

**FEBRUARY 2, 2010
SUMMARY**

1

BE IT REMEMBERED that the Mayor and Board of Aldermen of the City of Olive Branch met in regular session, February 2, 2010 at 6:30 o'clock p.m., in the Municipal Court Room at 9245 Pigeon Roost.

ROLL CALL (Establish Quorum): The City Clerk called roll to establish quorum with the following members present to wit: Mayor, Samuel P. Rikard, Alderman George Collins, Alderman Dale Dickerson, Alderwoman Pat Hamilton, Alderman Harold Henderson, Alderwoman Susan Johnson, and Alderman Don Tullos. Alderman Maurice Wallace was present via teleconference. These members constitute a quorum. Also present were Judy Herrington, City Clerk and Bryan Dye, City Attorney.



City of
Olive Branch

MISSISSIPPI

SAMUEL P. RIKARD, MAYOR

9200 Pigeon Roost - Olive Branch, MS 38654
Ph: 662 892-9201 E-Mail: srikard@obms.us

January 26, 2010

**NOTICE OF TELECONFERENCE MEETING
(REGULAR)**

The February 2, 2010 regular meeting of the Mayor and Board of Aldermen of the City of Olive Branch, Mississippi will be conducted as a teleconference meeting pursuant to the provisions of Miss. Code Ann. Section 25-41-5. The primary public location for the meeting, where the general public may attend and participate, will be the Board's ordinary meeting location at the City of Olive Branch Municipal Court, 9245 Pigeon Roost, Olive Branch, MS, 38654. The meeting is scheduled for **6:30 P.M. on Tuesday, February 2, 2010**. The purpose of the meeting and matters to be addressed are as follows:

Regular Meeting

- Transaction of business coming before the Board for consideration pursuant to Miss. Code Ann. Section 21-3-19.

SAMUEL P. RIKARD, MAYOR

AGENDA

CALL TO ORDER: Mayor Samuel P. Rikard called the regular meeting to order at 6:30 o'clock p.m.

Mayor Rikard had the opening prayer.

Mayor Rikard announced, this meeting has been advertised as a teleconference meeting with Alderman Wallace being present by teleconference. The Board will be audio recording the meeting and roll call votes will be required for all actions, otherwise we will go forth as the typical Regular Meeting.

APPROVAL OF MINUTES: Minutes of the regular meeting held January 19, 2010, approved as presented, motion put to roll call vote and carried unanimously.

PUBLIC COMMENTS:

1. Mr. Chris Massey and Mr. Sean Green, Home Builders Association of North Mississippi to speak regarding 2006 IRC Building Code. *The Board recommends an agreement be made and presented in meeting of February 16, 2010.*
2. Ms. Jill Parker, The Branch Subdivision, to speak regarding concerns. *Ms. Parker is expected to appear at the March 2, 2010 meeting.*

CONSENT AGENDA: Items on Consent Agenda approved as presented. Motion put to roll call vote and carried with Alderman Collins, Alderman Dickerson, Alderman Henderson, Alderwoman Johnson, Alderman Tullos and Alderman Wallace voting in favor and with Alderwoman Hamilton being recused.

1. Travel/Training (Approved)
2. Approve MOU with the Mississippi Attorney General's Office regarding the ICAC Task Force. (Approved)
3. Approve donation of \$2,000 to the Olive Twig Humanitarian Group. (Approved)
4. Approve International Association for Property and Evidence as a professional membership for Bobby Allison, and authorize city to make payment for same. (Approved)
5. Approve Memphis Area Geographic Information Council as a professional membership for Laurette Thymes, and authorize city to make payment for same. (Approved)
6. Accept donation of office furniture and storage shelves from Terri Gray for use by the Olive Branch Police Department. (Accepted)

FEBRUARY 2, 2010
SUMMARY

3

7. Authorize establishment of "Bond Proceed Utilization Committee (Series 2009 \$4 million G.O.)" with the following as members:
Alderman Don Tullos
Alderman Harold Henderson
Alderwoman Susan Johnson
(Authorized)
8. Approve International Association of Chiefs of Police as a professional membership for Don Gammage, and authorize city to make payment for same. (Approved)
9. Authorize City Clerk to make the following transfers from the water & gas fund to the general fund for certain services during January, 2010:
General \$174,640.00
Gas (\$80,600.00)
Water (\$94,040.00)
(Authorized)
10. Accept Director of Administration's report on emergency declared January 23, 2010 relative to the delay caused by the bidding process and authorize documentation of said report in minutes for this meeting. (Accepted and authorized)

PLANNING COMMISSION / OLD BUSINESS:

