

**REGULAR MEETING
MARCH 27, 2007**

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, March 27, 2007. Mayor Phillip C. West presided at the meeting, which was opened with prayer by Reverend Charles Bartley.

MAYOR & BOARD PRESENT	ELECTED OFFICIALS ABSENT	CITY OFFICIALS & DEPARTMENT HEADS
Phillip C. West Mayor Joyce Arceneaux-Mathis Alderman, 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 Sabrena Bartley, Senior Center Director Brett Brinegar, Grants Coordinator Paul Dawes, Building Official Rick Freeman, Traffic Dept. David Gardner, Water Superintendent Paul Johnson, Fire Chief Darlene Jones, Comm. Dev. Director Mike Mullins, Police Chief Dennis Story, City Planner Eric Smith, Public Works Administrator Wilbert Whitley, Recreation Department Ralph Tedder, Recreation Director Walter Tipton, Convention Center Director Katie Sthalcup, Natchez Democrat

MINUTES APPROVED

A motion was made by Alderman Pollard to dispense with the reading of the minutes of the regular meeting of February 27, 2007 and approve as submitted. The motion was seconded by Alderman Massey. The motion carried unanimously.

A motion was made by Alderman West to dispense with the reading of the minutes of the special meeting of March 16, 2007 and approve as submitted. The motion was seconded by Alderman Massey. The motion carried unanimously.

A motion was made by Alderman West to dispense with the reading of the minutes of the special meeting of March 20, 2007 and approve as submitted. The motion was seconded by Alderman Massey. The motion carried unanimously.

APPEAL HEARING

A motion was made by Alderman Massey to go out of order to hear the appeals. The motion was seconded by Alderman Pollard. The motion carried unanimously.

A. Rev. George Marshall - Special Use Variance

Mayor West requested comments from Mr. Story, City Planner.

Mr. Story read the attached response. He noted that on January 3, 2007, Mr. George Marshall applied to the Natchez Zoning Board of Adjustment requesting a "Variance to operate a business (funeral home) in an R-1 Single Family Zoning District" to be located at 1100 - 1102 Martin Luther King Blvd in the City of Natchez. The Natchez Zoning Board of Adjustment met on March 1, 2007 and voted to DENY this application.

The City of Natchez Zoning Ordinance 1963 Section IV, allows for the following permitted uses in an R-1 Zoning District: Accessory Uses, Child Care Centers, Detached Dwellings and signs. The ordinance also allows by Special Exception the following uses: Art Galleries or Museums, Bed & Breakfasts, Churches, Garage Apartments and Residential Care Facilities. It is clear, therefore, that Funeral Homes are neither allowed by right nor by special exception in the R-1 Single Family Zoning district.

However, this same Zoning Ordinance does indeed give the Natchez Zoning Board of Adjustment the power to grant variances and further, stipulates 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, public health, safety, and welfare secured, and substantial justice done. No variance shall be granted unless the board of adjustment finds beyond reasonable doubt:

- a. That 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.
- b. That such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by other property in the same district and vicinity.
- c. That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the district in which the property is located.
- d. That the granting of such variance will not affect adversely the master plan of the City of Natchez.

Moreover, the sole question-the only question that must be answered here tonight (according to Section 14 of the Natchez Zoning Ordinance which established the Zoning Board of Adjustment) is whether the Board, in voting to deny Mr. Marshall's application for a variance, has acted beyond the limits of its powers or abused its discretion.

--Although funeral homes are not allowed by right in an R-1 Single Family Zoning District, we are not here to discuss this issue.

--Although funeral homes are not allowed by special exception in an R-1 Single Family Zoning District, we are not here to discuss this issue.

--Although the funeral home is proposed to be located within a R-1 zoning district that has traditionally maintained mixed uses - residential and businesses - we are not here to discuss this issue.

--And we are not here to discuss the fact that the building into which the proposed funeral home desires to locate was formerly used as a church, and according to the applicant, the building has also been used as a satellite repair business, a store and a Laundromat.

The sole question that must be answered here tonight is whether the Zoning Board of Adjustment has acted beyond the limits of its powers or abused its discretion. This question must be examined on the above referenced premise: that no variance shall be granted unless the board of adjustment finds beyond reasonable doubt the following:

BEYOND REASONABLE DOUBT -- Are there exceptional conditions applicable to the property involved or to the intended use of the property, that do not apply generally to the property of class of uses in the same district?

NO! There are no exceptional conditions that apply to this property or its intended use - this district does not suffer from a lack of funeral homes --there are other funeral homes in use within this district.

BEYOND REASONABLE DOUBT -- Is this variance necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by other property in the same district and vicinity?

NO! Mr. Marshall does not own the property and therefore, preservation of and enjoyment of a substantial property right possessed by other property in the same district and vicinity is not a right he currently enjoys. The property is owned by the "Trustees for Tabernacle of Prayer For All People Church."

BEYOND REASONABLE DOUBT -- Will the granting of such variance be materially detrimental to the public welfare or injurious to the property or improvements in the district in which the property is located?

Well, maybe. Parking at this facility is very limited. Although the applicant proposes to purchase two lots across the street from this facility to be used for additional parking, during wakes and funerals, possible on street parking with people getting in and out of their automobiles and crossing Martin Luther King Blvd, would generally impede the flow of traffic.

BEYOND REASONABLE DOUBT -- Will the granting of such variance not adversely affect the master plan of the City of Natchez?

NO. Granting the applicant's request would not adversely affect the master plan for the City of Natchez. The Zoning Board of Adjustment has the power to vary or modify the application of any of the regulations or provisions of the City of Natchez's Zoning Ordinance but in this particular case, in doing so, the spirit of the ordinance would not have been observed. The board would have allowed a commercial use that is not permitted in the zoning ordinance by right or by special exception in an R-1 Single Family Zoning District and the board, therefore, would have gone beyond the limits of its power and abused its discretion by not denying this application.

Mayor West requested comment from Mr. George Marshall.

Mr. George Marshall, Marshall Funeral Home. Mr. Marshall noted that his reason for appearing before the board is he is interested in operating a funeral home in Natchez. He said he would like to operate the business at the location of 1100-1102 North Martin L. King Jr. Street. A building is currently on the site which measures 100 x 320. Mr. Marshall said the building was once used as a store, radio & tv repair shop, and the last was a church. He said he was requesting special consideration to operate a commercial business at the location. There are other businesses within the area; Batieste Realty & Construction, Special Skill Development Facility, Commercial building on the corner of Gayosa Street that housed a laundrymat, clothing store, beauty shop, Adams Communication Service, Jacquelyn Day Care, Christian Hope Church, Kwik Tax Service, B& J Floral Designs, Golden Day Care Center and the Business & Civic League Center. Mr. Marshall said the businesses referenced have been operated within blocks of the proposed site for the funeral home. He said he could continue into the next block there are other businesses in the area.

Mr. Marshall said he is requesting the opportunity to operate a business in Natchez that will enhance the neighborhood. He said if granted the opportunity the business will serve the surrounding community regardless of the economic condition. The service will be available to all. The business will not have a negative impact on the surrounding area. He said the business will not be noisy, unruly, or drug infested, unlike other businesses. Mr. Marshall said the business would be a quiet business. He said once the building is renovated it will be a place that would enhance the neighborhood. Mr. Marshall said when small businesses come into a commercial zone it will raise the value of property in the area. He said the operation would be a source of employment for four full time personnel and eight/twelve part time positions. Mr. Marshall said the business would be an additional tax base for the City of Natchez and Adams County.

Mr. Marshall said as a tax paying citizen of Natchez-Adams County he is requesting consideration to operate a commercial business/funeral home within an R-1 (Single Family Residential) zone as others are currently doing.

Mayor West requested comments from the public.

Mr. Story presented photographs of other uses referenced by Mr. Marshall. Mr. Story noted that he did agree with the presentation made by Mr. Marshall, that there are commercial uses within the district. Mr. Story said to ask the board to allow a business in an R-1 zoning district that is not allowed by right or by special exception puts the board in a very precarious position. He said this is because it would not be

upholding the laws of the City of Natchez if it were to allow the use. Mr. Story said sure there are other commercial uses, and the area has grown up in that manner, with commercial uses, residential uses and various type uses. He said at what point should the city stop allowing any/and all uses made by a special request. Mr. Story asked when will the city start upholding the ordinance. The board took a turn when it was stated that the ordinance would be upheld. If it is not allowed by the zoning ordinance by right or by special exception then it will not be allowed.

Alderman Gray questioned the date of the zoning ordinance.

Mr. Story said the ordinance was adopted in 1963 with several amendments over the years.

Alderman Gray said since 1963, board members have allowed businesses to operate in the area.

Mr. Story said in looking at the area, and because the area was zoned residential, there was some form of approvals granted for the businesses to be located in the area.

