

**MEETING OF THE  
MAYOR AND BOARD OF ALDERMAN OF THE  
CITY OF RIDGELAND, MISSISSIPPI  
June 19, 2018  
6:00 PM**

The Mayor opened the June 19, 2018 meeting of the Mayor and Board of Aldermen to order. Present were Alderman Chuck Gautier, Alderman Wesley Hamlin, Alderman Ken Heard, Alderman Kevin Holder, Alderman Brian Ramsey, Alderman D.I. Smith, Alderman Bill Lee, City Attorney Jerry Mills, City Attorney John Scanlon, and City Clerk Paula Tierce. The meeting was opened with an invocation by Alderman Wesley Hamlin followed by the pledge of allegiance.

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The Mayor and Board of Aldermen were provided the May 2018 Financial Statement and the June 2018 Sales Tax Report.

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Next came the recognition of Chris Ramsey for being selected Building Official of the Year. Mayor Gene McGee thanked Mr. Ramsey for his 26 1/2 years of service to the City of Ridgeland and Mr. Ramsey thanked the Mayor and Board of Aldermen for the opportunity to serve the City of Ridgeland.

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Next came the recognition of Detective Sergeant Brett Bertucci for being selected Officer of the Month for May 2018. Mayor McGee informed the Board of Aldermen that on Saturday, May 26, 2018, Det./Sgt. Brett Bertucci was called out to investigate an assault that occurred on the Ridgeland multi-purpose trail near the intersection of Highway 51 and Rice Road. An unknown black male was reported to have groped a female as she was running on the trail. Det./Sgt. Bertucci immediately began gathering information, collecting evidence and following up on all possible leads to identify this suspect. Through Det./Sgt. Bertucci's relentless efforts, he was able to track down and identify a possible suspect. It was learned that the identified suspect was a registered sex offender and was on probation for a prior conviction of attempted rape through Hinds County. Det./Sgt. Bertucci, without hesitation, compiled a photo lineup and presented it to the victim who identified the suspect as her attacker. Warrants were immediately issued for the suspect's arrest and efforts began to locate him by Det./Sgt. Bertucci. The suspect subsequently surrendered to officers and is currently in the Madison County Jail awaiting a probation revocation hearing through the MS Department of Corrections. Mayor McGee thanked Det./Sgt. Bertucci for his hard work and dedication to the City of Ridgeland and encouraged him to keep the hard work. Det./Sgt. Bertucci thanked the Mayor and Board of Aldermen for the opportunity to serve.

Next came the matter of accepting the Minutes of the June 4, 2018 Work Session, the June 5, 2018 Board of Aldermen Meeting, and the June 11, 2018 Special Board of Aldermen Meeting. The Minutes were accepted with no corrections noted.

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Next came the consideration of the Petition to Close and Vacate Certain Parts of a Street or Right of Way as Platted on Block 45, City of Ridgeland by Jackson Street Property Management, LLC. Alderman Wesley Hamlin moved to approve. The Motion was seconded by Alderman D.I. Smith and a vote was taken thereon as follows:

Vote: Aye(s): Alderman Chuck Gautier, Alderman Wesley Hamlin, Alderman Ken Heard, Alderman Kevin Holder, Alderman Brian Ramsey, Alderman D.I. Smith, Alderman

Bill Lee

Nay(s): None

Abstention(s): None

The Mayor then declared the Motion carried. A copy of the Ordinance is attached hereto as Exhibit "A".

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Next came the consideration of the Architectural Review for Fill and Chill Awning Addition. Alderman Kevin Holder moved to approve with the use of Colonial Red for the awnings. The Motion was seconded by Alderman Chuck Gautier and a vote was taken thereon as follows:

Vote: Aye(s): Alderman Chuck Gautier, Alderman Ken Heard, Alderman Kevin Holder, Alderman Brian Ramsey, Alderman D.I. Smith, Alderman Wesley Hamlin, Alderman Bill Lee

Nay(s): None

Abstention(s): None

The Mayor then declared the Motion carried. A copy of the Architectural Review documents are attached hereto as Exhibit "B".

