

REGULAR MEETING

July 8, 2014

The Regular Meeting of the Mayor and Board of Aldermen of the City of Natchez, Mississippi, was held in the City Council Chambers at 11:00 a.m. on Tuesday, July 8, 2014. Mayor Larry L. "Butch" Brown presided at the meeting which was opened with prayer by Aaron Wesley, Natchez Fire Department.

<u>Mayor & Board Present</u>	<u>Elected Officials Absent</u>	<u>City Officials & Department</u>
Larry L. "Butch" Brown Mayor		Donnie Holloway, City Clerk Hyde Carby, City Attorney Temple Hendricks, Board Sec
Joyce Arceneaux-Mathis Alderwoman, Ward 1		Justin Dollar Sabrena Bartley
James "Ricky" Gray, Jr. Alderman, Ward 2		James Johnston Frankie Legaux Police Chief Danny White
Sarah Carter Smith Alderwoman, Ward 3		Creda Stewart Curtis Norton Ed Bowser
Ernest "Tony" Fields Alderman, Ward 4		David Atkins Brenda Cantu
Mark Fortenbery Alderman, Ward 5		
Daniel Dillard Alderman, Ward 6		

MINUTES APPROVED

With a quorum present, a motion was made by Alderman Fortenbery to dispense with the reading of the minutes of the Finance and Regular Meetings of June 10, 2014, and adopt upon legal review. The motion was seconded by Alderman Gray and carried unanimously.

PUBLIC HEARING

A motion was made by Alderwoman Carter Smith to close the Regular Meeting and go into a public hearing to adjudicate nuisance properties. A second was made by Alderman Gray and carried unanimously.

Anita Smith, Code Enforcement Officer, appeared to adjudicate:

10 Claiborne
345 & 349 Devereaux
165 Fletcher
17 Henderson
572 & 573 Inez
14 Irving
108 Jackson
301, 307, 308 Johnson
106 & 108 Louisiana
312 & 322 Lumber
116 & 118 McIntyre Blvd.
103 Merrio
19 Minor
824, 923, 925, 1124, 1126 & 1157 Martin Luther King Blvd.
826 Myrtle
20 October
3 Ray
618 East Stiers

No one appeared to speak regarding the properties being adjudicated.

A motion was made by Alderwoman Arceneaux-Mathis, with a second by Alderwoman Carter Smith, to close the public hearing and return to the Regular Meeting. The motion carried unanimously.

A motion was made by Alderwoman Arceneaux-Mathis to declare all of the properties listed as locations in the Staff Memorandum as properties harboring nuisance conditions that violate the MS Coe of 1972 and to adopt the resolutions recommended by staff:

10 Claiborne
345 & 349 Devereaux
165 Fletcher
17 Henderson
572 & 573 Inez
14 Irving
108 Jackson
201, 307, 308 Johnson
106 & 108 Louisiana
312 & 322 Lumber
116 & 118 McINTyre Blvd.
103 Merrio
19 Minor
824, 923, 925, 1124, 1126 & 1157 Martin Luther King Blvd.
826 Myrtle
20 October
3 Ray
618 East Stiers

A second was made by Alderman Gray. Under discussion, Alderwoman Arceneaux-Mathis asked for clarification on what the list of properties today was for. Mrs. Smith said the properties being adjudicated are for owners that live out of state and cannot be served. Mrs. Smith clarified that "Lots Not Cut and Dangerous Structures Adjudicated and/or Removed" which were adjudicated in March. 325 Arlington is listed as it had to go before Preservation Commission as well as 633 North Wall Street. Hicktober, Lewis and Beaumont can be removed. The City Building inspector determines what properties are demolished. Under "Grass and Weeds" are properties that are adjudicated but haven't been cut by the city or the private owner. The properties stay on the list for twelve months-or until the city or owner can mow. Alderwoman Arceneaux-Mathis asked Mrs. Smith is she stays in contact with Mr. Dollar to know how close properties are to having the item expired—Mrs. Smith said that she did. Mrs. Smith said there were close to 80 properties that had been adjudicated and needed to be cut.

Mrs. Smith responded to Alderman Gray that 1228 Daisy is an empty lot.