Alderman Gray said he can not imagine how the board can not allow this business since there are other businesses in the immediate area. He said he would like the process to be fair to all individuals. Alderman Gray said he would like to be fair to Mr. Marshall because there are other businesses located in the area.

Alderwoman Arceneaux-Mathis said she read through the minutes of the Zoning Board of Adjustment meeting and she noticed that there was a suggestion made to table the request until the members could review the site. She asked why there was not a motion to table the request. Alderwoman Arceneaux-Mathis asked if it was true that the request should have been presented to the Planning Commission first. Alderwoman Arceneaux-Mathis requested clarification.

Mr. Story said the application was presented to the Zoning Board of Adjustment and that was correct. He said there was not a need for the application to be presented to the Planning Commission.

Alderwoman Arceneaux-Mathis asked what the Planning Commission would have looked at if it was presented.

Mr. Story said the request was not a matter for the Planning Commission.

Alderwoman Arceneaux-Mathis asked why the request was not tabled to allow additional time for the members to review the site. She asked if adequate information was provided to the board members.

Mr. Story said there was adequate information provided.

Alderwoman Arceneaux-Mathis asked why would anyone have to have a variance.

Mr. Story said a variance is a modification from the existing zoning. He said property owners

request a variance to get relief to do something that the zoning ordinance may be too strict about or may not allow.

Alderwoman Arceneaux-Mathis asked Mr. Marshall about proposed parking.

Mr. Marshall said there is adequate parking on the site because of the adjacent lot. He said the extra lot measurement is 50 x 300 along with space behind the church. Mr. Marshall said across the street there is a large lot that he will look possibly purchase if the funeral home is allowed.

Alderman Massey requested clarification on what the board will vote on. He said the board will not vote on whether the business is a good thing to operate on the site, only question is whether the Zoning Board over stepped their bounds.

Mr. Story agreed with Alderman Massey and noted that the consideration is whether the Zoning Board of Adjustment members abused their power or discretion.

Mayor West requested additional comments.

Alderman Gray commented on the vote of the Zoning Board, and said evidentially some of the board members thought the business should be allowed on the site because it was not a unanimous decision, it was a three - two vote.

Mayor West thanked everyone for their comments and said action will be taken following the next appeal hearing.

B. Mrs. Eva Dunkley - NBZA Case # 07-002.

Mayor West requested comments from Mr. Story, City Planner.

Mr. Story summarized the attached response. On January 22, 2007, C. K. Land, LLC, represented by Mr. F. Clifton McCarstle applied to the Natchez Zoning Board of Adjustment requesting a "Variance to put a residential unit in a B-2 zone," to be located on the North side of Briel at Wall Street in the City of Natchez. The Zoning Board of Adjustment met on March 1, 2007 and voted to APPROVE this application.

The City of Natchez Zoning Ordinance 1963 Section V Business Districts, allows for a variety of uses by right and by special exception within the B-2 Zoning District, but it does not allow for the placement of residential units in a B-2 Zoning District.

However, this same Zoning Ordinance gives the Natchez Zoning Board of Adjustment broad powers to grant variances and further, stipulates 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, public health, safety, and welfare secured, and substantial justice done. No variance shall be granted unless the board of adjustment finds beyond reasonable doubt:

- a. That 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.
- b. That such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by other property in the same district and vicinity.
- c. That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the district in which the property is located.
- d. That the granting of such variance will not affect adversely the master plan of the City of Natchez.

Moreover, the sole question-the only question that must be answered here tonight (according to Section 14 of the Natchez Zoning Ordinance which established the Zoning Board of Adjustment) is whether the Board, in voting to approve the application of C. K. Land, LLC for a Variance, has acted beyond the limits of its powers or abused its discretion.

--Although residential dwellings are not allowed by right or by special exception in the B-2 General Business District, we are not here to discuss this issue.

--Although Ms. Eva Dunkley does not own property anywhere within this particular zoning district or within its vicinity nor is she an adjacent property owner within 160 feet of this property, we are not here to discuss these issues.

--Although this B-2 Zoning district is now more than 95 percent residential, we are not here to discuss this issue.

The sole question that must be answered here tonight is whether the Zoning Board of Adjustment has acted beyond the limits of its powers or abused its discretion. This question must be examined on the above referenced premise: that no variance shall be granted unless the board of adjustment finds beyond reasonable doubt the following:

BEYOND REASONABLE DOUBT? - Are there 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?

Yes. Property within this zoning district is zoned B-2 general business with more than 95 percent of the properties currently being Residential Dwelling Units. There are at least 15 residential units, 3 churches and 1 or two businesses within this B-2 zoning district. General business restrictions have

not generally been applied to the properties or class of uses in this district.

BEYOND REASONABLE DOUBT? -- Is this variance necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by other property in the same district and vicinity?

Yes. Other property owners within this zoning district have been allowed to maintain their properties as a residential unit. C. K. Land, LLC owns the land on which a residential dwelling unit is proposed to be placed and would enjoy and possess the same substantial property right enjoyed and possessed by other properties in this same district and vicinity.

BEYOND REASONABLE DOUBT? -- Will the granting of such variance be materially detrimental to the public welfare or injurious to the property or improvements in the district in which the property is located?

No. The applicant proposes off street parking the same as all others within this zoning district and proposes to locate a residential dwelling unit that would enhance and preserve the existing character of this district.

BEYOND REASONABLE DOUBT? -- Will the granting of such variance not adversely affect the master plan of the City of Natchez?

No. This particular zoning district, although zoned B-2 General Business, through the years, developed as a Residential District with both single family dwelling units and duplexes and remains so even at this time. Moving a single family house onto a vacant lot in this district will add to the residential character of this neighborhood and will not adversely affect the city's master plan.

In addition, under the City of Natchez's proposed new land development code, this area is proposed to be rezoned to R-3 Mixed Density Residential because of its current residential uses. Without a doubt, the City of Natchez's Zoning Board of Adjustment has been entrusted with the power to vary or modify the application of any of the regulations or provisions of the City of Natchez's Zoning Ordinance. In this particular case, the board allowed a residential use to be placed in a "business district" but in doing so maintained the spirit of the ordinance, secured the public health, safety and welfare, and provided substantial justice by approving this application.

In order for the Board of Adjustments to grant a Variance, all items (A, B, C, D) taken together, must be determined beyond reasonable doubt. And if any of these - any one of these items - is not perfectly clear and a reasonable doubt persists, then this variance should not have been granted. But because the Zoning Board of Adjustment acted within the constraints of this ordinance, voting to approve this application did not force the board to act beyond the limits of its power or abuse its discretion.

Mayor West recognized Mrs. Eva Dunkley.

Mrs. Eva Dunkley said what is being done is flipping the script. She said Mr. Marshall requested approval to operate a business in an area that is zoned for one thing and the board allowed residential houses to be built within a business district. She said the request for a variance to place residential units, homes in a B-2 zoning district. Mrs. Dunkley said the board said they would allow residential housing to go

in a B-2 area, the existing zoning is B-2 (general business). She said the houses that are in the area have been there for so long. Mrs. Dunkley said to Mr. Story, there is a need to start enforcing the zoning ordinance. She said we need to start enforcing it and it is either right or it is wrong. If the corner of Briel and Wall Street is zoned B-2, then it is zoned B-2. Mrs. Dunkley said in the minutes, it was noted that one of the things that we have been noticing is that the board has been approving some things in the past that were not allowed. I was told that the City Attorney had allowed certain variances in certain areas so that was one reason the request was not reviewed by staff. Mrs. Dunkley said you are either going to do right or do wrong. She said this is the reason for the situation on Fisk Avenue, and Attorney Walter Brown told her that the city knew the property owner was doing wrong but since he has started, he would be allowed to build the shed or if a house is not constructed in six months, then he will have to tear it down. Mrs. Dunkley said the six month deadline was November 1, 2006 and the piece of trash is still sitting there, a shed, flatbed trailer, horse barn. So if you will continue to do wrong somehow we have to learn how to do what is right. Then she was asked if there was any feedback, no there is no feedback because the average person does not know the law. They don't know if they are doing right or doing wrong, so there should be a start some place, and start doing what is right.

Mr. Story said the zoning district, although zoned B-2 (General Business) through the years developed as a residential district with both single family dwelling units and duplex units and remain so at this time. He said moving a single family house onto a vacant lot in the B-2 district will add to the residential character of the neighborhood. Mr. Story said this decision will not adversely affect the city's master plan. In addition, under the City of Natchez proposed new land development code, this area is proposed to be rezoned to R-3 (Mixed Density Residential) because of the current residential uses. Mr. Story said without a doubt the Natchez Zoning Board of Adjustment has been entrusted the power to vary or modify the application of any regulations or provisions of the City of Natchez Zoning Ordinance. In this case the board allow a residential use to be placed in a business district and in doing so maintained the spirit of the ordinance, secured the public health safety and welfare, and provided substantial justice by approving the application. Mr. Story said in order for the Board of Adjustment to grant a variance, all the above referenced items that were discussed must be determined beyond a reasonable doubt. He said the Board of Aldermen are not here to determine if the Zoning Board did right or wrong, what you are here to determine is if the board acted beyond the limits of its power, or abused its desecration when it granted the approval. Mr. Story said the Zoning Board of Adjustment acted within the constraints of the Zoning Ordinance, voting to approve the application did not mean the board acted beyond the limits of its power or abused its desecration.

