Group Care Facility" rather than a "Rehabilitation Center," as sought by Ken Thronson and Douglas Miller as representatives of Lighthouse Rescue Mission, Inc. ("Lighthouse" or "the Appellant"). In its Order, the Council noted that while the City of Hattiesburg's Land Development Code (LDC), in Section 13, contains a definition of a "Group Care Facility," it does not contain a definition of "Rehabilitation Facility".

In its January 16, Order, the Council found that a "Group Care Facility" as defined in the LDC is "A facility or dwelling unit housing persons unrelated by blood or marriage and operating as a group household. A group care facility may include half-way houses, recovery homes, and homes for orphans, foster children, the elderly, battered children and women."

The Council further found that under Section 11.7.3 of the LDC the Director of Urban Development ("the Director") "shall decide all requests for interpretation of the intent or meaning" of the provisions of the LDC, and that where a proposed use's permitted status is unclear, the Director is to refer to the North American Industrial Classification System (NAICS) categorizations in place at the time of the adoption of the LDC and subsequent revisions to make a determination. In this case, the Council found that the word "rehabilitation" is not defined in the NAICS.

The Council, however, found it significant that while "Rehabilitation Facility" is not defined in the LDC, it is grouped there with "Nursing Care, Assisted Living, Congregate Care, Palliative Care, and Hospice Care". In the public hearing before the Council, the Appellant stated that "The cottages at 408 Broadway Drive will be used as a Rehabilitation center for men battling drugs and alcohol. It will be an inpatient facility that offers rehab, life skills, trade skills and coping skills." However, the Council recognized that explaining that the proposed use would be "an inpatient facility which offers drug rehab, life skills, trade skills and coping skills" in a residential setting "appears to meet the definition of a 'Group Care Facility' in the LDC"—which is not permitted in a B-5 Zone.

The Council concluded that the Director's decision was "consistent with the LDC and relevant ordinances, that it aligns with the goals and objectives outlined in the City's Comprehensive Plan, and that it reflects a thorough consideration of the facts and input from stakeholders, including the Appellant, and the public." Accordingly, the Council upheld the Director's determination that the proposed use of the property at 408 Broadway Drive is as a "Group Care Facility" be and was upheld.

Crucially, this decision of the Council was also not appealed.

On May 16, 2024, Mr. Thronson and Mr. Miller, on behalf of Lighthouse, again had a pre-application meeting with representatives of the City's Planning, Engineering, and Fire Departments. At that meeting, they proposed the same use for the property as they had previously, this time describing it as "Congregate Care" (which they defined as "Residential housing where people who are not related reside in close proximity and share at least one common room the kitchen), but added that Lighthouse also intended to provide a church or chapel on the property "open to the beneficiaries of its activities, specifically targeting those persons who may not feel comfortable in a traditional Church setting."

In a letter to Douglas E. Miller, attorney for Lighthouse, dated May 28, 2024, Wiley Quinn, the Director of Urban Development for the City, reaffirmed his earlier decision that was upheld by the Council in its January 16, 2024, Order, that the proposed use of the property "aligns with the Group Facility use and definition."

In his letter, Mr. Quinn advised Mr. Miller that "A 'church' is a 'place of assembly not otherwise listed in Table 5.1 Table of Uses which is allowed by right with some condition," and that "In general, a 'church' would be permitted in this district if it met all other regulatory requirements in the LDC and the International Building/Fire Codes adopted."

On May 29, Mr. Miller, on behalf of Lighthouse Rescue Mission, Inc., appealed the decision of Mr. Quinn to the Planning Commission, based on the “1) Designation of Lighthouse Rescue Mission, Inc., as a Group Care Facility, [and the] 2) Denial of Lighthouse Rescue Mission to use the property as a Church.” The Planning Commission upheld the decision of the Director, Mr. Quinn, and Lighthouse appealed that decision to the Hattiesburg City Council.

II.

In response to the appeal by Lighthouse, the Council held a public hearing on the appeal on September 3, 2024. At the hearing, the City’s Planning Manager, Cory Long, presented the case on behalf of the administration. As had been done following the Pre-Application meeting on May 1, 2024, Mr. Long drew a distinction between a “primary” use and an “accessory” or “secondary” use.

