

**CITY OF BYRAM
MINUTES OF REGULAR MEETING OF
THE MAYOR AND BOARD OF ALDERMEN
THURSDAY, MAY 8, 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 I
Diandra Hosey, Alderman Ward II
Theresa Marble, Alderman Ward III
Teresa Mack, Alderman Ward IV
Wanda Smith, Alderman Ward V
D. L. Ford, Alderman Ward VI
Richard Cook, Mayor Pro Tem
Attorney Jerry Mills
Angela Richburg, City Clerk

APPROVAL TO AMEND AGENDA

MOTION made by Mayor Pro Tem Cook and **SECONDED** by Alderman Moser to amend the Agenda to include after 6 e:

1. Lake Ridgelea FEMA housing – Mrs. Imogene Hodgson
2. Lake Ridgelea FEMA housing (rebuttal) – Ms. Kim McNeece
3. Donation of trees from the Byram Business Association for Fire Station 1 – Alderman Smith
4. Removal of item 11

MOTION UNANIMOUSLY APPROVED

APPROVAL OF WALMART LIGHT MOUNTING VARIANCE

MOTION made by Alderman Moser and **SECONDED** by Mayor Pro Tem Cook approve the Walmart request for light mounting height variance from 25' to 42' for high efficiency LED fixtures **MOTION UNANIMOUSLY APPROVED**

APPROVAL OF WALMART LANDSCAPE ISLAND VARIANCE

MOTION made by Alderman Moser and **SECONDED** by Mayor Pro Tem Cook to approve the Walmart request for landscape island requirement variance **MOTION PASSED 6 - 1 ALDERMAN MOSER, ALDERMAN HOSEY, ALDERMAN MACK, ALDERMAN SMITH, ALDERMAN FORD, AND MAYOR PRO TEM COOK VOTING AYE, ALDERMAN MARBLE VOTING NAY**

APPROVAL OF WALMART SIGN VARIANCE

MOTION made by Alderman Moser and **SECONDED** by Mayor Pro Tem Cook to approve the Walmart request for one wall sign of only 150 square feet of display area variance **MOTION UNANIMOUSLY APPROVED**

APPROVAL OF WALMART CONDITIONAL USE

MOTION made by Alderman Moser and **SECONDED** by Mayor Pro Tem Cook to approve the Walmart Conditional Use, relief from Architectural Design Guidelines pertaining to material requirements, more specifically smooth-faced concrete block and pertaining to screening of the storage area **MOTION UNANIMOUSLY APPROVED**

APPROVAL OF WALMART SITE PLAN

MOTION made by Alderman Moser and **SECONDED** by Mayor Pro Tem Cook to approve the Walmart Site Plan **MOTION UNANIMOUSLY APPROVED**

APPROVAL OF CONSENT AGENDA

- a. Minutes of the Regular Board Meeting of the Mayor and Board of Aldermen Held on April 24, 2014 - Angela Richburg, City Clerk
- b. Minutes of Reconvened Meeting from April 24 of the Mayor and Board of Aldermen on May 1, 2014 - Angela Richburg, City Clerk
- c. Minutes of Work Session of Mayor and Board of Aldermen held on May 1, 2014 - Angela Richburg, City Clerk
- d. \$240.46 for Det. Colin Cooper to travel to Kennesaw, Ga to interview a suspect in an armed robbery which occurred 4/22/14 in Byram (001-200-610)
- e. \$240.46 for Det. Reginald Cooper to travel to Kennesaw, Ga to interview a suspect in an armed robbery which occurred 4/22/14 in Byram (001-200-610)

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

Lake Ridgelea FEMA housing – Mrs. Imogene Hodgson spoke to the Board concerning enforcement of ordinances in Lake Ridgelea – no action taken

Lake Ridgelea FEMA housing (rebuttal) – Ms. Kim McNeece – no action taken

ACCEPTANCE OF TREE DONATION

MOTION made by Alderman Moser and **SECONDED** by Mayor Pro Tem Cook to accept the donation of trees from the Byram Business Association for the Central Fire Station **MOTION UNANIMOUSLY APPROVED**

APPROVAL OF CLAIMS

MOTION made by Mayor Pro Tem Cook and **SECONDED** Alderman Smith to approve the Claims for April 15 - 28, 2014 in the amount of \$84,782.84 **MOTION PASSED 5 - 2**
ALDERMAN HOSEY, ALDERMAN MACK, ALDERMAN MARBLE, ALDERMAN SMITH, AND MAYOR PRO TEM COOK VOTING AYE, ALDERMAN MOSER AND ALDERMAN FORD VOTING NAY

APPROVAL OF REVELL HARDWARE CLAIMS

MOTION made by Alderman Moser and **SECONDED** by Alderman Smith to the approve the Revell Hardware April 15 - 28, 2014 in the amount of \$102.44 **MOTION PASSED 5 – 1**
ALDERMAN MOSER, ALDERMAN HOSEY, ALDERMAN MARBLE, ALDERMAN MACK, AND ALDERMAN SMITH VOTING AYE, ALDERMAN FORD VOTING NAY, 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.

