

**CITY OF BYRAM
MINUTES OF REGULAR MEETING OF THE MAYOR
AND BOARD OF ALDERMEN
THURSDAY, JANURARY 9, 2014
MUNICIPAL BOARD ROOM, 5901 TERRY ROAD**

WELCOME AND CALL TO ORDER Mayor Richard White

ROLLCALL City Clerk Angela Richburg

Present: Richard White, Mayor
Jim Moser, Alderman Ward 1
Diandra Hosey, Alderman Ward 2
Theresa Marble, Alderman Ward 3
Teresa Mack, Alderman Ward 4
Wanda Smith, Alderman Ward 5
D. L. Ford, Alderman Ward 6
Richard Cook, Mayor Pro Tem
Attorney Jerry Mills
Attorney John Scanlon
Angela Richburg, City Clerk

APPROVAL OF PAY APPLICATION 10 TO PAUL JACKSON AND SON

MOTION made by Alderman Moser and **SECONDED** by Alderman Cook to approve Pay Application 10 for \$301,077.55 to Paul Jackson and Son for work performed on the Central Fire Station **MOTION UNANIMOUSLY APPROVED**

APPROVAL OF CONSENT AGENDA

- a. Minutes of the Special Board Meeting of the Mayor and Board of Aldermen Held on January 2, 2014
- b. \$100.00 to MS Assoc. of Chiefs of Police for annual membership dues for Chief Thompson (001-200-622)
- c. \$90.00 for MS Chapter and National Dues to FBI National Academy Associates, Inc. for renewal of annual membership dues for Chief Thompson (001-200-622)
- d. \$2,208.00 to OMNISITE annual fee for automated alarm equipment for monitoring lift stations (400-700-650)
- e. \$435.00 to MWPCOA for registration and testing for Glyn Dorsey in Pearl, MS on February 10-14, 2014 (400-700-611)

MOTION made by Alderman Marble and **SECONDED** by Alderman Moser to approve the Consent Agenda **MOTION UNANIMOUSLY APPROVED**

APPROVAL OF CONDITIONAL USE-DIRT MINING OPERATION IN AN RE ZONE

MOTION made by Alderman Moser and **SECONDED** by Alderman Smith to the approve The Conditional Use to Operate a Dirt Mining Operation in an RE-Residential Estate Zoning District petitioned by Mr. Vercell Vance, the Zoning and Planning Commission finds that all requirements under Section 5.600.09 and 5.600.15 have been met and the Conditional Use will run consecutive with the current mining permit issued by MDEQ **MOTION PASSED 6 - 0 ALDERMAN MOSER, ALDERMAN MARBLE, ALDERMAN MACK, ALDERMAN SMITH, ALDERMAN FORD AND MAYOR PRO TEM COOK VOTING AYE, ALDERMAN HOSEY RECUSED HERSELF FROM ANY DISCUSSION OR ACTION ON THIS CLAIM AND PHYSICALLY ABSENTED HERSELF FROM ALL SUCH DISCUSSION OR ACTION.** Alderman Hosey took this action, not because of any actual conflict of interest.

APPROVAL OF REZONING 4149 SOUTH SIWELL ROAD FROM A-1 TO C-1

MOTION made by Alderman Moser and **SECONDED** by Alderman Smith to approve the ordinance rezoning a particular portion of a parcel of land on Siwell Road owned by petitioners Brett and Joni Hutchins, more specifically identified in the ordinance, from A-1 Agricultural Classification to C-1 Neighborhood Commercial for the purpose to operate an Instructional Dance Studio. The Zoning and Planning Commission finds that all requirements under Section 5.600.09 and 5.600.16 have been met in this matter.

Petitioners claimed a change in the character of the neighborhood as follows:

- Surrounding the area in question are Hillcrest Motors, Hillcrest Christian Academy, and other businesses which are commercial.
- Siwell Road is a major thoroughfare of the City which contains other commercial development.

This Commission agrees with Petitioners, and finds a change in character of the neighborhood has occurred that would justify or require rezoning as requested in this matter.