Mrs. Dunkley asked Mayor West if land is zoned B-2 (General Business) when you allow residential houses to go there, what are you doing, are you doing right or wrong?. She said she thought that was the reason for the codes, and ordinances. Mrs. Dunkley said the city regulates the size of signs. She asked when will the city go to what is right and what is wrong and why make up the rules and regulations if they will not be followed. If the property is zoned business it is zoned business. If it is zoned residential, it is zoned residential.

Alderman Massey said within a month the property in the area of Briel Avenue will be zoned residential and the houses will be allowed by right. He said when the new code is adopted the property will

be zoned residential.

Mrs. Dunkley said if the property will be zoned residential in thirty days, why not wait until after the thirty days to allow the request. She said that would be going by the book.

Mayor West said a decision can be made by the Board of Aldermen as to whether to uphold the actions of the Natchez Zoning Board of Adjustment in both matters, or the board can choose to table the decision.

Alderwoman Arceneaux-Mathis said in the documents the reference is for houses, how many houses will be constructed on the lot. Will there be a single family unit or an apartment complex.

Mr. Story said there is one single family unit proposed per lot on the corner of Briel and North Wall Street

Alderwoman Arceneaux-Mathis said the one unit was approved by the Zoning Board.

Alderman Pollard requested clarification. The fact is the applicant requested permission to move a run down house from one location to the Briel Avenue property to be restored.

Alderwoman Arceneaux-Mathis said she would like Mr. Marshall to have his business and C.K. Land to be allowed to relocate the houses. She said she did not know how the rest of the board would vote but that would be the motion made. She said she would like to vote on the request for the house first.

Alderwoman Arceneaux-Mathis said the board should be speaking the same way on both requests. She agreed with the material presented by Mrs. Dunkley and the board can not speak from both sides of the mouth. She said the same thing should be done in both instances. The mapping for the new Development Code should be reviewed and the section along Martin L. King Jr. Street should be reviewed and zoned commercial. The same thing should be done twice.

Mrs. Dunkley said the information provided stated residential units. She said this would mean more than one house.

Mr. Cliff McCarstle, Briel Avenue property owner, said there are five vacant lots in the area that he would eventually develop by relocating houses or building new houses. He said he can actually wait until the new development code is adopted although the property owner of the house to be relocated (Blankenstein) would like to have the structure moved. He said this is about one house that he would like to move from the Blankenstein property and renovate it on Briel Avenue. He said Blankenstein has asked that the structure be moved immediately to provide space so they can proceed with the extension of their business.

Mayor West requested action on the matter regarding C.K. Land, for the approval of the recommendation of the Natchez Zoning Board of Adjustment in granting the variance.

A motion was made by Alderwoman Arceneaux-Mathis to accept the recommendation of approval by the Natchez Zoning Board of Adjustment for a variance to locate a residential unit

within a B-2 (General Business) zoning district at Briel Avenue. The motion was seconded by Alderman Gray. The motion carried unanimously.

Mayor West requested action on the matter regarding George Marshall, for the recommendation of the Natchez Zoning Board of Adjustment to deny the variance to operate a funeral home business within an R-1 (Single-Family Residential) zoning district.

A motion was made by Alderman Gray to overturn the decision of the Natchez Zoning Board of Adjustment for denial and approve the variance to operate a business (funeral home) within an R-1 (Single-Family Residential) zoning district. The motion was seconded by Alderwoman Arceneaux-Mathis. Alderwoman Arceneaux-Mathis requested a roll call vote.

Alderwoman Arceneaux-Mathis	Yes
Alderman Gray	Yes
Alderman Pollard	No
Alderman West	Recused
Alderman Massey	No
Alderman Middleton	No

Mr. Holloway said the vote was three (3) to two (2) in favor of the motion and one recused.

The motion was defeated by a vote of three (3) to two (2) with one recused.

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

A motion was made by Alderman Massey and seconded by Alderman Pollard to remain out of regular order to further discuss the appeal matters. The motion carried unanimously.

Mayor West requested a motion to uphold the decision of the Natchez Zoning Board of Adjustment.

A motion was made by Alderman Massey and seconded by Alderman Pollard to uphold the ruling of the Natchez Zoning Board of Adjustment to deny the variance to operate a business (funeral home) within an R-1 (Single-Family Residential) zoning district.

Mayor West requested questions or discussion on the motion.

Alderman Gray said it is amazing that every time there is something to be done on the north side of town there are problems and the same situation comes up on the south side of town, the ordinance that is in place does not hold up. He said when the problem is on the north side of town the decisions are different. Alderman Gray said he did not understand how the board can deny the opportunity for a business to

operate. He said he is glad the decision was made and the comments were made for the city to stick to the ordinance, from tonight on, please stick to the ordinance. Alderman Gray said he will remind everyone about their decision and make sure they stick to the ordinance.

Alderman Massey said he and Alderman Gray have been in conversation several times about this and it has been discussed many many times. Alderman Massey said just recently a business was allowed in his neighborhood. Why, he did not know why. The residents of the area did not know why it was allowed. He said the business has to be illegal. Alderman Massey said he complained about the business and there was nothing done. Gordon Plumbing Company is still operating and the street is torn up from the trucks. Alderman Massey said it was discussed over and over not to allow businesses in residential areas. He said he agreed with Mrs. Dunkley in that within thirty days the residential request will be allowed by right. Alderman Massey said he will continue to vote against commercial businesses in residential areas. He said it was wrong in the Hills Subdivision when it was allowed, it was wrong when it was allowed on the north side. There were many bars on the north side of town in neighborhoods. Alderman Massey said the residents came to the board and said they wanted the bars closed down and not allowed in the neighborhoods. He said the board agreed to not allow bars, or businesses within neighborhood areas. Over all, the board has been consistent in not allowing businesses in neighborhoods for a reason. In the 1940's and 1950's the only place people on the north side of town could open a business was in their neighborhood. All of that has changed. So now it is time for the board to be progressive. The code is being redone to make things right and keep the city as good as possible based on zoning. Alderman Massey said the goal of the board is to keep businesses out of neighborhoods.

Alderwoman Arceneaux-Mathis said that it is amazing, and she did appreciate the comments made by Alderman Massey, and Alderman Pollard was not on the board. She said the request is discussed with the board member who represents the ward. She said she distinctly remembers that there was a request for a grocery store on the corner of Bishop and Union Street, in her Ward and neighborhood. A request was made by a gentleman to operate a grocery store, and the residents in the neighborhood did not want the store to operate. She said the residents talked to her about the matter and they talked to the board and asked that the business not be allowed. Alderwoman Arceneaux-Mathis said it was amazing to her that Mr. Middleton, Mr. Massey, and Mr. West voted to allow the business to be located in Ward 1, on North Union Street, in her neighborhood after elderly residents came to the board and voiced their concerns, and said they did not want the business in the neighborhood. Alderwoman Arceneaux-Mathis said the gentleman who operated the business was a wonderful person. He operated the business and there were no problems. In hindsight, he was a good neighbor. That was not the point of the ordinance, and that was on North Union Street, within ten doors from her house, but that was on the north side of town on her street. She said she would like to have everything said made a part of the record.

Alderman Massey said when the business was operated by Ronnie Herbert there were stipulations that there would not be alcohol sold on the site and he did not. Alderman Massey said everyone in the neighborhood was not against the business, it was only the Children's Home.

Alderwoman Arceneaux-Mathis said the opposition was not just the Children's Home.

Alderman Massey said the board said at that time said that since there had been a grocery store at the site for many years, that the only way the business would be allowed there would not be any alcohol sold on the site. This was the only way the business could be operated. Alderman Massey said this is the whole story.

Alderwoman Arceneaux-Mathis said there were neighbors who objected, Mr. & Mrs. Robert Lewis, Mr. & Mrs. Bell, Mrs. White. There were many who objected. Alderwoman Arceneaux-Mathis requested a roll call vote.

Alderman Gray said he wanted to make a correction and not say decisions were made based on the north or south side of town. He said decisions are made based on who you are. Alderman Gray said the ordinance changes because of who you are. He said if you are somebody then you can open a business and do whatever you want to do, but if they figure you are nobody then you can't.

Mayor West requested a roll call vote on the motion.

Alderwoman Arceneaux-Mathis	No
Alderman Gray	No
Alderman Pollard	Yes
Alderman West	Recused
Alderman Massey	Yes
Alderman Middleton	Yes

Mr. Holloway said the vote was three (3) to two (2) in favor of the motion and one recused.