Mrs. Smith responded to Alderman Fields that 11 Winston Hill had been given to the city so the city has to maintain. The house can be demolished at any time.

The motion carried unanimously.

A motion was made by Alderman Fields, with a second by Alderman Gray, to close the Regular Meeting and go into a public hearing to designate the Forks of the Road site as a Landmark Site.

PUBLIC HEARING

Frankie Legaux appeared to present Application #NPC 14-49. Friends of Forks of the Road, Historic Natchez Foundation, and Natchez National Historical Park: 101 Liberty Road (being Lot 1 Thomas LS 41-116A-91 including 31-4-2 41-116A-92)--designation of the properties as Forks of the Road Landmark Site.

Location: 101 Liberty Road.

Background: The applicants are requesting the city designate the Forks of the Road historic site as a Landmark Site.

Staff Findings: Section 102-4 of the Preservation Ordinance allows the City to establish landmarks, landmark sites and preservation districts within its jurisdiction. A landmark site must meet at least one

of the four criteria listed in the letter (p.1, A-D) to the Planning Commission dated March 5, 2014, and attached to this staff report. The Forks of the Road site meets three of the four criteria.

Section IV of the Natchez Preservation Ordinance and the aforementioned letter (p. 2-3) lists the procedures for designation of landmark sites. I have attached the Executive Summary and map entitled "Some of the Associated Properties of the Forks" from the "Final Environmental Assessment for the Boundary Adjustment Study of the Forks of the Road" (June 2010). This report, which is on file in the Planning Department, lists additional information regarding this site.

The area that can be designated at this time is limited to two parcels owned by the City of Natchez and shown on the attached map. These are only a portion of a much larger historic site that encompassed the "slave marts" that existed at the intersection of St. Catherine Street, Liberty Road and the Road to Washington (now D'Evereaux Drive).

All legal notices required by the Natchez Preservation Ordinance and the statutory laws of the State of Mississippi have been duly published and made in the time and manner required by law. This case was heard by the Planning Commission on May 14, 2014. The Planning Commission voted unanimously to recommend approval of the designation of Forks of the Road site as a Landmark Site

Attach:

1. Location Map.
2. Letter from Friends of the Forks of the Road, the Historic Natchez Foundation and the Natchez National Historical Park
3. Executive Summary: "Final Environmental Assessment for the Boundary Adjustment Study of the Forks of the Road" (June 2010)
4. Figure 2.1: Some of the Associated Properties of Forks : "Final Environmental Assessment for the Boundary Adjustment Study of the Forks of the Road" (June 2010)

No one appeared to speak regarding the case.

A motion was made by Alderman Fields to close the public hearing and return to the Regular Meeting. A second was made by Alderman Gray and carried unanimously.

A motion was made by Alderman Fields to approve Application PC-14-49 to approve designation of the Forks of the Road historic site as a Landmark Site. A second was made by Alderwoman Arceneaux-Mathis. During discussion Alderman Fortenbery received clarification that the motion does not include the businesses that are around the site.

The motion carried unanimously.

VISITORS WELCOME

Retiring Firefighters Captain Joe Tuccio and Lt. Bobby Henson were awarded Proclamations for their years of service.

Mark LaFrancis appeared to speak about Homes for Heroes, a program to address the needs of veterans. His group would be willing to handle the Adopt a Brick program in Memorial Park.

A motion was made by Alderman Fortenbery, with a second by Alderman Dillard, for the city to sponsor two veterans to attend a Post-Traumatic Stress Syndrome retreat. The motion carried unanimously. Mayor Brown suggested that Mr. LaFrancis submit two letters—one for this sponsorship and one for an appropriation for next year.

UNFINISHED BUSINESS

Mayor Brown reminded the BOA to submit recommendations for the two openings on the CVB Board and a position on the Advisory Board for the disbursement of casino community development funds. He also asked that names for appointees to the Recreation Commission be submitted to fill a vacancy left by Michael Blain.

DEPARTMENT HEADS

Curtis Norton, Traffic Department

Mr. Norton reported that his department had been busy striping streets and installing speed calming devices on South Union and Old Washington Road. Alderman Fortenbery asked that the speed indication sign be placed on Margaret Avenue.

