

**MINUTES OF THE SECOND REGULAR JULY 2009 MEETING OF THE
MAYOR AND BOARD OF ALDERMEN OF THE
CITY OF RIDGELAND, MISSISSIPPI
JULY 21, 2009
6:00 P.M.**

The Mayor called the second regular July 2009 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 meeting opened with an invocation and the Pledge of Allegiance.

The Mayor and Board were furnished copies of the July 14, 2009 Architectural Review Board meeting and financial statements for the period ending May 31, 2009.

The first order of business was the matter of accepting the minutes from the July 7, 2009 meeting of the Mayor and Board of Aldermen. The minutes were accepted with no corrections.

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CODE ENFORCEMENT HEARING

There next came for consideration the matter of a Code Enforcement hearing for property located at 319 Eastwood. After reviewing photographs of the condition of the swimming pool, discussion ensued regarding the lack of adequate pest control and the continuing severity of the problem at said address. Then, the Mayor asked if anyone was present to speak concerning the matter and there was no response. Alderman Gautier moved to adjudicate the cleaning of the property. Copies of documents related to this issue are attached hereto as Exhibit "A".

The Motion was seconded by Alderman Jones 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.

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**STRATEGIC RESTAURANTS ACQUISITION COMPANY/
PETITION FOR SPECIAL EXCEPTION AND
CONDITIONAL USE PERMIT**

There next came for consideration the matter of a petition filed by Strategic Restaurants Acquisition Company, LLC for a Special Exception and Conditional Use Permit for the purpose of constructing and operating a Burger King with a drive-thru window proposed to be located on a Lake Harbour Village outparcel.

After a brief discussion, Alderman Jones moved that the City grant the conditional use requested by Strategic Restaurants for a Burger King in this matter based on an affirmative finding that each of the factors set forth in Section 600.09(d) of the Zoning Ordinance have been factually established by the applicants including other information required by the Zoning Administrator or Building Official; and that the hours of operation in the patron use areas shall be from 5:30 a.m. until 11:00 p.m. and that said

hours will be posted on the front entrance; it specifically being part of the Motion that should these hours create a competitive disadvantage, the applicant may apply for a modification of hours.

Alderman Heard seconded the Motion.

Alderman Hamlin made a Substitute Motion that the City deny the conditional use requested by Strategic Restaurants for a Burger King in this matter based on a finding that the conditional use would depreciate property values of the residential development nearby; and that the conditional use must not be hazardous, detrimental or disturbing to present surrounding land uses due to noise, glare, smoke, dust, odor and/or fumes.

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

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

The Mayor then declared the Substitute Motion failed.

Then, the Original Motion was voted thereon as follows:

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

The Mayor then declared the Original Motion carried.

A copy of the Ordinance approving and granting a Special Exception and Conditional Use Permit to Strategic Restaurants Acquisition Company, LLC for the purpose of constructing and operating a fast food restaurant with a drive-thru window is located in Ordinance Book #8, page 200909 in the City Clerk's office located at City Hall and copies of other documents related to this issue are attached hereto as Exhibit "B".

Next, the Community Development Director addressed the Mayor and Board and discussed the site plan for the Burger King proposed to be located on a Lake Harbour Village outparcel east of Appleby's restaurant, after which time, Alderman Jones moved to approve the above site plan with the following conditions: an exhaust system that includes a catalyst, a hot and cold water connection located at the dumpster enclosure, and a landscape plan to be further reviewed by the Community Development Department.

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

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

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 Steen moved to approve the following Consent Agenda.

- (a) Highland Colony Parkway (ARRA Project) Design Engineering Services- Order attached hereto as Exhibit "C".
- (b) Establishment of Just Compensation/Old Agency Water Project-Order attached hereto as Exhibit "D"
- (c) Public Defender Appointment/Brent Jones-Order attached hereto as Exhibit "E"
- (d) Alderman Steen's Beautification Committee Appointment/Pat Werne, 113 Hawthorne Vale, Replacing Donald Pendergrast-A copy of Mr. Pendergrast's Resignation is attached hereto as Exhibit "F"
- (e) MOU Highland Colony Parkway (ARRA Project)-Order attached hereto as Exhibit "G"
- (f) Authorization to Bid for Term Bids/Public Works Department
- (g) Site Plan Approval/Oswego-Renaissance @ Colony Park-Order attached hereto as Exhibit "H"
- (h) Code Enforcement:-Order attached hereto as Exhibit "I"
 - i. Set Hearings-August 18, 2009
336 Woodrun Drive (Jody Yohannan)
879 Willilam Boulevard (Lexington Apartments)
Highway 51 Parcel #72I-30C-005/01.01 (Ed Cheshire)
716 Lansdowne Lane (Lisa Pittman)
 - ii. 674 Ralde Circle/Adjudicate Cost of Cleaning & Impose Maximum Penalty
 - iii. RV Parking Permit/316 Kelly's Glen
- (i) Comcast Internet Service Agreement-Order attached hereto as Exhibit "J"
- (j) Alderman Hamlin's Architectural Review Board Appointment/Karen Bishop, 761 Rice Road, Apt. #310
- (k) School Street Waterline/Selection Committee Appointments: Mike McCollum, Chairman; Gerald Steen; Brian Ramsey; Scott Jones; Kevin Holder

The Motion was seconded by Alderman Gautier 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 Jones moved that claim numbers 78298 through 78640 with the exception of claim numbers 78438-78447 (Fuelman of MS) on claims docket dated 07/21/09 be paid.

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 left the meeting at this time.

Alderman Gautier moved that claim numbers 78438 through 78447 (Fuelman of MS) on claims docket dated 07/21/09 be paid.

The Motion was seconded by Alderman Holder 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.

EXECUTIVE SESSION

Alderman Jones moved that the meeting be closed to determine the necessity for an executive session.

The Motion was seconded by Alderman Gautier 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 declared the Motion carried.

The meeting was closed and discussion followed regarding the necessity of going into executive session to discuss potential litigation.

Alderman Gautier moved that the Mayor and Board of Aldermen go into executive session.

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.

The Mayor reopened the meeting and announced that, by unanimous vote, the Mayor and Board of Aldermen were going into executive session to discuss potential litigation.

The meeting was then closed and the Board went into executive session.

After discussion, Alderman Jones moved that the Mayor and Board come out of executive session.

The Motion was seconded by Aldermen Gautier 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.

The meeting was then reopened whereupon the Mayor informed the public that there was no action taken during executive session.

ADJOURNMENT

There being no further business before the Mayor and Board, the Mayor declared the regular meeting adjourned.

WITNESS MY SIGNATURE this the _____ day of

Gene F. McGee, Mayor

ATTEST:

David W. Overby, City Clerk

