

**REGULAR MEETING  
January 31, 2011**

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, January 31, 2011. Mayor Jake Middleton presided at the meeting, which was opened with prayer by Pastor Dwight Greene.

MAYOR & BOARD PRESENT	ELECTED OFFICIALS ABSENT	CITY OFFICIALS & DEPARTMENT HEADS
<b>John ‘Jake’ Middleton Mayor</b>		Donnie Holloway, City Clerk Coretta L. Logan, Deputy Clerk Everett Sanders, City Attorney
<b>Joyce Arceneaux-Mathis Alderwoman, Ward 1</b>		David Atkins, Public Works David Gardner, City Engineer Robert Nix, Planning
<b>J. “Ricky” Gray, Jr. Alderman, Ward 2</b>		Sabrena Bartley, Senior Center Connie Taunton, Tourism Darryl White, NAPAC
<b>Bob Pollard Alderman, Ward 3</b>		Mike Mullins, Police Chief Oliver Stewart, Fire Chief
<b>Ernest “Tony” Fields Alderman, Ward 4</b>		
<b>Mark Fortenbery Alderman, Ward 5</b>		
<b>Daniel Dillard Alderman, Ward 6</b>		

**MINUTES APPROVED**

A motion was made by Alderman Fields to dispense with the reading of the minutes of the Finance & Regular Meeting of January 11, 2010 and adopt the minutes as presented. The motion was seconded by Alderman Fortenbery. The motion carried unanimously.

**AWARD BIDS – BANK DEPOSITORY**

Mr. Holloway stated that Britton & Koontz Bank submitted the best bid. He added that he recommend that the board accepts the bank depository for the next two years.

**Alderman Fortenbery made a motion to accept and award the bid from Britton & Koontz Bank for the two year bank depository. Seconded by Alderwoman Arceneaux-Mathis. The motion carried unanimously.**

## **VISITORS WELCOMED**

### **West Steirs Lane Neighborhood Association**

Dorothy Sanders of 531 West Steirs Lane stated that she wants to know what are the city's plans for drainage on West Steirs Lane. She added that there has not been any drainage since they have been in the area.

Alderman Gray stated that since 1975, there has been little to nothing done to correct the problem. He added that he was upset when he came to the conclusion that there was a possibility that West Steirs Lane not going to be lobbied for. He added that it is someone's responsibility to alleviate the problem.

Mr. Gardner stated there has not been any major reconstruction because it has been very difficult to obtain adequate funding for the area.

**Alderwoman Arceneaux-Mathis made a motion that the mayor organizes a group meeting with HUD, USDA, and MEMA, MDOT in the city to look at the areas in need of drainage assistance immediately. Seconded by Alderman Fields. The motion carried unanimously.**

**Alderwoman Arceneaux-Mathis made a motion that the City Engineer edits the Marblestone proposal to include and address the West Steirs Lane drainage concerns for lobbying in Washington next week. Seconded by Alderman Gray. The motion carried unanimously.**

### **Susan Cassagne – EITC Awareness Day and Tax Forms**

Mrs. Cassagne stated that Earned Income Tax Credit Awareness Day was on January 28<sup>th</sup>. She added that taxpayers can get information and forms at the Armstrong Library through Monday, April 18<sup>th</sup>. She further added that the library has partnered with AARP in their Tax Aide program. Participation in the program is available on Wednesdays from 9am until 4pm, beginning February 2<sup>nd</sup>.

## **UNFINISHED BUSINESS**

None

## **DEPARTMENT HEAD REPORTS**

### **POLICE, Chief Mullins**

Chief Mullins stated that Entergy has completed about 75% of the street light outages that had been reported within the city. He added that once a month the night shift will go around and as they have time, to look for light outages in neighborhoods to compile a list.

He further added that to report a city street light out, call the Inspection Department at 601-445-7512.

Alderman Fields thanked Chief Mullins for putting the list together. He added that Martin Luther King Jr. and Minor Street corner light outage has been taken care of.

### **SENIOR CENTER, Sabrena Bartley**

Mrs. Bartley stated that it is this time of the year to renew the Federal Transportation grants.

Mrs. Bartley requested resolutions of authorization to apply for Federal Transportation grant funds for the 2011-2012 budget year. These funds are necessary for the operations of Natchez Transit System and pays for the operating and administrative costs. She added that she will be asking for authorization to hold public hearings, and upon review of documents by the City Attorney, the mayor to sign related documents.

The names of the four grants are:

5311 Rural Public Transportation funds

5317 Job Access Reverse Commute funds

5310 Elderly and Disabled Transportation funds

5316 Elderly and Disabled Transportation funds

She added that she will prepare and supply all necessary documents for the proposals.

