

**REGULAR MEETING
NOVEMBER 28, 2006**

A Regular Meeting of the Mayor and Board of Aldermen of the City of Natchez, Mississippi, was held in the City Council Chamber at 6:00 p.m. on Tuesday, November 28, 2006. Mayor Phillip C. West presided at the meeting, which was opened with prayer by Reverend Melvin White, Pilgrim Baptist Church.

MAYOR & BOARD PRESENT	ELECTED OFFICIALS ABSENT	CITY OFFICIALS & DEPARTMENT HEADS
Phillip C. West Mayor Joyce Arceneaux-Mathis Alderwoman, Ward 1 J. "Ricky" Gray, Jr. Alderman, Ward 2 Bob Pollard Alderman, Ward 3 Theodore West Alderman, Ward 4 David Massey Alderman, Ward 5 Jake Middleton Alderman, Ward 6		Donnie Holloway, City Clerk Everett Sanders, City Attorney Darlene D. Williams, Dep. City Clerk Brett Brinegar, Grants Coordinator Paul Dawes, Inspection Department David Gardner, Water Superintendent Patricia Gibson, Personnel Director Walter Huston, Planning Department Darlene F. Jones, Comm Dev. Director Anita Smith, Code Enforcement Eric Smith, Public Works Administrator Ralph Tedder, Recreation Director Walter Tipton, Convention Center Wilbert Whitley, Recreation Dept. Natchez Democrat

MINUTES APPROVED

A motion was made by Alderman Massey to dispense with the reading of the minutes of the regular meeting of November 14, 2006 and approve as submitted. The motion was seconded by Alderman Pollard. The motion carried with Alderman Massey, Alderman Pollard, Alderman Massey, and Alderman Middleton voting in favor. Alderwoman Arceneaux-Mathis and Alderman Gray abstained from the vote.

APPEAL HEARING

Mayor West requested comments from Mr. Huston.

Mr. Huston said information was provided to the Mayor and Board regarding the appeal of the

decision of the Natchez Zoning Board of Adjustment submitted by Mamie Forbess. Mr. Huston said case #NZBA06-030 was granted a Special Use permit to operate a business at 205 Hunters Lane within an R-1 (Single-Family Residential) zoning district on October 5, 2006. He said the adjacent property owner, Mamie Forbess, 203 Hunters Lane has appealed the decision of the Zoning Board of Adjustment.

Mayor West requested comments from Mrs. Mamie Forbess.

Mrs. Mamie Forbess said a representative was present to speak on her behalf. She said there is nothing against Mr. James McLeod personally and she wish him success with his business. Mrs. Forbess said the business should be located in an Industrial zone. She said if the law had been followed the case would not be before the board and if the law is enforced and justice is served the home life for herself and family will be returned to a residential zone as it was when the property was purchased. Mrs. Forbess thanked the Mayor and Board for their consideration.

Mr. Andrew L. Smith, Small Town & Rural Communities was present to represent Mamie Forbess in the opposition of the zoning case. Mr. Smith presented several exhibits to be made a part of the official record.

1. City of Natchez Zoning Ordinance
2. Chart of Permitted Uses for the City of Natchez
3. Zoning application
4. Staff Report
5. Sections of the Zoning Ordinance in support of the opposition to the case
6. Section of the Zoning Ordinance that deals with the powers of the Zoning Board and the granting of variances
7. International Code Council where the City of Natchez adopts the International Property Maintenance code and the International Building code.

Mr. Smith said the zoning ordinance for the City of Natchez defines residential districts as one family dwellings and open areas where similar residential developments will likely occur. Few multi-family dwellings are found in the area. Mr. Smith said the district regulations are designed to protect the residential character of areas by prohibiting all commercial and industrial activity to encourage a suitable neighborhood environment for family life by including among the permitted uses such facilities as schools, churches and to preserve the openness of areas by requiring minimum yards and standards to be met. He said his client, Mrs. Forbess is of the opinion that first the City of Natchez has not followed the Zoning Ordinance or the Zoning Board of Adjustment has acted outside of its authority by granting the variance. In the zoning ordinance it states that once an appeal has been filed by an applicant the Mayor & Board of Aldermen should try the case solely from the question of whether the board has acted beyond the limits of its power or abused its discretion. He said his client is of the opinion that the Zoning Board of Adjustment has acted beyond the limits of its power and abused its discretion. Mr. Smith said this statement is made because the States Enabling Legislation does not permit the granting of use variances. He said the municipality when issuing a use variance, is circumventing the zoning process and doing what is known as spot zoning. The facility located at 205 Hunters Lane was originally constructed as a bottling company in 1950. With the annexation of the property at that time it became a non-conforming use.