Section 5.4.2.1 of the LDC provides that “In no event shall “accessory use”...be construed to authorize a use or structure not otherwise permitted in which the principal use is located. Section 13.2 of the LDC defines “Accessory use” as “A use of land or building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with such principal use.” Section 13.2 defines Principal Use as “The primary or main use of land or structures, as distinguished from a secondary or accessory use.”

Mr. Long, as Mr. Quinn had previously, made clear to the Council that a church is permitted in a B-5 zone, and in response to a question by Councilman Ware, Mr. Long agreed that Lighthouse could begin a church on the subject property “tomorrow” if it wished.

Mr. Miller spoke on behalf of Lighthouse at the public hearing before the Council. He explained that the proposed church on the property and the “communal living” of men in the twelve individual cottages on the property would serve “separate functions,” with the church being open to people who may not feel comfortable in a traditional church setting. Mr. Miller stated that when he was asked, at the Pre-Application meeting, whether there was any change in what Lighthouse was seeking from the plan for the use of the property it had presented previously, he explained that the only difference was that there would be a church on the property as well.

At the hearing, Mr. Miller also argued that the proposed use should be considered not a “group care facility” as the Council had previously determined, but as a “congregate care” facility, which is permitted under Section 5.1 of the LDC. In the Table of Uses in that Section of the LDC, “congregate care” facility is grouped with “Rehabilitation center, nursing care, assisted living, palliative care, and hospice care.” As with “rehabilitation center,” which was what Lighthouse argued previously, the LDC does not provide a definition of “congregate care” facility, nor does the NAICS. Mr. Miller offered a definition of “congregate care” as “a type of housing in which each individual or family has a private bedroom or living quarters but shares with other residents a common dining room, recreation room, or other facilities.”

Following Mr. Miller’s presentation, six (6) men—including gentlemen from Knoxville, Tennessee, and from Florida—spoke passionately about the value of Lighthouse Mission, giving personal examples of the quality of its work. While our hearts go out to those who have experienced personal losses as a result of drug and/or alcohol addiction, we repeat what we said in our January 16, 2024, Order, about this issue:

The Council appreciates and endorses the work of the Lighthouse Rescue Mission; the testimonies of the [men] to the Council make clear that it is doing important work in the lives of [men and women] who have suffered in many ways. However, the quality of the work being done by the Lighthouse Rescue Mission is not the issue before the Council.

III.

The issues before the Council are two-fold, summarized by Mr. Miller in his initial appeal from the Pre-Application meeting: (1) The designation of the Lighthouse Rescue Mission, Inc., as a Group Care Facility; and (2) Denial of Lighthouse Rescue Mission to use the property as a Church.

In the appeal which led to the Council’s Order of January 16, 2024, Lighthouse argued its proposed use was as a “Rehabilitation center,” but the Council upheld the Director’s determination that the proposed use was as a “Group Care Facility”. This time, Lighthouse argues that it is a “congregate care” facility, even though the Council previously upheld the designation of its proposed use as a “Group Care Facility.”

In *Westminster Presbyterian Church v. Jackson*, 253 Miss. 495, 176 So.2d 267 (1965), Westminster Presbyterian Church (“the Church”) filed a petition in 1960 requesting the Jackson City Council rezone certain property it owned from residential to commercial, for use as a filling station site. After giving notice and conducting a hearing, the Council entered an order denying the petition to rezone the property. No appeal was taken from this order of the Council.

A year later, the Church filed another petition making the same request, and, the Council, after giving notice and conducting a hearing, entered an order denying and dismissing the petition. Again, no appeal was taken from this order of the Council.

In 1962, the Church filed yet another petition seeking the same relief. The Council dismissed it. The Church then filed a petition for rehearing, and it was denied. The Church attempted to appeal from this order, but before the appeal was perfected, the Council informed the attorney for the Church that a hearing would be granted if the Church would file a new petition.

In April, 1963, the Church filed a fourth petition asking for the same relief, arguing that material changes had occurred since the 1961 order, but, after notice and a hearing, the Jackson City Council “found that no material changes that would justify rezoning the property had occurred since the previous hearings.” The Church appealed this decision to the Hinds County Circuit Court, and that Court affirmed the decision of the Council. The Church then appealed the case to the Mississippi Supreme Court.

