

## REGULAR MEETING

April 22, 2014

The Regular Meeting of the Mayor and Board of Aldermen of the City of Natchez, Mississippi, were held in the City Council Chambers at 6:00 p.m. on Tuesday, April 22, 2014. Mayor Larry L. "Butch" Brown presided at the meeting which was opened with prayer by Reverend TC McBeth.

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

### MINUTES APPROVED

**With a quorum present, a motion was made by Alderman Fields to dispense with the reading of the minutes of the Finance and Regular Meetings of April 8, 2014, and adopt upon legal review. The motion was seconded by Alderman Fortenbery and carried unanimously.**

**A motion was made by Alderman Fields to go out of the Regular Meeting to go into a public hearing for nuisance properties. A second was made by Aldерwoman Carter Smith and carried unanimously.**

### PUBLIC HEARING

Anita Smith, Code Enforcement officer, appeared to adjudicate 34 nuisance properties. Those properties were:

306, 317, 404 Ann Holden Lane  
6, 9, 13, 26, 28, 32 Beaumont Street  
300,308,312 Bowman Street  
27 Commerce Street Extension North  
1208 Daisy Street  
101, 103 Holden Lane  
620, 624, 735 Maple Street  
1302 Mascagni Avenue  
403, 721 1160 MLK  
25, 81, 106, 214 St. Catherine Street  
612 North Rankin Street  
295 East Stiers Lane  
28 Williams Street  
29, 29 ½, 31 East Woodlawn

No one from the public appeared to address the adjudications.

**A motion was made by Aldерwoman Arceneaux-Mathis, with a second by Alderman Fields, to close the public hearing and go back into the Regular Meeting. The motion carried unanimously.**

**A motion was made by Alderwoman Arceneaux-Mathis to declare**

**306, 317, 404 Ann Holden Lane  
6, 9, 13, 26, 28, 32 Beaumont Street  
300,308,312 Bowman Street  
27 Commerce Street Extension North  
1208 Daisy Street  
101, 103 Holden Lane  
620, 624, 735 Maple Street  
1302 Mascagni Avenue  
403, 721 1160 MLK  
25, 81 106, 214 St. Catherine Street  
612 North Rankin Street  
295 East Stiers Lane  
28 Williams Street  
29, 29 ½, 31 East Woodlawn**

**properties harboring nuisance conditions that violate the MS Code of 1972 and to adopt the resolutions recommended by the staff. A second was made by Alderman Fields and carried unanimously.**

#### **UNFINISHED BUSINESS**

Walter Brown appeared to address the bankruptcy of National Regional Medical Center.

Mr. Carby suggested that Alderwoman Carter Smith recuse herself as she was an employee of Natchez Regional Medical Center. Alderwoman Carter Smith advised, although it was an issue that was in the public's interest, she would recuse herself.

Alderwoman Carter Smith recused herself and left the meeting.

Alderwoman Arceneaux-Mathis asked Mr. Carby if she could get his legal opinion on a matter. She and Mr. Carby stepped outside the meeting room. They returned and Alderwoman Arceneaux-Mathis advised that her question had been answered.

Mr. Walter Brown, serving as counsel to the Natchez Regional Medical Center Board of Trustees, asked the BOA to consider the adoption of a motion to join with the county in support of a letter of intent with the county and potential purchaser and to authorize the mayor and city clerk to execute a finalized Asset Purchase Agreement as pertained only to the city's participation as a party with respect to prepayment of ad valorem taxes for the buyer.

Alderman Dillard reported that the city's participation in this matter was significant and important to the wellbeing of the medical community as it now existed in the city and county.

**A motion was made by Alderman Dillard, with a second by Alderman Fortenbery, to adopt a motion to join with the county in support of a letter of intent with the county and potential purchaser and to authorize the mayor and city clerk to execute a finalized Asset Purchase Agreement as pertains only to the city's participation with respect to prepayment of ad valorem taxes for the buyer. The motion carried unanimously.**

Mr. Brown asked that the city formally approve the submission of the settlement agreement to the MS Public Service Commission and to make it a part of the record of the MS Public Service Commission in order to delineate what franchise belongs to Adams County Water and what belongs to the city and for the mayor to sign. Mr. Carby advised that he would bring it up under his report later in the meeting.

The meeting returned to the regular order.

Alderwoman Carter Smith returned to the meeting.

#### **VISITORS WELCOME**

**A motion was made by Alderman Fortenbery, with a second by Alderman Fields, to allow Meg Freeman and Team Tatas to hold Bras on the Bluff and to close Broadway Street behind the Grand Hotel on November 1<sup>st</sup> for a fundraiser. The motion carried unanimously.**

Susan Schante, Goodwill Industries, received a proclamation designating the week of May 4-10<sup>th</sup> Goodwill Industries Week.