HIRING OF LAW ENFORCEMENT OFFICER

MOTION made by Alderman Moser and **SECONDED** Alderman Smith to approve the hiring of Mr. Ryan Edwards for the position of Law Enforcement Officer at \$12.02 per hour with full benefits, contingent upon the completion of the hiring process **MOTION UNANIMOUSLY APPROVED**

HIRING OF LAW ENFORCEMENT OFFICER

MOTION made by Alderman Moser and **SECONDED** Alderman Smith to approve the hiring of Mrs. Jeannie Jay for the position of Law Enforcement Officer at \$12.02 per hour with full benefits, contingent upon the completion of the hiring process **MOTION UNANIMOUSLY APPROVED**

HIRING OF LAW ENFORCEMENT OFFICER

MOTION made by Alderman Moser and **SECONDED** Alderman Smith to approve the hiring of Mr. Robert J. Washington, Jr. for the position of Law Enforcement Officer at \$12.02 per hour with full benefits, contingent upon the completion of the hiring process **MOTION UNANIMOUSLY APPROVED**

APPROVAL OF PAUL JACKSON AND SON PAY APPLICATION #13

MOTION made by Alderman Moser and **SECONDED** by Alderman Smith to approve the Paul Jackson and Son pay application #13 for \$178,634.20 for the Central Fire Station
MOTION UNANIMOUSLY APPROVED

HIRING OF FIRE FIGHTER

MOTION made by Alderman Smith and **SECONDED** Alderman Marble to approve the hiring of Dorsey Hamlin for the position of Fire Fighter at \$10.55 per hour with full benefits, with a start date on or after May 26, 2014 (replacement hire) **MOTION UNANIMOUSLY APPROVED**

APPROVAL TO INSTALL WATER PRESSURE REGULATOR

MOTION made by Mayor Pro Tem Cook and **SECONDED** Alderman Smith to approve the \$1,657.00 from Environment Masters to furnish materials and labor to install water pressure regulator at the Central Fire Station to reduce the City of Jackson water pressure being delivered from 110-135 psi to 60-70 psi and protect domestic water and fixtures **MOTION PASSED 6 - 1 ALDERMAN HOSEY, ALDERMAN MACK, ALDERMAN MARBLE, ALDERMAN SMITH, ALDERMAN FORD, AND MAYOR PRO TEM COOK VOTING AYE, ALDERMAN MOSER VOTING NAY**

APPROVAL TO CORRECT DRAINAGE PROBLEM AT CITY HALL

MOTION made by Alderman Smith and **SECONDED** by Alderman Marble to approve Glyn Dorsey and Public Works Department to correct the drainage issue at City Hall by installing a 12 inch pipe and extending it to drain across the parking lot, the parking lot will be cut and replaced with contracted services **MOTION UNANIMOUSLY APPROVED**

TABLE ENGINEERING PROPOSALS

MOTION made by Alderman Marble and **SECONDED** by Alderman Smith to table discussion of the Engineering Proposals from Schulz & Wayne for electrical design for generators at Public Works for \$10,000.00 and City Hall for \$12,500.00 generators for City Hall until the August 7, 2014 Work Session **MOTION UNANIMOUSLY APPROVED**

Update on Robinson Estates – no action taken

Bart Ballard with Guest Consultants stated that he had been in contact and met with Mr. Charles Allred with the Vicksburg District of the Corp of Engineers and that they are trying to work out a plan where the City can clean out the debris from the ditch without having to obtain a permit for the work. Unfortunately with the storms and tornadoes that have occurred Mr. Ballard did not know when he might get something in writing.

REMOVAL OF FUEL TANKS FROM PUBLIC WORKS

MOTION made by Alderman Marble and **SECONDED** by Mayor Pro Tem Cook to have Waring Oil to remove the fuel tanks within 90 days, this motion was made after Alderman Ford presented a quote to the Mayor and Board of Alderman from Waring Oil for the sale of the existing 10,500 and 6,500 gallon fuel tanks on Public Works Property to the City of Byram and discussion including information from the Police and Fire Chief regarding monthly fuel usage deemed the tanks were too large for proper use by the City. **MOTION UNANIMOUSLY APPROVED**

RESOLUTION FOR MORATORIUM ON TRAILERS

MOTION made by Mayor Pro Tem Cook and **SECONDED** by Alderman Smith to approve the Resolution for the Moratorium on the Placement of Manufactured Housing or Mobile Home (attached below) **MOTION UNANIMOUSLY APPROVED**