**Alderwoman Arceneaux-Mathis made a motion to allow authorization to apply to the Mississippi Department of Transportation for sections 5311 Rural Public Transportation funds, 5317 Job Access Reverse Commute funds, 5310 Elderly and Disabled Transportation funds, and 5316 Elderly and Disabled Transportation funds, hold a public hearing, publish proper notices and authorization for the City Attorney and Mayor to sign related documents per the application. Seconded by Alderman Fields. The motion carried unanimously.**

### **TOURISM, Connie Taunton**

Mrs. Taunton stated that the State of Mississippi division of Tourism is establishing a Civil Rights trail and Mr. Darryl White has been working on sites to submit to the state for consideration.

Mrs. Taunton presented a two minute clip from Investigation Discovery about the murder of Wharlest Jackson.

### **PLANNING, Bob Nix**

Mr. Nix discussed the Re-adoption of approved text change to the Special Exception provisions of the Natchez Development Code to correct advertising defect.

Mr. Nix stated that On September 14, 2010 the Board of Aldermen held a public hearing regarding the attached text change amendment to clean up the hearing procedure requirements for Special Exception Use applications. The amendment was passed. However, the advertising required by the Charter within ten days after the passage of an ordinance was not completed. Instead, substantial notice and advertising were done in advance of the hearing. In order to allow the staff to advertise the ordinance within ten days after its adoption, the Board does not need to hold another public hearing, but the ordinance does need to be adopted again so it can be advertised within ten days of its adoption as required by the Charter.

Mr. Nix stated that on July 13, 2010, the Planning Director presented a proposed change to the sections of the Natchez Development Code to the Mayor and Board of Alderman for discussion and direction. An underlined and strike through version of the proposed amendments that showed each proposed change was discussed. At the conclusion of the discussion, the Mayor and Board of Aldermen directed the Planning Director to take the proposed Special Exceptions text changes through the code mandated hearing process for approval.

Mr. Nix stated that August 19, 2010 the Planning Commission held a public hearing regarding the proposed special exceptions text changes. The Planning Commission voted to recommend to the Board of Aldermen that they approve the proposed amendments.

Mr. Nix stated that detailed staff findings and recommendations were presented to the Mayor and Board of Aldermen on July 13<sup>th</sup>. There are significant inconsistencies in the code regarding the procedure for processing and making decisions regarding Special Exception Uses. The proposed amendment aims to fix these problems. A clean copy of the proposed ordinance is attached for potential adoption. The underlined and strike-through text version is also attached so the Mayor and Board can see the changes in detail. The ordinance hearing was advertised as required by law.

Mr. Nix stated that he needs the board to vote to readopt the ordinance amending the special exception provisions of the Natchez Development Code. He added that it was not advertised 10 after the adoption which the charter requires.

**Alderman Dillard made a motion to approve the proposed amendments to the Special Exceptions provisions of the Natchez Development Code as presented by staff. Seconded by Alderman Fortenbery. The motion carried unanimously.**

Mr. Nix discussed the first draft list of the lots that have multiple code violations for high grass, weeds, and debris on the property. He said to please let him know which of the

lots on the attached list are of highest priority, and add any locations that are of concern that are not included on the list.

Mr. Nix stated that when they see a recurring violation on any of these lots, they will re-notice the property and the owner under the present state law provisions. The new statute provides us with the ability to clean the property repeatedly for one year to deal with repeat violations without any notice other than posting the property and placing a notice in city hall. Because these properties are repeat offenders, they will be recommending a penalty assessment of the maximum permitted \$1,500 for each violation up to the maximum total assessment provided for by law. He added that they will then follow-through on the collection processes allowed by law, including but not limited to the procedure for selling tax deeds to collect liens.

Alderman Fields stated that 57 Oak Street would be a good placed for Habitat for Humanities to build.

Alderman Dillard asked if the names of the repeat offenders can be publicized in the newspaper.

Mr. Nix stated that they do anticipate on publicizing names of the repeat offenders in the local newspaper.

LEGAL NOTICE  
NATCHEZ BOARD OF ALDERMEN

Dated February 7, 2011

**Please publish the following legal advertisement one time only in the Wednesday, February 9, 2011 issue of the Natchez Democrat.**

**NOTICE OF ADOPTION OF AMENDMENT TO THE TEXT OF THE SPECIAL EXCEPTION ZONING PROVISIONS OF THE DEVELOPMENT CODE OF THE CITY OF NATCHEZ, MISSISSIPPI**

**NOTICE IS HEREBY GIVEN** that an Ordinance has been adopted amending the Special Exceptions provisions of the Natchez Development Code in order to eliminate procedural inconsistencies and correct grammatical and spelling errors, at the regular meeting of the Board of Aldermen of the City of Natchez, Mississippi, on Monday, January 31, 2011, at the Council Chambers building located at 115 South Pearl Street, Natchez, Mississippi. If you have any questions regarding this ordinance, please contact the Natchez Planning Department at 601-445-7518.