Jim Battieste, 709 North Wall, appeared to ask that the speeding in his area be addressed. The signage is currently 25 mph and he thought that it should be 5 mph or less. Mayor Brown replied that the Chief of Police and Director of the Traffic Department will determine what can be done then will meet with Mr. Battieste.

#### **DEPARTMENT HEADS**

*David Gardner, Engineering Department*

Over \$40,000.00 had been donated in cash, labor and materials for the gazebo renovation. Jimmy Whitehead had donated all of his time. The Rotary Club had donated \$10,000.00 toward the project and they'd applied for a \$3,000.00 grant to supplement the lighting—Mr. Gardner suggested that Jerry Rouse, City Electrical Inspector, provide the electrical work which would be an in-kind donation. Mr. Gardner suggested that the City raise the rental fee to \$150.00.

**A motion was made by Alderman Dillard that the city appropriate a match to whatever volunteers donate to encourage volunteerism—he asked that \$5,000.00 be donated to the Community Alliance. No second was made.**

**Alderwoman Carter Smith amended the motion that the issue be tabled until seen if the \$3,000.00 grant is funded. No second was made.**

Report on St. Catherine Street Trails Project:

MDOT was in the process of making the necessary modifications to the plans and specifications so the PS&E assembly could be submitted to MDOT in the next 3 or 4 weeks. MDOT's final authorization to advertise should be around the latter part of June.

Mr. Gardner would e-mail the updated street inventory to the BOA. State Street was ranked #1.

Alderwoman Carter Smith commended Natchez Water Works on their #1 ranking in the state. Mr. Gardner said NWW had also received a perfect score from the health department.

*James Johnston, Community Development*

**A motion was made by Alderman Dillard, with a second by Alderwoman Carter Smith, granting Mr. Johnston permission to prepare and submit an application for funding consideration to assist with the planning and marketing of the 2016 Tricentennial Celebration. The motion carried unanimously.**

**A motion was made by Alderman Fields, with a second by Alderman Dillard, granting Mr. Johnston permission to post the job notice and hire the five (5) selected young persons under the 2014 Urban Youth Corp. The motion carried unanimously.**

**A motion was made by Alderman Gray, seconded by Alderwoman Arceneaux-Mathis, to adopt a resolution authorizing and approving the filing of a CDBG Public Facilities application for the construction of a satellite senior citizen center in North Natchez Park.** Alderman Fortenbery expressed his concern that the city would be duplicating services—the city has one building that needs major attention yet building a new building that's going to cost staff, utilities, etc. He asked if the existing center isn't capable of handling programs as the current facility has a pool. He asked if the city couldn't update the current facility. Sabrena Bartley asked what's the vision of the city for the future—does the city wish to expand its seniors' programs? She advised that the city needs to decide if it wants a new facility or repair what it currently has. She said a new facility makes sense to her.

Alderman Fortenbery said that there's an agreement in place with Magnolia Bluffs Casino and they should provide input per the agreement. Alderman Gray and Alderwoman Carter Smith advised that Kevin Preston, MBC, had said that he'd like input. Mayor Brown replied that the city can't expand RSVP,

etc. in the current building—there’s also several other facilities at North Natchez Park but not a senior center.

Alderman Fortenbery asked how this project came to be as he hadn’t attended any meetings. Alderman Fields asked that the record reflect that he also hadn’t attended any meetings to discuss the facility. Alderman Fortenbery said once the resolution is passed, the deal is done. Mayor Brown said not true—the city can turn down the grant funds. Mrs. Bartley said that there is a window to apply for the funds—the city needs to apply now or apply in the future, if it’s offered. All grants start with a proposal and the city specifies what it would like to do this and what the city thinks it would cost. The entity decides whether they’re going to fund then the city has an opportunity say that it either doesn’t want the grants, the city’s scope has changed, etc. Alderwoman Arceneaux-Mathis said that city employees have been charged to look for grants and most progressive cities have more than one senior center.

Alderwoman Carter Smith stated that last week it was implied that once the resolution is passed, the deal is done. Mr. Johnston responded that he was only asking for permission to proceed which required the BOA to pass a motion for the resolution to apply. The next resolution is a motion to commit to the monies. If the city has the funding in range, the granting agency will schedule a site visit. The city will be able to accept or reject.