Chief Danny White, Police Department

A motion was made by Alderman Gray, with a second by Alderman Fortenbery, to terminate employee #22076. The motion carried unanimously.

Chief White presented his report for June.

Creda Stewart, Interim Tourism Director

Mrs. Stewart presented her report and advised that the premier for "Get On Up" will be August 26th in Natchez, an electronic, rotating billboard has been rented in Flowood and interviews will be set up soon for the Tourism Director's position. She suggested that during the Sadie B. Thompson Reunion, funds could've been raised for NAPAC.

James Johnston, Planning Department

A motion was made by Alderwoman Arceneaux-Mathis, with a second by Alderman Dillard, to approve and execute Supplemental Agreement #1 for the Depot project regarding SSR and to issue a Notice to Proceed to SSR to proceed. The motion carried unanimously.

A motion was made by Alderman Gray, seconded by Alderman Fields, to allow Mr. Johnston to advertise the necessary Request for Bids (RFB) or to issue Purchase Orders to purchase equipment and supplies necessary to begin implementing the Regional Recycling Cooperative Grant. The motion carried unanimously.

Justin Dollar, Public Works

Mr. Dollar reported that Public Works had been milling streets and repairing curbs in anticipation of the overlay project which will begin this month. The Urban Youth Corp is working on the sidewalks in Memorial Park.

A lengthy discussion was held concerning a tree at 820 North Rankin. The owner, Mr. Clark, had asked if the city would be willing to split the removal of the tree 75/25—Mr. Clark has a bid of \$3,200.00. The property had been adjudicated through Municipal Court.

City Attorney Carby asked for clarification if the tree is on a city ROW or on private property. Mr. Dollar stated that the tree had fallen across Bishop Street which the city had removed, the city had already removed the part of the tree that was on city ROW and the remainder of the tree is on private property.

A motion was made by Alderwoman Arceneaux-Mathis, with a second by Alderman Gray, for the city to pay for 25% of the removal cost of the tree at 820 North Union.

Mayor Brown asked that it be specified in the minutes that the remaining tree is on private property. Mayor Brown also clarified to Alderman Fortenbery that board members would be held individually responsible for the cost of the work done on private property. Mr. Carby said the city cannot do work on private property but the property can be adjudicated and a lien can be placed on the property to get the tree removed. Alderman Gray asked Mr. Carby to see if the city can remove the tree if declared a public nuisance. Mr. Dollar clarified that Public Works had already removed 15 dump trucks, 50% of the tree. Mr. Carby said that he would get the AG's opinion.

Alderwoman Arceneaux-Mathis withdrew her motion until the next BOA meeting.

David Atkins, Engineering Department

A motion was made by Alderman Fortenbery, with a second by Alderman Dillard, to approve a Change Order for the Microseal project to grant T.L. Wallace a 28 day time extension. The motion carried unanimously.

Alderwoman Arceneaux-Mathis presented a letter from Charles and Anita Flowers of Oak Court expressing their issues with the sloppiness of the Microseal installation. Mr. Atkins said that T.L. Wallace

will come back and address issues through a punch list. Mayor Brown reminded the BOA that Microseal is a slurry product, not asphalt.

Mr. Atkins said that Mr. Huber had installed pop up valves-NWW and Huber had purchased pressure reducing valves so once installed, the issues will go away. There are homes and apartments that get their water from Huber's water wells. Alderman Gray said residents have complained of brown water.

Sabrena Bartley, Natchez Transit & Senior Citizens Center

A motion was made by Alderman Gray, with a second by Alderman Dillard, to authorize the mayor to sign documents regarding multi-modal funds. A discussion was held that these funds are \$90,000.00 which is the 20% match for capital items in conjunction with the regular operating budget from MDOT.

The motion carried unanimously.

Mrs. Bartley reported that Natchez Transit needs a way to be able to accept debit or credit cards for transportation passes. Mr. Holloway suggested that he and Mrs. Bartley contact the banks to see who will provide the best deal.

Ed Bowser, IT Services

A motion was made by Alderman Dillard, with a second by Alderman Gray, to authorize the mayor, upon city attorney review, to sign three new lease agreements for new copiers under state contract for CID, the Records Division and Public Works. The motion carried unanimously.