The text of the proposed special exceptions text amendment ordinance is as follows:

**AN ORDINANCE AMENDING CHAPTER 5, “DEVELOPMENT REVIEW PROCEDURES”, PART 3, “SPECIAL EXCEPTION USES” AND SECTION 10.1.5(b) “CHANGE, RE-ESTABLISHMENT, EXPANSION, ALTERATION OR MAJOR REPAIR OF NONCONFORMITIES, SPECIAL EXCEPTION PROCEDURE” OF THE DEVELOPMENT CODE OF THE CITY OF NATCHEZ, MISSISSIPPI; PROVIDING FOR APPROVAL OF SPECIAL EXCEPTION USES BY THE NATCHEZ PLANNING COMMISSION; CLARIFYING THE PROCEDURES APPLICABLE TO SPECIAL EXCEPTIONS APPROVED WITH MAJOR SITE PLANS; PROVIDING THAT THE SPECIAL EXCEPTION PROCEDURE FOR THE CHANGE, RE-ESTABLISHMENT, EXPANSION, OR MAJOR REPAIR OF NONCONFORMITIES SHALL BE CONDUCTED IN ACCORDANCE WITH THE GENERAL PROCEDURE FOR ALL SPECIAL EXCEPTIONS IN CHAPTER 5, PART 3 IN ADDITION TO THE STANDARDS APPLICABLE TO NONCONFORMITIES; CORRECTING SPELLING ERRORS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF NATCHEZ, MISSISSIPPI:**

**SECTION 1.** That the Development Code of the City of Natchez, Mississippi, Ordinance No. 2007-5, be and the same is hereby amended by repealing Chapter 5, part 3, and adopting a new Chapter 5, Part 3 to read as follows:

**PART 3. SPECIAL EXCEPTION USES**

**5.3.1. Purpose and Applicability; “Special Exception Uses”**

- (a) The classification of “special exception uses” is established to provide for the location of those uses which are generally compatible with the other land uses permitted in a zoning district but which, because of their unique characteristics or potential impacts on the surrounding neighborhood and the City of Natchez as a whole, require individual consideration of their location, design, configuration, and/or operation at the particular location proposed. Such individual consideration may also call for the imposition of individualized conditions in order to ensure that the use is appropriate at a particular location.
- (b) Accordingly, any use designated in Chapter 8, of this Ordinance as a “special exception use” in an individual zoning district, and any nonconforming use

proposed for consideration as a special exception pursuant to Section 10.1.5 of this Ordinance, shall not be established without the approval of the Planning Commission in accordance with the procedures and requirements set forth in this Part. Figure 5.3.1 illustrates the process for approval of “special exception uses.”

**Figure 5.3.1. Process of Special Exception Uses**

APPLICATION To Planning Director
PUBLIC HEARING Before Planning Commission
DECISION By Planning Commission

**5.3.2. Application Requirements; Determination of Completeness**

- (a) An application for approval of a special exception may be filed only by the owner of the lot on which the use is to be located, an agent, lessee, or contract purchaser specifically authorized by the owner to file such application, or any unit of government which is not the owner of the lot but proposes to acquire the lot by purchase, gift, or condemnation.
- (b) Before filing the application, the applicant is strongly encouraged to meet with the Planning Director to discuss the proposed work and to become more familiar with the applicable requirements and approval procedures of the City.
- (c) An application for approval of a special exception use shall be filed with the Planning Director on a form prescribed by the City of Natchez, along with the fee prescribed by the Board of Aldermen.
- (d) The application shall contain or be accompanied by such information and plans as required on the application form.
- (e) The Planning Director shall determine whether the application is complete. If the Planning Director determines that the application is not complete, then he/she shall notify the applicant of any deficiencies and shall take no further steps to process the application until the applicant remedies the deficiencies. Once the application is complete, the Planning Director shall schedule the application for consideration at a public hearing before the Planning Commission.
- (f) After determining that the application is complete, the Planning Director shall transmit to the Planning Commission prior to the hearing on the application, all applications, plans, and other records pertaining to the proposed special exception use.