The zoning ordinance states that when a non-conforming use ceases to operate for a period of more than one year you can not continue anything other than what is allowed by the Zoning Ordinance. The sign company, Southern Signs occupied the facility for a number of years. Mr. Smith said according to the city records this business moved from Hunters Lane to Liberty Road during 2000. There has not been a business at this location since that time. Mr. Smith said his client purchased the property approximately three (3) years ago with the knowledge that the area was a residential neighborhood. The building was abandoned and no business was operating there and nothing would be allowed other than a residential structure. Mr. Smith said the City has allowed the applicant, James McLeod to open a painting business which is an intense commercial/industrial use as shown on photographs. On the application completed by the applicant the request is for a variance to continue to use the property in a way that it was used over the past fifty (50) years. The application states that there are on going commercial uses on the adjacent lots, he said there are no commercial uses, only residential sites.

Mr. Smith noted that he received opinions from the Attorney Generals office. He said one was for the town of Sunflower, Mississippi, where a variance was requested for the operation of a daycare center within a residential zone. The opinion of the Attorney General was to allow or grant a variance would circumvent the intent of the zoning ordinance, thereby creating spot zoning. The issuance of a use variance was quashed in the State of Mississippi.

Mr. Smith said the staff report presented by the City of Natchez Planning & Zoning Department noted that the applicant requested a variance to utilize a building for commercial purposes located in a residential zoning district. He said his client is of the opinion that the application should never have been processed because a use variance is the circumvention of the rezoning process. The zoning ordinance states that it gives two (2) definitions in Section 8 for the interpretation of the ordinance. Mr. Smith said when a non-conforming use has been discontinued for a period of one year, such use shall not be reestablished and any future use shall be in conformity with the provisions of the ordinance. The subject property was abandoned for six (6) years following the relocation of the last business in 2000, and the building was unoccupied as a business until April, 2006 with the operation of the paint business.

Mr. Smith said a demolition permit was issued on September 15, 2006 although the demolition of the subject property is not occurring at this time. He said alterations are being made to the property to continue the non-conforming use. The definition of alteration is - a non-conforming building shall not be reconstructed or structurally altered to an extent exceeding the cost of the value. The issuance of variances in Section 14 of the zoning ordinance states that where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of these regulations the Board of Adjustment shall have the power in passing upon appeals to vary or modify the application of any of the regulations or provisions of this ordinance so that the spirit of the ordinance shall be observed. He said no variance shall be granted unless the Board of Adjustment finds beyond a reasonable doubt that:

- A. There are exceptional conditions applicable to the property involved or to the intended use of the property that do not apply generally to the property or class of uses in the same district. The exceptional conditions that apply to the property were caused by the applicant. Mr. Smith said the applicant was informed prior to the purchase of the property

that it was a non-conforming use and it could not be used for commercial or industrial purposes.

- B. In granting a variance the board must find beyond a reasonable doubt that such variance is necessary for the preservation and enjoyment of a substantial right to the applicant possessed by other property in the same district and vicinity. Due to the Non-conforming use clause of the ordinance the preservation and enjoyment of a substantial property right of the applicant possessed by other property in the same district is non-existing.
- C. Such a variance will not be materially detrimental to the public welfare or injurious to the property or improvement in the district where the property is located. Granting the variance is bypassing the zoning ordinance regulations and equates to spot zoning. Spot zoning is injurious to the surrounding properties because the nature of the use is not suitable for a residential zoned area.
- D. The granting of a variance should not adversely effect the master plan of the City of Natchez. The future land use plan which is a component of the comprehensive plan identifies the area as residential. The zoning map identifies the property as residential.

Mr. Smith said Exhibit 7 is a definition of an unsafe structure taken from the International Building Code. He provided photographs to be identified as Exhibit 8. The pictures clearly identify and define the structure as an unsafe structure. The International Building Maintenance Code adopted by the City of Natchez states that an unsafe structure is one that is found to be dangerous to the life, limb, health, property safety or welfare of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupant in the event of fire or because such structures contain unsafe equipment or is so damaged, decayed, delapidated, structurally unsafe or of such faulty construction or unstable foundation that partial or complete collapse is possible. Mr. Smith said the photographs in Exhibit 8 shows that approximately 30 feet of the building foundation is hanging over the edge of the creek. For the City Building Official to issue a Certificate of Occupancy for the structure is a liability. The photographs in Exhibit 9 (30) show the intensity of the use. The use is more suited for an industrial zone. He said the use with such a great intensity should be allowed in a residential zone. There is heavy traffic, and construction vehicles traveling to the site.

