

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

**April 16, 2019**

**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, April 16, 2019 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, Mike Hudgins, Guy Bowering and Warren Strain, City Attorneys Dale Danks and Dale Long, City Clerk/Director of Finance and Administration Susan Crandall and Chief Deputy City Clerk Lisa Winstead.

Members of the Boy Scout Troop 164, affiliated with Parkway Hills United Methodist Church, were present at the meeting in partial fulfillment for the requirements to obtain their Communications badges. Mayor Hawkins Butler called the meeting to order and after the invocation led by Scout Noah Thurston and the Pledge of Allegiance led by Scout Benjamin Holmes, 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 items removed and Alderman Hickok made the motion to approve the Consent Agenda as follows:

**CONSENT AGENDA**

- A. Accept Meeting Minutes:**
  - 1. Mayor and Board First Regular Meeting – April 2, 2019
  - 2. Mayor and Board Special Called Meeting – April 12, 2019
  - 3. Planning and Zoning Commission – March 11, 2019 – **Exhibit A**
- B. Approve Claims Docket – **Exhibit B****
  - 1. Computer Checks – 04/16/2019  
122481-122677
  - 2. Payroll Checks  
Checks 33578-33613; EFT 2732-2927  
Disbursement Checks: 33614-33619
- 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. Authorization to hire Claire Humphreys as part-time/seasonal employee for the Parks Department concessions
  - 2. Authorization to hire full-time Police Officer Justin G. Elliott effective April 30, 2019
- D. Approval of and authorization for Mayor to execute Amateur License Agreement with R&H Theatricals for the performance of Footloose at the 2019 Summer Arts Camp – **Exhibit D****
- E. Accept the following monthly departmental reports: - **Exhibit E****
  - 1. City Clerk Report – March 2019 Financials
  - 2. Fire Department – March 2019
- F. Adopt Resolution Authorizing the Use of Municipal Funds to Buy Sponsorship Advertising from Madison Central High School Speech Debate Booster for the 2019 MS High School Activities Association (MHSAA) Speech and Debate State Championship Tournament – **Exhibit F****
- G. Approval of Police Department Training and Travel Calendar for April, May, and June 2019 – **Exhibit G****



- H. Approval of and authorization for Mayor to execute the Support Services Agreement between Terry Trane, Inc. and the City of Madison for the period of April 1, 2019 – March 31, 2020 – **Exhibit H**
- I. Approval of and authorization for Police Department to execute the renewal of an annual maintenance contract with Vertiv Corporation for the department's UPS/Power/Battery Service for the period of May 14, 2019 – May 13, 2020 – **Exhibit I**
- J. Approval of and authorization for the Police Department to execute a proposal for the purchase of replacement batteries from Vertiv Corporation for support of the department's UPS/Power/Battery service – **Exhibit J**
- K. Authorization for Police Department to remove from inventory and take to auction: one (1) 2002 Harley Davidson FLS motorcycle, VIN #2975, Property #8890, Unit #022 – **Exhibit K**
- L. Authorization for Jason Crocker, as Designated Operator for the Water Department, to execute and submit the Official Public Water Supply Information Annual Report form as required by the MS State Department of Health, Bureau of Public Water Supply – **Exhibit L**
- M. Approval for Fire Department to enter into agreement with Sunbelt Fire to perform annual preventative maintenance on all fire apparatus – **Exhibit M**
- N. Acknowledge receipt of Madison Square Redevelopment Authority Notification of Intention to Accept Proposal for the conveyance and redevelopment of real property – **Exhibit N**
- O. Authorization for Mayor to execute Multi-Modal Grant application - \$57,214.50 for reimbursement for the City's share of the 2020 FAA grant or Taxiway Rehabilitation – **Exhibit O**
- P. Approval of quotes and authorization for City Clerk to execute an agreement with Automile for GPS Tracking Systems and authorization to cancel existing contract with Teletrac Navman – **Exhibit P**
- Q. Authorization for Public Works Department to advertise for the relocation of City water and sewer lines for the Hoy Road project per specifications
- R. Adopt Resolution Authorizing the Use of Municipal Funds to Buy Sponsorship Advertising from Miss Magnolia State Pageant in support of Miss Madison the City Landrie Burton – **Exhibit Q**
- S. Accept Amendment No. Two to Irrevocable Standby Letter of Credit No. 17-027-SP Originally dated April 24, 2017, Wright's Mill Subdivision, Phase 6B – **Exhibit R**
- T. Authorization for Ryan Saxton, Water Department to travel to Tupelo, Mississippi on October 6-11, 2019 to attend the Mississippi Rural Water Association's 2019 Water Certification Short Course – **Exhibit S**
- U. Approval of quotes and authorize award of purchase from Mac Haik Ford for the following vehicles: one (1) Ford F150 for Building and Permits Department; one (1) Ford F250 for Water Department; and one (1) Ford F350 for Street Department (*pending final review by City Clerk/Finance Director*) – **Exhibit T**

