

CITY OF CLINTON AGENDA ITEM FACT SHEET

BOARD MEETING DATE: February 5, 2008

AGENDA ITEM NO. 7A

CONSENT AGENDA:

TO:

FOR:

ACCT. NO :

*Motion delay action on
7A & 7B*

*Blankham
Bishop
all age*

DISCUSSION/ACTION: Conditional Use – 1023 Hampstead Boulevard
Venture Carwash

INTRODUCED BY: Gary Ward

TELEPHONE: 924-2256

EXHIBITS FOR REVIEW:

Minutes

Invoice

Other: _____

Ordinance

Plans, Maps

Resolution

Contract

RECOMMENDATION: Planning and Zoning Commission recommends approval.

BOARD ACTION:

MOTION MADE BY: _____

SECONDED BY: _____

VOTE CAST:

"AYE"

"NAY"

ACTION TAKEN:

Brabham

Hisaw

Greer

Bishop

Fisher

Morgan

Barnett

Mayor Aultman

AGENDA ITEMS MUST BE TURNED IN TO THE CITY CLERK WITH ALL ATTACHMENTS NO LATER THAN 5 P.M. ON THE WEDNESDAY PRECEDING THE TUESDAY BOARD MEETING TO BE INCLUDED ON THE AGENDA. THIS DEADLINE WILL BE STRICTLY ENFORCED.

Greer left 7:06 pm.

Greer entered the meeting at

Alderman Greer did not vote on this issue.

**RESOLUTION APPROVING A CONDITIONAL USE FOR VENTURE CARWASH TO
OPERATE A CAR WASH WITH EXTERIOR VACUUMS AT 1023 HAMPSTEAD
BOULEVARD , CLINTON, MISSISSIPPI**

WHEREAS, Venture Carwash, did file a request for a conditional use for the property located at 1023 Hampstead Boulevard to operate car wash with exterior vacuums; and

WHEREAS, all notice requirements of the Zoning Ordinance of the City of Clinton were accomplished and a public hearing was held on January 22, 2008, as required; and,

WHEREAS, the Planning and Zoning Commission upon conclusion of the public hearing on January 22, 2008, adopted a motion to approve the request for a conditional use and that the motion be forwarded to the next meeting of the Mayor and Board of Aldermen for their consideration.

WHEREAS, the Mayor and Board of Aldermen of the City of Clinton, Mississippi, have the final authority with regard to all matters involving the Zoning Ordinances; and

WHEREAS, the Mayor and Board of Aldermen are fully familiar with the request and the area involved in the request; and

BE IT RESOLVED by the Mayor and Board of Aldermen of the City of Clinton, Mississippi that the request of Venture Carwash for a Conditional Use of the property located at 1023 Hampstead Boulevard to operate a car wash with exterior vacuums and hereby granted and such action is taken pursuant to the findings of fact set out as follows:

1. The Mayor and Board of Aldermen of the City of Clinton, Mississippi, have the final authority with regard to all matters involving the Zoning Ordinance.
2. The recommendation of the Planning and Zoning Commission is advisory in nature.
3. The Mayor and Board of Aldermen have knowledge of the area involved and are aware of the need for the conditional use.
4. The requested designation meets the definitions of a Conditional Use of the Zoning Ordinance.
5. The Conditional-Use will promote the general welfare of the City of Clinton and will not adversely affect adjacent property. Future projects within the designation area will remain subject to the Zoning Ordinance and approval of site plans or other matter will allow the City to continue to monitor the area.

6. The Mayor and Board of Aldermen find that Section 402 of the Zoning Ordinances has been complied with and that the requirements of Section 2405.01 of the Zoning Ordinances are satisfied based upon the presentation of the applicants and the site plan presented to the Planning Commission and to the Mayor and Board of Aldermen.
7. The granting of this conditional-use does not relieve the requested from compliance with any applicable law, court order, covenants or contracts.
8. The Conditional Use is granted subject to the following conditions:
 - a. Reduction in number of signs on the building
 - b. The size of the verbiage of the signs be reduced
 - c. The size of the signs be conducive with the new sign ordinance.

The foregoing Resolution, having been reduced to writing, Alderman _____ moved that said Resolution be adopted. Alderman _____ seconded. The vote was as follows:

Alderman Brabham voted: _____

Alderman Hisaw voted: _____

Alderman Greer voted: _____

Alderman Bishop voted: _____

Alderman Morgan voted: _____

Alderman Barnett voted: _____

Whereupon the Mayor declared the Motion carried and the ordinance approved and adopted.

The foregoing ordinance was approved this the _____ day of February 2008.

CITY OF CLINTON

BY: _____
Rosemary Aultman, Mayor

ATTEST: _____
Russell Wall, City Clerk

PLANNING AND ZONING COMMISSION

Clinton, Mississippi

Tuesday, January 22, 2008

7:00 P.M.

Municipal Courtroom

305 Monroe Street

MINUTES

Present: Jim Martin, Ottawa Carter, Ryan Tracy, Betty King, Kathy Peace, Nancy Davis, and city officials Gary Ward and Ken Dreher.

Call To Order

The meeting was called to order at 7:00pm.

Consideration and Approval of November 27, 2007 Minutes.

MOTION was made by Betty King to approve the Minutes of the November 27, 2007 meeting as written. SECOND by Kathy Peace. MOTION carried UNANIMOUSLY.

New Considerations

Conditional Use request from Venture Car Wash to operate a car wash with outside vacuums at 1023 Hampstead Boulevard. Representatives present: Petty Hardin-Owner, Evan Kendrick-Manager and Sean Milner-Counsel.

Mr. Petty Hardin owns Venture Carwash business in Brandon, Ridgeland, one in the permitting stages for a location in Flowood and possibly a site in Byram. The proposed site in Clinton is located on the Southeast corner of the intersection of Highway 80 and Hampstead Boulevard, adjacent to Aarons Rents. The site is located within a C2 district, which allows fully enclosed business. The exterior uses, vacuums, requires a conditional use to operate.

Site Plan Review Committee has reviewed the preliminary site plan and there was a concern regarding fire hydrant location. Architectural Review Committee has also reviewed the site plan and approved. They did have concerns with the signage.