**5.3.3. Action on “Special Exception Uses”**

- (a) *Public hearing.* Upon receiving the application materials for a “special exception use” from the Planning Director, the Planning Commission shall hold a public hearing on the proposed special exception use. If the special exception use also requires site plan approval, then such special exception use shall be reviewed and

- approved in accordance with the provision of Part 7 of the Chapter for major site plans, in which case the proposed special exception use shall not be transmitted to the Planning Commission without the findings and conclusions of the Planning Director and the Site Plan Review Committee developed in accordance with the procedures and standards in Part 7 of this Chapter. Notice of the public hearing shall be provided and the public hearing shall be conducted in accordance with Part 8 of this Chapter.
- (b) *Review by Planning Commission.* In considering the application, the Planning Commission shall review the application materials, the general purpose and standards set forth in this Part for approval of special exception uses, any additional standards set forth in this Ordinance for approval of the proposed use, and all evidence and testimony received at the public hearing.
  - (c) *Decision by the Planning Commission.* After conducting the public hearing, the Planning Commission may: (1) deny the application; (2) conduct an additional public hearing on the application; or (3) approve the proposed special exception use with or without conditions. Approval or denial of the application shall state whether the proposed use meets or does not meet the standards set forth in Section 5.3.4 below and all other requirements set forth by this Chapter for the proposed special exception use. The decision on the application shall be by simple majority vote of those members present at the meeting at which the action is taken.
  - (d) *Conditions attached to approval.* In approving the “special exception use,” the Planning Commission may attach such conditions to the approval as it deems necessary to meet the standards set forth for the proposed special exception use in Section 5.3.4 below and elsewhere in this Ordinance, and to protect the public health, safety and general welfare. All such conditions shall be stated in the motion approving the application.
  - (e) *Nature of conditions.* Such conditions may be stricter than any requirement or limitation stated elsewhere in this Ordinance for the proposed use. Such conditions may include, but are not limited to the following: limitations on the size, bulk and location of structures; requirements for landscaping, signs and outdoor lighting; the provision of adequate ingress and egress; the provision of adequate off-street parking; the dedication of rights-of-way for streets or utilities; provision of recreational space and facilities; limitation on the duration of the approval and the time period within which the use will be developed; limitations on hours of operation; limitations on the transfer of such approval to a successor-in-interest or lessee of the property; and the mitigation of environmental impacts.
  - (f) *Appeal to the Board of Aldermen.* Appeal from the decision of the Planning Commission shall be by petition for appeal to the Board of Aldermen. Any such petition to the Board of Aldermen shall be filed with the Planning Director no later than 10 days after the date the decision is made by the Planning Commission.
  - (g) *Appeal to court.* Appeal from the decision of the Board of Aldermen shall be by petition for appeal to the Adams County Circuit Court. Any such petition to the Court shall be filed in accordance with MS Code 11-51-75.

#### **5.3.4. Standards of Review**

The Planning Commission shall not approve the proposed special exception and accompanying major site plan should a major site plan be submitted with the special exception application, unless and until they make the following findings, based on evidence and testimony received at the public hearing or otherwise appearing in the record of the case:

- (1) That the proposed use or development of the land will not materially endanger the public health or safety;
- (2) That the proposed use is reasonably necessary for the public health or general welfare, such as by enhancing the successful operation of the surrounding area in its basic community functions or by providing an essential service to the community or region;
- (3) That the proposed use or development of the land will not substantially injure the value of adjoining or abutting property;
- (4) That the proposed use or development of the land will be in harmony with the scale, bulk, coverage, density, and character of the area or neighborhood in which it is located;
- (5) That the proposed use or development of the land will generally conform to the Comprehensive Plan and other official plans adopted by the City of Natchez;
- (6) That the proposed use is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal and similar facilities;
- (7) That the proposed use will not cause undue traffic congestion or create a traffic hazard.

#### **5.3.5. Effect of Approval or Denial**

- (a) *Subsequent permits and approvals.* Approval of the application for special exception use approval authorizes the applicant to obtain minor site plan approval from the Planning Director and such other permits or approvals which the Board of Aldermen, the code and ordinances of the City of Natchez, and state and federal agencies may require for the proposed development. If the special exception use included a major site plan, then approval of the special exception use also constitutes approval of the site plan. The Planning Director shall review applications for these permits for compliance with the terms of the special exception use approval. A permit, certificate, or other approval shall be issued and valid only for work which complies with the terms of the special exception use approval.
- (b) *Transferability of approval.* A special exception use approval is not transferable from one property to another, but may be transferred to a successor-in-interest to the property, unless specifically prohibited.
- (c) *Resubmission of denied applications.* No application for approval of a Special Exception Use shall be filed with or accepted by the Planning Director which is identical or substantially similar to an application which has been denied within the previous 365 days. This waiting period requirement may be waived in an individual case, for good cause shown, by the affirmative vote of three-fourths (75%) of the members of the Board of Aldermen after recommendation from the Planning Director.

### **5.3.6 Changes to Terms and Conditions of Approval**

Any changes to the terms or conditions of approval of the special exception use shall require separate review and approval by the Planning Commission. Any application for approval of such change shall be filed, processed, reviewed, and approved or denied in the manner set forth in the Part for an original application for special exception use approval. This section shall not apply, however, to modifications to the approved site plan for the special exception use.