A motion was made by Alderman Dillard, seconded by Alderman Gray, to purchase new life safety software, hardware and support for the Police and Fire Departments in the amount of \$167,000.00, pending approval by the city attorney. The motion carried unanimously.

Fire Chief Oliver Stewart, Fire Department

Chief Stewart presented his report for June. 30% of calls were outside the city and 70% were inside the city limits.

CITY CLERK

A motion was made by Alderman Fortenbery, with a second by Alderman Fields, to approve docket #4792-5081. During discussion, Alderman Dillard advised that loans had been made from the Casino Annual Lease Fund as well as \$202,000.00 that had been loaned out of the Casino Community Development Fund; he was concerned as a restricted fund. Alderman Dillard asked City Attorney Carby to look into the legality of encumbering restricted funds. Under the terms of the agreement, these funds are to be used for community development and cannot be used without the consent/approval of the parties—may not be able to use at all.

It was discussed that \$454,000.00 had been moved from the Casino Annual Lease Fund into the General Fund. Upon questioning by Alderman Dillard, the City Clerk replied that he would not be able to pay back the loans by the end of this fiscal year. Alderman Dillard said his concern that this was where loans become transfers. Mr. Holloway said the loans can be paid back by borrowing money from the bank.

Alderman Dillard said \$2.6M was shown at the end of the budget—Mr. Holloway said this is where the casino funds were located. Mr. Holloway asked Alderman Dillard to look at the General Fund as that was where the problem was. Alderman Dillard said the budget showed the General Fund was \$130,000.00 in excess of its budget. Mr. Holloway said he saw \$10,000.00. Alderman Dillard asked the City Clerk again if the funds that had been loaned out of the Casino Annual Lease Fund would be paid back this fiscal year—Mr. Holloway said they would not, unless the city wants to borrow money from the bank. Alderman Dillard asked if the funds loaned from the Casino Community Development Fund would be paid back this year—Mr. Holloway responded that they would not.

Alderman Dillard asked if any expenses appeared in the docket that were in excess of the budget as approved by the Board—Mr. Holloway said he couldn't provide Alderman Dillard an answer at that time.

Alderman Dillard said that he would like to place the discussion of recruitment and hiring of an outside accounting firm in Executive Session at the next BOA meeting. He said that the city has been wrestling with trying to the accounting straight for 5 years. First it was said that the city needed new accounting software—new software was purchased. Then it was said that the right IT person was not in place—IT personnel were hired. Then, to the mayor's credit, two accountants were hired when he came into office. A third accountant, a forensic accountant, was hired. Now two more accountants had been hired. The auditors, Gillon Company, were paid an initial \$35,000.00. Alderman Dillard said due to the budget reports, interfund loans and financial transfers, he cannot tell the taxpayers what the city's finances are.

Alderwoman Carter Smith said the head accountant Angela Penfield and Gillon Company's Deanne Tanksley also thought that an outside accounting firm needed to be hired. Ms. Penfield would need to do a needs assessment with Mr. Holloway.

Roll call for approval of docket:

Alderwoman Arceneaux-Mathis	aye
Alderman Gray	nay
Alderwoman Carter Smith	nay
Alderman Fields	aye
Alderman Fortenbery	aye
Alderman Dillard	nay

Mayor Brown said the question was do you shut down city government because you don't have money in the right account or do you move money around from one account to the other on a loan basis so that you can pay your operating costs.

Mayor Brown provided the tie breaking vote and voted aye. The motion carried.

Alderman Dillard made the motion that the city attorney prepare an RFP to hire accounting services for the city of Natchez for a period of no less than six months. A second was made by Alderwoman Arceneaux-Mathis. Mayor Brown replied that there are procedures whereby the City Clerk and staff make an assessment of needs. Alderwoman Carter Smith advised that the auditor had said that Angela Penfield and Mr. Holloway would need to provide the needs assessment then the RFP could be issued. Alderwoman Arceneaux-Mathis said she understood that Alderman Dillard's motion was for the RFP to be developed, not send it out. She asked how long it would take Mr. Holloway and Ms. Penfield to complete the needs assessment.