The sign height, verbiage on the signs, number of signs, and color schemes were discussed at length.

A public hearing was held and no opposition was present.

MOTION to recommend to the Mayor and Board of Aldermen that the conditional use request for Venture Car Wash to operate a car wash with outside vacuums at 1023 Hampstead Boulevard be approved contingent on an agreement being met regarding the reduction in the number of signs on the building, the verbiage of the signs, and the size of the signs be conducive with the new sign ordinance was made by Ryan Tracy. SECOND by Kathy Peace. MOTION carried by a 4-2 vote; Kathy Peace, Ottawa Carter, Betty King, Ryan Tracy FOR; ;Jim Martin and Nancy Davis AGAINST.

Preliminary Site Plan for Venture Car Wash to be located at 1023 Hampstead Boulevard.
Representatives present: Petty Hardin-Owner, Evan Kendrick-Manager and Sean Milner-Counsel.

MOTION to recommend that the preliminary site plan for Venture Car Wash to be located at 1023 Hampstead Boulevard be approved was made by Kathy Peace. SECOND by Ryan Tracy. MOTION carried unanimously.

Preliminary site plan is on file in the Community Development office.

Other Business

There was no other business to be discussed.

Next Meeting

The next meeting will be held on Tuesday, February 26, 2008 beginning at 7:00pm.

Adjournment

MOTION to adjourn was made by Ryan Tracy. SECOND by Ottawa Carter. MOTION carried UNANIMOUSLY.

CITY OF CLINTON AGENDA ITEM FACT SHEET

BOARD MEETING DATE: February 5, 2008

AGENDA ITEM NO. 7B

CONSENT AGENDA:

TO:

FOR:

ACCT. NO :

DISCUSSION/ACTION: Preliminary Site Plan – 1023 Hampstead Boulevard
Venture Carwash

INTRODUCED BY: Gary Ward

TELEPHONE: 924-2256

EXHIBITS FOR REVIEW:

Minutes

Invoice

Other: _____

Ordinance

Plans, Maps

Resolution

Contract

RECOMMENDATION: Planning and Zoning Commission recommends approval.

BOARD ACTION:

MOTION MADE BY: _____

SECONDED BY: _____

VOTE CAST:

“AYE”

“NAY”

ACTION TAKEN:

Brabham

Hisaw

Greer

Bishop

Fisher

Morgan

Barnett

Mayor Aultman

AGENDA ITEMS MUST BE TURNED IN TO THE CITY CLERK WITH ALL ATTACHMENTS NO LATER THAN 5 P.M. ON THE WEDNESDAY PRECEEDING THE TUESDAY BOARD MEETING TO BE INCLUDED ON THE AGENDA. THIS DEADLINE WILL BE STRICTLY ENFORCED.

CITY OF CLINTON AGENDA ITEM FACT SHEET

BOARD MEETING DATE: February 5, 2008

AGENDA ITEM NO. 8

CONSENT AGENDA:

TO:

FOR:

ACCOUNT NO:

INTRODUCED BY:

DISCUSSION/ACTION: Authorize the Mayor to sign a contract with the Hinds County Election Commission for use of voting machines and other election services for the February 26, 2008 Special Election

INTRODUCED BY: Russell L. Wall, City Clerk

Rosemary Aultman, Mayor

BOARD ACTION:

MOTION MADE BY:

Bishop

SECONDED BY:

Barnett

VOTE CAST:
TAKEN:

"AYE"

"NAY"

ACTION

Brabham

✓

Hisaw

✓

Greer

NV

Bishop

✓

Fisher

✓

Morgan

H

Barnett

✓

Mayor Aultman

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ALDERMEN
Tony Hisaw
Ward One

Tony M. Greer
Ward Two

Mike Bishop
Ward Three

Phil Fisher
Ward Four

City of Clinton Mississippi

Rosemary Aultman, Mayor

ALDERMEN
Mike Morgan
Ward Five

William Barnett
Ward Six

Jehu Brabham
Alderman-At-Large

Russell L. Wall
City Clerk

February 13, 2008

Ms. Connie Cochran
Hinds County Election Commission
Post Office Box 946
Jackson, MS 39205-0946

Dear Connie:

Enclosed is the contract between the City of Clinton and the Hinds County Election Commission approved by the Mayor and Board of Aldermen at their regularly scheduled meeting held on February 5, 2008. This contract was for the use of the Winvote Voting Machines and other election assistance/services.

Once you have reviewed the contract and executed it, please return a copy to me.

If you have any questions regarding this matter, you may contact me at 601-924-5474 or by e-mail at rwall@clintonms.org.

Sincerely,



Russell L. Wall
City Clerk/CFO
City of Clinton, Mississippi

Cc: File

HINDS COUNTY ELECTION COMMISSION

P. O. Box 946
407 E. Pascagoula Street
Hinds County Courthouse
Jackson, Mississippi 39205-0946

Tel. (601) 968-6555

Fax (601) 948-2681

January 28, 2008

Russell Wall
City Clerk
City of Clinton
Post Office Box 156
Clinton, MS 39060

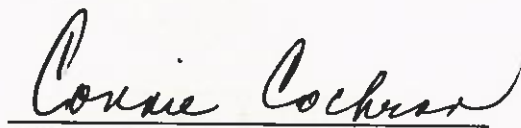
Dear Sir:

This communication comes pursuant to your request for the use of the Winvote Voting Machine and assistance/services of the Hinds County Election Commission in the upcoming Special Municipal Election to be held on Tuesday, February 26, 2008 at Northside Baptist Church and for a runoff election, should it be needed.

Herewith enclosed is a copy of the proposed Contract Agreement between the City of Clinton and The Hinds County Election Commission, as researched and compiled by the Election Commission for the use of the Winvote machines and the services, supplies, the extensive work done in SEMS, and professional assistance to be provided by the Commissioners in the Special Election.

Contingent on the approval of this document and the fee of \$1,500.00, the Hinds County Election Commission has included an original Contract to be executed by the both parties. An invoice will be will be issued to the City of Clinton upon completion of the Special Election.