Mr. Smith asked that the Mayor and Board adhere to the ordinance and make a decision that basically states that the Zoning Board of Adjustment acted beyond the limits of its powers and abused its discretion by granting a use variance as opposed to informing the applicant that a rezoning of the property from residential to industrial would be more appropriate. He said he would entertain questions regarding the opposition to the Natchez Zoning Board of Adjustment case #06-030.

Mayor West requested comments.

Mr. Bruce Kuehnle, Attorney, representing James McLeod stated that Mr. McLeod made application to the Zoning Board of Adjustment for a use variance for property purchased at 205 Hunters Lane. Mr. Kuehnle said by way of procedural information the matter was presented to the Zoning Board of Adjustment at the September 7, 2006 meeting. At that time there was evidence introduced to the board by Mr. McLeod and in opposition by Mrs. Forbess. He said the Zoning Board of Adjustment tabled the

consideration of the application until the October meeting. Mr. Kuehnle said during both meetings Mrs. Forbess represented herself and was not represented by Mr. Andrew Smith. During the interim between the September / October meeting the members of the Zoning Board of Adjustment visited the property. At the October meeting additional evidence was introduced and the Board voted 4 - 1 in favor of granting the use variance with one abstention.

Mr. Kuehnle said Mr. Smith identified the matters to be considered by the Board of Aldermen, whether the Zoning Board of Adjustment acted arbitrarily or capriciously or beyond the scope of its powers. Underlying that, the Board of Adjustment considered one of the several factors mentioned by Mr. Smith. The legal basis for granting a use variance is one of three:

1. The property is a non-conforming use;
2. There was an error in the original zoning;
3. The failure to grant the variance would result in an undue hardship to the applicant.

Mr. Kuehnle said it is their position that all three basis are present in the case. There is good legal basis for the granting of the variance by the Board of Adjustment and there is good legal precedence for the Board of Aldermen to do so under the ordinance and the statue to uphold the decision. The standards for granting a variance are exceptional circumstances applicable to the property that do not apply generally to the properties in the area. The variance is necessary to enjoy the property, and prevent undue hardship, the variance will not be detrimental to the public or injurious to properties in the area, the variance will not adversely effect the master plan for the City of Natchez.

Mr. Kuehnle asked that the evidence introduced at the Zoning Board meeting be allowed as part of the record.

1. Map that demonstrates the nature of where the property is located;
2. Affidavit from Lucius Butts regarding the use of the building;
3. All evidence provided to the Natchez Zoning Board of Adjustment

Mr. Kuehnle pointed out that the metal building in which Mr. McLeod uses for his painting business is used for the meeting place for his employees. The employees receive their assignments, leave the site and return in the afternoon. There is some painting done on the site by Mr. McLeod. Mr. Kuehnle said the building on the site is a warehouse type building and the nature of the building started in the early 1950's as a bottling company. The building is a commercial building and has always been a commercial building and used for that purpose. He said the building is not suitable for residential purposes.

Mr. Kuehnle said the use of the property is not an intense commercial use, it is a very limited use. The question was asked during the Zoning Board of Adjustment meeting as to the number of cars that visit the site per day, and the answer from the adjacent neighbor was thirty (30) cars. Mr. Kuehnle said thirty cars do not travel to the site per day. He said photographs were introduced to the Board of Adjustment and asked that were made a part of the record.

Mr. Kuehnle provided photographs of the use of the Forbess property. He said several issues were raised. The Forbess property is located on the east side of Hunter's Lane and along the west side in a utility

building Mrs. Forbess operates a drapery/ blind business. The reason this information is important is one factor the NZBA considered would granting the variance be injurious to the neighborhood. Mr. Kuehnle said their position was that Mrs. Forbess is operating a business in the building. The photographs indicate a van used for the commercial business, Mrs. Forbess represented to the Zoning Board that a commercial business is not operated in the building on her property, and the little business that is done is done in her home under the home occupancy permit. She represented that the utility building has rats and snakes in it.

Mr. Kuehnle presented photographs to be introduced as Exhibit A.