**SECTION 2.** That the Development Code of the City of Natchez, Mississippi, Ordinance No. 2007-5, be and the same is hereby amended by repealing Section 101.5, and adopting a new Section 10.1.5 to read as follows:

#### **10.1.5. Change, Re-establishment, Expansion, Alteration or Major Repair of Nonconformities**

- (a) Intent. The intent of this Part is to allow the continuation of any nonconformity and the normal maintenance and repair thereof, but to require any change, re-establishment, expansion, alteration or major repair of a nonconformity to obtain a special exception approval to determine whether it will substantially injure the value, use, and enjoyment of neighboring properties.
- (b) Special exception procedure. Unless this Section expressly provides otherwise, change re-establishment, expansion, alteration or major repair of any nonconformity shall be deemed a “special exception” and shall occur only as approved by the Planning Commission in accordance with the requirements set forth in Chapter 5, Part 3 and Part 8 of this Ordinance.
- (c) After holding a public hearing on the special exception, the Planning Commission shall determine whether to approve the proposed change, re-establishment, expansion, alteration or major repair. The Planning Commission shall not approve the proposed change, re-establishment, expansion or alteration or major repair unless and until it finds, based on the evidence and testimony received at the public hearing or otherwise appearing in the record of the case, that the proposed change, re-establishment, expansion, alteration or major repair meets the standards set forth in Chapter 5 Parts 3 and 8 of this Ordinance as well as the following:
  - (1) That all access to roads and entrance or exit drives to the nonconformity will be adequate with respect to automotive and pedestrian safety and convenience, traffic flow, and control and access in the case of fire or other emergency;
  - (2) That all off-street parking, loading, refuse collection, and other service areas will be adequate with respect to automotive and pedestrian safety and convenience, traffic flow, economic, noise, glare, odor and other impacts on adjoining properties;
  - (3) That all water, wastewater treatment, schools, fire and police protection and other necessary public and private utilities and services will be adequate with respect to their location, availability and compatibility with adjoining properties;
  - (4) That all landscaping, screening, and fencing will be adequate, with respect to the effectiveness of their type, dimensions and character; and will be adequate with respect to minimizing the economic, noise, glare, odor and other impacts of the nonconformity on adjoining properties and other properties in the neighborhood.

- (5) That the type, size and intensity of the proposed special exception use , including such considerations as storage of items and arrangement, the size of the site and the location of the use upon it, and the hours of operation and numbers of people who are likely to utilize the nonconformity shall not have an adverse or negative impact upon adjoining properties, other properties in the neighborhood, and the purposes of the use district in which the property is located;
- (6) Surface drainage will be adequate with respect to on-site erosion, pollution, flooding or other detrimental effects on the nonconformity.
- (d) In determining whether the proposed change, re-establishment, expansion, alteration or major repair will substantially injure the value, use and enjoyment of other properties, the Planning Commission shall also consider and balance:
  - (1) The possible detriment or benefit to the owner of the nonconformity resulting from denying the approval, or from approving the request;
  - (2) The possible detriment or benefit to the owner of the nonconformity resulting from denying the approval, from approving the request but requiring that the nonconformity be brought wholly or partially into compliance, or from approving the request;
  - (3) The possible detriment or benefit to the general public resulting from denying the approval, from approving the request but requiring that the nonconformity be brought wholly or partially into compliance, or from approving the request.
- (e) The Planning Commission may impose any conditions on approval of the request, as it deems necessary to mitigate any potential hazards or problems, or to bring the nonconformity into compliance to the extent necessary to protect the rights and interests of nearby property owners and the general public.
- (f) In acting upon applications for such special exceptions, the Planning Commission shall not order the discontinuation or termination of nonconformity. If an applicant is denied, then the continuation, maintenance and repair of the nonconformity shall still be allowed in accordance with the terms of this section.

**SECTION 3.** All Ordinances and parts of Ordinances of the City of Natchez, Mississippi in conflict herewith are to the extent of said conflict hereby repealed.

**SECTION 4.** If any court of competent jurisdiction invalidates any provision of this Ordinance, then such judgment shall not affect the validity and continued enforcement of any other provision of this Ordinance. If any court of competent jurisdiction invalidates the application of any provision of this Ordinance, then such judgment shall not affect the application of that provision to any other building, structure, or use not specifically included in that judgment. If any court of competent jurisdiction judges invalid any condition attached to the approval of an application for development approval or the approval of a special exception, than such judgment shall not affect any other conditions or requirements attached to the same approval which are not specifically included in that judgment.