**Roll call vote:**

|                                    |            |
|------------------------------------|------------|
| <b>Alderwoman Arceneaux-Mathis</b> | <b>aye</b> |
| <b>Alderman Gray</b>               | <b>aye</b> |
| <b>Alderwoman Carter Smith</b>     | <b>aye</b> |
| <b>Alderman Fields</b>             | <b>aye</b> |
| <b>Alderman Fortenbery</b>         | <b>nay</b> |
| <b>Alderman Dillard</b>            | <b>aye</b> |

**The motion carried with all voting aye except for Alderman Fortenbery who voted nay.**

**A motion was made by Alderwoman Arceneaux-Mathis, with a second by Alderman Gray, to adopt a resolution pledging \$350,000.00 in cash and \$126,042.00 in in-kind services (a bank statement showing the cash match will be required and included in the application).**

**Roll call vote:**

|                                    |            |
|------------------------------------|------------|
| <b>Alderwoman Arceneaux-Mathis</b> | <b>aye</b> |
| <b>Alderman Gray</b>               | <b>aye</b> |
| <b>Alderwoman Carter Smith</b>     | <b>aye</b> |
| <b>Alderman Fields</b>             | <b>aye</b> |
| <b>Alderman Fortenbery</b>         | <b>nay</b> |
| <b>Alderman Dillard</b>            | <b>aye</b> |

**The motion carried with all voting aye except for Alderman Fortenbery who voted nay.**

**A motion was made by Alderwoman Arceneaux-Mathis, with a second by Alderman Gray, to adopt a resolution authorizing the mayor to sign any and all documents necessary to submit the 2014 CDBG PF application. The motion carried with Alderwoman Arceneaux-Mathis, Alderman Gray, Alderman Fields and Alderman Dillard voting aye and Alderman Fortenbery who voted nay. Alderwoman Carter Smith did not hear the motion and did not vote.**

**A motion was made by Alderwoman Arceneaux-Mathis, with a second by Alderman Gray, to adopt a resolution pledging that the city would maintain the CDBG-funded project.** Mayor Brown stated that the city isn’t obligated to take the grant if awarded. Alderman Dillard said that it was his understanding that both facilities can be operated with the current budget. Mrs. Bartley said that the application asked for a proposed budget. She used her current budgeted funds for personnel and those kinds of things. The other things like utility bills would be paid anyway and have been included as in kind as it lowers the match cost. Personnel is already in her budget.

**Roll call vote:**

|                                    |            |
|------------------------------------|------------|
| <b>Alderwoman Arceneaux-Mathis</b> | <b>aye</b> |
| <b>Alderman Gray</b>               | <b>aye</b> |
| <b>Alderwoman Carter Smith</b>     | <b>aye</b> |
| <b>Alderman Fields</b>             | <b>aye</b> |
| <b>Alderman Fortenbery</b>         | <b>nay</b> |
| <b>Alderman Dillard</b>            | <b>nay</b> |

**All voted aye except for Alderman Fortenbery and Alderman Dillard who voted nay.**

*Ed Bowser, IT Department*

Mr. Bowser provided a summary of savings on the utility bill audit. A few utilities are still being audited. Mayor Brown commended Alderwoman Carter Smith for the savings she found during two audits.

#### **PUBLIC OFFICIALS**

Alderwoman Arceneaux-Mathis advised that the county hasn't purchased a fire truck yet as required per the Interlocal Agreement. She reported that Pierce had worked out a plan to deliver the truck along with a financing plan. Alderman Dillard asked if a misunderstanding on the city or county's part—he didn't know that the agreement for the truck was contingent upon the county securing a grant. Mayor Brown said there are benchmarks for the county to meet and there are monetary penalties if not met. The county was to provide callout gear and a fire truck, a volunteer fire coordinator, which they'd done, and a decrease in the number of calls outside the city limits. The city's equipment if a call at industries operating in the port or CCA, would be taxed. The city needs additional fire protection and fire suppression equipment to maintain our fire rating as well as protect industrial operations.

A meeting was held yesterday with she, Judge Heidelberg, Code Enforcement officers, Mrs. Legaux, Mr. Rutter, and Mayor Brown regarding dilapidated properties—she will provide the BOA with notes. 820 North Rankin has been handled. She advised that a historic property should go before the Preservation Commission before appearing before the BOA for demolition.

She spoke about the trip to Memphis sponsored by Charlie McVean.

Alderman Gray reported that he'd received calls concerning CableOne. Alderwoman Carter Smith and Mayor Brown said a corporate issue.

Alderwoman Carter Smith asked the City Clerk to go through the PERS packet that had been received and to give the BOA a summary. The "Keep Natchez Beautiful" ads will now address one topic per ad.

Alderman Fields advised David Gardner and Justin Dollar that there is a drainage issue at Pernel Hill—water is running off the Cathedral School construction site. Mr. Gardner said that he'd contacted the contractor, architect and school and it appeared that the issues had been worked out—Alderman Fields said a problem still exists. Mr. Gardner said he will check into it.