Sincerely,



Connie Cochran, Chairman

DISTRICT 1

Marilyn M. Avery
5907 Baxter Dr.
Jackson, MS 39211
Home: 601-956-3136
Office: 601-968-6685

DISTRICT 2

Josephine Anderson
1340 Rockdale Dr.
Jackson, MS 39213
Home: 601-366-3451
Office: 601-968-6684

DISTRICT 3

Jermal Clark
P.O. Box 20564
Jackson, MS 39289
Home: 601-948-1198
Office: 601-968-6682

DISTRICT 4

Connie Cochran
6 Drake Landing
Raymond, MS 39154
Home: 601-857-9066
Office: 601-968-6557

DISTRICT 5

Lelia G. Rhodes
1125 Winter St.
Jackson, MS 39204
Home: 601-354-1882
Office: 601-968-6556

City of Clinton Agreement for Special Election – February 26, 2008

The Hinds County Election Commission having reached an agreement with the City of Clinton, to provide the Winvote voting machines along with professional assistance and guidance in the Electoral Process involved in preparing, conducting, and downloading the election information and results into the Statewide Election Management System (SEMS) data bank for the upcoming Special Municipal Election to be held on February 19, 2008, and a runoff election if necessary, the Hinds County Election Commission will be responsible for and provide the following:

1. Build ballot, using information as provided by the City of Clinton
2. Have absentee ballots available prior to the election
3. Conduct training for poll workers and managers, as requested by City
4. Create and provide training materials for class
5. Provide list of workers who have been trained to City
6. Provide materials required for supply/ballot boxes
7. Print ballots
8. Purge, review, download Ward information to SEMS and prepare updated poll books
9. Prepare machine access cards, location and ballot
10. Test cards
11. Pack cards in supply/ballot bags
12. Test all machines to see that they are ready to download ballot(see attached sheet)
13. Check machine case locks to see if they work properly
14. Notify City of schedule to load ballot and L & A testing.
15. Perform Logic and Accuracy testing on all machines and provide L/A reports to City.
16. Provide City with L & A testing tapes
17. Provide City with a list of machines to be used, seals numbers on machines.
18. Purchase supplies needed for Election
 - 19. Pack supply/ballots boxes
20. Provide assistance on Election Day
21. Download the election results into the Host Machine
22. Provide City with unofficial return report
23. Machines will be stored and sealed at Courthouse
24. Process affidavit ballots on Wednesday, the day after the primary
25. Processed affidavits will be entered in SEMS
26. Processed affidavits are opened and stapled
27. Processed affidavits are checked off and entered in Host machine
28. Absentee ballots will be handled by the Party and the accepted ballots will be entered in the Host machine by the Commissioner
29. Absentee ballots are entered in SEMS
30. Official Returns will be given to City for certification
31. Poll books will be scanned in SEMS
32. Updated election information will be entered in SEMS
33. Letters will be sent to affidavit voters as needed
34. All election data/machines will be stored securely for 21 days
35. Machines will be transported back to the Wincenter

**CONTRACT AGREEMENT BETWEEN THE CITY OF CLINTON
AND THE HINDS COUNTY ELECTION COMMISSION**

IN WITNESS WHEREOF, the parties have executed this Agreement on this the

6th day of February, 2008.

CITY OF CLINTON BY:

Rosemary G. Aultman
Rosemary Aultman, Mayor

ATTEST:

Russell Wall
Russell Wall, City Clerk



ELECTION COMMISSION OF HINDS COUNTY

Connie Cochran, Chairman

ATTEST:

Lelia Rhodes, Secretary

The City of Clinton will be responsible for the following for the upcoming Special Election to be held on February 26, 2008:

1. Provide the Election Commission with a list of all workers and managers by February 15, 2008
2. Sign up Managers and any untrained workers for class sessions.
3. Provide a list of Managers/workers who will be attending class.
4. Canvass election returns, count absentee ballots, check verified affidavits and provide such data, to be entered in "Host" computer and SEMS
5. Certify election

*** TX REPORT ***

TRANSMISSION OK

TX/RX NO	4044	
CONNECTION TEL		96019482681
CONNECTION ID		
ST. TIME	02/22 13:33	
USAGE T	02'14	
PGS. SENT	5	
RESULT	OK	

Post Office Box 156
Clinton, Mississippi 39060
Telephone: 601-924-924-5474
Fax: 601-925-4605

CITY OF CLINTON
Office of City Clerk

Fax

To: CONNIE COCHRAN

From: RUSSELL L. WALL

Fax: ~~601-968-6555~~ 601-948-2681

Pages: 5

Phone: 601-968-6557

Date: 2-22-2008

Re: SPECIAL ELECTION CONTRACT

CC: _____

☐ Urgent

☐ For Review

☐ Please Comment

☐ Please Reply

☐ Please Recycle

● Comments: _____

Post Office Box 156
Clinton, Mississippi 39060
Telephone: 601-924-924-5474
Fax: 601-925-4605

CITY OF CLINTON
Office of City Clerk

Fax

To: CONNIE COCHRAN From: RUSSELL L. WALL
Fax: ~~601-968-6555~~ 601-948-2681 Pages: 5
Phone: 601-968-6557 Date: 2-22-2008
Re: SPECIAL ELECTION CONTRACT CC:

- ☐ Urgent ☐ For Review ☐ Please Comment
☐ Please Reply ☐ Please Recycle

● Comments: _____

CONFIDENTIALITY NOTICE

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FOR ANY PROBLEMS WITH THIS TRANSMISSION, PLEASE CALL 601-924-5474.