**SECTION 5.** This ordinance shall become effective on March 1, 2011, one month following the date of its passage, as provided by law.



Mr. Gardner stated that he would like permission to apply for a recycle bin grant through the department of Environmental Quality. He added that it is no cost to the city. He further added that the grant will provide 22 gallon recycle bins that can be placed inside municipally owned facilities.

**Alderman Fields made a motion to allow the City Engineer to apply for a recycle bin grant through the department of Environmental Quality.**

Mr. Gardner stated that the Flood Damage Prevention ordinance has been revised. He added that it does a better job of defining the definitions and addresses more information regarding manufacturing housing. He further added that he recommends that the board adopts the ordinance.

**Alderman Fortenbery made a motion to adopt the revised Flood Prevention Ordinance. Seconded by Alderwoman Arceneaux-Mathis. The motion carried unanimously.**

Mr. Gardner stated that due to time constraints, he would like to hire Jordan, Kaiser, and Sessions to help the Engineering Department develop the plans, specifications, and to oversee the construction inspection of the Daisy Street project. He added that this will ensure that all of the deadline goals are met.

**Alderman Gray made a motion to allow the City Engineer to hire Jordan, Kaiser, and Sessions to help the Engineering Department develop the plans, specifications, and to oversee the construction inspection of the Daisy Street project. Seconded by Alderman Fields. The motion carried unanimously.**

**Mr. Gardner stated that he needs a resolution to apply for a DIP (Development Infrastructure Program) grant through MDA. He added that they will be applying for \$150,000 that will assist in the match requirements for the 592 North Natchez Surface Water Drainage Project.**

**Alderwoman Arceneaux-Mathis made a motion to allow the City Engineer to apply for a DIP (Development Infrastructure Program) grant through MDA. He added that they will be applying for \$150,000 that will assist in the match requirements for the 592 North Natchez Surface Water Drainage Project. Seconded by Alderman Fields. The motion carried unanimously.**

Mr. Gardner stated that the Washington D.C. agenda will consist of the Marblestone/West Steirs, the transfer of the Visitors' Center, and the Post office.

## **CITY OFFICIALS' REPORT**

### **ALDERMAN FORTENBERY – WARD 5**

No Report

**ALDERMAN DILLARD – WARD 6**

Alderman Dillard discussed that the City's first quarter comparison of revenues that are a little more than what they were this time last year.

Alderman Dillard asked if any more money has been drawn down from the tax anticipation loan.

Mr. Holloway stated no.

Alderman Dillard stated that he wants to get with the City Clerk to discuss some transfers. He added that his concerns are the unscheduled transfers. He further added that we need to get to a point where the transfers can be discussed beforehand.

Alderman Dillard stated that the department heads are working hard, but must move away from the spend it or lose it mentality and move to the save it and earn it mentality.

Alderman Dillard discussed the advantages the city will have in its accounting practices with the new accounting software inside the City Clerk's Office.

**ALDERWOMAN ARCENEAUX-MATHIS, Ward 1**

Alderwoman Arceneaux-Mathis stated that she spoke with Representative Robert Johnson III concerning match funding for phase II-B of the North Natchez Drainage Project. Representative Johnson stated to tie the request into Economic Development in the historical representation of the work completed on Canal Street which is tied to a gaming road and the improvements made north of that area should be described in the grant as areas through improvements in drainage allow people to move into these neighborhoods and work from them. The main dialogue should be to tie the project into economic development.

Alderwoman Arceneaux- Mathis stated that Representative Percy Watson and Representative Angela Cockerham were also advised of this project. She added that they were told that some 24 million dollars in bonds had been retired. That possibly some of those funds would be available this Legislative year - this is an election year - Representative David Myers stated that municipalities needed to get their request in and be present to lobby for those request on multiple occasions.

Alderwoman stated that there is a backed up drain on 702 Waldrop Street.

Alderwoman Arceneaux Mathis stated that she would like the City Clerk to provide quarterly reports on \$75,000.00 SWAP payment made to city.

Alderwoman Arceneaux-Mathis requested that a meeting is scheduled for discussion on the contracts between the City and New Orleans Hospitality regarding fees that are being charged to the local residents for usage of the facility.

Alderwoman Arceneaux-Mathis' report on the MML Winter Conference:  
MML Winter Conference  
1/23-2/7/2011

I. Workshop - **“Saving Mississippi’s Youth: Ideas and Resources for Local Communities”** - presenter: Elaine Wolverton, Child Fund International

Organization in North Dakota, South Dakota, Oklahoma, Texas, Mississippi

“Race Against Time”

Asked how many communities attempted to deal with youth who have dropped out of school; also number of municipalities with youth councils. Stated that these youth feel deprived, excluded and vulnerable

Communities should provide climates which yield: safe, secure, educated and competent children

Identify organizations already working with children; commit to turning your situation around.

