

West Point, Mississippi Mayor and Board of Selectmen Minutes
Monthly Meeting - Tuesday, January 9, 2007

This is a regular called meeting of the Board of Mayor and Selectmen of the City of West Point, Mississippi, held the 9th day of January, 2007, at 5:30 p.m. at the City Hall, 204 Commerce Street, West Point, Mississippi. Those members present were Mayor Scott Ross, Selectman Keith McBrayer, Selectman John Cummings, Selectman Marion "Bubba" Wilkerson, Selectman James Watson and Selectman Linda Hannah.

Mayor Ross called the meeting to order. City Attorney, Orlando Richmond, began the meeting with prayer, followed by the pledge of allegiance, which was led by Randy Jones.

Motion by Linda Hannah, second by Bubba Wilkerson to approve the December regular minutes.

Motion carried.

Motion by James Watson, second by Bubba Wilkerson to approve the December 19 special minutes.

Motion carried.

Motion by Bubba Wilkerson, second by John Cummings to approve the December 21 special minutes.

Motion carried.

Motion by James Watson, second by John Cummings to approve the December claims docket and that the persons or firms be paid in the amount set forth. The claims having been examined and found correct are hereby approved, and it is directed that warrants be issued in payment thereof.

Motion carried.

The Mayor then called on those citizens wishing to make public appearances. Those doing so were Joshlyn Blair, Tommy Riddle, his grandson Justin Miller, and Mary Frances Bell. Frank Shelton requested he be heard in order to appeal a decision by the Planning Commission. After a brief discussion, it was decided Mr. Shelton's appeal would be heard following the meeting.

Mayor Ross then called for reports from those department heads present. Those presenting reports and addressing the Board were George Hinnant (Water & Light Department), Joey Wright (Public Works), Butch Bingham (Police Department), Randy Jones (City Administration), Johnny Littlefield (Fire Department), Mike St. Louis (Building Department), and Paul McKay (Chief Administrative Officer and General Manager).

Following the department head reports, Randy Jones presented the Board with a Resolution adopting an ordinance regarding the temporary uses of prefabricated buildings. The Resolution reads as follows:

RESOLUTION ADOPTING AN ORDINANCE OF THE BOARD OF MAYOR AND SELECTMEN OF THE CITY OF WEST POINT, MISSISSIPPI, AMENDING CHAPTER 12, PART 3, TEMPORARY USES AND STRUCTURES OF THE DEVELOPMENT CODE, SUBDIVISION REGULATIONS AND ZONING ORDINANCE FOR THE CITY OF WEST POINT, MISSISSIPPI

WHEREAS, on the 9th day of January 2007, at the regular monthly meeting of Mayor and Board of Selectmen have determined that clarification of regulations pertinent to prefabricated and temporary use structures is necessary, and

WHEREAS, the long range community development plan holds appearance and safety, and as integral facets necessary for growth, and

WHEREAS, the Clerk shall cause a copy of said resolution to be published in the *West Point Daily Times Leader*, a newspaper, having general circulation in the City of West Point, on 21st day of January, 2007 publicizing the resolution and announcing a public hearing for Tuesday, February 13, 2007 at the regular monthly meeting of Mayor and Board of Selectmen at 5:30 P.M. in the upstairs conference room at City Hall to call for adoption.

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WHEREAS, the following addition of language and collation of reference intent is set forth:

NOW, THEREFORE, BE IT ORDAINED by the Board of Mayor and Selectmen of the City of West Point, Mississippi, the following to-wit:

Chapter 12, Part 3. Temporary Uses and Structures of the Development Code, Subdivision Regulation and Zoning Ordinance for the City of West Point, Mississippi is hereby amended to read as follows:

Add as paragraph 12.3.2 (d) Regardless of planned use, vendors, developers, or property owners must obtain a no cost permit for placement of temporary or prefabricated structures from the director of planning and development (building inspection department). Use and placement will comply with 12.2.3 (a) and 12.3.2 (b).