Alderman Dillard expressed his concern that not sure if \$1.5M deficit or \$2.5 surplus so the need is certainly there. Mayor Brown advised that the city was not broke only that the funds were in the wrong account—funds were not in the General Fund that pays the bills. He asked that the city not be characterized as being broke—it had plenty of money as evidenced by the loans being made.

Alderwoman Carter Smith suggested to Alderman Dillard that he amend his motion stating that Mr. Holloway and Angela Penfield make their needs assessment and expectations of the accounting firms that the city will request an RFP from and the City Clerk and Ms. Penfield could be given a deadline.

Alderman Dillard withdrew his previous motion.

Alderwoman Carter Smith made the motion that the City Clerk and Angela Penfield prepare a needs assessment and expectations of the accounting firms that the city will request an RFP from. A second was made by Alderman Fortenbery (?) and carried unanimously.

Alderman Dillard pointed out that the City Clerk had advised that he would not have the ability to repay the loans by the end of this fiscal year. If not paid back, these loans become transfers. Mayor Brown said the intention that these loans will be paid back and the City Clerk had mentioned sources of upcoming revenues such as late ad valorem taxes. Alderwoman Carter Smith asked the City Clerk to provide an approximation of what the ad valorem taxes will be and predicted sales tax.

Alderman Dillard responded to Mayor Brown that his concerns are not conjecture as the City Clerk said that he cannot pay back the funds that were loaned.

Alderman Fortenbery said that there were money issues and "someone has made a big mistake" and he wanted to know where the problem was.

Alderman Gray said the BOA had made a motion previously that if money was going to be borrowed out of the casino funds it had to come before the BOA for approval. If the BOA knew on the front end what was going on then all questions would have been answered. Alderman Fortenbery then asked if the claims docket should have been voted down. Alderwoman Carter Smith said that she'd like to see the revenue projections.

Alderman Dillard advised, under Garbage Projections, \$986,000.00 in revenues were budgeted but the report showed that \$419,824.00 had been collected and no funds had been collected since April. The same issue with the insurance premiums—the city was to collect \$1M and only \$429.00 had been collected. Alderman Dillard said that Mr. Holloway had advised at the last meeting that he was going to look up the information concerning the insurance but he's still \$1M short.

Alderman Fortenbery said although the departments are doing a good job, the departments might need to tighten their belts.

Alderman Dillard reported that the North Natchez Drainage Project has over spent their revenue by \$237,000.00. Mr. Holloway said that this project has nothing to do with the General Fund.

Mayor Brown said that the General Fund is the operating account for the city—it was not getting enough money. Alderman Fortenbery asked why. Mr. Holloway replied that the city doesn't have firm numbers on ad valorem taxes and sales tax. Alderman Fortenbery advised that he understood as that was normal in the business world but the Board of Aldermen had made motions that the Casino Annual Lease Fund would remain untouched and now the money was gone. He asked what was the point of making a motion if the city administration doesn't stay in budget.

Alderman Dillard said on page 110 for ad valorem taxes, \$5.2M was budgeted and \$222.00 has been collected—that just didn't look right.

Alderwoman Carter Smith said that the clerk's office has been given samples of financial reports that can be provided.

Alderman Fortenbery said, as an example, Harold was paid \$3,646.37 on the docket under Recreation but no one could tell him who Harold was. Mayor Brown said has to be for Henry Harris or Wilbert Whitley.

Mr. Holloway said that he could provide a needs assessment to request an RFP to hire an accounting firm by next week. Alderwoman Carter Smith said the BOA could vote on the proposal at the next BOA meeting as Mr. Holloway said would be completed.

Mr. Holloway said, as far as the \$5.2M budgeted for all ad valorem taxes, when the budget was started, the person was not doing it the right way.

A motion was made by Alderwoman Arceneaux-Mathis, with a second by Alderwoman Carter Smith, to spread the Hire and Termination report for June on the minutes. The motion carried unanimously.

PUBLIC OFFICIALS

Alderwoman Arceneaux-Mathis asked that a copy of what Mr. Clark, owner of 820 N. Rankin, said in Municipal Court be provided to her. She expressed her concern that the Preservation Commission had given Mr. Clark 60 days to stabilize the property. Mr. Clark had told Preservation that he had only owned the house for two years but Mr. Clark had said in Municipal Court that he had owned the property since 2010. She asked Mr. Carby to see what the next step could be for the property to be demolished.