CITY OF CLINTON AGENDA ITEM FACT SHEET

BOARD MEETING DATE: **02/05/2008** AGENDA ITEM NO. 9

CONSENT AGENDA:

TO:

FOR:

ACCOUNT NO.:

DISCUSSION/ACTION: **Ordinance amending the unnecessary noise ordinance adopted March 17, 1998.**

INTRODUCED BY: **Don Byington** *DB*

BOARD ACTION:

MOTION MADE BY: *Brabham*

SECONDED BY: *Barnett*

VOTE CAST:

"AYE" "NAY"

ACTION TAKEN:

Brabham

☒

☐

Hisaw

☒

☐

Greer

☒

☐

Bishop

☒

☐

Fisher

☒

☒

Morgan

☒

☐

Barnett

☒

☐

Mayor Aultman

☐

☐

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Greer returned to meeting at 7:54 PM

AN ORDINANCE TO MAKE UNLAWFUL THE EMITTING OF LOUD OR EXCESSIVE OR UNREASONABLE OR DISTURBING OR DISTRACTING SOUND OR NOISE OR VIBRATION FROM A MOTOR VEHICLE OR OTHERWISE THAT COULD DISTRACT OR DISTURB OTHER MOTORISTS OR PEDESTRIANS OR ANOTHER OR PREVENT OR DIMINISH A PERSONS ABILITY TO HEAR AN EMERGENCY VEHICLE AND FOR RELATED PURPOSES

Be it ordained by the Mayor and Board of Aldermen of the City of Clinton, Mississippi:

WHEREAS;

The governing body of the City of Clinton, Mississippi, has determined that loud or excessive or unreasonable or disturbing or distracting sound or noise or vibration is detrimental to the health, safety, welfare, comfort, repose and general well-being of the City's citizenry and;

A person, operating or exercising control over a motor vehicle or otherwise from which any such sound or noise or vibration as aforementioned shall be emitted or otherwise, poses a danger to himself or herself or to another or others by causing or allowing any such sound or noise or vibration as herein provided and;

It is necessary to insure or promote public safety and/or the peace or tranquility of another or others, within a dwelling or in any other place where any such person may be and can reasonably expect freedom from extraneous loud or excessive or unreasonable or disturbing or distracting sound or noise or vibration, by preventative measure and;

A highly mobilized society necessitates that the police stop any person violating any provision of this ordinance and cause the cessation of the source of such violation, of which could be distracting to the operator of the motor vehicle emitting such sound or otherwise as aforesaid or to any person operating any other motor vehicle, which could prevent, diminish or delay hearing or detecting an approaching emergency vehicle or hear or detect any other sound that alerts to any other possible danger, or which can reasonably be deemed disturbing or distracting to another or others within a dwelling or as otherwise as provided herein and;

It being reasonable to believe that such loud or excessive or unreasonable or disturbing or distracting sound or noise or vibration which has a penetration of bass or such an audible volume or otherwise that will or could awaken any person who may be sleeping within their dwelling or otherwise or other place of rest or disturb the peace therein or disturb the normal activities of business or any other lawful action or distract, prevent or delay the operator of any motor vehicle from hearing or detecting danger as aforesaid; the intervention and cessation of such sound or otherwise as stated herein is reasonable without there being any person named as a complainant therein when a person is so charged with a violation of this ordinance by a police officer.

THAT;

This Ordinance may be cited as the "Loud Noise Ordinance."

THEREFORE;

"LOUD NOISE ORDINANCE" CONTINUED ON PAGE TWO (2) OF THREE (3) PAGES

CONTINUATION OF "LOUD NOISE ORDINANCE" OF THE CITY OF CLINTON, MISSISSIPPI

(1) It shall be unlawful for any person to cause or allow or permit any loud or excessive or unreasonable or disturbing or distracting sound or noise or vibration to be emitted or otherwise, in any manner, from or on or about motor vehicle, either by stereo or radio or any other sound or noise or vibration emitting or producing device or apparatus or instrument or otherwise, whether originating from within or without such motor vehicle or other vehicle or otherwise, in such a manner or volume that is or has been or can reasonably be deemed distracting to the operator of the motor vehicle thereof or could prevent or diminish or delay the operator's ability to hear or detect any sound or noise or vibration that could alert said operator or the operator of any other motor vehicle as to the approach of an emergency vehicle, or to the sound or noise or vibration indicative of any other event or action that poses or could pose a danger to himself or herself or to another or others within a motor vehicle or to any pedestrian or otherwise, or can reasonably be deemed to disturb the quietude or tranquility of another or others.

(2) The provisions of this ordinance shall apply upon a public street or road or highway or alley or any passageway of whatever type or nature or in or on or about a public park or any other property owned and/or operated by any state, city, county or United States governmental entity, or on private property open to the public, whether or not such is open for business or otherwise, at the time of occurrence as aforementioned, or on vacant property or on or about a residential apartment complex or motel or trailer park or at or near the dwelling of another person, other than the one responsible for such violation, or other building or the area of ingress or egress thereto or in a parking lot, and this whether the motor vehicle or otherwise is stopped or in motion or occupied or unoccupied. The provisions herein shall not apply to any emergency vehicle or law enforcement officer or fireman or other authorized personnel acting within the course and scope of employment or to the city governing body in relation to any city authorized event or as otherwise approved by such governing body or authority or to the normal activities associated with business or travel or recreation within the city.

(3) It shall be prima facie evidence that loud or excessive or unreasonable or disturbing or distracting sound or noise or vibration is emitted when a person of normal hearing or other senses can hear or detect such while inside of another motor vehicle while such is traveling or stopped or standing or parked alongside, or traveling or stopped or standing or parked in front of or to the rear of the motor vehicle emitting such sound or noise or vibration as aforementioned; or when another person can hear or detect such while outside at a distance of one hundred (100) feet or more, or when one can reasonably infer that said sound or noise or vibration can or could be heard or detected while a person is within a building or other enclosure, and it shall not be necessary for any person to be named as one who has been so disturbed or distracted or otherwise when a person is so charged with a violation of this ordinance by a police officer having probable cause to believe that such a violation has occurred.

(4) The operator of a motor vehicle is deemed to be the person responsible for and in violation of any provision as herein stated; however, if at the time of such violation the vehicle is not being operated, then the person exercising control over the vehicle shall be deemed to be in violation unless there is other evidence that a particular person is responsible, either by their own admission or otherwise.

(5) A person not operating or in control of a motor vehicle shall not be relieved as to liability to the provisions of this ordinance. Any person carrying or in control of any device doing as aforementioned is in violation hereof.

(6) Any person violating any provision of this ordinance may be punished by the imposition of a fine in any amount not to exceed Five Hundred Dollars (\$500.00), or be imprisoned for any term not to exceed ninety (90) days, or punished by both such fine and imprisonment in the discretion of the court. Each day such violation is committed or permitted to continue shall constitute a separate offense.

