

**MINUTES OF THE SECOND REGULAR MONTHLY MEETING OF THE  
MAYOR AND BOARD OF ALDERMEN OF THE  
CITY OF MADISON, MISSISSIPPI**

**June 21, 2016**

**STATE OF MISSISSIPPI  
COUNTY OF MADISON**

**INTRODUCTION AND ATTENDANCE**

The second regular monthly meeting of the Mayor and Board of Aldermen of the City of Madison, Mississippi was held on Tuesday, June 21, 2016 at 6:00 p.m. in the Municipal Courtroom at the Madison Justice Complex. Those present were Mayor Mary Hawkins Butler, Aldermen Tawanna Tatum, Patricia Peeler, Ken Jacobs, Steve Hickok, Michael Hudgins, Guy Bowering, and Warren Strain, City Attorney John Hedglin, City Clerk/Director of Finance and Administration Susan Crandall and Chief Deputy City Clerk Lisa Winstead.

Mayor Mary Hawkins Butler called the meeting to order. After the invocation led by Alderman Jacobs and the Pledge of Allegiance led by Alderman Bowering, the meeting proceeded as follows:

**ADMINISTRATION – CONSENT AGENDA - *Approved***

Concerning the Consent Agenda, the Mayor asked if there were any items which needed to be removed for discussion. There were no removals and Alderman Strain made the motion to approve the Consent Agenda as follows:

- A. Accept Board Meeting Minutes:**
  - 1. First Regular Board Meeting – June 7, 2016
  - 2. Minutes of Planning & Zoning Commission – May 9, 2016 – **Exhibit A**
- B. Approve Claims Docket - **Exhibit B****
  - 1. Computer Checks – *06/21//2016*  
111054-111236
  - 2. Payroll Checks – *06/10/2016*  
19182-19411
- C. Accept the following departmental changes per terms of the Status/Payroll Change Report on file in the Office of the City Clerk: - **Exhibit C****
  - 1. Accept termination of Barry Powe, Street Dept. Laborer, effective June 8, 2016
  - 2. Authorization to hire Henry Kelly, III, Street Dept. Laborer, effective June 23, 2016
  - 3. Authorization to hire Daniel L. Sims, Street Dept. Laborer, effective June 23, 2016
  - 4. Accept letter of retirement from Rebecca Chadic, Building Permits Clerk, effective June 30, 2016
- D. Accept the following Oaths of Office: - **Exhibit D****
  - 1. John L. Cannon, Police Officer
- E. Authorization for City Clerk to execute Neel-Schaffer, Inc.'s Direct Deposit of Vendor Invoice Payments Authorization Agreement for Automatic Deposits – **Exhibit E****
- F. Accept Recommendations for Bid Acceptance for Public Works Department's Six-Month Supply Bid July 1-2016 – December 31, 2016 – **Exhibit F****
- G. Accept quote from Calhoun Fence, Inc. for purchase and construction of fencing at the Webster Animal Shelter – **Exhibit G****

- H. Accept Monthly Departmental Reports: - **Exhibit H**
  - 1. Administration and Finance – May 2016
- I. Adopt Resolution Authorizing the Use of Municipal Funds to Buy Advertising from Madison Central High School Big Blue Booster Club in the amount of \$750.00 for sponsorship of the All-Sports Media Guide – **Exhibit I**
- J. Approval of and authorization for Mayor to execute the Addendum to Extend Time LPA Professional Services Contract By and Between the City of Madison and Neel-Schaffer, Inc. for the Rice Road Multi-Use Path, Project Number STP-0047-00(035) LPA 106869-701000 - **Exhibit J**
- K. Adopt Resolution Awarding Bid for Construction of AIP Project No. 3-28-0046-024-2016 ("Construct Terminal") to Flagstar Construction Company, Inc. in the amount of \$1,168,269.36, and Related Matters – **Exhibit K**
- L. Authorization to Publish Advertisement for Bids for AIP Project No. 3-28-0046-024-2016 ("Construct Terminal") in the Event Flagstar Construction Company fails to comply with Terms of Contract Specifications Relating to Award of Bids on June 21, 2016, Rejecting All Other Bids Submitted as of June 9, 2016
- M. Authorize Mayor or Public Works Director to apply for the MS Board of Health Drinking Water System Infrastructure Revolving Loan Fund Number DWI-L450010-02 for construction of water well and an elevated water storage tank
- N. Authorization to accept and Mayor to execute the Drinking Water System Infrastructure Revolving Loan Fund, Facilities Plan Update – Engineering Services Agreement – **Exhibit L**
- O. Accept proposal for ROW Title Work Services By and Between the City of Madison and Don McLemore for the Rice Road Multi-Use Path, Project Number STP-0047-00(035) LPA 106869-701000
- P. Acknowledge Receipt of and Authorization Execution of Multi-Modal Airport Project No. MM-0046-0617 Grant Agreement and Any Necessary Incidental Action (\$250,000.00) for Construction of Terminal Building – **Exhibit M**