The motion passed on a vote of three (3) to two (2) with one recused.

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

A motion was made by Alderwoman Arceneaux-Mathis to have the minutes of Tuesday, March 27, 2007 taken and printed verbatim. The motion was seconded by Alderman Gray. The motion carried unanimously.

Mayor West requested authorization to amend the order of the agenda to move the opening of bid to the end of the agenda.

It was the consensus of the board to authorize the amendment of the order of the agenda.

VISITORS WELCOMED

Mayor West welcomed all visitors to the meeting. He reminded everyone of the policy that allows

all visitors to speak for three (3) minutes before the board.

A. Walter Brown, Attorney

Mayor West recognized Attorney, Walter Brown.

Attorney Brown, said there are several items to be presented to the board. He said on behalf of the Department of Planning & Zoning along with Attorney Sanders, he asked the board to set a public hearing date on the new Development Code for April 24, 2007 at 6:00 p.m. Attorney Brown said there were several public meeting to allow the public to review the code and examine the zoning map. He said the Development Code is very well written and the Planning Department has worked hard along with the City Planner and Corinne Fox, Consultant. Attorney Brown said by law under Section 17-117 of the code, the board is required to hold a public hearing and give notice of that. He said April 24, 2007 would be approximately thirty (30) days from date.

Mayor West requested comments on the request.

Alderman Gray recommended that all residents, business owners review the Development Code and the proposed zoning changes and attend the public hearing.

A motion was made by Alderman West and seconded by Alderman Pollard to set the public hearing date on the new Development Code for Tuesday, April 24, 2007 at 6:00 pm in the City of Natchez Council Chamber, 115 South Pearl Street. The motion carried unanimously.

Attorney Brown said during the last regular meeting authorization was granted for the Natchez Water Works to go to the Public Service Commission to get approval to provide water and sewer service to the new area along Hwy. 61 South, Natchez Port, and along Highland Blvd. He said there was some housekeeping to be done in regard to three other areas that the city now provides service that was never approved by the Public Service Commission. Attorney Brown said the areas include the Beau Pre Subdivision, Oakland Water Works owned by Mr. Huber who gave up the sewer to the city, and Hammett Subdivision. They should be added to the list and have the board approve it.

A motion was made by Alderman Massey and seconded by Alderman Pollard to approve the addition of Beau Pre Subdivision, Oakland Water Works, and Hammett Subdivison to list to be submitted to the Public Service Commission for approval to provide water and sewer service by the Natchez Water Works.

Mayor West requested comments on the motion.

Alderman Gray requested clarification on the request.

Attorney Brown said by law you go to the Public Service Commission for approval. He said these were three items approved by the city several years ago, by agreement with the current owners. The

commission never blessed the approval.

Alderman Gray asked if he could vote for a portion of the request. He said he voted against the addition of service for Oakland Water Works. Alderman Gray said he can not vote for an item he does not agree with.

Attorney Brown said it would be more efficient to submit the request in one application to the Public Service Commission.

Alderwoman Arceneaux-Mathis said the question can always be divided. She said what will be provided to the Public Service Commission will be a vote. Alderwoman Arceneaux said she understand that Alderman Gray would like to have his vote clarified all the way through.

Alderman Massey withdrew the original motion. The motion was seconded by Alderman Pollard. The motion carried unanimously.

A motion was made by Alderwoman Arceneaux-Mathis to divide the question on the request to allow a clarification of votes. The motion was seconded by Alderman Gray.

Attorney Brown said the previous question that Alderman Gray voted against was not being readdressed. He said the three new issues were being added to be presented to the Public Service Commission. If there were not problems with the addition of the areas, Hammett Subdivision, Oakland Subdivision, and Oakland Water Works then the vote would be in favor. Attorney Brown said the question can be divided.

The motion carried unanimously.

Mayor West requested a motion on the request for Beau Pre Subdivision and Hammett Subdivision to be presented to the Public Service Commission.

A motion was made by Alderwoman Arceneaux-Mathis to add Breu Pre Subdivision and Hammett Subdivision to the list to be presented to the Public Service Commission for approval to provide water and sewer service by the Natchez Water Works. The motion carried unanimously.

ATTACHMENT

Mayor West requested a motion on the request for Oakland Water Works to be presented to the Public Service Commission.

A motion was made by Alderman Massey and seconded by Alderman Pollard to add Oakland Water Works to the list to be presented to the Public Service Commission for approval to provide water and sewer service by the Natchez Water Works. The motion carried with Alderman Pollard, Alderman West, Alderman Massey, and Alderman Middleton voting in favor. Alderwoman Arceneaux-Mathis, Alderman Gray voted no.

ATTACHMENT

Attorney Brown said with respect to the New Orleans Hotel Group, the date presently set for the group to take over the management contract for the City of Natchez on the Convention Center on May 1, 2007. He is requesting this date to be rolled back to October 1, 2006 which is also a recommendation of Walter Tipton. He said the date coincides with the fiscal year. Attorney Brown said the group wanted the date when the hotel will come on line to coincide with the hiring of employees who will be working for them at the hotel and under the management contract. This will move the date back to five months to October 1, 2007..

A motion was made by Alderwoman Arceneaux-Mathis and seconded by Alderman Pollard to change the management contract date from May 1, 2007 to October 1, 2007. The motion carried unanimously.

ATTACHMENT

Alderman West asked if there will be a cost to the city.

Attorney Brown said there will not be a cost to the city. He said the city will be in better shape following this decision.

Attorney Brown said the Highway Department requested an easement over the property in front of Ruby Tuesdays Restaurant in connection with the change of the re-configuration of the intersection. He said there is a city water easement under the same area and the Highway Department wanted that area to be given to them. Attorney Brown said instead the city would subordinate the water easement to the highway easement. The document was prepared and executed by the Mayor. Attorney Brown said the city is only subordinating its interest to the Highway Department's interest. He said the easement was not given up. Attorney Brown recommended that the board ratify the action of Mayor West.

A motion was made by Alderman Massey and seconded by Alderman West to ratify the decision to subordinate the interest of the city's water easement to the Highway Department's interest. The motion carried unanimously.

ATTACHMENT

Attorney Brown said in regard to the tapping fee ordinance, under the agreement with Broadway Hotel several incentives were provided to them to come into Natchez and build the hotel. One of the incentives was a waiver of the tapping fee for utilities. The board agreed to the waiver and researching the law it was determined that for the City to be allowed to do this, it must be provided in the ordinance that the procedure by which it would be done. The Board of Water Commissioners would be charged with making the decision for the two groups:

1. Habitat for Humanity, non profit
2. Any bona fide economic development project that had associated with it, increased employment, tax increase, economic development components

Attorney Brown said the ordinance is prepared and the hotel group is ready to turn the water on, the project is underway. For the board to fulfill the commitment under the recruitment contract would be taking the right step to approve an ordinance and allow the Board of Water Commission to grant an exemption for the tapping fee. The cost associated with the tapping fee was approximately \$8,400.

A motion was made by Alderman Pollard to adopt an amendment to the existing ordinance to allow the Board of Water Commissioners the authority to grant exemptions for tapping fees. The motion was seconded by Alderman Massey.

Mayor West requested comments.

Alderwoman Arceneaux-Mathis requested clarification on the motion.

Attorney Brown said the city is not required by law to have a tapping fee. The water works charges this fee to individuals who tie into the system. To be allowed to grant an exemption or discount the requirement the utility connection ordinance must be amended to give someone the discretion to make the decision to grant an exemption or discount. The motion is to amend the Utility Connection Ordinance to give the Board of Water Commissioners the authority if it meets the criteria set forth in the ordinance.

Alderwoman Arceneaux-Mathis said the board discussed the issue of raising the water rates and how to deal with it. She said she would like to make sure the board looks at every exemption and makes sure it is understood who the exemptions were being allowed to and how much water was involved.

Mayor West said that was correct although this matter is somewhat different in that this is an agreement made with the hotel developers in January to provide this service.

Alderwoman Arceneaux-Mathis asked if this could be done on a case by case basis without the adoption of an amendment to the ordinance.

Attorney Brown said there should not be many exemptions.

Alderwoman Arceneaux-Mathis said the concern is giving the authority to the Water Board. She said the cart is before the horse. She noted that the issue regarding rates should be handled before a decision is made.

Attorney Brown said there is a contractual obligation to the hotel developer and this will provide the vehicle by which to grant that obligation, failing which you do not have the authority to grant exemptions.

Mayor West said the concern is what is before us now is granting the Water Board the authority to

allow exemptions in this case and other instances. The concern is whether the carte blanc authority at this point, while not objecting to the hotel contractual agreement.

Alderwoman Arceneaux-Mathis agreed with Mayor West.