"LOUD NOISE ORDINANCE" CONTINUED ON PAGE THREE (3) OF THREE (3) PAGES

CONTINUATION OF "LOUD NOISE ORDINANCE" OF THE CITY OF CLINTON, MISSISSIPPI

(7) Any provision or portion thereof of this ordinance that is held invalid or unconstitutional shall have no affect upon any remaining provision or portion thereof. This ordinance is supplementary to any other ordinance of like type or nature and shall not stand to modify or repeal any provision or portion thereof, nor shall any other ordinance do likewise except by direct repeal or modification of this or any other ordinance.

Upon motion of Alderman BRABHAM, and a second from Alderman BARNETT, this ordinance was heard and as a matter laid upon the regular agenda of the Mayor and Board of Aldermen, reduced to writing and submitted for consideration by the Mayor and Board of Aldermen of the City of Clinton, Mississippi, at a regular meeting of the same; and after full and sufficient discussion of the ordinance the Mayor polled the Aldermen with the clerk recording their votes as follows:

NAME		VOTE
Alderman Jehu Brabham	(At-Large)	<u>AYE</u>
Alderman Tony Hisaw	(Ward 1)	<u>AYE</u>
Alderman Tony Greer	(Ward 2)	<u>AYE</u>
Alderman Mike Bishop	(Ward 3)	<u>AYE</u>
Alderman _____	(Ward 4)	<u>VACANT</u>
Alderman Mike Morgan	(Ward 5)	<u>ABSENT</u>
Alderman Bill Barnett	(Ward 6)	<u>AYE</u>

The necessity of public safety and the health, safety, welfare, comfort and repose of the citizenry being paramount, this ordinance shall become effective immediately upon passage and adoption provided such is by unanimous vote of the governing body; otherwise, said ordinance shall become effective from and after thirty (30) days of its passage and adoption.

This action was taken in the City of Clinton, Mississippi, at the regular meeting of the Mayor and Board of Aldermen; whereupon, the Mayor declared the motion carried and the ordinance is approved and adopted this 5th day of FEBRUARY, 2008.

Rosemary G. Aultman
Rosemary Aultman, Mayor

I, RUSSELL L. WALL, the undersigned City Clerk of the City of Clinton, Hinds County, Mississippi, hereby certify that the aforementioned is true of an ordinance adopted by the Mayor and Board of Aldermen of the City of Clinton, Mississippi, at its meeting duly held

on the 5th day of February, 2008 as the same appears in minute book — at page(s) — of the minutes of said meeting and recorded in Ordinance book — of the City of Clinton, Mississippi, at page(s) — thereof.

Given under my hand and seal of office this the 6th day of February, 2008.

Russell L. Wall
City Clerk



CITY OF CLINTON AGENDA ITEM FACT SHEET

BOARD MEETING DATE: February 5, 2008

AGENDA ITEM NO. 10

CONSENT AGENDA:

TO:

FOR:

ACCT. NO.

DISCUSSION/ACTION: WG&K's amendment to their General Professional Service Agreement with the City of Clinton

INTRODUCED BY: City Engineer Richard Broome

TELEPHONE: 601-925-6102

EXHIBITS FOR REVIEW:

Minutes
Ordinance
Resolution

Invoice
Plans, Maps
Contract

Other:

RECOMMENDATION:

BOARD ACTION:

MOTION MADE BY: Hisaw

SECONDED BY: Barnett

VOTE CAST:

"AYE"

"NAY"

ACTION TAKEN:

Brabham
Hisaw
Greer
Bishop
Fisher
Morgan
Barnett

✓
✓
✓
✓
✓
A
✓

✓

Mayor Aultman

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WILLIFORD, GEARHART & KNIGHT, INC.
ENGINEERS & SURVEYORS

January 22, 2008

RECEIVED
JAN 28 2008
CITY OF CLINTON
ENGINEERING DEPARTMENT

Richard Broome, City Engineer
City of Clinton, MS
P.O. Box 156
Clinton, MS 39060

Re: Amendment to General Professional Services Agreement
City of Clinton, MS

Dear Richard:

Enclosed are two partially executed copies of a proposed annual Amendment to our existing General Professional Services Agreement with the City of Clinton, which sets forth the standard hourly billing rates that will apply to the services rendered under this Agreement during calendar year 2008. If all appears in order, please present this Amendment to your Board for approval at their next regular meeting, retain one fully executed copy for your files, and return one fully executed copy to us for our files. If you have any questions in this regard, please feel free to call on us.

Thank you for the opportunity to be of service to Clinton for the last 13 years.

Sincerely,

WILLIFORD, GEARHART & KNIGHT, INC.

A handwritten signature in dark ink, appearing to read 'Bill Owen'.

Bill Owen, P.E.
Principal

Enclosures

AMENDMENT TO GENERAL/PROFESSIONAL
SERVICES AGREEMENT DATED APRIL 19, 1994
BY AND BETWEEN CITY OF CLINTON AND
WILLIFORD, GEARHART & KNIGHT, INC.

This is an Amendment to a Agreement made this the 22nd day of January 2008, by and between the City of Clinton, P.O. Box 156, Clinton, MS 39056 (Owner) and Williford, Gearhart & Knight, Inc., Engineers & Surveyors, Post Office Box 318, Clinton, Mississippi 39056 (Engineer).

Whereas the Owner hereby employs the Engineer to perform certain professional engineering and land surveying services as may be identified from time to time, to serve as the Owner's professional representative on the services as may be authorized and to provide professional engineering consultation as may be required. The Engineer agrees to provide the professional services authorized by the Owner and the Owner agrees to compensate the engineer for the professional services rendered.

Whereas under Section 3.2 of the original agreement stated "The general services performed after calendar year 1994, shall be provided in accordance with an amendment to this Agreement setting forth such new conditions, responsibilities, duties and hourly rates as may be mutually agreed upon between the Owner and Engineer;"

Therefore the attached hourly rates will be used for General/Professional Services performed under this Agreement for Calendar Year 2008.

OWNER:
CITY OF CLINTON, MS

ENGINEER:
WILLIFORD, GEARHART & KNIGHT, INC.