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

#### **COMMUNITY DEVELOPMENT DEPARTMENT – AMENDED FINAL PLAT, CALUMET– Approved**

Community Development Director Kianca Stringfellow presented the amended final plat for the resubdivision of Lots 13 and 14 of Calumet, Part One. She recommended approval contingent upon staff review and working with the Building Permits department. The motion to approve this amended final plat was made by Alderman Strain and seconded by Alderman Jacobs. After a vote of unanimous approval, the Mayor declared the motion carried. Documentation relevant to these variances is attached hereto and incorporated herein as **Exhibit U**.

#### **COMMUNITY DEVELOPMENT – VARIANCE, 140 CASTLE CIRCLE - Approved**

Ms. Stringfellow presented the request of Frank and Allison Cox for a variance to decrease the front yard setback from 100' to 64.4' on their property located at 140 Castle Circle, Lot 12. This request is made to accommodate a front porch addition and has been approved by the homeowners association. Ms. Stringfellow stated that she



and the Planning and Zoning Commission recommended approval of the variance as requested. Alderman Bowering made the motion to grant approval of the Cox's request, seconded by Alderman Strain and unanimously approved by all Aldermen. Mayor Hawkins Butler declared the motion carried. Documentation relevant to this request is attached hereto and incorporated herein as **Exhibit V**.

#### **COMMUNITY DEVELOPMENT – CONCEPTUAL MASTER PLAN, MAGNOLIA DISTRICT - Approved**

On behalf of business owner, Greg Johnston, Ms. Stringfellow presented the concept plan for development of the Magnolia District which is on approximately 6.5 acres located at the corner of Magnolia Street and Madison Avenue and part of the downtown square development area. She explained that the Planning and Zoning Commission recommended approval of the concept plan and that she also recommended approval contingent upon conditions set forth in the staff notes.

Alderman Jacobs made the motion to approve the concept plan as presented, seconded by Alderman Strain and unanimously approved. Mayor Hawkins Butler declared the motion carried. Documentation relevant to this site plan is attached hereto and incorporated herein as **Exhibit W**.

#### **COMMUNITY DEVELOPMENT – THE HAVEN PROJECT, LIVINGSTON ROAD**

Mayor Hawkins Butler initiated the continuation of discussion regarding The Haven Project on Livingston Road. Mr. Jim Martin, attorney for the McDonald and Barnes families, was given ten minutes to address the Mayor and Board. Mr. Martin explained that this project had been twice before approved by the Planning and Zoning Commission in January 2018 and again in March 2019. He stated that the intent has always been to establish a 1 to 1.5 acre lake, approximately five feet in depth with no dam, for recreational use and that a permit from the MS Department of Environmental Quality had been obtained. In answer to the Mayor's question, Mr. Martin stated that he would go on record to say that this project is not a dirt pit, nor is it a commercial operation.