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Next came the consideration of the Site Plan / Architectural Review for Rice Road Place. Alderman Kevin Holder moved to approve. The Motion was seconded by Alderman Chuck Gautier and a vote was taken thereon as follows:

Vote: Aye(s): Alderman Chuck Gautier, Alderman Ken Heard, Alderman Kevin Holder, Alderman Brian Ramsey, Alderman D.I. Smith

Nay(s): Alderman Wesley Hamlin, Alderman Bill Lee

Abstention(s): None

The Mayor then declared the Motion carried. A copy of the Site Plan/Architectural Review is attached hereto as Exhibit "C".

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Next came the consideration of the Site Plan/Architecture Review for Costco Fuel Center - Renaissance Phase IV, including approval to utilize the slip ramp adjacent to the roundabout for northbound construction traffic to access I-55. John Shows, attorney present representing Costco, asked Alan Hart, Community Development Director, the following questions:

1. Has the City requested any information from the Applicant regarding the Costco Fuel Center that your department has not received? Mr. Hart responded "No, the City has

received everything that Community Development and Public Works requested."

2. Has the Applicant met all requirements for its site plan to be approved? Mr. Hart responded "Yes".
3. Has the Applicant met all requirements for the City's Development Review Procedure? Mr. Hart responded "Yes".
4. Is the site plan approval requirement for the City to issue a Building Permit? Mr. Hart responded "Yes".

Mr. Steve Maloney then made comments opposing the Costco Fuel Center's Site Plan/Architecture Review. Mr. Maloney entered pages 178-186 from the City of Ridgeland Zoning Ordinance, which is attached hereto as Exhibit "D". Mr. Maloney also entered into the record articles regarding Costco, which are attached hereto as Exhibit "E". Mr. Maloney offered for the record a petition signed by individuals, which is attached hereto as Exhibit "F". Objection was made to the introduction of the petition on the basis that it did not contain the signatures of the individuals to the extent it purported. The Mayor stated the petition included numerous forged, duplicate and other ineligible signatures addressed to the Mayor and Board of Aldermen. At that point, Mr. Maloney then proffered documents contained on a jump drive. The documents were not presented in advance nor were any written copies available prior to or during the meeting. The Mayor advised that we were not rehearing a zoning case and that documents in the record should be related to the issue of whether the site plan was appropriate. Mr. Maloney proffered the jump drive as a whole without any explanation of whether said documents related to issues proper in a site plan review or if so how and why. The records contained on the jump drive are attached hereto as Exhibit "G".

During discussions of the matter, Alderman Heard raised the question of whether any updated traffic study had been done. The Board was advised by one of the applicant's engineers that the traffic analysis had been updated to reflect the impact of traffic related to the site under consideration. He noted that this supplemental traffic study was submitted to the City. An inquiry was made by a Board member as to whether the new traffic update had been reviewed. Mike McCollum, Public Works Director, responded that it had been reviewed and found to address the issues for which it is required. Review of the updated traffic plan was considered as part of the professional staff's finding that the requirements of the site plan had been met in accordance with Ridgeland's ordinances.

Alderman Brian Ramsey stated that he thought the City had imposed higher standards for the look of the fueling station when it was proposed across the street. He was advised that the standards that were proposed at that time were under the stricter ordinance, which had been struck down by the Supreme Court. It was stated that the City could request enhancements it now lacks authority to demand standards that exceed the general architectural control ordinance.

Jerry Mills, City Attorney, provided legal advice to the Mayor and Board of Aldermen regarding the standards of granting or denying the site plan. City Attorney, Jerry Mills, discussed what was and what was not before the Board from a legal perspective. He explained that the matter being considered was whether to approve or disapprove a site plan. Because the property was legally zoned for the location of a service station or fueling station the standards considered for rezoning were not applicable. In the previous unrelated site plan approval request, the Board was advised of the findings of the Mississippi Supreme Court with regard to approval of the site plan specifically under the Ridgeland's ordinance. Mr. Mills read the following quote from *Baymeadows, LLC v. City of Ridgeland*, 131 So. 3d 1156, 1159-1160:

"Ridgeland's Development Review Procedures require development-review approval prior to the issuance of any building [\* permit. The ordinances further provide that, "in addition to meeting all of the requirements of the Zoning Ordinance, any applicant for a building permit .... shall submit the following plans .....": (a) site plan; (b) a conceptual landscape plan; (c)

architectural drawings shall conform to the building codes; (d) signs shall conform to the ordinances; (e) conceptual grading and drainage plans shall conform to the ordinances; (f) such other data as may be required by the Building Official or City Engineer.