Rosemary S. Aultman
Rosemary Aultman, Mayor

Bill Owen
Bill Owen, P.E., Principal

2-6-08
Date

1/25/08
Date

ATTEST:

Russell Wall
Russell Wall, City Clerk

ATTEST:

Mae Gemmell
Mae Gemmell, Administrative Manager



STANDARD HOURLY BILLING RATES
WILLIFORD, GEARHART & KNIGHT, INC.
Engineers & Surveyors
January 2008

Principal	\$160
Senior Project Engineer	145
Project Engineer	105
Senior Engineering Assistant	95
Engineer Intern	85
Project Coordinator	80
Designer	75
Engineering Assistant	65
Construction Review	65
Project Surveyor	95
Surveyor	75
Surveying Assistant	65
Technician	60
Survey Party Chief	75
Survey Crewman	30
Survey Party (Two Men)	105
Survey Party (Three Men)	135
Survey Party (Four Men)	165
Technician Assistant	35
Administrative Assistant	45
Computer Aided Design Equipment (CAD)	15
GPS Surveying Equipment	25
RTK Surveying Equipment	50
Accounting Manager	75

CITY OF CLINTON AGENDA ITEM FACT SHEET

BOARD MEETING DATE: February 5, 2008

AGENDA ITEM NO. 11

CONSENT AGENDA:

TO:

FOR:

ACCT. NO.

DISCUSSION/ACTION: Change Order #1 for the 2007 NRCS EWP Utility Protection Project

INTRODUCED BY: City Engineer Richard Broome

TELEPHONE: 601-925-6102

EXHIBITS FOR REVIEW:

Minutes
Ordinance
Resolution

Invoice
Plans, Maps
Contract

Other:

RECOMMENDATION:

BOARD ACTION:

MOTION MADE BY: Brabham

SECONDED BY: Bishop

VOTE CAST:

"AYE"

"NAY"

ACTION TAKEN:

Brabham
Hisaw
Greer
Bishop
Fisher
Morgan
Barnett

✓
✓
✓
✓
✓
A
✓

✓

Mayor Aultman

AGENDA ITEMS MUST BE TURNED IN TO THE CITY CLERK WITH ALL ATTACHMENTS NO LATER THAN 5 P.M. ON THE WEDNESDAY PRECEEDING THE TUESDAY BOARD MEETING TO BE INCLUDED ON THE AGENDA. THIS DEADLINE WILL BE STRICTLY ENFORCED.

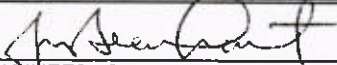
CHANGE ORDER REQUEST FORM

OWNER:	City of Clinton 300 Jefferson Street Clinton, Mississippi 39056	CHANGE ORDER NO.	ONE
PROJECT NAME:	2007 NRCS EWP UTILITY PROTECTION		
ENGINEER:	Williford Gearhart & Knight, Inc.	WGK#:	06-157
CONTRACTOR:	W S CONTSTRUCTION, LLC		
CHANGE ORDER	1/11/08	CONTRACT DATE:	December 7, 2007
REASON FOR CHANGE:	Change to extend rock rip rap ditch 30 feet at Northeast Lagoon Well Site and install a 20" Steel Slip Casing on 12" Water Main on Old Vicksburg Road Bridge Site		

YOU ARE HEREBY REQUESTED TO COMPLY WITH THE FOLLOWING CHANGES IN THE CONTRACT PLANS, SPECIFICATIONS AND CONTRACT DOCUMENTS: (USE ADDITIONAL SHEETS IF DESIRED.)

ITEM NO.	DESCRIPTION OF CHANGE(S) (QUANTITIES, ETC.)	ITEM UNIT	UNIT COST	TOTAL ELIGIBLE COST
	NORTHEAST WELL SITE			
2	Common Excavation	82 CY	1.2	98.40
3	Rock Rip Rap 200#	123 TON	50.5	6,211.50
4	Filter Fabric	133 SY	2.45	325.85
6	Concrete Grout	28 CY	112.6	3,152.80
	OLD VICKSBURG ROAD BRIDGE SITE			
A	20" Steel Split Casing	50 LF	206.65	10,231.65

TOTAL CONTRACT CHANGE		\$20,020.20
	TOTAL	TOTAL ELIGIBLE
ORIGINAL CONTRACT AMOUNT: (As Bid)		\$143,846.00
CURRENT CONTRACT AMOUNT:		\$143,846.00
THIS CONTRACT CHANGE:		\$20,020.20
REVISED CONTRACT AMOUNT:		\$163,866.20
CURRENT CONTRACT COMPLETION DATE:	January 10, 2008	January 10, 2008
TIME EXTENSION REQUIRED BY CHANGE:	20	20
REVISED CONTRACT COMPLETION DATE:	January 30, 2008	January 30, 2008

RECOMMENDED BY:	 ENGINEER: Greg A. Gearhart P.E. D.E.E. Principal	1/25/2008 DATE
ACCEPTED BY:	 CONTRACTOR:	1/27/2008 DATE
APPROVED BY:	 OWNER:	2-6-08 DATE
APPROVED BY:	NATURAL RESOURCE CONSERVATION SERVICE	DATE

CITY OF CLINTON AGENDA ITEM FACT SHEET

BOARD MEETING DATE: February 5, 2008

AGENDA ITEM NO. 12

CONSENT AGENDA:

TO:

FOR:

ACCT. NO.

DISCUSSION/ACTION: Consideration of final plat for Stoneburne IV of Bruenburg

INTRODUCED BY: City Engineer Richard Broome

TELEPHONE: 601-925-6102

EXHIBITS FOR REVIEW:

Minutes
Ordinance
Resolution

Invoice
Plans, Maps
Contract

Other:

RECOMMENDATION:

BOARD ACTION:

MOTION MADE BY: Hisaw

SECONDED BY: Brabham

VOTE CAST:

"AYE"

"NAY"

ACTION TAKEN:

Brabham
Hisaw
Greer
Bishop
Fisher
Morgan
Barnett

✓
✓
✓
✓
✓
A
✓

Mayor Aultman

AGENDA ITEMS MUST BE TURNED IN TO THE CITY CLERK WITH ALL ATTACHMENTS NO LATER THAN 5 P.M. ON THE WEDNESDAY PRECEEDING THE TUESDAY BOARD MEETING TO BE INCLUDED ON THE AGENDA. THIS DEADLINE WILL BE STRICTLY ENFORCED.