Attorney Brown said due to the time factor the developer is at the point of having the water connected. He recommended the adoption of the amendment to the ordinance.

Alderman Gray asked if there is an ordinance stating that the board of Alderman has the authority to make the decision.

Attorney Brown said the Board of Aldermen does not have the authority to make decisions regarding the tapping fee. He said the Water Board would be conservative about their view point on the matter.

Alderman West asked how conservative would the Water Board be and what is their definition of economically viable. He asked if the mom & pop shops would be considered economically viable.

Attorney Brown said the ordinance would set out the criteria, and there would be general generic criteria as in all the statues, there will be specific job increases, increase in tax base, economic benefits to the city.

Alderman West asked if there will be an appeal process.

Attorney Brown said the question would be will the appeal process be to the Board of Aldermen. He said this would be the only place to appeal the decision would be to the Board of Aldermen.

Alderwoman Arceneaux-Mathis asked both city attorneys if there is a way to allow the developers turn on the water for the hotel. Normally it would be said if the question could be divided. She asked if there is a way to fix the situation to allow the board in this instance act until a decision is made on the water rates. Alderwoman Arceneaux-Mathis said she was trying to help out, Of course the vote may already be made. She said that is her feeling on the matter.

Attorney Brown said this could be done and then adopt the ordinance and give the Board of Water Commissioners the authority and then at the following meeting adopt a recommendation to the commissioners that they impose a moratorium on any further exemptions until the exercise is complete. He said the commission would do this.

Alderwoman Arceneaux-Mathis asked if there is any way for the Board to allow the developers to have the water turned on.

Attorney Brown said there is no way without the authority to do so. The Board of Aldermen do not have the authority to grant an exemption.

Mayor West requested a vote on the motion to adopt an amendment to the existing ordinance to allow the Board of Water Commission the authority to grant exemptions for tapping fees.

Alderwoman Arceneaux-Mathis requested a roll call vote.

Alderwoman Arceneaux-Mathis	No
Alderman Gray	No
Alderman Pollard	Yes
Alderman West	Yes
Alderman Massey	Yes
Alderman Middleton	Yes

Mr. Holloway said the vote was four (4) to two (2) in favor of the motion.

The motion passed on a vote of four (4) to two (2).

Attorney Brown said two things have arisen since the leaving of the City Attorney post and the engagements remaining on the agenda to complete for the board. He said the first item is the Roth Hill Road lease and title issues which he and Attorney Sanders have been working on. Attorney Brown said the Planning Department along with Ms. Fox requested assistance with the completion of the Development Code and the final process over the next months which he will be happy to do if the board so chooses. Attorney Brown these items will be added to the assignments currently given to him.

Attorney Sanders made a recommendation to allow Attorney Brown to continue with the assignments remaining on his agenda including the Roth Hill Road lease and title issues and the completion of the adoption of the Development Code.

Mayor West requested comments.

Alderman Gray asked if Attorney Brown would be paid for his services.

Mayor West said everyone working for the City of Natchez is being paid.

Alderman Gray said with the budget crunch, the city can not continue to pay two city attorneys. He said his opinion is that the city is tight on money and every time you look around you are paying two attorneys to do one job. Alderman Gray said he did not agree with the decision but the board can do what they want to do.

Mayor West requested additional comments.

Alderman West asked if Attorney Sanders agreed with the request.

Attorney Sanders said in terms of dealing with the Roth Hill Road lease and titles there are substantial property issues involved. He said Attorney Brown is familiar with the history of the property and there are

indepth property issues which are a component of the project.

Alderman Gray said it seems to be a conflict for the previous city attorney to come back on board for some of the issues that are before the board and he is working for the hotel development. He said the matter is a conflict and it is his opinion.

Mayor West requested a vote on the motion.

Alderwoman Arceneaux-Mathis requested a roll call vote.

Alderwoman Arceneaux-Mathis	No
Alderman Gray	No
Alderman Pollard	Yes
Alderman West	Yes
Alderman Massey	Yes
Alderman Middleton	Yes

Mr. Holloway said the motion carried with a vote of four (4) to two (2).

B. Fannie Brown - AJFC

Mayor West recognized Ms. Fannie Brown.

Ms. Brown noted that she was bringing greeting from AJFC Board of Directors and the CEO, Mr. Lamar Braxton. Ms. Brown said it has been a pleasure working with the City of Natchez and completing the Home Fund Application. She said there was a closing on four of the eight slots for approval. There are two applications currently in Jackson awaiting approval and two applications being processed for closure. Ms. Brown said the finalization of the Home Fund program would free up the City of Natchez from the commitment of the Home Fund Grant. She said she was looking forward to working with the City of Natchez on any future projects that would allow for decent affordable newly constructed housing for the citizens of Natchez. This will assist low income first time home buyers to purchase houses.

Alderwoman Arceneaux-Mathis thanked Ms. Brown along with AJFC for assisting with the Home Fund Applications. Alderwoman Arceneaux-Mathis said there were some difficult times getting individuals qualified for home ownership. She said the program has been a benefit for first time home buyers to get into affordable homes. Alderwoman Arceneaux-Mathis commended Ms. Brown and AJFC on the work done with the program. She said the program was stuck for a number of years with not completing applications.

Ms. Brown said she talked with Lillie Nailer, Administrator from the Mississippi Development Authority, about closing out the grant. A final advertisement must run in the local newspaper to be in compliance with the grant. Ms. Brown requested authorization to advertise the final notice and enclose her name as the contact person. She said the advertisement is a formality and once the ad is run following the thirty (30) days the funds will be exhausted.

A motion was made by Alderman Massey and seconded by Alderwoman Arceneaux-Mathis to authorize Fannie Brown as the contact person in the final advertisement for the closure of the Home Fund Grant. The motion carried unanimously.

Alderman Gray thanked Ms. Brown for her assistance with the Home Fund Grant Applications and placement of families in new homes. He asked if there are funds available for the elderly.

Ms. Brown said once the Home Fund Grant is closed out by February, 2008, the City of Natchez will meet the qualifications for applying for additional grants. She said she would be glad to work with the City of Natchez on an additional grant.

Alderwoman Arceneaux-Mathis asked Ms. Brown to continue to research possible entitlement funds.

Ms. Brown said she will be glad to assist with bringing affordable decent homes to the city. She said she is currently working on programs with the local banks that she would like to discuss with the board at a latter date.

Alderman West questioned the selection of sites.

Ms. Brown said the majority sites in the program were pre-existing homes within the city limits of Natchez. She said the homes had to pass the City of Natchez home inspection, the lead based paint inspection and the inspection of AJFC to qualify for the program.

Mayor West thanked Ms. Brown for her assistance.

UNFINISHED BUSINESS

None

DEPARTMENT HEAD REPORTS

NATCHEZ FIRE DEPARTMENT, Chief Paul Johnson

Chief Johnson said he determined that employee # 302027 has violated the City of Natchez Personnel Policy, Section 9, Violation of Sick Leave. Chief Johnson recommended the employee receive three (3) full shifts off without pay.

Alderman Gray asked if the employee was given due process.

Chief Johnson said the employee was given due process.

A motion was made by Alderman Gray and seconded by Alderman West to ratify the

decision that employee # 302027 receive three (3) full shifts off without pay. The motion carried unanimously.

RECREATION DEPARTMENT, Wilbert Whitley

Mr. Whitley reported on the closing activities of the City League Basketball program for both youth and adults. He said on Sunday, March 25th the final games were held and the Team of Isle of Capri won the final game for the adult league. Mr. Whitley said eighteen teams participated in the adult league. He said the overall award - Harris Sportsman Ship Award was issued to the Wal-Mart Supercenter. There were no problems during the program season.

Mr. Whitley invited all City Officials to the final festivities of the youth program on Saturday, March 31st at 11:00 am. He said 420 of the top youth athletes will be honored. There will be a cook-out provided for the athletes and volunteers. Mr. Whitley said there were 17 teams in each age division.

Mr. Whitley said the cook-out will be sponsored by Sheriff Ronnie Brown, Robin Harris, and Eddie Hargraves.

Alderman Middleton thanked Mr. Whitley for his hard work with the program.

ATTACHMENT

ENGINEERING DEPARTMENT, David Gardner

Mr. Gardner said bids were received on February 27, 2007 for the traffic sign inventory upgrade. He said bids were received from Vulcan, Custom Products, Traffic Control Products, and Rocal. Mr. Gardner said the bid from Rocal was considered as an unresponsive bidder because the addendum was not acknowledged as required.

Mr. Gardner recommended the acceptance of the low bid submitted by Vulcan Incorporated. He asked that the award be made in the amount of \$52,157.38 to Vulcan, Inc. for the project.

Mayor West requested comment.

A motion was made by Alderman Massey and seconded by Alderman Pollard to authorize the award of the bid for the traffic sign inventory upgrade to the low bidder, Vulcan, Inc. in the amount of \$52,157.38. The motion carried unanimously.