She will provide law update handouts from the recent MML conference. Mr. Booker T. Campbell gave a PowerPoint presentation on city fiscal health. She will forward the PowerPoint to the mayor's office to see if the attachment can be opened and a copy provided to the BOA.

She asked Mr. Dollar to review the list of adjudicated nuisance properties, as of July 8th, to see what a contractor would charge to clean up the properties. She would then like to know if Municipal Court (Environmental Court) was generating enough revenue to get some lots cleaned up as it is not physically possible for Public Works to address all the adjudicated properties.

Alderman Gray said multiple reunions were held in the city over the weekend and he thanked Justin Dollar and Public Works for cleaning up the various sites for these events. There appeared to be a breakdown in communication regarding people complaining about the school district—the various groups needed to work together. Alderman Gray would provide the BOA a handout from the MML conference from the Municipal Finance Seminar and updates from the AG's office. Legislation passed in 2014 session Senate Bill 2597 authorizes officers of municipalities and counties to adopt a policy to continue to pay all regular compensation and benefits to any law enforcement officer or firefighter injured in the line of duty—the city needs to decide how to handle. He congratulated Alderwoman Arceneaux-Mathis for her appointment to President of MBC-LEO. He expressed his sympathy to Hyde Carby and Clem Campbell.

Alderwoman Carter Smith said that accounting services and Microseal had been covered.

Alderman Fields thanked Mimi Miller, Kathleen Jenkins and Ser Boxley for their help in getting the Forks of the Road site declared a Landmark Site. He represented the city in the reception for Lionel Septer of Walmart and the Father's Day program at the Senior Citizens' Center. He expressed his condolences to the family to Hayes Harris.

Alderman Fields made a motion for approve travel for those wanting to attend the Congressional Black Caucus conference in Tunica. A second was made by Alderman Gray and carried unanimously.

Alderman Fortenbery asked Mayor Brown to see if the grass at the flyover could be mowed—Mr. Dollar replied that the contracted mowers were working in Natchez.

Alderman Dillard thanked David Gardner, David Atkins and the Engineering Department for getting the work completed on Melrose Avenue.

CITY ATTORNEY

Chief White had approach Mr. Carby about transferring a police cruiser to another governmental entity. A resolution will be prepared.

Mr. Carby advised that an agreement has been renewed between MDA and the Intermodal Center for rental space at the Visitors Center in the amount of \$5,000.00 per month.

Natchez 300 will be coming up with a licensing agreement so that intellectual property can be licensed.

MAYOR'S REPORT

A motion was made by Alderman Fields, with a second by Alderman Gray, to ratify the emergency repairs for air conditioning that were made at the Senior Citizens' Center, to be paid out of Public Properties. Under discussion Alderman Fortenbery asked Mayor Brown if he knew the total amount—Mayor Brown replied that he did not have the bills yet. Alderman Dillard asked if less than \$50,000.00—Mayor Brown replied yes.

The motion carried unanimously.

A reimbursement check had been received from the Natchez Music Festival for \$12,500.00 for the Beatles' Review. He reminded the BOA to forward recommendations for openings on the various boards. The City Auditorium a/c will be up and running by the end of the week.

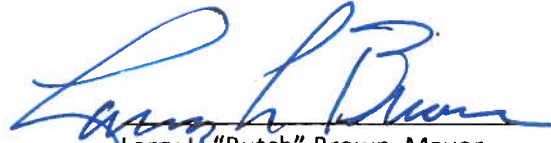
A motion was made by Alderman Gray, with a second by Alderwoman Arceneaux-Mathis, to approve travel for Mayor Brown to go to Nashville to meet with Governor Bryant during the National Governors' Conference. The motion carried unanimously.

Vowells' new location was funded under New Market Tax Credit program.

ADJOURNMENT

The meeting ended with a moment of silence for the families of Elmer Carby, Lillian Campbell? and Hayes Harris.

A motion was made by Alderman Fortenbery, seconded by Alderwoman Arceneaux-Mathis, to adjourn the meeting of July 8, 2014. The motion carried unanimously.



Larry L. "Butch" Brown, Mayor

ATTEST:



Donnie Holloway, City Clerk