City Attorney Dale Long stated that after meetings with the City staff regarding this project, the staff recommended approval based on four conditions: 1) guarantee from the petitioners that his project will not be a commercial enterprise borrow pit and no dirt will be sold or removed from the property; 2) the dirt extraction to complete the new 1.5 acre lake will be used to fill the previously extracted area; 3) the petitioners shall provide construction drawings to the City's Building and Permits department with a one-year completion date to be approved by the Mayor and Board of Aldermen; and 4) per the City of Madison's landscape ordinance, re-forestation of all of the illegally cut trees shall be completed within the same one-year time frame. Additionally it was recommended that a Memorandum of Understanding (MOU) be drafted between the City and the petitioners outlining these conditions. Community Development Director Kianca Stringfellow presented numerous documents and staff notes which are attached hereto and incorporated herein as **Exhibit X**.

At this time, Mr. Martin requested a couple of minutes to confer with the petitioners. After doing so, he stated that he wanted the record to reflect that his clients did not illegally remove the trees and dirt, that they did it based on advice received from the City; and to be required to complete re-forestation would create a hardship for them. He also stated that he stands by the engineer's plan to line the lake with the excavated soil, but indicated that Ms. McDonald is not certain that all of the soil will be used to line the lake. The families cannot afford re-forestation without the sale of the excess dirt.

Mayor Hawkins Butler explained that the zoning requirements had been met for a lake and that the City has no opposition to that, and that while she appreciates Mr. Martin's stance that this is not a commercial business, the petitioners had no authority from the City, other than the word of an office clerk, to remove dirt from the site. The stop order was issued in 2017 because the project appeared to be a borrow pit rather than a lake. Mayor Hawkins Butler presented photos of the excavation site which are also included hereto and incorporated herein as **Exhibit X**.



She asked City Attorney Dale Long to reiterate the four conditions agreed upon by City staff and stated that the provisions are all in place to build a lake. After no additional questions from the Board members, the Mayor asked for a motion to proceed with approval for the construction of a lake based upon the adoption of a Memorandum of Understanding (MOU) between the City and the petitioners including the four conditions as presented by City Attorney Dale Long. Alderman Tatum made the motion to grant approval, seconded by Alderman Hudgins and unanimously approved. Mayor Hawkins Butler declared the motion carried.

#### **EXECUTIVE SESSION**

Mayor Mary Hawkins Butler requested to enter into a Closed Session to determine if an Executive Session would be appropriate regarding ongoing litigation. Alderman Hickok made the motion, seconded by Alderman Bowering and unanimously approved by all Board members. The Mayor declared the motion carried and requested that the public vacate the room.

After brief discussion, it was determined that an Executive Session would be appropriate for discussion of ongoing litigation. The public was invited to return to the room to hear the motion as follows: Alderman Strain moved to go into Executive Session for the purpose of discussing a matter of ongoing litigation. Alderman Tatum seconded the motion. The vote was unanimous in favor of approval. Mayor Hawkins Butler declared the motion carried and once again asked that the room be vacated.

Travelers Attorney Michael Wolf provided the Mayor and Board with updates regarding the ongoing litigation involving Naser Jaber and Beverly Smith. Discussion was held regarding the potential for settlement versus going to court.

Upon conclusion of discussion, the motion was made by Alderman Strain to adjourn the Executive Session. Alderman Jacobs seconded the motion and the vote was unanimous in favor of approval. Mayor Hawkins Butler declared the motion carried.

With no further business for discussion, Mayor Hawkins Butler asked for a motion to declare the Board meeting adjourned. Alderman Bowering made the motion, seconded by Alderman Hickok and unanimously approved by all Aldermen. Mayor Hawkins Butler declared the motion carried and the meeting adjourned.

  
Mayor Mary Hawkins Butler

Attest:

  
Susan B. Crandall, City Clerk