ATTACHMENT

Mr. Gardner said the final inspection on the John R. Junkin truss, bulk head repair project was held and all has been completed and satisfactory accepted as per the specifications. Mr. Gardner recommended the acceptance of the project and give notice in the local newspaper that the contract has been fulfilled. He

requested authorization to proceed.

Mayor West requested comments.

A motion was made by Alderman Pollard and seconded by Alderman West to accept the John R. Junkin truss, bulk head repair project and give notice in the local newspaper that the contract has been fulfilled. The motion carried unanimously.

ATTACHMENT

Mr. Gardner said last year, \$200,000 was received in grants for the Natchez Historic Trails Project. He requested the execution of the Memorandum of Understanding to allow for the utilization of the agreement between the City of Natchez and the Mississippi Transportation Commission. Mr. Gardner said the funding that was procured through Senator Cochran's office will be funneled through MDOT. He asked that the Mayor be authorized to execute the Memorandum of Understanding so the funds can be utilized for the trails project.

Mayor West requested comment.

Alderman Arceneaux-Mathis questioned clarification of the funds.

Mr. Gardner said the funds are part of the TESP grant that was issued by Senator Cochran that gave the funds to the Trails Project. He said the project had to have a local mechanism, which was MDOT. Mr. Gardner said they would be using money and doing it in the same manner that Federal Aid Urban projects are handled. He said he reviewed the document and it is the same Memorandum of Understanding that is in place for the Federal Aid Urban projects.

A motion was made by Alderman Pollard and seconded by Alderman Arceneaux-Mathis to authorize Mayor West to execute the Memorandum of Understanding to allow the utilization funds (200,000) for the trails project. The motion carried unanimously.

ATTACHMENT

Mr. Gardner said at the last meeting a change order was approved for the Minor Street project. He said the project deadline has past approximately one year ago and it is being worked on. Mr. Gardner said there were some delays with the Federal Highway Administration with making rulings on what is acceptable and not acceptable in regard to ADA handicap accessible ramps. He said there was a final ruling on the necessary changes that were approved at the last meeting but likewise the engineering costs has over run because of the delays of the project. Mr. Gardner said there is a supplemental agreement that was an increase in the construction engineering service provided by Jordan Kaiser Sessions. Mr. Gardner made a recommendation to approve the supplemental agreement in the amount of \$143,508.81. He said funds will be taken from the federal aid urban funds from MDOT.

Mayor West requested a motion on the recommendation.

A motion was made by Alderman Pollard and seconded by Alderman Massey to approve the Supplemental Agreement in the amount of \$143,508.81 for the completion of the Minor Street project.

Alderman Gray asked where the funds will come from.

Mr. Gardner said the funds will be provided by MDOT and will be added for the additional work that will be completed.

Alderman Gray asked if the additional funds were in the account.

Mr. Gardner said the contract was in place and additional money will be added to the fund to take care of the extra work completed by the engineers due to the change orders and the time that has elapsed in the project. He said unfortunately there are individuals that must be paid to proceed with inspections.

Alderman Gray asked if there are funds available in the account.

Mr. Gardner said there is no money in the account. It was an the account that was not funded for two years by MDOT. He said there were no appropriations for this year, but the program was reinstated. This is the funding that will be used for FAU projects.

Alderman West said if there are no funds where will the money come from.

Mr. Gardner said MDOT will provide the funds and the will be reimbursed when funds are appropriated. He said the last appropriation was in the amount of \$180, 000. Mr. Gardner said the additional funds would be in the amount of approximately \$23,000. He said \$119,000 was paid out on the project, with \$12,000 on the current docket, and \$11,000 will finish the project out. Mr. Gardner recommended that the Supplemental Agreement be approved.

Mayor West requested a vote on the motion.

The motion carried unanimously.

Alderwoman Arceneaux-Mathis asked Mr. Gardner to explain the 592 project and how it will be completed.

Mr. Gardner said it was discussed in Executive Session and will be further explained later.

Alderwoman Arceneaux-Mathis asked that she is notified of the project.

INSPECTION DEPARTMENT, Paul Dawes

Mr. Dawes present the February, 2007 monthly report for the Inspection Department.

ATTACHMENT

Mr. Dawes requested approval of the addition funds for the continued work at Margaret Martin Performing Arts Center in the amount of \$17,000. He said this request was tabled at the regular meeting of February 27, 2007.

Mayor West requested discussion on the request.

A motion was made by Alderwoman Arceneaux-Mathis to approve the request for the funds in the amount of \$17,000 for the completion of the work at the Margaret Martin Performing Arts Center. The motion was seconded by Alderman Pollard.

Alderwoman Arceneaux-Mathis asked where the fund would come from.

Mr. Dawes said the money would come from public properties.

Mayor West said approval was granted to expend fund from the account left over from the grant from Mississippi Department of Archives & History. He said Mr. Dawes requested an additional \$17,000 to complete the work at the center. Mayor West said a motion was made by Alderwoman Arceneaux-Mathis to provide the additional \$17,000 from public properties.

Alderwoman Arceneaux-Mathis stated it was said the money was left over from the grant, it was never said it was coming from public properties. She said she remembered the discussion about the money that was left over.

Mayor West said that was the \$20,000 that was left over from the \$30,000 grant. He said there was some mis-communication there. He said the motion did not specify where the funds would be provided from. With no specified account, the funds will come from the general fund.

Mayor West requested a vote on the motion.

The motion carried unanimously.

Mayor West posed the question without objections, therefore the funds will be made available from public properties.

Alderman Gray requested information from Mr. Daws regarding the delapidated properties he discussed.

Mr. Dawes said the property owners were notified regarding the situation and now they have to be

notified about the scheduled public hearing before the Mayor and Board.

Alderman Gray said the people were notified and the time has already passed.

Mayor West said before the process can be completed the property owner must receive notice about a scheduled public hearing before the board regarding what will be done with the property.

Mr. Dawes agreed.

RECIEVE BIDS

A. CONVENTION CENTER PARKING LOT

Mayor West opened the bids received for the City of Natchez Convention Center Parking Lot.

R.A. Edgin Construction	\$ 105,361.00
Camo Construction	\$ 102,055.00
Dozer, LLC	\$ 106,330.00
Bulldog Construction	\$ 120,913.00

Alderman West asked if the project could be completed by the Public Works Department.

Mr. Gardner said because of the size of the site and the need for specific specifications it could not be handled by the Public Works Department.

Alderman Pollard said the department would not have time they have to cut grass.

Alderwoman Arceneaux-Mathis said it is amazing to her that at one time the Public Works Department was going to pave the entire site across from the convention center, the entire site, and the public works department was going to do the entire site. It was discussed about paving the entire site. Now, there is a little strip on the back end of the convention center and it is said the public works department can not do it. She said that it is amazing to her also, and I will say this for the record, that on the sheet, an estimate to come out of public properties that is around \$100,000, hoping that it would come in way under that. She said suddenly the bids top the estimated \$100,000. Alderwoman Arceneaux-Mathis said that is amazing, she said she don't know what the board will do but if you can pave an entire lot where the hotel is going so people can park there, now a little strip can't be paved on the back of the convention center. She said either the public works department has gone somewhere in a basket or the bids should be revisited. Alderwoman Arceneaux-Mathis said she is being nice, being really nice.

Alderman Middleton said the paving of the parking lot was going to be asphalt. He said the public works department was going to cover the existing gravel lot.

Mr. Gardner said the two proposals were different. He said the vacant lot across from convention center was gravel with an asphalt top. He said the parking lot adjacent to the convention center will be a large amount of hand work and concrete work. Mr. Gardner said it is a different type of parking lot. He

said so you will know the construction estimate was \$129,000 on the project.

Alderwoman Arceneaux-Mathis said she was looking at what was on the sheet given to her. She said the other bid figures were taken from the sheet. She said you can't tell her to look at the sheet for one thing and it was not any good and now it is good. Alderwoman Arceneaux-Mathis said she is trying to deal with what she is given. She said it is a lot of money for the parking lot.

Alderman Pollard agreed that the bids are high for the parking lot.

Mayor West requested a motion to take the bids under advisement.

A motion was made by Alderman Pollard and seconded by Alderman Massey to take the bids under advisement. The motion carried unanimously.

ATTACHMENT

B. WEBSITE PROPOSALS

Mayor West received the bids for proposals for the City of Natchez website.

1. US Network
2. Qusend Technologies

Mayor West said there would not be a bottom line number on the proposals. He said a committee will review the proposals. The committee will include, Mrs. Jones, Ms. Brinegar, Mr. Story, Mr. Tipton, and Mr. Gardner. Mayor West requested a motion to take the bids under advisement.

A motion was made by Alderwoman Arceneaux-Mathis and seconded by Alderman Pollard to take the proposals under advisement to be reviewed by the committee of Mrs. Jones, Ms. Brinegar, Mr. Story, Mr. Tipton and Mr. Gardner. The motion carried unanimously.