1. Public Hearing date for consideration and action on motion declaring the condition of the following properties located within the **Whitebrook Commercial Park Subdivision**, belonging to Belinda White, to be a menace to the public health and safety:
Lot 1, Whitebrook Commercial Park 1064-1925.0-00001.00
Lot 2, Whitebrook Commercial Park 1064-1925.0-00002.00
Lot 3, Whitebrook Commercial Park 1064-1925.0-00003.00
Lot 4, Whitebrook Commercial Park 1064-1925.0-00004.00
Lot 5, Whitebrook Commercial Park 1064-1925.0-00005.00
Lot 6, Whitebrook Commercial Park 1064-1925.0-00006.00
Lot 7, Whitebrook Commercial Park 1064-1925.0-00007.00
Lot 8, Whitebrook Commercial Park 1064-1925.0-00008.00
Lot 9, Whitebrook Commercial Park 1064-1925.0-00009.00
Lot 10, Whitebrook Commercial Park 1064-1925.0-00010.00
Lot 11, Whitebrook Commercial Park 1064-1925.0-00011.00
Lot 12, Whitebrook Commercial Park 1064-1925.0-00012.00
Lot 13, Whitebrook Commercial Park 1064-1925.0-00013.00
Lot 14, Whitebrook Commercial Park 1064-1925.0-00014.00
Lot 15, Whitebrook Commercial Park 1064-1925.0-00015.00
Lot 16, Whitebrook Commercial Park 1064-1925.0-00016.00
Lot 17, Whitebrook Commercial Park 1064-1925.0-00017.00
Lot 18, Whitebrook Commercial Park 1064-1925.0-00018.00
Lot 19, Whitebrook Commercial Park 1064-1925.0-00019.00
Lot 20, Whitebrook Commercial Park 1064-1925.0-00020.00
Un-platted portion of
Whitebrook Commercial Park 1064-1900.0-00015.03

and directing either the City staff or contract labor to clean the properties forthwith. *Public Hearing set for this date in meeting of December 1, 2009. Tabled til this date in meeting of January 5, 2010. Board voted that the*

FEBRUARY 2, 2010
SUMMARY

4

property is not currently a menace to public health and safety, and that no cleaning of the property should be authorized. Motion put to roll call vote and carried unanimously.

PLANNING COMMISSION / NEW BUSINESS:

1. Consideration of an appeal of Board of Adjustments denial of Conditional Use Permit to allow a 60 ft. Amateur Radio Emergency Communications Tower, submitted by Ron Fox and Judi Garner. *Tabled til meeting of February 16, 2010, motion put to roll call vote and carried unanimously.*

OLD BUSINESS:

1. Consideration of recommendation to approve Utility Agreement with MDOT for relocation of the sewer lines for I-269. *Tabled til this date in meeting of January 19, 2010. Approved, motion put to roll call vote and carried unanimously.*
2. Consideration of recommendation to approve Utility Agreement with MDOT for relocation of the water lines for I-269. *Tabled til this date in meeting of January 19, 2010. Approved, motion put to roll call vote and carried unanimously.*
3. Consideration of recommendation to approve Utility Agreement with MDOT for relocation of the gas lines for I-269. *Tabled til this date in meeting of January 19, 2010. Approved, motion put to roll call vote and carried unanimously.*
4. Consideration of bids opened Monday, January 25, 2010, for Camp Creek Interceptor, Phase 2. *Tabled til meeting of February 16, 2010, motion put to roll call vote and carried unanimously.*

NEW BUSINESS:

1. Consideration of request for right-of-way encroachment submitted by Mr. Danny Patel, owner and operator of the Comfort Suites Hotel. *Approved, motion put to roll call vote and carried unanimously.*
2. Consideration of recommendation from Steve Bigelow, City Engineer, for approval of Change Order #2 with Neibel Construction Co., LLC, in the deductive amount of \$750.00, relative to Masters Drive, Phase II, decreasing the contract amount from \$56,150.00 to \$55,400.00; accept the project as complete, and authorize final payment in the amount of \$4,670.00. *Approved, motion put to roll call vote and carried unanimously.*
3. Consideration of request from Mr. Roy Holmes of Goodman Development, LLC for extension of time to complete all improvements to Estates of Davis Grove Subdivision,

**FEBRUARY 2, 2010
SUMMARY**

5

Phase 1. *Granted, motion put to roll call vote and carried with Alderman Dickerson, Alderwoman Hamilton, Alderman Henderson, Alderwoman Johnson, Alderman Tullos and Alderman Wallace voting in favor and with Alderman Collins voting in opposition.*

4. Update on the city's Comprehensive Plan, added during meeting at request of Alderman Tullos. *No action taken.*

EXECUTIVE SESSION:

1. Transaction of business and discussion regarding the prospective purchase of lands (M.C.A. 25-41-7(4)(g)). *No action taken.*
2. Personnel matter in the Ambulance Department
*Consideration of recommendation for potential new hire.
Hired one (1) new employee, motion put to roll call vote and carried unanimously.*
3. Personnel matter in the Communication Department (Dispatch)
*Consideration of recommendation for potential new hire.
Hired one (1) new employee, motion put to roll call vote and carried unanimously.*

CLAIMS DOCKETS:

Warrant report #02022010, dated 01/29/2010, 283 invoices totaling \$319,076.89.
Approved for payment, motion put to roll call vote and carried unanimously.

Warrant report #02032010, dated 02/02/2010, 121 invoices totaling \$161,244.37.
Approved for payment, motion put to roll call vote and carried unanimously.

Warrant report #02024MGO, dated 02/02/2010, 12 invoices totaling \$88,436.33.
Approved for payment, motion put to roll call vote and carried unanimously.

Warrant report #0202STRM, dated 02/02/2010, 1 invoice totaling \$280.00.
Approved for payment, motion put to roll call vote and carried unanimously.

Warrant report #0202FEDX, dated 02/02/2010, 1 invoice totaling \$148.41.
Approved for payment, motion put to roll call vote and carried with Alderman Collins, Alderman Dickerson, Alderwoman Hamilton, Alderman Henderson, Alderwoman Johnson and Alderman Wallace voting in favor and with Alderman Tullos being recused.

Warrant report #0202CORT, dated 02/02/2010, 1 invoice totaling \$175.00.

FEBRUARY 2, 2010
SUMMARY

6

Approved for payment, motion put to roll call vote and carried unanimously.