In its argument to that Court, the Church contended that “it is not bound by any previous adjudication of the Council on its petitions to rezone its property,” but the Mississippi Supreme Court noted that “in most jurisdictions the rule is, that when an order is entered by such board of review or board of adjustment, after notice, hearing, and expiration of time for appeal, the board has no power to change its decision in the absence of fraud, newly discovered evidence, or a material change in circumstances. This is an application of the doctrine of *res adjudicata* to the adjudication of past facts.” 176 So.2d at 503. The Court held that

the City Council and the circuit court correctly applied the doctrine of *res adjudicata* to the adjudication of past facts, and in zoning cases it is not necessary that any formal plea of *res adjudicata* be filed. The Council must apply the doctrine in proper cases. 176 So.2d at 504.

In the case before the Council, the Council has *already made* a determination that the proposed use of the property by Lighthouse is as a “Group Care Facility,” and attempting to describe it as a “congregate care facility” instead of a “rehabilitation center” does not change the fact that the Council has already adjudicated what the proposed use is: a Group Care Facility.

The only question, therefore, remaining for the Council is to determine whether including a church on the property allows Lighthouse to escape the application of the doctrine of *res adjudicata* which the Mississippi Supreme Court has said the Council is obligated to apply “in proper cases”.

We recognize that, as the Director of Urban Development and the City’s Planning Manager stated, a church is a “place of assembly” as defined in the City’s LDC, and, therefore, there is no question that Lighthouse may begin a church on the property—tomorrow, if it wishes. The question is, does having a church on the property change the primary proposed use of the property?

In the hearing before the Council, both Mr. Miller and Mr. Thronson said that a good analogy of what was being attempted with this latest request was that of “different highways to get to the same place.” It seems obvious to the Council that that “place” is the same “place” as it was before: providing a residential facility for men to receive, among other things, spiritual, mental, emotional and physical care in overcoming addictions to drugs and alcohol.

Although Mr. Miller, in his presentation to the Council, said that the church should “stand alone,” he also said that “We still have the same intent and the same purpose.” As discussed above, and unaddressed by Lighthouse, is the question of “blended” uses or “primary” and “secondary” or “accessory” use. It is apparent to the Council, and it specifically FINDS that the primary proposed use of the property is as a “Group Care Facility,” and the proposed placement of a church or chapel on the property is a “secondary” or “accessory” use. The facts as presented to the Council simply do not support the idea that the establishment of a church on the property—whether it is “independent” of the Group Care Facility, as Mr. Miller argued, or whether the Group Care Facility is “under the church” as Mr. Thronson said three times in his comments to the Council—somehow transforms the primary proposed use of the property from Group Care Facility to something less than primary.

IT IS, THEREFORE, ORDERED that the appeal of Lighthouse Rescue Mission, Inc., from the recommendation of the Planning Commission and the Director of Urban Development be and the same is hereby dismissed.

Council Vice President Ware made a statement:

"First, I think I can speak for all the members of the Council that we appreciate and admire the work of the Lighthouse Rescue Mission, and our hearts go out to those who spoke at the public hearing two weeks ago who have lost loved ones due to drug and

alcohol addiction. However, the issues the Council had to consider in this matter were not about the quality of the work done by Lighthouse. Instead, the issue was the proposed use of the property at 408 Broadway Drive and whether that use is consistent with the City's Land Development Code.

The Council has already considered the proposed use of this property by Lighthouse on two other occasions: in August, 2024, and in January, 2024. In August, 2024, the Council denied a change in zoning. That decision was not appealed. In January, 2024, the Council found that the proposed use of the property was as a "Group Care Facility". That determination by the Council was also not appealed by Lighthouse. Now, in September, 2024, the Council is asked to revisit its previous decision and call the proposed use a "Congregate Care Facility". The problem is that once the Council, in January, agreed with the Director of Urban Development's designation of the proposed use as a Group Care Facility, that issue was settled. The proposed use is as a Group Care Facility.

The fact that Lighthouse proposes now to place a church on the property as well does not change the fact that the primary proposed use of the property is as a Group Care Facility. Lighthouse is free to start a church on the property any time it wants-tomorrow, as I said in the public hearing. But putting a church on the property does not alter the fact that the primary proposed use is, as the Council has already determined, a Group Care Facility. For these reasons I will vote to dismiss the appeal by adopting the Order that has been prepared by the City Attorney."

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

Yeas: 5- George, Delgado, Carroll, Ware and Brown
Nays: 0

4.