1. Exterior of the utility building;
2. Interior of the utility building;
3. Photograph of Mrs. Forbess with equipment for drapery / blind business;
4. Photograph of lady who works with Mrs. Forbess;
5. Photograph of interior wall of the utility building with cans of spray paint;
6. Photograph of Mrs. Forbess at the drafting table

Mr. Kuehnle said in addition to the conduct in the utility building the other property owned by the Forbess family housed abandoned vehicles, a trailer with no wheels. He said there is also a rabbit farm on the property. Mr. Kuehnle said he has said nothing to embarrass Mrs. Forbess, he only made reference to the board that the use Mr. McLeod is putting to his property is consistent with that of Mrs. Forbess. He said that is one of the basis used by the Zoning Board of Adjustment to make their decision.

Mr. Kuehnle asked that all information submitted to the Zoning Board of Adjustment be entered as part of the record. He said in conclusion the case is the type that a use variance is appropriate. If the Board of Aldermen fails to grant the use variance the affect is to condemn the property, it results in an unnecessary undue hardship. Mr. Kuehnle said the property can not be used for residential purposes. The decision is necessary, he said because he believes the use is a non-conforming use that when the property was zoned it was commercial. Mr. Kuehnle said the representative for Mrs. Forbess said the sign company vacated the site in 2000 and no other company was located there until 2006. The interesting thing was that Mrs. Forbess or her representative said during that period of time the property was used by the neighbor as a storage building. Mr. Kuehnle said the non-conforming use was continued, there was an error in the original zoning because it should have never been zoned R-1 (Single Family Residential) because it has no practical use as a residential zone. The site is not capable of being used as a residence, and has never been used for residential. Mr. Kuehnle said his client is not asking to do anything out of the ordinary with respect to the character of the neighborhood. The use is going on at the adjacent property, for those reasons the action of the Zoning Board of Adjustment was appropriate, and asked the Board of Aldermen to confirm the decision.

Mayor West requested comments.

Alderman Pollard said the property is in his ward and there were stipulations on the approval granted by the Zoning Board of Adjustment. He said the conditions of approval included the demolition of the portion of the building projecting over the creek, and the used paint being disposed of according to State and Federal guidelines. Alderman Pollard asked if the conditions were adhered to.

Mr. Kuehnle said Mr. McLeod is in the process of completing the conditions placed on the approval. He said the Department of Environmental Quality (DEQ) official inspected the site several weeks ago and the operation of a paint business was approved. Mr. Kuehnle said the paint is being disposed of according to the law.

Mayor West requested additional comments.

Mr. Smsith asked that he be allowed to offer a rebuttal to statements made by Mr. Kuehnle that are not correct.

Mr. Kuehnle objected to rebuttal by Mr. Smith regarding the case.

Mayor West said it was the opinion of the Board of Aldermen that enough factual information was presented. He asked if there were comments to be made that were different.

Mr. Ken Allgood, 100 Ashburn Street said there were several incorrect comments made by Mr. Kuehnle and there is no legal documentation of proof.

Mayor West noted that rebuttal was not being allowed and asked if there different comments to be made.

Mr. Allgood noted that the photograph presented of Mrs. Forbess and her friend show them in the process of working on a baby blanket. He said there are no employees. Mr. Allgood said the photographs were taken by a city employee who did not identify herself. The building is used for private use only.

Mayor West requested comments from the Board.

Alderman Gray said a large amount of information was presented and he would like to table the decision until he has had time to review the document prior to making a decision.

Alderman Pollard said the information was presented and he would like a decision from the board to settle the matter.

Mayor West asked that the board return to the regular order of business.

A motion was made by Alderman West and seconded by Alderman Pollard to return to the regular order of business. The motion carried unanimously.

A motion was made by Alderman Pollard to uphold the decision of the Natchez Zoning Board of Adjustment in granting a use variance for the operation of a commercial paint business at 205 Hunter's Lane within an R-1 (Single-Family Residential) zoning district. The motion was seconded by Alderman West. The motion carried with Alderman Pollard, Alderman West,

Alderman Massey, and Alderman Middleton. Alderwoman Arceneaux-Mathis and Alderman Gray abstained from the vote.