2. Luncheon Speaker: Honorable David Myers, Chairman-House Municipalities Committee - former councilman - McComb

3. Workshop - **“Homelessness in Mississippi”**; Presenters: Kathy Garner, Board President, MS United to End Homelessness; Shirley DeVille, Deputy Director-Multi-County Community Action Agency, Inc.; Anthony Dorsey, RNC,MSSN, Director, Project Management and Grants, Pine Grove, Forrest General Hospital-Hattiesburg

1 TO 1

COC (Continuum of Care): allows HUD to funnel money into the state

Goal: To get people into permanent safe housing

- Come and Go Shelter
- Transitional Shelter
- Permanent Supportive Housing (up to 36 months)
- Permanent Housing Independently
- Chronically homeless: without jobs, no skills, sick with addiction/mental health
- Episodically homeless - have skills, independency with a little help can get back on their feet

How to identify homeless individuals

Discussed HUD funding once individuals identified

How funded-Safe Haven, transitional Housing, Supportive Services

HUD-targeted populations

Municipalities should join the Continuum

Identify area of need

Identify homeless people in your area

Participate in homeless count Become Referral Source

Educate [www.muteh.com](http://www.muteh.com)

Mississippi received 13 million HUD dollars - prevention of homelessness

HUD - 20% match (some portions of grant don't require match) some areas listed:  
operations, leasing, supportive services

**Special Note: Whenever community and constituency has problems due to fire contact American Red Cross which is set up to allow voucher for hotel, clothes, etc - temporary situation until people are in livable arrangements.**

4. Workshop: Pay Day Lenders: The Real Deal

Presenter: Alicia Netterville, Community Organizer - Mississippi Center for Justice (Denise Hales Harrod, Vice President Corporate Affairs, CompuCredit did not present)

Payday Lenders: The Real Deal

Presenters: Denise Hales Harrod, Vice-President-Corporate Affairs, Comp Credit

Alicia Netterville, Community Organizer, Mississippi Center for Justice

Short term loan which allows the consumer to obtain short term funds

Consumer must have source of income and checking account

Consumer must write check for amount needed plus fees

\$ 21.95 fees per \$ 100.00

Maximum of 30 days

Depends on when consumer gets paid (could be or 14 days)

Law has up to clause not maximum clause

Industry says they have risk: could change risk by credit checks;

Allowing more time. Illegal to just take fee and roll over loan.

Debt trap - could be \$ 66.00 per average \$ 300.00 loan; over a  
period of 10 flips a consumer could pay \$ 660.00 for a \$ 300.00

in fees.

Pay Day Lenders state:

Pay day lending helps to stop loan sharks - legalized loan sharking

Locations - low to moderate income communities

Cheaper than nsf, late fee on credit card;

Justice Court Judges - garnishes from pay day lenders

968 pay day loan stores in Mississippi (more pay day lenders per capita)

Delta - highest pay day lenders in poorest part of state

Only 2% able to pay loan back in 2 weeks

Pay Day lenders charge 572% interest with predatory and abusive practices -  
annualized

Who own: owned by out-of-state from Tennessee, South Carolina, Georgia

17 States set rate limits

2011: Hot topic for legislature - pay day lending

How to address constituency: (1) personal responsibility; (2) FDIC - loans can do small  
dollar loans (3 hr financial literacy course; credit score 500 or above \$1000.00; below  
500 can get \$ 500.00 or above. Municipalities pull down FDIC law and push banks and  
credit unions to develop small dollar loans.

Banking Commissioner supports Pay Day Lenders (in order to file a complaint has to be illegal)

Petitions - signed by borrowers (pay day lenders required consumer to sign)

Amendments: Internet pay day lending

Legislative (lobbying): HB455 (banking committee - George Flaggs);

Current law has a repealer; 36% rate and 90days to repay loan. Substitute - two tiers (\$200.00 and pay back in two weeks); (still keeps interest in triple digits)-substitute bill worst than current law. Senate strike all - worst.

Firm additional time to pay back with at least in bill and more time to pay back

Mississippians for Fair Lending

Discussed how these companies target low to moderate income communities.