2024-386

Adopt an Ordinance to amend the comprehensive zoning district map for a property located at 62 Cross Creek Parkway (PPIN 38013, Ward 3, Lamar County) from R-3 (Multi-Family Residential) to B-5 (Regional Business). The Planning Commission recommended approval on September 4th, 2024.
- Attachments:

A1 - Staff Summary - 62 Cross Creek Parkway Hotel_updated

A1 Image Sheet - 62 Cross Creek Parkway

62 Cross Creek Parkway - Public Hearing Application_signed

62 Cross Creek Parkway - Site Plan

62 Cross Creek Parkway - TURTLE CREEK SUBDIVISION_ Recorded Plat

62 Cross Creek Parkway - Deed

62 Cross Creek Parkway - Street Deed

ORDINANCE - 62 Cross Creek Parkway

HPC September- MINUTES

A MOTION was made by Council Member Carroll and seconded by Council Member Brown to **ADOPT** an **ORDINANCE (#3358)** to amend the comprehensive zoning district map for a property located at 62 Cross Creek Parkway from R-3 to B-5.

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

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

Nays: 0

5.
- 2024-387
- Adopt an Ordinance to amend the comprehensive zoning district map for a property located 800 W. 7th Street (PPIN 23500, Ward 2, Forrest County) from B-2 (Neighborhood Business) to R-1B (Single-Family Residential). The Planning Commission recommended approval on September 4th, 2024.

Attachments: [B& C - Staff Summary - 800 W 7th Street](#)
[B1 Image Sheet - 800 W 7th Street](#)
[Kennedy PH Application](#)
[02682433-Option #1 060324](#)
[02682433-Option #2 060324](#)
[ORDINANCE - 800 W 7th Street](#)
[HPC September- MINUTES](#)

A MOTION was made by Council Member Delgado and seconded by Council Member Carroll to **ADOPT** an **ORDINANCE (#3359)** to amend the comprehensive zoning district map for a property located 800 W. 7th Street from B-2 to R-1B .

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

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

Nays: 0

6.
- 2024-390
[TABLED]
- Adopt an Ordinance to amend the comprehensive zoning district map for a located at 532 Cox Street (PPIN 12368, Ward 5, Forrest County) from R-1C (Single-Family Residential) to A-2 (Agricultural Residential). The Planning Commission recommended approval with conditions on September 4th, 2024.

Attachments: [E1 - 532 Cox Street - Staff Summary](#)
[E1 Image Sheet - 532 Cox Street](#)
[532 Cox St- Public Hearing Application Jordan](#)
[532 Cox St-Community Support](#)
[ORDINANCE - 532 Cox Street](#)
[HPC September- MINUTES](#)

A MOTION was made by Council Vice President Ware and seconded by Council Member Brown to **TABLE** an Ordinance that amends the comprehensive zoning district map for a located at 532 Cox Street from R-1C to A-2 until the next Council meeting (*October 8, 2024*) to seek alternative options for conditional use without having to permanently rezone.

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

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

Nays: 0

7.
- 2024-389
- Adopt an Ordinance to amend the comprehensive zoning district map for a property located at 1501 W. 7th Street (PPIN 26056, Ward 2, Forrest County) from B-2 (Neighborhood Business) to B-1 (Professional Business). The Planning Commission recommended approval on September 4th, 2024.

Attachments: [D1 - Staff Summary - 1501 W 7th Street](#)
[D1 Image Sheet - 1501 W 7th Street](#)
[1501 W 7th Street - Updated PH Application](#)
[1501 W 7th Street- Updated Warranty Deed](#)
[1501 W 7th St- LEGAL DESCRIPTION](#)
[1501 W 7th St - Rezoning Application](#)

01501 W 7th St - Deed
ORDINANCE - 1501 W 7th Street
HPC September- MINUTES

A MOTION was made by Council Member Delgado and seconded by Council Member Carroll to **ADOPT** an **ORDINANCE (#3360)** to amend the comprehensive zoning district map for a property located at 1501 W. 7th Street from B-2 to B-1.

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

Yeas: 5- George, Delgado, Carroll, Ware and Brown
Nays: 0

8.

2024-391

Adopt an Ordinance to amend a Planned Mixed-Use Development known as the “Village at the Beverly,” located on Old Airport Road in Forrest County, Ward 5. (PPIN 29647, Ward 5, Forrest County). The Planning Commission recommended approval with conditions on September 4th, 2024.