WELCOME VISITORS

1. BUSINESS OF THE MONTH -- BELK'S, INC

Mayor West noted that the corporation of Belk, Inc. purchased the business from McRaes in 2005. It is currently managed by Mary Flach. Since the store opened in 1979 there has been a tremendous amount of growth and they are now an eleven million dollar business for the Natchez community. There is a total of 102 employees. Belk's participates in many community service projects such as school benefits, charity events, Partners in Education, Ruritan, Natchez Festival of Music, Natchez Little Theatre, Chamber of Commerce and Habit for Humanities. Mayor West said Mrs. Flach has served on the United Way Board for several years.

Mayor West congratulated Belk's on being chosen November Business of the Month.

Mrs. Mary Flach, Manager thanked Mayor West for the award. She said she is proud to be a part of the Belk's family and the Natchez community.

ATTACHMENT

2. REVEREND MELVIN WHITE AND BOARD OF PILGRIM BAPTIST CHURCH

Rev. White noted that members of Pilgrim Baptist Church and Board members were present to thank the City of Natchez, Mayor and Board of Aldermen for honoring the request of renaming Wilson Road to Pilgrim Baptist Church Blvd. Rev. White said they are present to offer words of gratitude. He recognized Senior Deacon Samuel White, and members of the Board.

Mr. Samuel White presented words of gratitude for the honor. Mr. White said it was a blessing and privilege to be allowed to see the renaming of the street and dedication of the church. He said it was a great honor by the Mayor and Board.

Mayor West thanked Rev. White and Pilgrim Baptist Church, on behalf of the City of Natchez for everything done in the community.

3. VIRGINIA O'BEIRNE

Mrs. O'Beirne said the organization, Pro Life Natchez-Adams County requested permission to arrange a temporary memorial display on the Broadway bluff in January, 2007. She said the display will commemorate the anniversary of the Rowe vs. Wade decision legalizing abortion which has resulted to the death of 46 million babies. Mrs. O'Beirne said the display will require approximately 63 square feet of space and consist of four (4) thousand pink and blue flags. This display will serve as a quiet testimony to

the belief that all life is precious. She requested permission to assemble the display on Sunday, January 14, 2007 and remove it two weeks later, January 28, 2007. Mrs. O'Beirne said the bluff area was chosen because of its high visibility and the beauty of the area. She said public property was chosen over private or church property so there would not be a denominational statement made. She said the organization is non-denominational and the display is for the public. Mrs. O'Beirne said a brief memorial candle light ceremony will be held on January 27, 2007. She invited everyone to attend the ceremony.

Mayor West requested comments.

Alderman Pollard questioned the type of display.

Mrs. O'Beirne said the display will be approximately 63 square feet in the shape of a rectangle. She said a small sign will be placed to explain the display.

A motion was made by Alderwoman Arceneaux-Mathis to take the request under advisement and allow the City Attorney to research the matter of the pro-life display being placed on the bluff. The motion was seconded by Alderman Pollard. The motion carried unanimously.

4. GWEN BALL

Mrs. Ball read the attached statement and presented the results of a survey identifying how the community would like to see the land at Roth Hill developed.

ATTACHMENT (2)

5. CASEY HUGHES

Mrs. Hughes read the attached statement.

ATTACHMENT

DEPARTMENT HEAD REPORTS

RECREATION DEPARTMENT, Ralph Tedder, Director

Mr. Tedder said the Recreation Council recommended that the Mayor and Board of Aldermen consider granting permission to the leasing of office space at the Duncan Park Golf Building on a year to year bases to the Harvest Club, Inc. of Natchez to help promote golf play. He said the City Attorney has discussed the proposal and the distributed the document to each board member. Mr. Tedder requested approval of the proposed lease.

Alderman Gray said he did not receive any documentation regarding the lease.

Mr. Tedder asked that the request be taken under advisement.

A motion was made by Alderman West and seconded by Alderman Middleton to take the request for leasing an office at the Duncan Park Golf Shop to the Harvest Club under advisement. The motion carried unanimously.

ENGINEERING DEPARTMENT, David Gardner, Director/Water Superintendent

Mr. Gardner said in reference to the completion of the Passbach Street project, the contract between the City of Natchez and Camo Construction, he recommended the conclusion of the project. Mr. Gardner requested permission to advertise the completed project in the Natchez Democrat.

Mayor West requested comments.

A motion was made by Alderman West and seconded by Alderman Massey to authorize the advertisement the completion of the Passbach Street project. The motion carried unanimously.