Alderman Bowering seconded the motion approving the Consent Agenda and the vote was unanimous in favor of approval. Mayor Hawkins Butler declared the motion carried.

**ENVIRONMENT AND DESIGN DEPARTMENT – THE FORUM AT GRANDVIEW, PHASE 3, ZONED C2 – Building Façade Changes – Approved**

Concerning the application of CBL Properties for building façade changes at The Forum of Grandview, Phase 3, Director of Environment and Design Alan Hoops explained that these changes are minor and involve only the dumpster pad in back of the building, the loading dock and the use of different materials which will appear as cast stone. With no further discussion, Alderman Strain moved that the façade changes be granted as requested. Alderman Jacobs seconded the motion. The vote was unanimous in favor of approval and Mayor Mary Hawkins Butler declared the motion carried.

**ENVIRONMENT AND DESIGN DEPARTMENT – KROGER, HIGHWAY 51 – Building Façade Changes and Parking Lot Re-Striping – Approved**

Director of Environment and Design Alan Hoops presented the request of The Kroger Company for façade changes to their Highway 51 store location to accommodate the addition of a new concept ClickList. This concept would allow customers to order groceries online and schedule a time for pickup. Proposed modifications to the building include a new canopy, drive through, and designated parking spaces for customers using the service. After brief discussion, Alderman Strain made the motion to approve the façade changes as requested contingent upon matching of materials with the existing structure. Alderman Hudgins seconded the motion and the vote was unanimous in favor of approval. Mayor Hawkins Butler declared the motion carried. A copy of documentation outlining these changes is attached hereto and incorporated herein as **Exhibit N**.

**COMMUNITY DEVELOPMENT DEPARTMENT – Naftali and Yolanda Barron, Variance Application, Spotted Acres, Phase 1 – Approved**

Concerning the variance application of Naftali and Yolanda Barron for Spotted Acres, Phase, 1, Parcel No. 072B-03D-015/04, Community Development Director Kianca Stringfellow stated that the Planning and Zoning Commission recommended approval. Alderman Hickok moved that the variance application be approved as requested for the reduction in front yard depth from 100' to 70' on the side facing N. Old Canton Road. Alderman Tatum seconded the motion and the vote was unanimous in favor of approval. Mayor Hawkins Butler declared the motion carried. Documentation relevant to this request is attached hereto and incorporated herein as **Exhibit O**.

**COMMUNITY DEVELOPMENT DEPARTMENT – Bridgforth Rutledge, Annandale Properties, LP– Rezoning Application, NE Corner of Robinson Springs Road and Old Robinson Springs Road – Approved**

With regard to the above mentioned request for rezoning, Ms. Stringfellow stated that the Planning and Zoning Commission recommended approval with a minimum square footage of 2,500 square feet. Alderman Bowering made the motion to approve the request as recommended by the Planning and Zoning Commission. Alderman Strain seconded the motion and the vote was unanimous in favor of approval. Mayor Hawkins Butler declared the motion carried. Documentation concerning this request, including the rezoning ordinance is attached hereto and incorporated herein as **Exhibit P**.

