CITY OF CLINTON
REGULAR MEETING OF THE MAYOR AND BOARD OF ALDERMEN
TUESDAY, SEPTEMBER 18, 2007 - 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 Morgan followed by the pledge of allegiance to the flag led by Alderman Barnett.

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
	Mike Morgan – Alderman Ward 5
	William Barnett – Alderman Ward 6
Absent:	Phil Fisher – Alderman Ward 4

RECOGNITIONS:

Mayor Aultman announced that the Clinton Parks and Recreation Department had received two awards from the Mississippi Parks and Recreation Association. The first award was for the department's art camp and the second award was for the facility design at Brighton Park. The Mayor also announced that Ray Holloway, the Director of the Parks and Recreation Department received the Mississippi Parks and Recreation Association's professional of the year award.

APPROVAL OF AGENDA ITEMS A-Q

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

PRELIMINARY SITE PLAN FOR ZAXBY'S RESTAURANT

No action was taken on this item. Item was delayed until the next board meeting.

CONDITIONAL USE FOR NEW BIRTH CHURCH

Upon presentation by Gary Ward, Community Development Director, **MOTION** made by Alderman Hisaw and **SECONDED** by Alderman Morgan the board approved the conditional use request for New Birth Church. Alderman Greer left the meeting at 7:09 pm and returned at 7:11 pm. He did not vote on this item. A copy of the request is on file in the Community Development Department. **MOTION CARRIED UNANIMOUSLY**

CERTIFICATE OF ATTENDANCE FOR TAMRA MORGAN ATTENDING THE MUNICIPAL COURT CLERKS STATEWIDE SEMINAR

Upon presentation by Mayor Rosemary Aultman, **MOTION** made by Alderman Brabham and **SECONDED** by Alderman Barnett the board acknowledged the receipt of the Certificate of attendance for Tamara Morgan attending the Municipal Court Clerks Statewide Seminar. A copy of the certificate is attached to these minutes. **MOTION CARRIED UNANIMOUSLY**

RE-APPOINTMENT OF TOM MCMAHON TO THE PARKS AND RECREATION ADVISORY BOARD

Upon presentation by Mike Morgan, Alderman Ward 5, **MOTION** made by Alderman Morgan and **SECONDED** by Alderman Barnett the board approved the re-appointment of Tom McMahon to the Parks and Recreation Advisory Board for a 3-year term. **MOTION CARRIED UNANIMOUSLY**

APPOINTMENT OF DANNY DEYOUNG TO THE PARKS AND RECREATION ADVISORY BOARD

Upon presentation by Mike Bishop, Alderman Ward 3, **MOTION** made by Alderman Bishop and **SECONDED** by Alderman Morgan the board approved the appointment of Danny DeYoung to the Parks and Recreation Advisory Board for a 3-year term. **MOTION CARRIED UNANIMOUSLY**

RE-APPOINTMENT OF JAN COSSITT TO THE PARKS AND RECREATION ADVISORY BOARD

Upon presentation by Jehu Brabham, Alderman-at-Large, **MOTION** made by Alderman Brabham and **SECONDED** by Alderman Bishop the board approved the re-appointment of Jan Cossitt to the Parks and Recreation Advisory Board for a 3-year term. **MOTION CARRIED UNANIMOUSLY**

APPROVAL FOR THE MAYOR TO SIGN THE 2ND AMENDMENT TO THE WATER TOWER SPACE LEASE WITH CINGULAR SOUTH REAL ESTATE INC. WITH AN INCREASE IN THE LEASE AMOUNT FROM $15,900 PER YEAR TO $18,300 PER YEAR

Upon presentation by Ken Dreher, City Attorney, **MOTION** made by Alderman Greer and **SECONDED** by Alderman Braham the board gave its approval to the Mayor to sign the 2nd amendment to the Water Tower Space lease with Cingular South Real Estate Inc. with an increase in the lease amount from $15,900 per year to $18,300 per year. **MOTION CARRIED UNANIMOUSLY**

ADJOURN 7:24 P.M.