Mr. Gardner said a grant application through the traffic department was submitted and approved in the amount of \$96,000. He said the department reviewed the signs to determine if they should be removed, replaced or changed. He said the second phase of the grant is the actual changing and implementing the recommendations. Mr. Gardner said he would like to proceed with the contract and to do so an advertisement is required. He said the advertisement would be for Engineering services to implement the project. The cost for the service would be provided from the grant. Mr. Gardner said there is no cash, out of pocket expense to the City of Natchez other than local in kind service through the department.

Mr. Gardner requested permission to proceed with the next step of procuring a contract for the Engineer to get started on the project.

A motion was made by Alderman West and seconded by Alderman Massey to authorize permission to proceed with advertising for Engineering services for the sign inventory.

Alderman Massey questioned the signs to be involved in the project.

Mr. Gardner said every sign in the city was reviewed and the report shows the condition, the necessary upgrade, and having everything consistent with the manual on uniform for traffic which the city should adhere to. He said the grant is for city signs not signs on the state highway.

The motion carried unanimously.

Mr. Gardner said Liberty Road will be closed on December 11, 2007 to allow the Hill Brothers to complete work between the new bridge and Passbach Street. He said the road will be closed for seven (7) days. Mr. Gardner said all emergency entities were notified of the street closing.

Alderman Massey noted that Margaret Avenue would be used as a detour street for the area. He said Margaret Avenue has the hazardous washout. He asked Mr. Gardner if Margaret Avenue would only be allowed for neighborhood traffic because of the condition.

Mr. Gardner said there will be increased traffic on Margaret Avenue although the street is not a part of the detour.

Alderman Massey asked how the traffic would be detoured.

Mr. Gardner said no traffic will be allowed from the new bridge. He said all traffic will be redirected through LaGrange subdivision coming in from the Crosby direction.

Alderman Massey said he talked with Mr. Gardner about the washout on Margaret Avenue and they discussed ways of repairing the street with as little money as possible.

CONVENTION CENTER, Walter Tipton, Director

Mr. Tipton said the lighting of the downtown Christmas Tree will be held on Friday, December 8, 2006. He reminded everyone of the Christmas Parade to be held on Sunday, December 9, 2006. There are several sponsors for the event. Mr. Tipton said Ms. Mississippi will be the Grand Marshal along with special guest, Walt Grayson. There will be multiple ambassadors who have been selected.

Mayor West requested comments.

PUBLIC WORKS, Eric Smith, Administrator

Alderman West requested an explanation from Mr. Smith on the report submitted.

Mr. Smith explained the report submitted by the department. He said the report provided information on projects that were completed, and proposed projects.

Alderman West noted that for Ward 4 he would like to receive a report on all orders and projects completed.

Alderman Gray said a motion was made several meetings ago to have detailed reports submitted from each department. He requested an update on the drain to be installed on Seals Lane. Alderman Gray said there is no information on the report. Alderman Gray said in the future all motions made by the board should be addressed immediately, he said all other project should be placed second to any project voted on by the Board of Aldermen.

OFFICIAL REPORTS

ALDERWOMAN ARCENEUX-MATHIS

Aldерwoman Arceneux-Mathis recognized Ms. Helen Brooks and thanked her for being present. Aldерwoman Arceneux-Mathis noted that Ms. Brooks is with Alcorn State University and the Farmers Market. Aldерwoman Arceneux-Mathis said she received several calls regarding the Farmers Market. She asked Ms. Brooks to attend the next scheduled meeting of the Board of Aldermen. Aldерwoman Arceneux-Mathis said Ms. Brooks will be placed on the agenda.

Aldерwoman Arceneux-Mathis said the traffic light on Martin L. King Jr. Street and Wilson Road is not working properly. She said traffic was backed up in the area which caused a very dangerous situation. Aldерwoman Arceneux-Mathis asked that Mr. Freeman and the Traffic Department check on the situation and the timing of the light.

Aldерwoman Arceneux-Mathis requested information on the new business going in on Lower Woodville Road. She requested the status of the request, the zoning of the property in the area.

Mr. Huston said Oscar Brown was granted a variance to operate a fast food restaurant based on approvals from the Site Plan Review Committee. He said there was one individual who said he would appeal the decision of the Natchez Zoning Board of Adjustment. The beauty salon will be on the Natchez Zoning Board Adjustment agenda on Thursday, December 7, 2006.

Alderman Massey asked if the applicant was approved for a drive thru restaurant in a residential area.

Mr. Huston said the applicant was approved for a drive-thru restaurant with several conditions. He said the Planning Department did not recommend approval of the request.

ALDERMAN GRAY

Alderman Gray requested an update on the DEQ grant funds from Ms. Brinegar.

