

**MINUTES OF THE SECOND REGULAR SEPTEMBER 2010 MEETING OF THE
MAYOR AND BOARD OF ALDERMEN OF THE
CITY OF RIDGELAND, MISSISSIPPI
SEPTEMBER 21, 2010
6:00 P.M.**

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

The first order of business was the matter of accepting the minutes from the September 7, 2010 meeting of the Mayor and Board of Aldermen. The minutes were accepted with no corrections.

Alderman Holder entered the meeting at 6:06 p.m.

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**PUBLIC HEARING/CONSIDER AMENDMENT TO
ZONING ORDINANCE/EXTEND MORATORIUM**

The Mayor announces that the public hearing regarding considering amendments to Sections 21, 420.02 and 600.14.F of the City of Ridgeland Zoning Ordinance is now open. The City Clerk adjudicated that notice of the public hearing was published in the Madison County Journal on September 2, 2010.

At this time Alan Hart, Community Development Director, came forward and reviewed the proposed amendments to the Zoning Ordinance. Mr. Hart further explained that the passage of the proposed amendments are recommended by the Community Development Department in order to accomplish the goals and objectives of the Ridgeland Area Master Plan and the Comprehensive Plan of the City of Ridgeland.

The Mayor then invited those who had signed up to speak to come forward as he announced their name. Al Sage, representing the Mississippi Title Pledge Association, came forward and presented the position of the Association he represents and asked questions in regard to the adoption of the proposed ordinance. Trey O'Cain, representing Gold & Silver Extravaganza, was next called to come forward to speak and stated concerns regarding the ability of said business to expand its floor space under the proposed ordinance and asked questions relating to expansion and relocation.

Following the opening presentation and response by those in opposition to the ordinance, Mr. Hart was asked to address a number of issues. He addressed the following concerns raised by those in opposition to the proposed ordinance:

1. Based on his professional background in the planning field he offered the opinion that concentrations of the types of business or combinations of such businesses along major thoroughfares into and out of a city tend to have a blighting effect. He cited studies conducted by the City's Planner of such concentrations along Highway 80, prior to the City Planner's employment with the City of Ridgeland and while employed with a private firm. It was Mr. Hart's opinion that the ordinance being proposed was designed to avoid such blighting concentrations along the major thoroughfares into and out of the City of Ridgeland.
2. He stated that he was aware of no state permitting laws that would be violated by the adoption of the proposed ordinance.
3. That the use of distance restrictions as set forth in the ordinance was suggested by operators of businesses regulated by this ordinance at public hearings conducted during the pendency of the moratorium. His department analyzed the impact of the distance restrictions proposed in this ordinance. Furthermore, his department analyzed the existing locations of the businesses regulated by this ordinance and

discovered that the majority occur within the Zoning District being proposed for additional business of this nature to be located. Based on present locations of businesses regulated by this ordinance, there is substantial additional land properly zoned for additional locations. Based on his professional planning background and experience the distances utilized in the ordinance are reasonable restrictions designed to prevent undue concentrations of the businesses regulated while providing a reasonable opportunity for additional locations of such businesses.

4. The existing businesses within the City would be legal non-conforming uses and entitled to the protections afforded such legal non-conforming uses under the provisions of the zoning ordinance.

After the Mayor asked if anyone else wished to speak and there was no response, he declared the public hearing closed.

Next came the matter of considering the proposed ordinance for adoption. After discussion, Alderman Steen moved to table the matter until the October 19, 2010 board meeting for additional review and discussion.

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

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

There being a tie vote, the Mayor voted "Nay" and declared the Motion failed.

Next, Alderman Steen moved to extend the temporary moratorium until November 2, 2010.

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

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

Following discussion, Alderman Holder moved to approve the proposed ordinance amending Sections 21, 420.02 and 600.14.F of the Zoning Ordinance. A copy of said Ordinance is on file in the City Clerk's office in Ordinance Book #8. A copy of the notice of public hearing and other related documents are attached hereto as Exhibit "A".

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

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

The Mayor then declared the Motion carried.

CODE ENFORCEMENT/402 PINWOOD LANE

Next came the matter of a Code Enforcement hearing for property located at 402 Pinewood Lane. The City Clerk adjudicated that notice of hearing was posted on August 26, 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 Ramsey moved to accept the recommendation of the Code Enforcement Officer to adjudicate the cost of cleaning pursuant to Section 21-19-11 of the Mississippi Code of 1972. A copy of said notice of hearing is attached hereto as Exhibit "B".

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

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

The Mayor then declared the Motion carried.