Add as paragraph 12.3.2 (e) Pre-fabricated structures will not be used for permanent occupancy. Primary uses of these structures is limited to storage, home utility use, temporary construction site office space, or temporary real estate offices as outlined in paragraph 12.3.5.

Temporary or pre-fabricated buildings will not be used for retail, personal care, restaurant, vending, other food service use, or office space other than outlined above. Cessation of use for previously approved non-conforming, temporary use, or pre-fabricated structures will be cause for removal in accordance with Chapter 12 & 16 of the Development Code.

This ordinance shall become effective thirty (30) days from publication after public hearing and adoption.

The above foregoing Resolution was previously reduced to writing, proposed, and introduced and considered by sections by the Board of Mayor and Selectmen of the City of West Point, and was voted on section by section and then as a whole, the vote being as follows:

Selectman Hannah voted	yea
Selectman Wilkerson voted	yea
Selectman McBrayer voted	yea
Selectman Cummings voted	yea
Selectman Watson voted	yea

Thereafter, the Mayor declared that the resolution was adopted by the Board of Mayor and Selectmen of the City of West Point, Mississippi on this the 9th day of January, 2007.

Motion carried.

Mayor Ross recognized Phyllis Benson of Golden Triangle Planning and Development. Phyllis presented the Board with information regarding the CDBG Project involving Ellis Steel. A Memorandum of Agreement was presented and upon **motion** by Bubba Wilkerson, second by Linda Hannah, the Board voted unanimously to enter into the Memorandum of Agreement.

Motion carried.

Upon **motion** by Linda Hannah, second by James Watson, the Board voted to provide \$51,000.00 in in-kind services needed for the CDBG project.

Motion carried.

The Mayor and Board of Selectmen (the "Governing Body") acting for and on behalf of the City of West Point, Mississippi, (the "Municipality") took up for consideration the matter of authorizing and approving a grant/loan on behalf of the Municipality from the Mississippi Development Authority (the "MDA") for the purpose of completing infrastructure related to an industrial access road and drainage improvements and thus enhancing economic development through the creation of jobs.

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Thereupon Selectman Bubba Wilkerson offered and **moved** the adoption of the following resolution:

RESOLUTION OF THE MAYOR AND BOARD OF SELECTMEN OF THE CITY OF WEST POINT, MISSISSIPPI, TO AUTHORIZE AND APPROVE THE MAYOR, ON BEHALF OF THE CITY, ENTERING INTO A GRANT/LOAN AGREEMENT WITH THE MISSISSIPPI DEVELOPMENT AUTHORITY IN ORDER TO RECEIVE A GRANT ON BEHALF OF THE CITY FROM THE MISSISSIPPI DEVELOPMENT AUTHORITY IN AN AMOUNT NOT TO EXCEED ONE HUNDRED AND FIFTY THOUSAND DOLLARS (\$150,000) FOR THE PURPOSE OF COMPLETING INFRASTRUCTURE RELATED TO ELLIS STEEL, AN EXPANDING INDUSTRY, AND THUS ENHANCING ECONOMIC DEVELOPMENT THROUGH THE CREATION OF JOBS.

WHEREAS, the Mississippi Business Investment Act, Sections 57-61-1 et. seq., of the Mississippi Code of 1972, as amended, (the "Act") was enacted for the purpose of promoting business and economic development in the state of Mississippi (the "State") through job producing programs and by providing loans and grants to municipalities to assist in securing investment by private companies locating in the State; and

WHEREAS, pursuant to Section 57-61-36 of the Act, MDA is authorized to make grants/loans to the Municipality for the purpose of completing infrastructure related to access road & drainage, and thus enhancing economic development through the creation of jobs, and improvements to serve Ellis Steel Company, Inc.; and

WHEREAS, pursuant to the Act and the guidelines adopted by MDA, the Municipality has filed an application with MDA for a grant/loan to complete infrastructure related to an industrial access road and drainage improvements; and

WHEREAS, based on the application, the Act and the guidelines, MDA has agreed to provide a grant/loan to the Municipality for the purposes set forth; and

WHEREAS, before the grant/loan can be processed, a Grant/Loan Agreement must be entered into by the Municipality and MDA, setting out the terms and conditions of the grant/loan.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE MUNICIPALITY, AS FOLLOWS:

Section 1. That all of the findings of fact made and set forth in the preamble to this resolution shall be and the same are hereby found, declared, and adjudicated to be true and correct.