**COMMUNITY DEVELOPMENT DEPARTMENT – Ricky West Malone, Variance - 157 Mackey Drive – Approved**

Mr. Ricky West Malone, homeowner at 157 Mackey Drive, submitted a variance application for increase in an accessory building from 750 square feet to 864 square feet. This will require a decrease in the side yard width from 10' to 1.5' and a decrease in the rear yard depth from 10' to 1.5'. Ms. Stringfellow noted that letters of approval had been received from adjacent property owners and that the Planning and Zoning Commission recommended approval of this variance request. Alderman Strain made the motion to grant approval, seconded by Alderman Hudgins. The vote was unanimous in favor of approval and Mayor Hawkins Butler declared the motion carried. Associated documentation is attached hereto and incorporated herein as **Exhibit Q**.

**COMMUNITY DEVELOPMENT DEPARTMENT – Parkway 463, MS Baptist Health Systems, Preliminary Plat – Approved**

MS Baptist Health Systems requested preliminary plat approval for three lots (A, B, & C) located on the corner of Mississippi 463 and Highland Colony Parkway, Zoned C-3. It was noted that the Planning and Zoning Commission recommended approval of this request and that the new Courtyard Marriott would be constructed on Lot B and with no further discussion, Alderman Strain moved that approval of the preliminary plats for these three lots be granted, Alderman Jacobs seconded the request. The vote was unanimous in favor of approval and Mayor Hawkins Butler declared the motion carried. Documentation pertinent to this request is attached hereto and incorporated herein as **Exhibit R**.

**COMMUNITY DEVELOPMENT DEPARTMENT – Courtyard Marriott, KMBH, LLC, Site Plan – Approved**

Ms. Stringfellow reported that the Planning and Zoning Commission recommended approval of the site plan for construction of a new 125-room Courtyard Marriot with a conference room at the corner of Highway 463 and Highland Colony Parkway in a Zone C-3 district. This recommendation was contingent upon the applicant working out landscaping issues with Director of Environment and Design, Alan Hoops. With no further discussion, Alderman Bowering moved to grant approval of the site plan request with the contingency as noted above. Alderman Tatum seconded the motion and the vote was unanimous in favor of approval. Mayor Hawkins Butler declared the motion carried.

**APPROVAL OF FINAL FORM OF "AMENDED INTERLOCAL COOPERATION AGREEMENT BETWEEN MADISON COUNTY, MISSISSIPPI AND THE CITY OF MADISON, MISSISSIPPI REGARDING THE FUNDING OF HOY ROAD IMPROVEMENTS", AND AUTHORIZING THE MAYOR AND OTHER NECESSARY PERSONNEL TO EXECUTE, ATTEST AND TAKE ANY OTHER NECESSARY ACTION TO FINALIZE SUCH AGREEMENT, INCLUDING BUT NOT LIMITED TO SUBMISSION TO THE ATTORNEY GENERAL AND FILING WITH THE SECRETARY OF STATE AND THE CHANCERY CLERK OF MADISON COUNTY - Adopted**

City Attorney John Hedglin addressed the Board concerning the Resolution for Hoy Road improvements. He explained that the interlocal agreement had been amended to increase the scope of services for use of monies, detour routes, right-of-way issues, and to set the fixed term date of 2021. Alderman Hickok made a motion to adopt the amended resolution as presented. Alderman Peeler seconded the motion and the vote was unanimous in favor of approval. Mayor Hawkins Butler declared the motion carried. A copy of this Resolution is attached hereto and incorporated herein as **Exhibit S**.

**MICHAEL REEVES – APPEAL OF DENIED HOME OCCUPATION PERMIT – Denied**

Director of Community Development Kianca Stringfellow addressed the Mayor and Board concerning the application of Michael Dean Reeves for a home occupation for his business, Revolutionary Firearms, LLC. She stated that based on the stipulations of the zoning ordinance, she feels this request is not in keeping with the ordinance or the intent for subdivisions and that it would possibly pose a traffic problem in the neighborhood. She denied Mr. Reeves' request for permit and stated that he was present at the meeting to express his concerns and appeal the denial.