Attachments: F1 - Staff Summary - 15 Old Airport Road
F1 Image Sheet - 15 Old Airport Road
Public Hearing Application Village at the Beverly III 07.29.24
ORDINANCE - PMU - VILLAGE AT THE BEVERLY
HPC September- MINUTES

A MOTION was made by Council Member Brown and seconded by Council Member Carroll to **ADOPT** an **ORDINANCE (#3361)** to amend a Planned Mixed-Use Development known as the “Village at the Beverly,” located on Old Airport Road with conditions.

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

Yeas: 5- George, Delgado, Carroll, Ware and Brown
Nays: 0

9.

2024-410

Adopt an Ordinance to amend the Land Development Code, Ord. No. 3209, and make changes to Section 12 relating to the changes concerning subdivision regulations and bond requirements for new subdivisions. The Planning Commission recommended approval as amended on September 4th, 2024.

Attachments: Ordinance - LDC 3209 amendment - Bonds
K1 Staff Summary - City of Hattiesburg (Subdivision Regulations)
Subdivision Updates_final Planning Commission revision
HPC September- MINUTES

A MOTION was made by Council Member Carroll and seconded by Council Member Delgado to **ADOPT** an **ORDINANCE (#3362)** to amend the Land Development Code, Ord. No. 3209, and make changes to Section 12 relating to the changes concerning subdivision regulations and bond requirements for new subdivisions.

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

Yeas: 5- George, Delgado, Carroll, Ware and Brown
Nays: 0

10.

2024-398

DELETED

11.

2024-399
[TABLED]

Approve the Board of Adjustment's recommendation to approve the request for a variance from the minimum lot size of 43,560 sq ft (1 acre) for an A-2 zoned property to instead allow for a minimum lot size of 16,200 sq ft on a property located at 532 Cox Street. The request is conditional upon the approval of a rezoning request to A-2 (PPIN 12368, Ward 5, Forrest County).
- Attachments:

[B1 - 532 Cox Street - Staff Summary](#)
[B1 Image Sheet - 532 Cox Street](#)
[532 Cox St- Public Hearing Application_Jordan](#)
[532 Cox St-Community Support](#)
[BOA September- MINUTES](#)

A MOTION was made by Council Vice President Ware and seconded by Council Member Brown to **TABLE** the Board of Adjustment's recommendation to approve the request for a variance from the minimum lot size of 43,560 sq ft (1 acre) for an A-2 zoned property to instead allow for a minimum lot size of 16,200 sq ft on a property located at 532 Cox Street until the next Council meeting (*October 8, 2024*) to seek alternative options for conditional use without having to permanently rezone.

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

Yeas: 5- George, Delgado, Carroll, Ware and Brown
Nays: 0

12.

2024-388

Approve the Planning Commission's recommendation to approve a request to alter the platted subdivision known as “Rawl’s Addition to the City of Hattiesburg” at 800 W 7th Street to subdivide the property into 7 single-family residential lots (PPIN 23500, Ward 2, Forrest County).
- Attachments:

[B& C - Staff Summary - 800 W 7th Street](#)
[B1 Image Sheet - 800 W 7th Street](#)
[PH Application](#)
[02682433-Option #1 060324](#)
[02682433-Option #2 060324](#)
[HPC September- MINUTES](#)

A MOTION was made by Council Member Delgado and seconded by Council Member Carroll to **APPROVE** the Planning Commission's recommendation to approve a request to alter the platted subdivision known as “Rawl’s Addition to the City of Hattiesburg” at 800 W 7th Street to subdivide the property into 7 single-family residential lots.

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

Yeas: 5- George, Delgado, Carroll, Ware and Brown
Nays: 0

13.

2024-485

Adopt a Resolution approving and authorizing the execution of assignment of the TIF Development Agreement dated March 5, 2013, as amended on July 5, 2016, between the City of Hattiesburg, Mississippi and Whispering Pines Retirement Community, LLC related to the City's Tax Increment Financing Plan (Whispering Pines Retirement Community Project 2012) to VH Development, LLC, and for related purposes.
- Attachments:

[Hburg - TIF Whispering Pines - Assignment of Development Agree \(89460401.1\)](#)
[Hburg - Whispering Pines TIF – Res. Approving Assignment of Dev. Agreement](#)

A MOTION was made by Council Member Carroll and seconded by Council Vice President Ware to **ADOPT** a **RESOLUTION (#2024-144)** approving and authorizing the execution of assignment of the TIF Development Agreement dated March 5, 2013, as amended on July 5, 2016, between the City of Hattiesburg,

Mississippi and Whispering Pines Retirement Community, LLC related to the City's Tax Increment Financing Plan (Whispering Pines Retirement Community Project 2012) to VH Development, LLC, and for related purposes.