Mr. Mills reiterated the responsibilities of the Board.

At the end of the proceedings, Jerry Mills advised the Board that he understood that a letter may or may not have been circulated regarding a potential need for certain board members to recused themselves. Mr. Mills explained that he appreciated being given the opportunity to research the matter prior to it coming up during the meeting. He explained that he had conducted independent research prior to the meeting and had unofficially conferred with officials at the Ethics Commission. Mr. Mills then offered into the record opinions of the Mississippi Ethics Commission, which are attached hereto as Exhibit "H". It should be noted that no party made a request during the meeting that anyone recuse himself.

Alderman Wesley Hamlin moved to approve the Site Plan/Architecture Review for the Costco Fuel Center - Renaissance Phase IV, including approval to utilize the slip ramp adjacent to the roundabout for northbound construction traffic to access I-55. The motion was seconded by Alderman Chuck Gautier and a vote was taken thereon as follows:

Vote: Aye(s): Alderman Chuck Gautier, Alderman Wesley Hamlin, Alderman Kevin Holder, Alderman D.I. Smith

Nay(s): Alderman Ken Heard, Alderman Brian Ramsey, Alderman Bill Lee

Abstention(s): None

The Mayor then declared the Motion carried.

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Next came the consideration of the items set out on the Consent Agenda. Alderman Brian Ramsey moved to approve the Consent Agenda:

***a) - Table the Architectural Review for C Spire Lighting Project to the first Meeting in July - Order Attached Hereto As Exhibit "I"***

***b) - Architectural Review for Altar'd State - Renaissance at Colony Park - Order Attached Hereto As Exhibit "J"***

***c) - Site Plan / Architectural Review for Ridgeland Police Department Wellness Center - Order Attached Hereto As Exhibit "K"***

***d) - 705 Greenbrook Drive - Cost Resolution for re-entry cleanup relating to July 18, 2017 adjudication by the Mayor and Board of Aldermen - Resolution Attached Hereto As Exhibit "L"***

***e) - Approve Allen Engineering's Proposal to Update Risk Management Plan and Budget Amendment Decrease Public Utilities Fund Balance \$6,000.00 and Increasing Account***

*400-650-600 (Engineering) - Resolution Attached Hereto As Exhibit "M"*

*f) - Accept Deed of Dedication and Temporary Construction Easement for Curtis Leroy Darty and George Darty on Sunnybrook Road - Order Attached Hereto As Exhibit "N"*

*g) - Approve Request for Authority to Advertise for Term Bids for Public Works - Order Attached Hereto As Exhibit "O"*

*h) - Approve Department of Environmental Quality Solid Waste Grant Agreement for Water Bottle Fillers - Order Attached Hereto As Exhibit "P"*

*i) - Approve Recommendation of Award for Residential Recycling Contract - Order Attached Hereto As Exhibit "Q"*

*j) - Approve East Lake Harbour Drive Rehabilitation Contractor Pay Request #3 - Order Attached Hereto As Exhibit "R"*

*k) - Budget Amendment Decreasing Account 001-000-272 \$7500.00, Decreasing Account 001-201-577 \$7,000.00, Decreasing Account 001-201-605 \$1,234.00 and Increasing Account 001-201-604 for Household Hazardous Day - Resolution Attached Hereto As Exhibit "S"*

*l) - Request Authorization to Advertise for Traffic Signal Video Detection System Equipment - Order Attached Hereto As Exhibit "T"*

*m) - Declare Temple, Inc. Sole Source Provider for Clary Corporation's Traffic Uninterruptible Power System - Order Attached Hereto As Exhibit "U"*

*n) - Approve Special Event Permit for Ridgeland Fire Department - 911 Hero Run - Order Attached Hereto As Exhibit "V"*

*o) - Approve Non-compensated Special Contract Investigator (SCI) Contract with MS Bureau of Narcotics - Order Attached Hereto As Exhibit "W"*