ATTACHMENT

C. SIX MONTH GENERAL SUPPLIES

Mayor West received bids for general supplies and noted that the bids were open for inspection.

1. Blain Company
2. St. Catherine Ready Mix
3. United States Pipe
4. Cintas
5. Mid Golf
6. T.J. Ranch

7. Wilkinson Well Pine
8. Hensley Construction Company
9. B.M. Electric
10. Adapco
11. Camo Construction
12. American Cast Iron
13. Consolidated Supply Pipe
14. Hanson Pipe
15. Delta Process
16. Dozer
17. R.A. Edgin
18. Summit Pipe
19. Pumps & Power
20. Clark Mosquito

Mayor West requested a motion to accept the bids and take them under advisement.

A motion was made by Alderwoman Arceneaux-Mathis and seconded by Alderman West to take the received bids under advisement

Mr. Gardner made a recommendation to take the low bid received from Camo Construction in the amount of \$102,055. He said all requirements were included as specified. Mr. Gardner said the parking lot plans were approved by the Natchez Preservation Commission and the Planning Commission.

Alderman Pollard noted that the parking lot is needed as quick as possible. He said the parking lot at the convention center hotel has been closed off for construction. Alderman Pollard said there are several large conventions scheduled and the parking is needed.

A motion was made by Alderman Pollard and seconded by Alderman Massey to accept the low bid submitted by Camo Construction in the amount of \$102,055.00 for the construction of the parking facility at the Convention Center.

Mayor West requested comments on the motion made to accept the low bid of \$120,055 for the paving of the parking lot.

Alderman Gray asked if the funds are in place for the project. He said he wanted to make sure the money is in place for the project. He said the money coming out of public properties exceed \$130,000, and a portion of that was found.

Alderman Pollard said the found money is still sitting in the account.

Mayor West requested comments from Alderwoman Arceneaux-Mathis regarding the account for public properties.

Alderwoman Arceneaux-Mathis said she can not speak to what is in the account because she has asked what is in the account. She said they asked for a running total, they appear some meetings and other meetings they don't have them. Alderwoman Arceneaux-Mathis said some meetings the totals are right and other times wrong. She said the amounts requested are exhorbant.

Mr. Gardner said the bids are fair price with the exception of the 120,000 bid. He said all other bids were very close.

Alderman West asked if the city can afford to invest money into the parking lot.

Alderman Pollard said the city can't afford not to invest the money in the parking lot.

The motion carried unanimously.

ATTACHMENT

CITY OFFICIALS' REPORTS

ALDERWOMAN ARCENEUX-MATHIS

Alderwoman Arceneaux-Mathis summarized the report and indicated that during her trip to Washington she and Alderman Gray met with Mike Lipsey. She asked that the City Engineer resubmit the original project with the characters, with the book for streets, drainage, trails. She said the document should include everything that was part of St. Catherine Creek.

Ms. Brinegar said the requested information is being re-submitted to Mr. Lipsey.

Alderwoman Arceneaux-Mathis said Mr. Lipsey informed her that he had the documents from last year when the bill died, but they had to resubmit the information. She said he wanted the background material on the project so when they got in a discussion he would have all the same background material that he had from last year.

Ms. Brinegar said the information was sent by courier to Mary Margaret so he would receive the information.

Alderwoman Arceneaux-Mathis said she met with Congressman Charles 'Chip' Pickering and talked to him again about the streets and drainage, the trails and the St. Catherine Creek project. She said the main suggestion and what he wanted to know was if there was a consensus among the Board of Aldermen on the projects. Alderwoman Arceneaux-Mathis said she told him that it was the consensus of the board. She said they discussed blighted communities, rehab of senior citizen housing. Alderwoman Arceneaux-Mathis said when they discussed the blighted communities, they mentioned the Woodlawn Historic District because he wanted to know if there were any other communities or projects done in Natchez that would help with senior citizen housing. The Woodlawn Historic District was mentioned.

Alderwoman Arceneaux-Mathis asked that Ms. Briniger meet with Mr. Story and get information on how the project was completed and get the information to Congressman Pickering. She said the process had to have been in the records.

Alderwoman Arceneaux-Mathis said Congressman Pickering talked with her and Alderman Gray about the HOPE 6 project and the significant funding and grants made available. She said she was glad to hear that the Home Fund project was closing out. Congressman Pickering talked about the board meeting him in Meridian, Mississippi between May and June. She said the contact person there is Ken Storm. Alderwoman Arceneaux-Mathis said that is the formal opening date for the HOPE 6 project. The HOPE 6 project was a combination of housing authority, city, county, private sector, and public input. A suggestion was made to discuss the project with the Chamber of Commerce and the Rotary club. Congressman Pickering strongly suggested that Natchez invite down the Mississippi Development Authority Director. She said the suggestion was made by congressman Pickering, not Alderwoman Arceneaux-Mathis to invite the director down to look at Natchez. Congressman Pickering noted that the economic development was going in the right direction and that Entergy was the way for Natchez to go in terms of future development. He mentioned the extension of the Grand Gulf facility and noted that Natchez is a prime location for Entergy research.

Alderwoman Arceneaux-Mathis said on the suggestion of Attorney Sanders a meeting was held with Wilson Golden, a Mississippi Attorney who moved to Washington, D.C. and is a lobbyist. She said they talked to him about the needs of Natchez in Washington, and Mr. Golden agreed to develop a proposal and discuss it with Attorney Sanders. Alderwoman Arceneaux-Mathis said the proposal will be explained to the board at the next meeting. Nothing has been formally or informally adhered to although she and Alderman Gray had dinner with him and discussed the needs of Natchez and what he could do for the city in Washington.

Alderwoman Arceneaux-Mathis said they met with T.A. Hawks, the Deputy Legislative Director of Senator Cochran, and Senator Cochran on the same projects. Alderwoman Arceneaux-Mathis said what you need to hear is the discussion of the moving of the post office. She said this was discuss previously. Alderwoman Arceneaux-Mathis said Senator Cochrans face lit up and he asked if there was somewhere it could go. She said she told him that the previous City Attorney found a spot for it on another street and Senator Cochran agreed to talk about the matter. She said he agreed that moving the post office would free up prime property in the area of the bluff. She said the area would be the location to have festivals, and have Alcorn bring in a music complex. Alderwoman Arceneaux-Mathis said this did not appear to be a topic that was way out in space.

Alderwoman Arceneaux-Mathis said with all the discussion it was mentioned over and over that in order to get anything through at this point and time it will take the whole delegation. She said the climate in Washington at this time is about the war and the projected trillions of dollars that we are in debt and the fact that is bothering every state and home site and municipality in terms of trying to get funds to help with projects. Alderwoman Arceneaux-Mathis said they went further and met with representatives from the offices of Congressman Bennie Thompson, and Congressman Taylor. She said all Democrats in the

delegation were covered while in Washington.

Alderwoman Arceneaux-Mathis asked that Congressman Thompson and Congressman Taylor receive the information being mailed to Mr. Lipsey.

Alderwoman Arceneaux-Mathis said she will provide the names and vital information for the mail outs.

ALDERMAN GRAY

Alderman Gray presented the Natchez Fire Department monthly report for February, 2007.

Alderman Gray asked Mr. Gardner if there was a start date for the EWP project for West Stiers Lane.

Mr. Gardner said paper work has not been submitted to the city and until that is complete the time limit will not begin.

Alderman Gray asked Mr. Gardner to check on the project and give him an update.

Alderman Gray said he heard Mr. Gardner talk about FAU funds and asked Mayor West if the funds will be made available to do the Union Street project.

Mr. Gardner said it will take two or three years to build the funds in the account for the FAU project. He said when the funds are available are there the project will be started. Mr. Gardner said the paperwork is the hardest part of the project. He said if the project is a \$800,000 project and it can not be done in the first year of funding because you will have only \$200,000 available. You have to wait until the account builds up. Mr. Gardner said you have to wait to be able to do a worthwhile project and the paperwork.

Alderman Gray asked Ms. Brinegar how the illegal dump site project is coming along

Ms. Briniger questioned the site location.

Alderman Gray said for the site in Ward 2 which was the four areas the grant was submitted for.

Ms. Briniger said the grant was approved and the work will start at the end of April.

Alderman Gray asked that Ms. Briniger and Mr. Smith meet and discuss the projects and schedule the work dates. He said since Mr. Ivey is gone, Ms. Briniger should get with Mr. Smith to reschedule the work dates.

Ms. Briniger said the dates are on the schedule.