Ms. Brinegar said the completion of the grant will end in December, 2006 and the new grant period will start in January, 2007. She said reimbursement will follow the completion of the project.

Alderman Gray asked what area is being cleaned up. He said he did not want to miss the upcoming grant deadline.

Ms. Brinegar said the site location is Cottage Farm Road. She said more than one grant can be opened at the same time.

Alderman Gray said there is a serious problem at the end of Daisy Street. He said the problem has been there since he was elected into office. There is a lift station at the end of the street and there is a problem with the pump not working properly. Alderman Gray said there is water running into the adjacent

bayou and the area smells of raw sewage. He said this is a very hazardous situation for the elderly people in the area.

Mr. Gardner said he was not familiar with the problem, he said he will go and inspect the area to determine the cause of the problem. He said it is a hazard to have the pumps not working properly.

Alderman Gray asked Public Works to inspect the sidewalks in the area of 905 - 907 North Union Street for damage.

Alderman Gray said there are funds for home loans. He said he would like funds to be available for the rehab of houses. Alderman Gray said a rehab project would benefit the elderly as well as others in upgrading the property in the community. He asked Mrs. Ball and Mrs. Hughes to assist him in Ward 2 with several projects. Alderman Gray said their energy would help him get things done.

Mrs. Ball said she is aware of several situations in Ward 2.

Alderman Gray said for the quality of life to improve it will have to improve for the community. He said improvements must be made from the bottom up for improvements.

Alderman Gray said if the home funds are not used they should be returned and replaced with a rehab grant to assist with a better quality of life for the elderly and those in need. He said he would like the grant coordinator to research the penalties to be applied to the City if the grant is closed prior to completion.

Mayor West said Fannie Brown, AJFC is the administrator of the grant. He said Alan Ingram, Housing Director was present to discuss the concerns of housing in the community with the board during the finance meeting and there was not adequate time. Mayor West said a meeting will be scheduled with Mr. Ingram. The grant funds were issued to AJFC to be utilized by qualified individuals. Mayor West said there is not a rehab program in Natchez-Adams County and this is needed. He said there are many individuals living in homes that need assistance with renovations.

Alderman Gray said a Blight Ordinance was passed several months ago that should handle some of the delapidated properties, abandoned houses and burned structures. He said after letters are issued to the individuals regarding the condition property it should not take two years for the property owner to remove or renovate the property. There are several properties in Ward 2. He said he requested a list of all properties in Ward 2 that fall under the Blight Ordinance. Alderman Gray said there should be money in the budget to adequately handle the properties. He asked the Code Enforcement Officers to make a list of all abandoned, burned, dilapidated properties through the city by wards.

Ms. Anita Smith, Code Enforcement officer presented a list of properties to Aldermen Gray to review. Ms. Smith said it was only a partial list and she will continue to add properties.

Alderman Gray said the partial list has 136 properties. He asked that funds be placed in the budget

to control blight within the community. Alderman West requested \$50,000 to be placed in the budget for the demolition of unsafe properties.

Mayor West asked if 5 Spring Street was placed on the list. He said there was discussion that there would be funds designated for removal of delapidated structures within the next month. He said a complete list is needed of all properties and designate the sites that should be handled immediately. Mayor West said there will not be funds available to handle every property in the city.

Alderman Gray said he attended the West Stiers Lane Association meeting and comments were made regarding the Old Wilson Road micro-seal project that is cracking down the center of the street. He asked Mr. Gardner if there is a warranty on the project.

Mr. Gardner said there is a one year warranty on the contract.

A motion was made by Alderman Gray to authorize the Public Works Department to work with the Adams County Road Manager in scheduling cleanup of the ditches in Homewood Park Subdivision on a monthly basis.

Mayor West requested comments.

Alderman West asked if the request is as needed or once every month.

Alderman Gray said the motion was made to have the ditches cleaned once a month either by the city or the county but every month. He said this will eliminate the water from flooding onto private property.

Mayor West requested a second to the motion.

The motion was seconded by Alderman West.

Alderman Pollard asked how one area of the community can be singled out and designated for cleaning on a monthly basis by the Public Works Department. He said there are ditches that should be cleaned on a regular basis. Alderman Pollard said he is not in favor of the stated motion.

Mayor West called for a vote on the motion.

Alderman Gray, Alderman West voted in favor of the motion. Alderwoman Arceneaux-Mathis, Alderman Pollard, Alderman Massey, Alderman Middleton voted against the motion. The motion was denied.