*p) - Accept Donation from Southeastern Financial and Cline Tours to the Ridgeland Police Department - Order Attached Hereto As Exhibit "X"*

*q) - Receive May 2018 Privilege License Report - Order Attached Hereto As Exhibit "Y"*

*r) - Approve Central Bidding being the Provider for Electronic Bidding and Reverse Auction for the City of Ridgeland - Order Attached Hereto As Exhibit "Z"*

The motion was seconded by Alderman Bill Lee and a vote was taken thereon as follows:

Vote: Aye(s): Alderman Chuck Gautier, Alderman Wesley Hamlin, Alderman Ken Heard, Alderman Kevin Holder, Alderman Brian Ramsey, Alderman D.I. Smith, Alderman Bill Lee

Nay(s): None

Abstention(s): None

The Mayor then declared the Motion carried.

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Next came the payment of Claims 146816 - 147154 and June 8, 2018 Payroll. Alderman D.I. Smith moved to approve. The Motion was seconded by Alderman Chuck Gautier and a vote was taken thereon as follows:

- Vote: Aye(s): Alderman Chuck Gautier, Alderman Wesley Hamlin, Alderman Ken Heard, Alderman Kevin Holder, Alderman Brian Ramsey, Alderman D.I. Smith, Alderman Bill Lee  
Nay(s): None  
Abstention(s): None

The Mayor then declared the Motion carried.

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The Mayor announced the need of going into Closed Session to discuss the need of going into Executive Session to discuss pending litigation. Alderman Kevin Holder moved to go into Closed Session to discuss the need of going into Executive Session to discuss pending litigation. Alderman Brian Ramsey seconded the motion and a vote was taken thereon as follows:

- Vote: Aye(s): Alderman Chuck Gautier, Alderman Wesley Hamlin, Alderman Ken Heard, Alderman Kevin Holder, Alderman Brian Ramsey, Alderman D.I. Smith, Alderman Bill Lee  
Nay(s): None  
Abstention(s): None

The Mayor then declared the Motion carried.

**CLOSED SESSION**

Alderman Kevin Holder moved to go into Executive Session to discuss pending litigation. The motion was seconded by Alderman Brian Ramsey and a vote was taken thereon as follows:

- Vote: Aye(s): Alderman Chuck Gautier, Alderman Wesley Hamlin, Alderman Ken Heard, Alderman Kevin Holder, Alderman Brian Ramsey, Alderman D.I. Smith, Alderman Bill Lee  
Nay(s): None  
Abstention(s): None

The Mayor then declared the Motion carried.

**EXECUTIVE SESSION**

Alderman Wesley Hamlin moved to approve the Settlement Agreement and Release Agreement between the Ridgeland Ranch Apartments and the City of Ridgeland. The motion was seconded by Alderman Kevin Holder and a vote was taken thereon as follows:

Vote: Aye(s): Alderman Chuck Gautier, Alderman Wesley Hamlin, Alderman Ken Heard, Alderman Kevin Holder, Alderman Brian Ramsey, Alderman D.I. Smith, Alderman Bill Lee

Nay(s): None

Abstention(s): None

The Mayor then declared the Motion carried. A copy of the Settlement and Release Agreement is attached hereto as Exhibit "AA".

Alderman Brian Ramsey move to leave Executive Session. The motion was seconded by Alderman D. I. Smith and a vote was taken thereon as follows:

Vote: Aye(s): Alderman Chuck Gautier, Alderman Wesley Hamlin, Alderman Ken Heard, Alderman Kevin Holder, Alderman Brian Ramsey, Alderman D.I. Smith, Alderman Bill Lee

Nay(s): None

Abstention(s): None

The Mayor then declared the Motion carried.

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The Mayor announced the Board of Aldermen approved a Settlement and Release Agreement between Ridgeland Ranch Apartments and the City of Ridgeland during the Executive Session.

There being no further business, the Mayor adjourned the meeting at 7:10 p.m. and announced that the City Clerk would be providing some information regarding the Fiscal Year 2019 budget.

WITNESS MY SIGNATURE, the 16<sup>th</sup> day of July, 2018.

  
GENE F. MCGEE, MAYOR

ATTEST:

  
PAULA TIERCE, CITY CLERK

