

**MINUTES OF THE SECOND REGULAR AUGUST 2010 MEETING OF THE
MAYOR AND BOARD OF ALDERMEN OF THE
CITY OF RIDGELAND, MISSISSIPPI
AUGUST 17, 2010
6:00 P.M.**

The Mayor called the second regular August 2010 meeting of the Mayor and Board of Aldermen to order. Present were Mayor Gene F. McGee, Alderman Gerald Steen, Alderman Ken Heard, Alderman Chuck Gautier, Alderman Kevin Holder, Alderman Brian Ramsey, Alderman Scott Jones, Alderman Wesley Hamlin, City Clerk David Overby, and City Attorney Jerry Mills.

The Mayor introduced Boy Scout Joshua Burcham of Troop 209 sponsored by Ridgecrest Baptist Church. Scout Burcham is working toward his Citizenship in the Community Merit Badge and led the Pledge of Allegiance following an invocation offered by Alderman Scott Jones.

Next the Mayor offered Craig Brasfield, a Judicial candidate, the opportunity to come forward and introduce himself. Mr. Brasfield requested time at a regular meeting of the Mayor and Board of Aldermen to inform those present of his candidacy for District 20 Circuit Court Judge and speak briefly of his service record.

The first order of business was the matter of accepting the minutes from the August 3, 2010 meeting of the Mayor and Board of Aldermen. The minutes were accepted with no corrections.

PUBLIC HEARING/ FISCAL YEAR 2011 TAXING AND SPENDING PLAN

There next came for consideration the matter of conducting a public hearing regarding the taxing and spending plan incorporated in the proposed budget of the City of Ridgeland for the fiscal year beginning October 1, 2010 and ending September 30, 2011. The City Clerk adjudicated that proper and timely notice was advertised as required by state law. A copy of the notice is attached hereto as Exhibit "A". The Mayor invited the public to make comments or ask questions concerning the taxing and spending plan. At this time, Linda Davis came forward as the Mayor announced her name. Ms. Davis addressed the Mayor and Board of Aldermen and presented her position regarding millage. The Mayor announced that the comments will be taken into consideration and that the budget will be voted on at the September 7, 2010 meeting. After the Mayor's announcement, he asked again if anyone wished to address the Board regarding said plan. There being no response, the Mayor declared the public hearing closed.

CODE ENFORCEMENT/479 S. WHEATLEY STREET

Next came the matter of the Code Enforcement hearing for property located at 479 S. Wheatley Street. The City Clerk adjudicated that notice of hearing was posted on July 7, 2010 at the designated area of City Hall authorized by Resolution for Notices of Hearing. After the Mayor and Board reviewed photographs of the condition of said property, the Mayor asked if anyone was present who wished to come forward and speak in regard to the matter. There being no response, Alderman Holder moved to accept the recommendation of the Code Enforcement Officer and adjudicate the cost of cleaning pursuant to Section 21-19-11 of Mississippi Code of 1972. A copy of said notice of hearing is attached hereto as Exhibit "B".

The Motion was seconded by Alderman Steen and a vote was taken thereon as follows:

Alderman Steen	Aye
Alderman Heard	Aye

Alderman Gautier	Aye
Alderman Holder	Aye
Alderman Ramsey	Aye
Alderman Jones	Aye
Alderman Hamlin	Aye

The Mayor then declared the Motion carried.

CODE ENFORCEMENT/ADJUDICATION ADJUSTMENT

There next came for consideration the matter of a request from Jennifer Hart to waive the statutory penalty of \$250.00 for the cleaning of property located at 665 Ralde Circle due to extenuating circumstances. On June 15, 2010, the Mayor and Board of Aldermen adjudicated the actual cost of cleaning said property pursuant to Section 212-19-11 of Mississippi Code of 1972 and imposed a penalty of \$250.00. Alderman Steen moved to accept the recommendation of the Code Enforcement Officer to waive the \$250.00 penalty and assess the actual cleaning cost of \$499.57 as a lien against Jennifer Hart on her property located at 665 Ralde Circle. A Resolution to be recorded in the office of the Tax Collector of Madison County as a judgment against Jennifer Hart and other documents related to this matter are attached hereto as Exhibit "C".

The Motion was seconded by Alderman Heard and a vote was taken thereon as follows:

Alderman Steen	Aye
Alderman Heard	Aye
Alderman Gautier	Aye
Alderman Holder	Aye
Alderman Ramsey	Aye
Alderman Jones	Aye
Alderman Hamlin	Aye

The Mayor then declared the Motion carried.

CONSENT AGENDA

There next came for consideration the matter of the items set out on the Consent Agenda. Alderman Jones moved to approve the following Consent Agenda.