- I asked if a study had been conducted looking at gaming communities. Discussed the large number of educators using Pay Day Lenders because they only get paid once a month. Presenter suggested: bill to require more time for consumers to pay back loan, lower interest rate. These companies target low to moderate income municipalities. Loan amount average - \$ 300.00 at \$ 21.95/\$ 100.00; Consumer pays approximately \$ 66.00 in fees and interest for \$ 300.00 loan. Loan due in 2 weeks. Most instances consumer renews loan by paying fee (\$ 66.00) and keeping loan additional 2 weeks and so on. Municipalities can adopt temporary moratorium until zoning and ordinances are completed until State repeals law. Needs: educate citizens and constituency on problems of Pay Day Loans and the amount of money they are spending on these loans; also educate consumer on online pay day lenders who shop out your loans - you must read all fees could sign up for magazines, road service other services included in fees of loan without understanding; in some instances when people have tried to pay off loan through automatic transfer of funds from checking account the company only deducts fees and then renews loan. Against law to roll over loan but loophole is in renewal. (Basically same as roll over-different language)

Request that Board studies the information on Pay-Day Lenders and consider adopting a temporary moratorium on future companies of this type coming into our community until zoning and ordinances are in place.

**#4 Legislative Agenda for MS Cities and effectively Advocacy**

**Quincy Mukoro, Director-Government Affairs, MS Municipal League**

Small municipalities grants (more money)

Fire Trucks - bill to extend life of fire trucks through testing

Inventory Tax exemption - 160-170 million annually

Annexation Bills

Open Meetings Law

No willful and knowingly violate open meetings law

Immigration Bill: mandates from state to local government (unfunded)

Cost and more work for police officers (where are my papers)-opens litigation

Local Government efficiency

Resolution to oppose SB 2179 - the Immigration Bill and attach a rationale to the resolution which is ethnically sensitive.

**ALDERMAN GRAY, Ward 2**

Alderman Gray recognized Alderwoman Arceneaux-Mathis for filling in for the President of the MBC-Leo whose mother was ill. He added that she did a wonderful job.

Alderman Gray stated that we need to pay attention to the Open Meeting and Ethics Legislation.

Alderman Gray stated that the MML lobbied mandatory education of elected officials to the legislature.

Alderman Gray stated that the Mr. Laird is checking to see what percentage this community would be eligible for on the police cars grant from USDA.

Alderman Gray discussed possible training schedules for the police officers and fire fighters to keep them healthy and fit.

Alderman Gray discussed the need for a Mayor's Youth Council representative. He added that the Mayor Youth Leadership Conference is coming up March 4<sup>th</sup> -5<sup>th</sup> in Cleveland, Mississippi.

Alderman Gray stated that he submitted a Stay in Shape application to the Middle school and will be giving the applications to other schools to apply for the grant. He added that the grant is \$3,750.

Alderman Gray stated that he has an extra copy of the USDA Rural Development brochure for Mr. Nix. He said that the brochure has a lot of useful information.

Alderman Gray stated that his sympathy goes out to the families that lost loved ones while he was out of town.

### **ALDERMAN POLLARD – WARD 3**

No Report

### **ALDERMAN FIELDS – WARD 4**

Alderman Fields recognized the NAACP, NAPAC, and all others for the activities that took place at the Martin Luther King, Jr. event at the Convention Center.

Alderman Fields read a letter from Stanford Management that stated that they are no longer managing the properties of Brumfield School and Oak Towers. The new contact will be Gunnar Falk until a new management is assigned. The letter indicated that Mr. Falk can be reached at (312) 846-6293 or [gunnar@landmarkamerica.com](mailto:gunnar@landmarkamerica.com).

Alderman Fields stated that if any apartment complex has an opening, notify him so that he can help those individuals who want to get out of Brumfield Apartments.

Alderman Fields stated that the retaining wall on Bowles Alley and St. Catherine Street needs to be replaced.

Alderman Fields discussed taking care of the overgrown and dilapidated properties immediately before Phase II of the Trails Project.

Alderman Fields stated the city should look into the Westoration efforts like Jackson, Mississippi is doing. He added that the city has plenty of properties that can be refurbished and restored, to be put up for sale.

**Alderman Fields made a motion to give \$565.00 to Allen Laird from Southwest MS Planning and Development for the LED/Community Block Grant sign that they will need to put on the project, which will be reimbursed. Seconded by Alderman Gray. The motion carried unanimously.**

### **CITY CLERK'S REPORT, DONNIE HOLLOWAY**

No Report

### **CITY ATTORNEY'S REPORT, Everett Sanders**

Attorney Sanders read an ordinance for the proceeds of the surcharge for the local Crime Stoppers program in an amount not to exceed \$2.

**Alderman Gray made a motion to adopt the ordinance for the local Crime Stoppers proceeds. Seconded by Alderman Fields. The motion carried with Alderman Fortenbery opposing.**

### **MAYOR'S REPORT**

No Report

### **NEW BUSINESS**

Alderman Gray stated that he would like to say farewell to Mrs. McCullen. He added that she has done a wonderful job for over 10 years.

### **ADJOURNMENT**

**A motion was made by Alderman Fields, seconded by Alderman Dillard to Adjourn the Regular Meeting of January 31, 2011. The motion carried unanimously.**