Alderman Fields asked for a resolution of the issue of giving a portable building to TM Jennings. Alderman Gray suggested that Mr. Carby see if the Interlocal Agreement would address—Mr. Carby said he would look at the ILA. Mr. Carby said he'll contact the school district and see if they'd be interested in leasing the building from the city and maintaining. Mayor Brown suggested that whatever the city is doing for TM Jennings, the county should do the same. Alderman Fields asked that the issue be addressed in a work session.

Alderman Fortenbery said that the tennis pro shop needs to be cleaned up—a meeting will be set up with recreation and tennis. Alderwoman Carter Smith said she'd attended a tennis tournament there and she was appalled.

Alderman Fortenbery asked about city policy regarding for-profits selling dinners at Duncan Park. Mr. Carby advised that should only be a non-profit. Alderman Fortenbery asked if an organization goes through the City Clerk before setting up. He asked Chief White to keep an eye out for individuals selling dinners at Duncan Park.

Alderman Dillard advised that previous requests had been made for the senior accountant to be present at the board meetings. He'd received her responses back regarding questions from February's report. Regarding \$10,900.00 expended out of Gustav, her response had been that it was an act of God. Alderman Dillard replied that she must not have been aware that was 6 years ago and all monies have already been received and paid out of it—not budgeted, no money in fund. She had the same response on Isaac fund but not budgeted, no money in the fund but shows an expense. Regarding Margaret Martin reroofing, it was a grant from MDAH for \$220,000.00 and wasn't a random event. Alderman Dillard again asked the City Clerk that the senior accountant attend the board meetings, at least one a month—it would also benefit her to attend.

Alderman Dillard asked that the city receive bids to repair and reroof the Council Chambers building. Public Properties has \$370,000.00 so there should be funds available to address these issues. Mayor Brown said the need to replace the air conditioning unit at the auditorium is an emergency and the city should go ahead and place the order to get it fixed. As far as the building at Duncan Park, he felt that the city should tear off everything that isn't original and see what to do about the roof. Regarding the Council Chambers, he said the city should prepare some bid documents so the city knows what bids we're going to take.

Mayor Brown introduced Jody Rutter, Building Inspector.

Alderwoman Carter Smith asked that at the least, the senior accountant be at the first board meeting of each month. Mayor Brown said that he'd met with the auditor, she was encouraged about the city's accounting but it's still deficient in a couple of areas that the accountants are not familiar with.

Alderwoman Carter Smith asked that an inventory be done for building repairs similar to the one that was done for city streets.

#### **CITY CLERK**

None

#### **CITY ATTORNEY**

**A motion was made by Alderman Dillard, with a second by Alderman Fortenbery, for the BOA to authorize the city formally approve the submission of the settlement agreement to the MS Public Service Commission and to make it a part of the record of the MS Public Service Commission in order to delineate what areas belong to Adams County Water and what areas belong to the city and for the mayor to sign. The motion carried unanimously.**

Mr. Carby distributed a draft ordinance to amend a section of the charter to make the city clerk and municipal judge positions appointed. Mr. Carby said one ordinance is easier in dealing with the legislature and it will run for three weeks in the paper and assuming no petition against it, the ordinance goes before the Governor, goes before the AG, then back to the Governor for signing, effective July 1, 2016. The timeline is approximately 60 days from the passage of the ordinance. Mayor Brown asked for a bullet on action needed and a timeline.

#### **MAYOR'S REPORT**

Regarding the Tricentennial, DRA is going to give the city \$50,000.00 for three years, MDOT is providing funding, Entergy has given \$50,000.00 in three payments, Coca Cola and others have pledged funding. He's going to provide the BOA the name of someone to manage the Tricentennial and will be paid by grants. He'll be meeting with the French Ambassador to Spain next week and he'll be speaking at Alcorn on Earth Day as well as talking to Dr. Rankins. The developer can begin construction of 27 new homes on MLK and St. Catherine Street. Charlie McVean wants to come to Natchez and he'll underwrite a program for the next year. Alcorn and Co-Lin would need to participate in the Peer Power programs.

**A motion was made by Alderman Gray, with a second by Alderwoman Arceneaux-Mathis, that Employee 2266 be reimbursed. The motion carried unanimously.**

#### **NEW BUSINESS**

None

#### **ADJOURNMENT**

**A motion was made by Alderman Fields and seconded by Alderman Gray to adjourn the meeting of April 22, 2014. The motion carried unanimously.**

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Larry L. "Butch" Brown, Mayor

ATTEST:

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Donnie Holloway, City Clerk