Petitioner claimed as a public need for rezoning as follows:

- There are more than 90 students at the Dance Studio
- Virtually all neighbors of the dance studio property support this rezoning in writing, except for the two objectors
- Even the objector neighbors stated multiple times at the public hearing that they have no problem with the dance studio or with the student dancers

This Commission agrees with Petitioners, and finds a public need exists that would justify or require rezoning as requested in this matter.

The Zoning and Planning Commission voted to recommend to the Board of Aldermen that the request by the Hutchins that the subject land be rezoned to Neighborhood Commercial be granted.

MOTION UNANIMOUSLY APPROVED

APPROVAL OF CLAIMS

MOTION made by Alderman Smith and **SECONDED** Alderman Hosey to approve the Claims for December 18, 2013 through January 3, 2014 in the amount of \$479,180.53 **MOTION PASSED 6 - 1 ALDERMAN MOSER, ALDERMAN HOSEY, ALDERMAN MARBLE, ALDERMAN MACK, ALDERMAN SMITH AND MAYOR PRO TEM COOK VOTING AYE, ALDERMAN FORD VOTING NAY**

APPROVAL OF ATTORNEY DAMON STEVENS CLAIMS

MOTION made by Alderman Smith and **SECONDED** by Alderman Marble to approve the Attorney Damon Stevens Clarim for December 2013 in the amount of \$416.66 **MOTION PASSED 6 - 0 ALDERMAN MOSER, ALDERMAN MARBLE, ALDERMAN MACK, ALDERMAN SMITH, ALDERMAN FORD AND MAYOR PRO TEM COOK VOTING AYE, ALDERMAN HOSEY RECUSED HERSELF FROM ANY DISCUSSION OR ACTION ON THIS CLAIM AND PHYSICALLY ABSENTED HERSELF FROM ALL SUCH DISCUSSION OR ACTION.** Alderman Hosey took this action, not because of any actual conflict of interest.

APPROVAL OF REVELL HARDWARE CLAIMS

MOTION made by Alderman Moser and **SECONDED** by Alderman Smith to the approve the Revell Hardware December 18, 2013 through January 3, 2014 in the amount of \$233.43 **MOTION PASSED 6 - 0 ALDERMAN MOSER, ALDERMAN HOSEY, ALDERMAN MARBLE, ALDERMAN MACK, ALDERMAN SMITH AND ALDERMAN FORD VOTING AYE, MAYOR PRO TEM COOK RECUSED HIMSELF FROM ANY DISCUSSION OR ACTION ON THIS CLAIM AND PHYSICALLY ABSENTED HIMSELF FROM ALL SUCH DISCUSSION OR ACTION.** Mayor Pro Tem Cook took this action, not because of any actual conflict of interest.

Sewer late fees waived – no action taken

Fuel Alternatives for mowers and truck PW01 – tabled until January 23, 2014

Sewer for Central Fire Station - Mr. Buddy Brock, owner of Forest Woods Utilities, approached Mayor White and the Board of Alderman to discuss sewer for the Fire Station. He also stated that his partner, Paul Smith, will be the main negotiator should the City of Byram like to proceed with potentially purchasing his utility system – no action taken

AUTHORIZATION FOR GUEST CONSULTANTS TO REVIEW EXECUTIVE BLVD DISREPAIR

MOTION made by Alderman Marble and **SECONDED** Alderman Moser to authorize Guest Consultants to work up to One Thousand Dollars (\$1,000.00) for review of Executive Blvd disrepair **MOTION UNANIMOUSLY APPROVED**

\$6,000.00 for Professional Services of Burns Cooley Dennis, Inc. to perform Forensic Pavement and Geotechnical Exploration of Executive Blvd and Southpointe Drive - Tabled

ADJOURN

MOTION made by Alderman Moser and **SECONDED** by Mayor Pro Tem Cook to adjourn **MOTION UNANIMOUSLY APPROVED**

APPROVED: Signed/By: Richard White, Mayor Date: January 23, 2014

ATTEST: Signed/By: Angela Richburg, City Clerk Date: January 23, 2014