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

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

Nays: 0

14.

2024-454

Adopt Resolutions adjudicating and directing the placement as an assessment for the cleanup costs and applicable penalties, not to exceed the values prescribed by State law, against the following properties.

Attachments:

1. 86 Canal Dr - Adjudication Resolution

2. 118 Ellis Dr - Adjudication Resolution

3. 120 Ellis Dr - Adjudication Resolution

4. 205 Columbia St - Adjudication Resolution

5. 1116 Ida Ave - Adjudication Resolution

A MOTION was made by Council Member Carroll and seconded by Council Member Brown to **ADOPT RESOLUTIONS (#2024-145-149)** adjudicating and directing the placement as an assessment for the cleanup costs and applicable penalties, not to exceed the values prescribed by State law, against the following properties.

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

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

Nays: 0

15.

2024-450

Approve Agreement with Zac Fairley Appraisals & Consulting to provide right-of-way appraisal services for the Fourth Street Improvements, Phase IV LPA Project, as per attached scope and authorize the Mayor to execute the same.

Attachments:

Z. Fairley -Professional Service Agreement - Phase IV

A MOTION was made by Council Member Carroll and seconded by Council Member Brown to **APPROVE** Agreement with Zac Fairley Appraisals & Consulting to provide right-of-way appraisal services for the Fourth Street Improvements, Phase IV LPA Project, as per attached scope and **AUTHORIZE** the Mayor to execute the same.

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

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

Nays: 0

16.

2024-451

Approve Agreement with John B. Stewart, Real Estate Appraiser & Consultant, LLC to provide right-of-way appraisal review services for the Fourth Street Improvements, Phase IV LPA Project, as per attached scope and authorize the Mayor to execute the same.

Attachments:

J. Stewart - Engagement for Review Appraisal - Phase IV

A MOTION was made by Council Member Carroll and seconded by Council Member Brown to **APPROVE** Agreement with John B. Stewart, Real Estate Appraiser & Consultant, LLC to provide right-of-way appraisal review services for the Fourth Street Improvements, Phase IV LPA Project, as per attached scope and **AUTHORIZE** the Mayor to execute the same.

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

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

Nays: 0

17.

2024-445

Approve Supplemental Agreements No. 1, No. 2, and No 3. for the Hall Avenue West Project (Project No. FBLD-8769-00(001) LPA/108639-802000) with R & J Construction, Inc., which reduces the contract amount by a total of \$1,284.76 and adds thirty (30) days to the project and authorize the Mayor to execute the same.
- Attachments:

FBLD-8769-00(001)LPA108639-802000 SA#1 DrilledShafts
FBLD-8769-00(001)LPA108639-802000 SA#2 SewerRelocate
FBLD-8769-00(001)LPA108639 802000 SA#3 W Pine St Retaining Wall
SA#1 Hall West partially executed 09.11.2024
SA#2 Hall West partially executed 09.11.2024
SA#3 Hall West partially executed 09.12.2024

A MOTION was made by Council Member Brown and seconded by Council Member Carroll to **APPROVE** Supplemental Agreements No. 1, No. 2, and No 3. for the Hall Avenue West Project (Project No. FBLD-8769-00(001) LPA/108639-802000) with R & J Construction, Inc., which reduces the contract amount by a total of \$1,284.76 and adds thirty (30) days to the project and **AUTHORIZE** the Mayor to execute the same.

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

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

Nays: 0

18.

2024-486

Approve Change Order No. 5 with Phoenix Construction, LLC for the Jaycee Park Improvements project for an increase of \$2,864.84 and authorize the Mayor to execute it in duplicate.
- Attachments:

3922 Change Order #5 for signature

A MOTION was made by Council Member Brown and seconded by Council Member Carroll to **APPROVE** Change Order No. 5 with Phoenix Construction, LLC for the Jaycee Park Improvements project for an increase of \$2,864.84 and **AUTHORIZE** the Mayor to execute it in duplicate.

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

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

Nays: 0

19.