CLOSED SESSION

MOTION made by Mayor Pro Tem Cook and **SECONDED** by Alderman Marble to go into Closed Session to see if an Executive Session is warranted **MOTION UNANIMOUSLY APPROVED**

EXECUTIVE SESSION

MOTION made by Mayor Pro Tem Cook and **SECONDED** by Alderman Moser to go into Executive Session to discuss City Hall quantitative spore report **MOTION UNANIMOUSLY APPROVED**

APPROVAL OF STMS ENTERPRISES, INC

MOTION made by Alderman Hosey and **SECONDED** by Mayor Pro Tem Cook to approve STMS Enterprises, Inc. to resume work for up to and not to exceed total costs of \$6,000.00 including prior work, testing of all offices and overseeing the abatement of City Hall, also to present certification for the Board **MOTION UNANIMOUSLY APPROVED**

ADJOURN EXECUTIVE SESSION

MOTION made by Mayor Pro Tem Cook and **SECONDED** by Alderman Marble adjourn Executive Session **MOTION UNANIMOUSLY APPROVED**

Attorney John Scanlon was asked regarding Alderman Smith being able to vote concerning the ongoing flooding of Robinson Estates subdivision. He had spoken with Mr. Tom Hood, Director of the Ethics Commission and they did not see a conflict with her voting on: authorizing the engineers to conduct a study and make a determination of what exactly is causing the flooding. Then if the cause of the flooding was determined to be Lake Rideglea, and if the

Board required a later vote having a direct effect on Lake Ridgelea, it is certainly possible that Alderman Smith would need to recuse. However, the concern of Alderman Smith's ability to vote on anything else involving the Lake Ridgelea Homeowner's Association, those votes would need to be looked at on a case-by case basis and under the advice given by the Ethics Commission, but the likely scenario is that Alderman Smith would be well-advised to recuse.

ADJOURN 9:57 P.M.

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

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

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

RESOLUTION IMPOSING MORATORIUM ON THE PLACEMENT OF MANUFACTURED HOUSING OR MOBILE HOMES

WHEREAS, on or about the 8th day of May, 2014, the Mayor and Board of Aldermen adopted an interim moratorium on the placement of manufactured housing or mobile homes; and

WHEREAS, said interim moratorium was intended to maintain the status quo until the matter could be further studied; and,

WHEREAS, said interim moratorium was specifically designed to be of short duration in order to provide the opportunity to properly refine policy with as little impact on property owners as possible and while maintaining the status quo; and,

WHEREAS, the indiscriminate placement of manufactured housing or mobile homes has the potential to create certain adverse environmental impacts within the City of Byram, Mississippi; and,

WHEREAS, the City of Byram desires to reduce the potential impact of placement of manufactured housing or mobile homes for a limited period to permit the city to study, review, seek input and develop a sound approach to the issue; and,

WHEREAS, it is anticipated that such study can reasonably be completed within a period of six (6) months; and,

WHEREAS, the city of Byram, Mississippi desires to assure maintenance of the status quo during said interim period and further desires to provide a process by which relief may be granted from this moratorium under certain circumstances and conditions; and,

WHEREAS, a public hearing will be conducted, pursuant to notice to be given by the Mayor and Board of Aldermen. Said Public Hearing is set for the 12th day of June, 2014 at 6:00 P.M. at Byram City Hall. Said hearing shall be held before the Planning and Zoning Commission.

BE IT THEREFORE RESOLVED AS FOLLOWS:

1. For a period of 180 days from the date hereof, there is imposed a moratorium and no manufactured housing or mobile homes shall be permitted or placed on the properly zoned areas unless the same is specifically permitted.
2. Provided however, the prohibition against removal shall not apply to the following situations:
 - a. to construction trailers,
 - b. any development for which site plan approval has been granted, subject to approval by the Mayor and Board of Aldermen.
3. Based on the facts and circumstances of each individual case relief from the prohibitions of this moratorium may be granted:
 - a. to avoid undue hardship;
 - b. other good cause.

Any property owner may apply to the Mayor and Board of Aldermen for permit during the effective period of this moratorium. Upon presentation of evidence establishing cause as setout herein, the Mayor and Board of Aldermen shall issue a permit for placement of manufactured housing or mobile home. Said permit may contain such conditions as are necessary to achieve the purposes of this moratorium. In its discretion, the Mayor and Board of Aldermen may delegate the authority to issue such a permit to the Board of the City of a designated employee or officer who shall have the authority to issue a permit hereunder.

SO RESOLVED, this the 8th day of May, 2014

City of Byram, Mississippi

Signed/By: Richard White, Mayor

ATTEST:

Angela Richburg, City Clerk