CITY OF CLINTON AGENDA ITEM FACT SHEET

BOARD MEETING DATE: February 5, 2008

AGENDA ITEM NO. 13

CONSENT AGENDA:

TO:

FOR:

ACCT. NO.

DISCUSSION/ACTION: Consideration of final plat for Stoneburne V of Bruenburg

INTRODUCED BY: City Engineer Richard Broome

TELEPHONE: 601-925-6102

EXHIBITS FOR REVIEW:

Minutes
Ordinance
Resolution

Invoice
Plans, Maps
Contract

Other:

RECOMMENDATION:

BOARD ACTION:

MOTION MADE BY: Hisaw

SECONDED BY: Bishop

VOTE CAST:

"AYE"

"NAY"

ACTION TAKEN:

Brabham
Hisaw
Greer
Bishop
Fisher
Morgan
Barnett

✓
✓
✓
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A
✓

Mayor Aultman

AGENDA ITEMS MUST BE TURNED IN TO THE CITY CLERK WITH ALL ATTACHMENTS NO LATER THAN 5 P.M. ON THE WEDNESDAY PRECEEDING THE TUESDAY BOARD MEETING TO BE INCLUDED ON THE AGENDA. THIS DEADLINE WILL BE STRICTLY ENFORCED.

CITY OF CLINTON AGENDA ITEM FACT SHEET

BOARD MEETING DATE: February 5, 2008

AGENDA ITEM NO. 14

CONSENT AGENDA:

TO:

FOR:

ACCT. NO.

DISCUSSION/ACTION: Drainage problem at Williamson and Blueberry

INTRODUCED BY: City Engineer Richard Broome

TELEPHONE: 601-925-6102

EXHIBITS FOR REVIEW:

Minutes
Ordinance
Resolution

Invoice
Plans, Maps
Contract

Other:

RECOMMENDATION:

BOARD ACTION:

MOTION MADE BY: Bishop

SECONDED BY: Brabham

VOTE CAST:

"AYE"

"NAY"

ACTION TAKEN:

Brabham
Hisaw
Greer
Bishop
Fisher
Morgan
Barnett

✓
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Mayor Aultman

AGENDA ITEMS MUST BE TURNED IN TO THE CITY CLERK WITH ALL ATTACHMENTS NO LATER THAN 5 P.M. ON THE WEDNESDAY PRECEEDING THE TUESDAY BOARD MEETING TO BE INCLUDED ON THE AGENDA. THIS DEADLINE WILL BE STRICTLY ENFORCED.

*In public interest
to protect roadway*

*approval to work
on private property
to correct a drainage*

problem

*Finding a part to
get right of entry
to correct problem.*

**RESOLUTION OF A FINDING OF FACT AUTHORIZING THE CITY'S
REPRESENTATIVES TO SEEK APPROVAL FROM THE OWNER OF
PRIVATE PROPERTY TO GO ONTO THE PRIVATE PROPERTY TO
CORRECT DRAINAGE PROBLEMS AFFECTING THE CITY'S STREETS**

WHEREAS, based on numerous Attorney General of the State of Mississippi opinions, a municipality has an affirmative responsibility to keep the streets from flooding, and to drain city streets in a manner which does not create unsafe conditions or health hazards on adjacent property or damage adjacent property through erosion or flooding; and

WHEREAS, the Attorney General of the State of Mississippi has further optioned that the governing authorities may perform work on private property adjacent to the city right-of-way with the permission of the landowner to correct unsafe conditions or to alleviate erosion or flooding which were caused by the way in which the municipality drained the city street; and

WHEREAS, this work of the municipality may include opening a new ditch, performing work on an existing ditch or repair culverts for the purpose of properly maintaining city streets

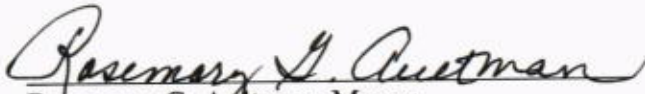
NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Aldermen of the City of Clinton, Mississippi, that after a visual inspection, and upon the consultation and recommendation of the City of Clinton Engineer and the City of Clinton Director of Public Works, the Mayor and Board of Aldermen of the City of Clinton, Mississippi do make and find consistent with the fact, that the flooding on the property adjacent to the right-of-way has been caused by the way water is draining from the city street, and do spread such finding of fact on our minutes.

BE IT FURTHER RESOLVED by the Mayor and Board of Aldermen of the City of Clinton, Mississippi that the City of Clinton should take such necessary action to correct the drainage problem at Williamson Road and Blueberry Lane and further authorize the representatives of the city to seek permission of the adjacent landowner to go onto the property to correct the problems.

Alderman Bishop moved that the foregoing Resolution be adopted. Alderman Brabham seconded the motion. The vote was as follows:

Alderman Brabham	Aye
Alderman Hisaw	Aye
Alderman Greer	Aye
Alderman Bishop	Aye
Ward 4 Alderman	Vacant
Alderman Morgan	Absent
Alderman Barnett	Aye

Approved on the 5th day of February, 2007


Rosemary G. Aultman, Mayor

ATTEST:



Russell L. Wall, City Clerk

SEAL



**CITY OF CLINTON
REGULAR MEETING OF THE MAYOR AND BOARD OF ALDERMEN
TUESDAY, FEBRUARY 5, 2008 - 7:00 P.M.
MUNICIPAL COURTROOM – 305 MONROE STREET**

WELCOME AND CALL TO ORDER Mayor Rosemary Aultman

INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG

The invocation was led by Alderman Brabham followed by the pledge of allegiance to the flag led by Alderman Hisaw.