Mr. Reeves stated that he and his attorney had reviewed the ordinance, Section 5.06 concerning his application for home occupation permit and they both feel his business would be fully compliant. He explained that no firearms will be stored on-site, that he would provide transfers and repairs of firearms, and that customers to the home would be by appointment only and mostly on weekends. He also stated that he has obtained and has copies of all federal and state licenses to operate a business of this nature. He also pointed out that he is aware of eleven other similar businesses within the Madison jurisdiction. If his request for permit is denied by the Board, he would like an explanation of the law he is in violation of, instruction on how he can change his business plan to become compliant, and instruction on how he may formally appeal the denial.

Mr. Reeves also mentioned that this address, 230 Kiowa Drive, was formerly his grandmother's home and that she, Lu Lee, operated a business from the same location for many years. He indicated that earlier in the day, when meeting with the Mayor and two other staff members, she made no mention of traffic to the home as a possible issue and reason for denial. He thanked the Mayor and Board for allowing him to speak at the meeting.

Mayor Hawkins Butler stated that while Lu Lee did in fact operate a business from that location, she felt it to be more of a family-oriented service and not a retail business operated from the home.

Alderman Hudgins inquired as to the existence of a homeowners association to which City Attorney John Hedglin responded that the Board's decision is discretionary and could not be restricted by a homeowners association recommendation or lack of dues payment.

Alderman Bowering asked for clarification of the other eleven (11) similar businesses mentioned by Mr. Reeves. Ms. Stringfellow responded that all have ATF licenses, but only one (1) actually has a home occupation permit. This one business owner is a gun collector who sells at trade shows only and has no on-site storage or traffic to his home.

Alderman Strain asked City Attorney John Hedglin if he was in agreement with Mr. Reeves' interpretation of the codes cited earlier...Section 45-9-51 and Section 45-9-53, concerning the operation of businesses from residential locations. Mr. Hedglin stated that these codes do not prohibit discretion of the Board to enact zoning ordinances that restrict retail operations.

Alderman Hudgins expressed concern that success of this business would generate more traffic to the home. Mr. Reeves indicated that at that time, he would pursue a commercial location from which to operate.

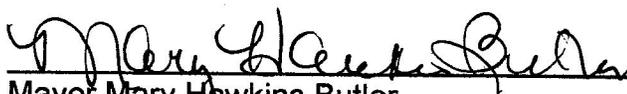
Alderman Bowering stated that he did not want to set a precedent for the operation of retail businesses from residential locations. City Attorney John Hedglin agreed that this is a concern.

At this time, the motion to deny Mr. Reeves' application for a home occupation permit from this residence at 230 Kiowa Drive was made by Alderman Peeler based upon the Board's discretion to enact a City ordinance with regard to operation of a retail business and sale of a product from a residential location. Alderman Tatum seconded the motion. With no further discussion, the vote was unanimous in favor of denial and Mayor Hawkins Butler declared the motion carried. Documentation relevant to this request is attached hereto and incorporated herein as **Exhibit T**.

### **STORMWATER PROGRAM OVERVIEW – PAUL LANNING, ALLEN ENGINEERING**

At this time, Mr. Paul Lanning with Allen Engineering and Science, presented the Municipal Phase II Stormwater Overview as federally mandated by the Environmental Protection Agency and the Mississippi Department of Environmental Quality. At the conclusion of his presentation, Alderman Strain made a motion to accept the report as presented. Alderman Hickok seconded this motion and the vote was unanimous in favor of approval. Mayor Hawkins Butler declared the motion carried. A copy of this report is attached hereto and incorporated herein as **Exhibit U**.

With no further business for discussion, Mayor Hawkins Butler declared the meeting adjourned.

  
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Mayor Mary Hawkins Butler

Attest:

  
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Susan B. Crandall, City Clerk