Alderman Gray said the serious problem was the deliapatated houses in the City of Natchez. He said he had a stack of papers that involved twelve sites. Alderman Gray said the dates on the papers is January, 2007 and it states that the work must be completed within thirty (3) days of receipt of the notice. The failure to comply with the ordinance is a misdemeanor offense and will cause the matter to be brought before the board at which time it will be recommended that the remainder of the building be demolished by the city and the property cleaned. Alderman Gray said the process has been going on and on, and on, and even provided \$50,000 in the budget for the demolition of properties.

Alderman Gray said at the last meeting he recommended to the people that if there are deliapatated properties in the neighborhoods to call the Building Inspection Department. Alderman Gray said he was listening to the meeting on the tv and was highly upset with what he heard. He said he looked at the minutes and the same thing is in the minutes. Alderman Gray said he feels like the response from the Building Inspection Department was totally inappropriate.

Alderman Gray said the same problem has been going on since 2001, when he met with Mayor Hank Smith with the Building Inspector, Paul Dawes. Alderman Gray said there were conversations about the way Mr. Dawes operates and there was no conclusion to the problem. Alderman Gray said since Mayor West has been in office a memo was issued and the same procedure took place, Mayor West, myself and Mr. Dawes met and discussed the concerns. Alderman Gray said as an elected official of the City of Natchez, there have been too many department heads disrespecting elected officials.

A motion was made by Alderman Gray and seconded by Alderwoman Arceneaux-Mathis to terminate the Building Official of the City of Natchez.

Mayor West said there was a motion on the floor for the termination of the Building Official for the City of Natchez. He requested questions or discussion on the motion.

Alderman Pollard said although he is new to the board, but before a recommendation or he agrees to terminate any department head he would personally appreciate further discussion on the matter rather than just bringing it out on the floor.

Alderman Gray requested a roll call vote.

Mayor West requested a roll call vote on the motion.

Alderwoman Arceneaux-Mathis	Yes
Alderman Gray	Yes
Alderman Pollard	No
Alderman West	No
Alderman Massey	No
Alderman Middleton	No

Mayor West said the motion failed with a vote of four (4) to two (2).

Alderman Gray said the motion failed, and as long as he is the Alderman for Ward 2, and he can not get any cooperation with the Inspection Department, every meeting from here on, the motion will be made for the termination of the Building Official.

Alderman Gray said in closing he was glad the Judge in the Seals case decided to keep the trial away from Natchez. He said there are enough problems in Natchez, Mississippi. Alderman Gray said Natchez does not need any more racial problems in the community.

ALDERMAN POLLARD

No Report

ALDERMAN WEST

Alderman West said he understand the concerns regarding the Building Official. He said he also had concerns. Alderman West said he would like to place on the table a motion that the Building Inspection Department be evaluated at the next meeting or within the next thirty days.

A motion was made by Alderman West to have the Inspection Department evaluated over the next thirty (30) days. The motion was seconded by Alderwoman Arceneaux-Mathis.

Mayor West requested comments.

Alderwoman Arceneaux-Mathis asked that a friendly amendment be made to the motion that all department heads be evaluated. She said this was talked about. She said she heard it said that we don't discuss terminating people out in the public. Alderwoman Arceneaux-Mathis said this has happened before. There was a statement made and the individual was terminated and the board certified the decision. She said in order for the City of Natchez to do what should be done and for this community to move forward as an entire community there are blighted areas and people are paying taxes. As it was told in Washington, D.C., she did not care if it was a person who has no home and is only buying a bottle of wine on a regular basis, he is paying taxes or she is paying taxes. Alderwoman Arceneaux-Mathis said the board is up here and dealing with peoples tax money but folks in the communities have concerns. They want their property cleaned up. They are tired of sitting next to houses with trees growing through them and deliaped houses. We are turning them in to the department and it seems to the people that we represent that the concerns are not being turned in. She said they ride with the evaluators on a regular basis and have addresses and turn them in even without constituents calling. Alderwoman Arceneaux-Mathis said they can not be held liable for something that is being submitted to the department and trying to have due process on it. She said all department heads should be evaluated, not just this one, all department heads.

Alderwoman Arceneaux-Mathis asked that the request be accepted as a friendly amendment.

Alderman West withdrew the previous motion that was seconded by Alderwoman

Arceneaux-Mathis.

Alderwoman Arceneaux-Mathis withdrew the friendly amendment and second to the original motion.

A motion was made by Alderman West to have Mayor West pull together a mechanism to evaluate each department head in a timely fashion on an annual basis and that the Inspection Department be the first to be evaluated. The motion was seconded by Alderwoman Arceneaux-Mathis.

Mayor West requested comments on the motion .

Alderman Middleton said all department heads should be evaluated on a regular basis.

Alderman Massey said in the past there was not a Personnel Department, and there should be some form of evaluation of all employees of the City of Natchez. He noted that people respond to the way they are treated. Alderman Massey said if a person is run down on a regular basis, belittled in a public forum there will be problems. He said it is hard for that person to respond favorably. He said the recommendation made was mean spirited. Alderman Massey agreed with the evaluations of department heads.

Alderwoman Arceneaux-Mathis said she sat there and the record will show over the past two-three years and asked for the board to start doing reviews. She said as an educator she is evaluated annually, two, three, four five times a year. Alderwoman Arceneaux-Mathis said being evaluated does not bother her, because she is doing her job, she understands the benchmarks, and knows that the evaluation can only help her do a job better. She said there are some systems in city government that are working wonderful. There are some systems that are not working as wonderful. Alderwoman Arceneaux-Mathis said there are parts of the board that bring information to Aldermen. There are committees, public works, fire, police, public properties, utilities. She said when there are problems they are presented to the chairperson of the committee. Alderwoman Arceneaux-Mathis said there are big problems when an employee leaves, maybe the person would not have left if there had been a review process, and the individual understood what was expected, not by one Alderman but by the entire board for the entire city. Not just doing something right on one part of the city but doing something right on every part of the city. Alderwoman Arceneaux-Mathis said she is appalled because everyone pays taxes and so if you are told there are deliaped houses and we are trying to get that addressed. She said there have been negative reactions to things that she brings from Congress. Why would the city pay for her to attend a meeting in Washington and not bring a report back. Alderwoman Arceneaux-Mathis said they tracked the individuals down in Washington to discuss the needs of Natchez. She said if all the other people in Washington want the information to help Natchez, the information should be provided. She said everyone should be so glad to send information to Washington, D.C. We should fly it there ourselves or put it on a train, do what ever because we may just happen to get some money.

Alderwoman Arceneaux-Mathis said all of the ships will have to be together. That is why the motion was enlarged to say the evaluation of everyone. This was not the first time there was a call for the evaluation

of everybody. She said it was never requested to have an evaluation of one person. She said go through the departments and tell people when they are doing something good and say maybe we can look at this in a different manner. That is what an evaluation is about. Alderwoman Arceneaux-Mathis said she will not pull back from that request. Other cities have regular evaluations, why is the City of Natchez afraid to evaluate the people who are hired? She said this should be done and it will stop the conflict and stop the buddy system. Alderwoman Arceneaux-Mathis said a better understanding and a better working relationship with everybody will exist if the same system is in place for all employees.

Alderman West said the spirit that the motion was offered in was a spirit of consideration in light of the fact that Alderman Gray has indicated that every meeting he will make a motion to terminate the Building Official. Alderman West said this is unfair to all the department heads to be under that type of scrutiny every meeting. So in order to expedite that why not go through a process of evaluations so they will know where they are. He said not to offer it as an insult, only a motion to get past that. Alderman West called for the previous motion.

The motion carried unanimously.

Alderwoman Arceneaux-Mathis said there is no difference in what Alderman Gray proposed to do than what several other Aldermen did in terms of making a motion to not pay an employee on a regular basis. She said this was done every time the docket came out. Alderwoman Arceneaux-Mathis said it will have to be decided that the board will do the same thing, the same way all the time. If you refuse to pay a person, why should they work for the city.

ALDERMAN MASSEY

NO REPORT

ALDERMAN MIDDLETON

NO REPORT

CITY CLERK'S REPORT, DONNIE HOLLOWAY

NO REPORT

CITY ATTORNEY'S REPORT, EVERETT SANDERS

Attorney Sanders said the lease on the Cock of the Walk Building expired and a new renewal has been presented. He requested approval of the new lease.

A motion was made by Alderman Massey and seconded by Alderman West to renew the lease for the Cock of the Walk Building.

Alderwoman Arceneaux-Mathis asked if the lease is a month by month lease or a long term lease.

Attorney Sanders said it is a long term lease with a thirty day notice to terminate.

The motion carried unanimously.

MAYOR'S REPORT

Mayor West said the next Work Session is scheduled for Tuesday, April 3, 2007 at 4:00 p.m.

NEW BUSINESS

None

ADJOURNMENT

A motion was made by Alderman Pollard and seconded by Alderman West to adjourn the Regular Meeting of March 27, 2007. The motion carried unanimously.

PHILLIP C. WEST, MAYOR

ATTEST:

DONNIE HOLLOWAY, CITY CLERK