Section 2. That the Mayor and Board of Selectmen of the City of West Point, Mississippi, is now fully authorized and empowered under the provisions of Sections 57-61-1 et. seq., of the Mississippi Code of 1972, as amended, to proceed with the execution of the Grant/Loan Agreement with the Department.

Section 3. That the Mayor and Clerk of the Board are hereby authorized and directed to execute any and all documents and certificates as may be necessary in order to consummate the transaction contemplated by the resolution and upon execution, each of the documents and certificates shall be legal, valid, and binding obligations of the Municipality enforceable in accordance to the terms of each.

Selectman Linda Hannah seconded the motion to adopt the foregoing

Resolution and after the same had been read and considered section by section and put to a roll call vote, the results was as follows:

Selectman John Cummings voted	Yea
Selectman Marion Wilkerson voted	Yea
Selectman Linda Hannah voted	Yea

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Selectman Keith McBrayer voted Yea
Selectman James Watson voted Yea

The motion having received the foregoing vote of the Governing Body, the Mayor declared the motion carried and the Resolution adopted, on this the 9th day of January 2007.

Motion carried.

Mayor Ross recognized Melanie Groner-Busby, who provided a comprehensive report to the Board regarding the findings of the Mayor's Recreation Committee concerning the needs of the recreation department and potential additional activities. Board members were given an opportunity for questions, comments and suggestions. Those Recreation Committee members present were Frank Portera, Chairman, Julie Redding, Mrs. Busby, and Carolyn Poston.

Upon **motion** by Linda Hannah, second by Bubba Wilkerson, Susan Chandler was appointed to serve on the Planning Commission.

Motion carried.

Upon **motion** by Bubba Wilkerson, second by Linda Hannah, Emmanuel Moore was reappointed to serve on the Planning Commission.

Motion carried.

Upon **motion** by John Cummings, second by James Watson, Paul McKay was appointed to serve on the Golden Triangle Regional Solid Waste Management Board.

Motion carried.

After a presentation to the Board by Randy Jones requesting the Board approve the adoption of the 2006 building code additions and changes, a **motion** was made by Keith McBrayer, second by John Cummings to adoption any and all changes and additions, bringing them up to national standards.

Motion carried.

Upon **motion** by Keith McBrayer, second by John Cummings, the Board voted to accept the 2005 Electrical Code additions and/or changes, bringing them up to national standards.

Motion carried.

There being no further business to come before the Board at this time, a **motion** was made by Bubba Wilkerson, second by Linda Hannah that this meeting be in recess.

Motion carried.

At the conclusion of all regular business, Mayor Ross recognized Frank Shelton. Mr. Shelton stated he was appealing a decision by the Planning Commission, which denied his request for a major conditional use of property which was zoned C-1 (Retail) located at 407 Cottrell Street. Mr. Shelton presented the Board with hand-written plans.

Mr. Richmond, acting on behalf of the City, stated that the business located is zoned for a convenience store only, and Mr. Shelton is presently operating the business as a restaurant. Mr. Richmond questioned Mr. Shelton and explained in detail the process by which re-zoning can occur. Mr. Shelton stated he had not been given adequate information.

Following questions and discussion by both Mr. Shelton and the Board, a **motion** was made by John Cummings, and seconded by James Watson that Mr. Shelton's request for a major conditional use be denied, and the decision of the Planning Commission be upheld.

Motion carried.

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There being no further business to come before the Board at this time, a **motion** was made by Bubba Wilkerson, second by Keith McBrayer, that this meeting stand in recess.

Motion carried.

(SEAL)

(Signature)

H. Scott Ross, Mayor

(Signature)

Carole B. Ramsey, City Clerk