Alderman Gray said the board would rather allow water to floor private properties when the ditches can be cleaned on a regular basis. He said the property owners in the Homewood Park area are tax payers.

Alderman Massey said as committee chair he will authorize the Public Works Department to check

the area on a monthly basis and if there is a need for the ditches to be cleaned it will be done. He said to have one area cleaned every month is over the line. Alderman Massey said a vote was taken last month to deny the repair of a damaged street that has washout. He said he will instruct the Department Head to have the area check on a monthly bases and cleaned when needed.

Alderman Gray said that it is against the law for Alderman Massey to instruct a city department to do anything.

Alderman Gray said there was a request from the Ivy Lane residents of the installation of a speed bump. He said have been instances of drag racing in the neighborhood. Alderman Gray said House Bill #1361 was created to prohibit drag racing.

Alderman Gray said there is still a serious problem with dumping in West Stiers Lane. He asked Ms. Brinegar to research the purchase of a camera to be installed to catch persons responsible for the dumping in the area. He said there are cameras available to monitor dump sites, and it can be purchased with funds from a DEQ grant.

Ms. Brinegar said she will check on the information.

Alderman Gray ended his report with a prayer.

ALDERMAN POLLARD

Alderman Pollard said the Public Works Department worked diligently to repair the original International paper Company Christmas displays. He said the displays have been installed on the bluff. The Downtown Development installed lights and garland along the fence on the bluff and vandals have destroyed the decorations twice. Alderman Pollard said the police department should be aware of what is happening on the bluff. He said the responsible parties should be brought before the board with their parents.

ALDERMAN WEST

Alderman West requested the criteria used in selecting the list of properties in the community. He asked if there are occupied properties on the list.

Ms. Anita Smith said there are no occupied properties on the list.

Alderman West said the Police Department is geared up for the holiday season. He said they will monitor drag racing, traffic and vandalism.

ALDERMAN MASSEY

Alderman Massey said with the many problems in Ward 5, he will contact the Department Head during the week and have the problem taken care of. He said this would eliminate taking up valuable time

during the Board meeting.

ALDERMAN MIDDLETON

Alderman Middleton thanked Eric Smith, Ronnie Ivey and the Public Works Department for the work completed at the Duncan Park Golf course on #8 green. He said he appreciated the time spent on the project. Alderman Middleton said when there is time and the men are available there is a need for work on #3 green. He asked them to come back when they have time.

CITY CLERK'S REPORT

No Report

CITY ATTORNEY'S REPORT

Attorney Sanders presented a Resolution for the Tenth Amended Interlocal Agreement between the City of Natchez and Adams County, Mississippi for Fire Protection

A motion was made by Alderman Gray and seconded by Alderman West to adopt the Resolution for the Tenth Amended Interlocal Agreement between the City of Natchez and Adams County, Mississippi for Fire Protection. The motion carried unanimously.

ATTACHMENT

MAYOR'S REPORT

Mayor West requested a motion for the appointment of Ms. Patricia Dunmore as the Civil Service Attorney.

Mayor West requested comments.

A motion was made by Alderman Gray and seconded by Alderman West to approve the appointment of Ms. Patricia Dunmore as the Civil Service Attorney. The motion carried unanimously.

Mayor West said on behalf of the City of Natchez, Ms. Jennifer Ogden be named as the Special Projects Liaison person for the City. He said the position is on a volunteer basis unless she is working on a project approved by the board for compensation.

A motion was made by Alderman Gray and seconded by Alderman West to authorize Ms. Jennifer Ogden as Special Projects Liaison person for the City of Natchez on a volunteer basis, unless otherwise approved by the board for compensation. The motion carried unanimously.

Mayor West said there will be several appointments made at the next scheduled meeting following discussion with the individuals on whether they wish to continue to serve.

Alderman Gray asked the Public Works Department to complete the inventory list for the department equipment. He said there have been several items to be lost or stolen.

Mayor West asked that Mr. Smith get the list completed and get a copy to him and Alderman Massey.

OLD BUSINESS

None

NEW BUSINESS

None

ANNOUNCEMENTS

None

ADJOURNMENT

A motion was made by Alderman Middleton and seconded by Alderman Massey to adjourn the Regular Meeting of November 28, 2006. The motion carried unanimously.

PHILLIP C. WEST, MAYOR

ATTEST:

DONNIE HOLLOWAY, CITY CLERK