PROPERTY ADJUDICATION/479 S. WHEATLEY STREET

There next came for consideration the matter of adjudicating the cost of cleaning 479 S. Wheatley Street and imposing statutory penalty by Resolution for the cleaning of said property. Alderman Steen moved to accept the recommendation of the Code Enforcement Officer to adjudicate the cost of cleaning pursuant to Section 212-19-11 of the Mississippi Code of 1972 imposing a penalty of \$250.00. A copy of said invoice and resolution are attached hereto as Exhibit "C".

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

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

The Mayor then declared the Motion carried.

PARKING ADJUSTMENT REQUEST/NORTHPARK PLACE

Next for consideration came the matter of a parking adjustment request by Mr. Jeff Speed, Leasing Agent, for Northpark Place Shopping Center located at 801 S. Wheatley Street. Following receipt of a recent Privilege License application for a new tobacco store to open in Northpark Place, the Community Development Department informed Mr. Speed that the shopping/office building exceeds parking requirements.

The Leasing Agent requests an adjustment to parking requirements in order to achieve full occupancy of the shopping/office building. Community Development Director, Alan Hart, explained in his memorandum to the Mayor and Board of Aldermen that it was understood by the owner of Northpark Place prior to construction of the building and stated on the plans that some of the space would be retail and some would be office space in order to meet the parking requirements of the Zoning Ordinance. After discussion by the Mayor and Board of Aldermen, Alderman Steen moved to deny the aforementioned parking adjustment request. Copies of documents related to this matter are attached hereto as Exhibit "D".

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

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

The Mayor then declared the Motion carried.

PARKING ADJUSTMENT REQUEST/709 HAWTHORN GREEN DRIVE

Next came the matter of a parking adjustment request by Mr. Paul Crawford for his residence located at 709 Hawthorn Green Drive. Mr. Crawford's property no longer meets zoning requirements following an unpermitted construction project to enclose the garage. The property owner requests an adjustment to the two-car garage zoning requirement in order to keep the changes that he has made to his garage. Following discussion by the Mayor and Board, Alderman Steen moved to deny the parking adjustment request. Alderman Steen further moved to require Mr. Crawford to restore the garage to its original condition within 90 days to conform to zoning requirements. Copies of documents related to this matter are attached hereto as Exhibit "E".

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

Alderman Steen	Aye
Alderman Heard	Aye
Alderman Gautier	Absent
Alderman Holder	Aye
Alderman Ramsey	Aye
Alderman Jones	Nay
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 Steen moved to approve the following Consent Agenda.

- (a) Site Plan-Shady Deal Building (Christopher Cove)-Order attached hereto as Exhibit "F"
- (b) Site Plan Adjustment-Storage Zone Entry Drives-Order attached hereto as Exhibit "G"
- (c) Applications for Special Event Permits

- i. Kerioth Corporation-5th Annual Township Fall Festival
- ii. Ridgeland Recreation and Parks-Trunk or Treat
Order attached hereto as Exhibit "H"
- (d) Establish Just Compensation-School Street Water Project
Order attached hereto as Exhibit "I"
- (e) Request Approval of Memorandum of Understanding between MS Wireless Communications Commission and City-Police Department
Order attached hereto as Exhibit "J"
- (f) Accept Insurance Claim Check/Budget Adjustment-Parks Department
Order attached hereto as Exhibit "K"
- (g) Request Approval of Amendment No. 11 for Western Water and Sewer System Agreement (Waggoner Engineering)-Public Works Department-Order attached hereto as Exhibit "L"
- (h) Request Authorization to Renew One (1) Year Contract with Eco-Systems, Inc for Phase II Stormwater Implementation-Public Works Department-Order attached hereto as Exhibit "M"
- (i) Request Approval of Environmental Management Policy-Public Works Department-Order attached hereto as Exhibit "N"
- (j) Accept \$6,000 Donation from Jackson Heart Clinic, P.A. for Water Fountain/Budget Adjustment-Order attached hereto as Exhibit "O"
- (k) Approve Award of Term Bids-Public Works Department-Order attached hereto as Exhibit "P"

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

Alderman Steen	Aye
Alderman Heard	Aye
Alderman Gautier	Absent
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 Hamlin moved that claim numbers 87766-88151 with the exception of claim numbers 87918-87928 (Fuelman of MS) on claims docket dated September 17, 2010 be paid.

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

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

The Mayor then declared the Motion carried.

Next, Woody Sample, the City’s Acquisition Administrator, addressed the Mayor and Board regarding revised compensation for parcel 42 on Old Agency Road. A memorandum from Woody Sample related to said parcel is attached hereto as Exhibit “Q”.

Alderman Heard moved to approve increasing compensation for Parcel 42 on Old Agency Road to \$1,200.00.

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

Alderman Steen	Aye
Alderman Heard	Aye
Alderman Gautier	Absent
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 87918-87928 (Fuelman of MS) on claims docket dated September 17, 2010 be paid.

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

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

The Mayor then declared the Motion carried.

ADJOURNMENT

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