2024-449

Approve two-quote purchase to construct a retaining wall at 123 May Avenue and authorize acceptance of the bid from Homestead Services, LLC in the amount of \$5,250.00.
- Attachments:

ESTIMATE 96 from Homestead Services. LLC
Est 2500 from Hub City Construction Inc. 7688

A MOTION was made by Council Member Delgado and seconded by Council Member Carroll to **APPROVE** two-quote purchase to construct a retaining wall at 123 May Avenue and **AUTHORIZE** acceptance of the bid from Homestead Services, LLC in the amount of \$5,250.00.

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

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

Nays: 0

- 20.2024-457Acknowledge bids received August 15, 2024 for the Vernon Dahmer Park Playground project and authorize acceptance of the bid from Struthers Recreation, LLC in the amount of \$181,076.20; Authorize the mayor to execute contact upon preparation.

Attachments: Dahmer Park Playground - Rec Letter
Dahmer Park Playground - Bid Tab

A MOTION was made by Council Member Brown and seconded by Council Member Carroll to **ACKNOWLEDGE** bids received August 15, 2024 for the Vernon Dahmer Park Playground project and **AUTHORIZE ACCEPTANCE** of the bid from Struthers Recreation, LLC in the amount of \$181,076.20; **AUTHORIZE** the mayor to execute contact upon preparation.

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

Yeas: 5- George, Delgado, Carroll, Ware and Brown
Nays: 0

- 21.2024-453Acknowledge receipt of a donation from the 2024 Leadership Pine Belt Group for 10 sanitary hygienic dispensers purchased from Aunt Flow valued at \$7,626.00. Dispensers will be installed in public restrooms.

Attachments: Aunt Flow Invoice

A MOTION was made by Council Member Carroll and seconded by Council Vice President Ware to Acknowledge receipt of a donation from the 2024 Leadership Pine Belt Group for 10 sanitary hygienic dispensers purchased from Aunt Flow valued at \$7,626.00. Dispensers will be installed in public restrooms.

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

Yeas: 5- George, Delgado, Carroll, Ware and Brown
Nays: 0

- 22.2024-490Adopt a Resolution by the Governing Authorities of the City of Hattiesburg, Mississippi, recognizing and designating the month of September, 2024 as "Prostate Cancer Awareness Month" in the City of Hattiesburg, Mississippi and for related purposes.

Attachments: Resolution prostate cancer awareness month

A MOTION was made by Council Vice President Ware and seconded by Council Member Brown to **ADOPT** a **RESOLUTION (#2024-150)** by the Governing Authorities of the City of Hattiesburg, Mississippi, recognizing and designating the month of September 2024 as "Prostate Cancer Awareness Month" in the City of Hattiesburg, Mississippi and for related purposes.

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

Yeas: 5 - George, Delgado, Carroll, Ware and Brown
Nays: 0

- 23.2024-491Adopt Resolution declaring property identified as Forrest County Parcel PPIN 1488, 1489 and 39311 necessary for public use, establishing just compensation and authorizing the Mayor to make a fair market value offer to Katie McSwain Blankinchip and Bobby Ruth Meeks and any and all interest holders in said property, and to acquire rights to the property from all interests holders, and generally authorizing any and all proceedings necessary to acquire the aforementioned property pursuant to Miss. Code Ann. 21-37-47, as amended, and authorize Mayor to execute any and all documents required to complete said transaction, including the issuance of manual check in payment.

Attachments: [Resolution - Meeks - PPIN 1488, 1489, 39311](#)
[PPIN No. 1488 - Appraisal Report](#)
[PPIN 1489 - Appraisal Report](#)
[PPIN 39311 - Appraisal Report](#)
[173Dec23-PPIN 1488 - 631 Ralston Road](#)
[174Dec23 - PPIN 1489-641 Ralston Road](#)

A MOTION was made by Council Member Carroll and seconded by Council Vice President Ware to **ADOPT RESOLUTION (#2024-151)** declaring property identified as Forrest County Parcel PPIN 1488, 1489 and 39311 necessary for public use, establishing just compensation and **AUTHORIZING** the Mayor to make a fair market value offer to Katie McSwain Blankinchip and Bobby Ruth Meeks and any and all interest holders in said property, and to acquire rights to the property from all interests holders, and generally authorizing any and all proceedings necessary to acquire the aforementioned property pursuant to Miss. Code Ann. 21-37-47, as amended, and **AUTHORIZE** Mayor to execute any and all documents required to complete said transaction, including the issuance of manual check in payment.