ROLL CALL City Clerk, Russell Wall

Present: Jehu Brabham – Alderman-at-Large
 Tony Hisaw – Alderman Ward 1
 Tony Greer – Alderman Ward 2
 Mike Bishop – Alderman Ward 3
 William Barnett – Alderman Ward 6

Vacant: Alderman Ward 4

Absent: Mike Morgan – Alderman Ward 5

APPROVAL OF AGENDA ITEMS A-CC

MOTION made by Alderman Brabham and **SECONDED** by Alderman Barnett to approve the Consent Agenda Items A-CC. **MOTION CARRIED UNANIMOUSLY**

**CONDITIONAL USE – 103 HAMPSTEAD BOULEVARD – VENTURE CARWASH
AND PRELIMINARY SITE PLAN – 1023 HAMPSTEAD BOULEVARD – VENTURE
CARWASH**

Upon presentation by Gary Ward, Community Development Director, **MOTION** made by Alderman Brabham and **SECONDED** by Alderman Bishop the board approved delaying any action on these items until a committee was formed to further research and to negotiate with the owner of the business items the board is concerned with. The owner Petty Hardin had Perry Powell make a presentation to the board about signage. Alderman Greer left the meeting at 7:06 pm. Alderman Greer did not vote on these items. **MOTION CARRIED UNANIMOUSLY**

AUTHORIZE THE MAYOR TO SIGN A CONTRACT FOR \$1,500.00 WITH THE HINDS COUNTY ELECTION COMMISSION FOR USE OF VOTING MACHINES AND OTHER ELECTION SERVICES FOR THE FEBRUARY 26, 2008 SPECIAL ELECTION

Upon presentation by Rosemary Aultman, Mayor, **MOTION** made by Alderman Bishop and **SECONDED** by Alderman Barnett the board approved authorizing the Mayor to sign a contract for \$1,500.00 with the Hinds County Election Commission for the use of voting machines and other election services for the February 26, 2008 Special Election. This contract is made a part of these minutes. Alderman Greer did not vote on this item. **MOTION CARRIED UNANIMOUSLY**

ORDINANCE AMENDING THE UNNECESSARY NOISE ORDINANCE ADOPTED ON MARCH 17, 1998

Upon presentation by Don Byington, Police Chief, **MOTION** made by Alderman Brabham and **SECONDED** by Alderman Barnett the board approved an ordinance amending the unnecessary noise ordinance adopted on March 17, 1998. This amended ordinance is made a part of these minutes. Alderman Greer returned to the meeting at 7:54 pm and did vote on this item. **MOTION CARRIED UNANIMOUSLY**

WILLIFORD, GEARHART & KNIGHT, INC'S AMENDMENT TO THEIR GENERAL PROFESSIONAL SERVICE AGREEMENT WITH THE CITY OF CLINTON

Upon presentation by Richard Broome, City Engineer, **MOTION** made by Alderman Hisaw and **SECONDED** by Alderman Barnett the board approved Williford, Gearhart & Knight, Inc's amendment to their General Professional Service Agreement with the City of Clinton. This agreement is made a part of these minutes. **MOTION CARRIED UNANIMOUSLY**

CHANGE ORDER # 1 FOR THE 2007 NRCS EWP UTILITY PROTECTION PROJECT

Upon presentation by Richard Broome, City Engineer, **MOTION** made by Alderman Brabham and **SECONDED** by Alderman Bishop the board approved change order # 1 for the 2007 NRCS EWP Utility Protection Project. **MOTION CARRIED UNANIMOUSLY**

CONSIDERATION OF FINAL PLAT FOR STONEBURNE IV OF BRUENBURG

Upon presentation by Richard Broome, City Engineer, **MOTION** made by Alderman Hisaw and **SECONDED** by Alderman Brabham the board approved the final plat for Stoneburne IV of Bruenburg. **MOTION CARRIED UNANIMOUSLY**

CONSIDERATION OF FINAL PLAT FOR STONEBURNE V OF BRUENBURG

Upon presentation by Richard Broome, City Engineer, **MOTION** made by Alderman Hisaw and **SECONDED** by Alderman Bishop the board approved the final plat for Stoneburne V of Bruenburg. **MOTION CARRIED UNANIMOUSLY**

CONSIDER A RESOLUTION OF A FINDING OF FACT AUTHORIZING THE CITY'S REPRESENTATIVES TO SEEK APPROVAL FROM THE OWNER OF PRIVATE PROPERTY TO GO ONTO THE PRIVATE PROPERTY TO CORRECT DRAINAGE PROBLEMS AFFECTING THE CITY'S STREETS.

Upon presentation by Richard Broome, City Engineer, **MOTION** made by Alderman Bishop and **SECONDED** by Alderman Brabham the board approved a resolution of a finding of fact authorizing the City's representatives to seek approval from the owner of private property to go onto the private property to correct drainage problems affecting the City's streets. This resolution is made a part of these minutes. **MOTION CARRIED UNANIMOUSLY**

EXECUTIVE SESSION

MOTION made by Alderman Brabham and **SECONDED** by Alderman Barnett that the Mayor and Board of Aldermen consider entering into executive session to discuss litigation matters. **MOTION CARRIED UNANIMOUSLY**

MOTION by Alderman Bishop and **SECONDED** by Alderman Barnett that the Mayor and Board of Aldermen enter executive session to discuss litigation matters. **MOTION CARRIED UNANIMOUSLY**

The Mayor and Board of Aldermen entered executive session at 8:09 p.m. Also present in executive session were City Attorney Ken Dreher, Police Chief Don Byington and City Clerk Russell Wall. A discussion of current litigation matters occurred during the executive session. No action was taken during the executive session. **MOTION** made by Alderman Brabham and **SECONDED** by Alderman Barnett to exit executive session. **MOTION CARRIED UNANIMOUSLY.** The Mayor and Board of Aldermen exited executive session at 8:13 p.m.

ADJOURN 8: 14 P.M.

MOTION made by Alderman Brabham and **SECONDED** by Alderman Barnett to adjourn until the next regular meeting of the Mayor and Board of Aldermen to be held on February 19, 2008 at 7:00 pm. **MOTION CARRIED UNANIMOUSLY**

APPROVED: Rosemary G. Altman
Rosemary G. Altman, Mayor

February 6, 2008
Date

ATTEST: Russell L. Wall
Russell L. Wall, City Clerk

February 6, 2008
Date