- (a) Request Approval of three year Advertising Contract for Ridgeland High School Football and Baseball Scoreboards-Order attached hereto as Exhibit "D"
- (b) Consider Ordinance Prohibiting Synthetic Drugs-Police Department-Order attached hereto as Exhibit "E"
- (c) Zoning Ordinance Amendment for Restricted Uses/Set Public Hearing-September 21, 2010-Order attached hereto as Exhibit "F"
- (d) Request Approval of Reclassification of Prosecuting Attorney Position-Human Resources-Order attached hereto as Exhibit "G"
- (e) Establish Just Compensation-School Street Water Project-Order attached hereto as Exhibit "H"
- (f) Request Approval of Requisition No. 6 for Western Sewer System Improvements-Waggoner Engineering and Hemphill-Order attached hereto as Exhibit "I"
- (g) Request Approval of Memorandum of Understanding between the City and Metro One (Aerial Law Enforcement Program)-Police Department-Order attached hereto as Exhibit "J"
- (h) Request to Declare Property Surplus/Approve Donation of Property (Floating Pier)-Fire Department-Order attached hereto as Exhibit "K"

- (i) Request to Declare Property Surplus (Commercial Washing Machine)-Fire Department-Order attached hereto as Exhibit "L"

The Motion was seconded by Alderman Hamlin and a vote was taken thereon as follows:

Alderman Steen	Aye
Alderman Heard	Aye
Alderman Gautier	Aye
Alderman Holder	Aye
Alderman Ramsey	Aye
Alderman Jones	Aye
Alderman Hamlin	Aye

The Mayor then declared the Motion carried.

PAYMENT OF CLAIMS

There next came for consideration the matter of payment of claims. Alderman Steen moved that claim numbers 86930-87275 with the exception of claim numbers 87100-87112 (Fuelman of MS) on claims docket dated August 13, 2010 be paid.

The Motion was seconded by Alderman Ramsey and a vote was taken thereon as follows:

Alderman Steen	Aye
Alderman Heard	Aye
Alderman Gautier	Aye
Alderman Holder	Aye
Alderman Ramsey	Aye
Alderman Jones	Aye
Alderman Hamlin	Aye

The Mayor then declared the Motion carried.

Alderman Steen recused himself and left the boardroom to avoid any perception of impropriety.

Alderman Jones moved that claim numbers 87100-87112 (Fuelman of MS) on claims docket August 13, 2010 be paid.

The Motion was seconded by Alderman Gautier and a vote was taken thereon as follows:

Alderman Steen	Absent
Alderman Heard	Aye
Alderman Gautier	Aye
Alderman Holder	Aye
Alderman Ramsey	Aye
Alderman Jones	Aye
Alderman Hamlin	Aye

The Mayor then declared the Motion carried.

Alderman Steen returned to the meeting.

**HEARING/BAYMEADOWS APARTMENTS AND BAYMEADOWS, LLC
APPEAL**

Next, the Mayor announced that the Board would hear the appeal of Bay Meadows, LLC of the June 10, 2010 Notice of Violations and Order of Correction issued by the City of Ridgeland, Mississippi, pursuant to its duly adopted Property Maintenance Code of April 6, 2010.

The Mayor announced that the hearing would be conducted pursuant to the procedures adopted by the Mayor and Board for appeals of actions of the City under the Property Maintenance Code.

First, Jerry Mills, City Attorney, addressed the Mayor and Board of Aldermen concerning the action that precipitated this appeal, and introduced into evidence a number of exhibits, including a copy of the issues which the Mayor and Board of Aldermen wish to be addressed by the Appellant, He further stated that the issues established by the Board are not intended to limit the issues of the Appellant, but are provided only to help direct the Appellant toward relevant issues for which the Board sought information.

Next, J. Lawson Hester with Wyatt, Tarrant & Combs, LLP, attorney for Bay Meadows Apartments and Bay Meadows, LLC, presented his opening statement. Thereafter, he called his first witness, Alan Hart, Director of Community Development with the City of Ridgeland, Mississippi. During Mr. Hart's testimony, he introduced a number of exhibits. Mr. Mills questioned Mr. Hart concerning his direct testimony.

Following a recess, Mr. Hester called Mr. Ashley, Property Supervisor for Bay Meadows to testify. After his testimony, Mr. Mills cross-examined Mr. Ashley. Following a period of rebuttal testimony, the witness was excused.

Mr. Hester then called Bruce Kirkland, the Manager of Bay Meadows, LLC. Following his cross by Steve Rimmer, attorney for the City of Ridgeland and rebuttal, Mr. Hester announced that this was the conclusion of his witnesses. He announced that he rest his case subject to the introduction at a later date of a written proffer of what Mr. Kirkland's testimony would have been had he been allowed to testify on hearsay statements made to him. The Mayor had earlier sustained the City's objection to certain of Mr. Kirkland's testimony, but granted the Appellant's request to place a written proffer into the record.

NOTE: All testimony, arguments, and statements made before the Mayor and Board of Aldermen were transcribed by a court reporter. The court reporter swore each witness and maintained the exhibits which were introduced into the record by all parties. A copy of this transcript, along with the exhibits, are maintained at City Hall by the City Clerk.

The Mayor announced that the hearing of the appeal of Bay Meadows Apartments and Bay Meadows, LLC would be concluded for the night and that the meeting and hearing were recessed until 6:00 o'clock P.M. August 24, 2010, at the City Hall of Ridgeland, Mississippi.

WITNESS MY SIGNATURE, this the _____ day of _____ 2010.

Gene F. McGee, Mayor

ATTEST:

David Overby, City Clerk