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

Yeas: 5 - George, Delgado, Carroll, Ware and Brown
Nays: 0

24. **2024-489** Approve Agreement between City of Hattiesburg and Verb Architecture, PLLC, for professional architectural services related to repairs and renovations to City Hall through the Mississippi Community Heritage Preservation Grant Program and authorize the Mayor to execute the same.

Attachments: [Agreement with Verb Architecture, PLLC for City Hall repairs](#)

A MOTION was made by Council Member Carroll and seconded by Council Vice President Ware to **APPROVE** Agreement between City of Hattiesburg and Verb Architecture, PLLC, for professional architectural services related to repairs and renovations to City Hall through the Mississippi Community Heritage Preservation Grant Program and **AUTHORIZE** the Mayor to execute the same.

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

Yeas: 5- George, Delgado, Carroll, Ware and Brown
Nays: 0

ROUTINE AGENDA

THE ROUTINE AGENDA came before the Council.

A MOTION was made by Council Vice President Ware and seconded by Council Member Carroll 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, Ware and Brown
Nays: 0

1. **2024-461** Approve and authorize Substantial Amendments to the 2021 and 2022 Annual Action Plan for the City of Hattiesburg and authorize submission to the U. S. Department of Housing and Urban Development (HUD).

Attachments: [2021 AP Substantial Amendment](#)
[2022 AP Substantial Amendment](#)

2.

2024-459

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

Attachments: Invoice R24119 00240919
Invoice R24119 00240710
3.

2024-460

Approve plans and specifications for Concrete Paved Ditch Repairs Along Gordon's Creek and authorize advertisement for bids.

Attachments: 1235-220 ADVERTISEMENT FOR BIDS
1235-220_Plan_Street Ready_2024-08-16
1235-220_Specs_Street Ready_2024-08-16
4.

2024-456

Approve the City's purchase of (4) four grave spaces located in Section 20, Lot 55, West Half (W 1/2) at Highland Cemetery, Minute Book# 2023, Page 17, in the amount of \$700.00 from Jean Jones, Authorize manual check for the same.

Attachments: Buy Back Jean Jones (09-17-2024)
5.

2024-455

Approve the sale of grave spaces per attached, Memo's, Receipts and Deeds.

Attachments: Memo's (09-17-2024)
Receipts (09-17-2024)
Deeds (09-17-2024)
6.

2024-462

Approve claims docket for the period ending September 13, 2024.
(Including Addendum to the claims docket for invoice payable to Motorola Solutions, in the amount of \$61,425.00.)

Attachments: DT 24.09.13
DOCKET 24.09.13
FORM.DOCKET.ADDENDUM
Claims.Memo.7.19.11
7.

2024-492

Approve plans and specifications for repairs and renovations to City Hall related to the Mississippi Community Heritage Preservation Grant Program and authorize advertisement for bids

Attachments: 24-01 Specifications City Hall Hattiesburg_Draft NFC
23-35 Repairs to City Hall, Hattiesburg MS Draft_NFC Documents
8.

2024-494

Approve Specifications and Authorize publication of an advertisement for term bid #2, repair and rehab of city streets.

Attachments: NTB- Term Bid #2 9-17-24
Item #2 Specifications_exp 2024.09.30 (003) 9-17-24

In Memoriam:

A MOTION was made by Council President George to Adjourn the meeting in *memory of*:

- *Ms. Juanita Magee*
- *Ms. Mary Lois Burkett*
- *Mr. Richard Conville*
- *Mr. Andrew "Scoon" Halsell*
- *Mrs. Ida Jean Arnold*
- *Mr. Bruce Robert Dennis*
- *Ms. Mary Lois Burkett*
- *Dr. Ronald "Ron" Edgar Walker*
- *Mr. Dennis Shelton*

Meeting Adjourn

Council President George declared the meeting adjourned at 5:28 p.m., this 17th day of September, 2024,
by unanimous consent, until the 7th day of October, 2024.

ATTEST:

APPROVE:

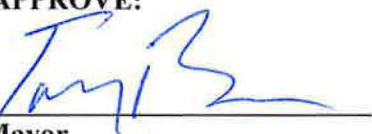

Clerk of Council


Council President

ATTEST AND CERTIFY:

APPROVE:


City Clerk


Mayor