MOTION made by Alderman Brabham and **SECONDED** by Alderman Hisaw to adjourn. **MOTION CARRIED UNANIMOUSLY**

APPROVED: Rosemary G. Aultman — September 24, 2007
Rosemary G. Aultman, Mayor — Date

ATTEST: Russell L Wall — September 24, 2007
Russell L. Wall, City Clerk — Date

CITY OF CLINTON AGENDA ITEM FACT SHEET

BOARD MEETING DATE: September 18, 2007 AGENDA ITEM NO. 7.a

CONSENT AGENDA:

TO:

FOR:

ACCT. NO :

removed from agenda till next meeting

DISCUSSION/ACTION: Preliminary Site Plan
61 Highway 80
Zaxby's Restaurant

BOARD APPROVED
SEP 18 2007
CITY OF CLINTON

INTRODUCED BY: Gary Ward TELEPHONE: 924-2256

EXHIBITS FOR REVIEW:

Minutes	Invoice	Other: ______
Ordinance	Plans, Maps	______
Resolution	Contract	______

RECOMMENDATION: Planning and Zoning 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: September 18, 2007 AGENDA ITEM NO. 7.b

CONSENT AGENDA:

TO:

FOR:

ACCT. NO :

BOARD APPROVED
SEP 18 2007
CITY OF CLINTON

DISCUSSION/ACTION: Conditional Use – Public/Public-Quasi
1501 Clinton Business Park Drive
New Birth Church

INTRODUCED BY: Gary Ward TELEPHONE: 924-2256

EXHIBITS FOR REVIEW:

Minutes	Invoice	Other:
Ordinance	Plans, Maps	
Resolution	Contract	

RECOMMENDATION: Planning and Zoning recommends approval.

BOARD ACTION:

MOTION MADE BY: Hisaw

SECONDED BY: Morgan

VOTE CAST:	"AYE"	"NAY"	ACTION TAKEN:
Brabham	✓		
Hisaw	✓		
Greer	Did not vote		
Bishop	✓		
Fisher	A		
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.

Greer left at 7:09 pm
Greer returned at 7:11 pm.

Greer did not vote

<u>**PLANNING AND ZONING COMMISSION**</u>

Clinton, Mississippi
Tuesday, August 28, 2007
7:00 P.M.
Municipal Courtroom
305 Monroe Street

Minutes

Present: Jim Martin, Ottowa Carter, Ryan Tracy, Betty King, Kathy Peace, Gary Ward – Director of Community Development and Derrick Milner – Assistant City Engineer

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

Consideration and approval of July 24, 2007 Minutes.
MOTION was made by Betty King to approve the Minutes of the July 24, 2007 meeting as written. SECOND by Ryan Tracy. MOTION carried unanimously, none opposed.

New Considerations

<u>Preliminary site plan for Zaxby's Restaurant to be located in Clinton Crossing Shopping Center, 61 Highway 80</u>. Representatives present: Ben Williams

Zaxby's is proposing to build a restaurant in Clinton Crossing Shopping Center on the property adjacent to the existing Cellular South building and Shipley Donuts building. Site Plan Committee has reviewed and approved contingent on satisfying the fire hydrant location concerns of the Fire Chief. Architectural Review Committee has reviewed and approved the building.

Ben Williams, owner, stated that there is an existing fire hydrant 130 feet from the rear of the building. The Fire Chief requested a fire hydrant within 200 feet of the building. Mr. Williams also stated that there was a concern of Shipley Donuts with the location of the dumpster. Mr. Tyre had presented him with a copy of a no barrier agreement he had with previous owners. David Anderson, real estate attorney for Zaxby's, stated that the agreement was actually pertaining to ingress/egress, not site barriers.

MOTION was made by Kathy Peace to recommend to the Mayor and Board of Aldermen to approve the preliminary site plan for Zaxby's Restaurant to be located at 61 Highway 80 in Clinton Crossing Shopping Center contingent on satisfying the fire hydrant requirements requested by the Fire Chief. SECOND by Ottowa Carter. MOTION carried unanimously, none opposed.

Site plan is on file in the Community Development office.

<u>Conditional Use – Public/Public-Quasi for New Birth Church to be located at 1501 Clinton Business Park Drive.</u> Representatives present: Scott Phillips and Michael Smith.

New Birth Church is requesting a Public/Public-Quasi Conditional Use to operate a church at 1501 Clinton Business Park Drive. They are currently housed in a building located on Springridge Road they built approximately four years ago. New Birth has outgrown the current 3200 square foot building and is proposing to build a 10,000 square foot building at this site. Preliminary site plan will be brought before Planning and Zoning Commission at a later date.

MOTION was made by Kathy Peace to recommend to the Mayor and Board of Aldermen to approve the request of a Conditional Use – Public/Public-Quasi for New Birth Church to be located at 1501 Clinton Business Park Drive. SECOND by Ottowa Carter. MOTION carried unanimously, none opposed.

Adjournment

MOTION to adjourn was made by Ryan Tracy. SECOND by Ottowa Carter. MOTION was carried unanimously, none opposed.

CITY OF CLINTON AGENDA ITEM FACT SHEET

BOARD MEETING DATE: SEPTEMBER 18, 2007 AGENDA ITEM NO. 8

CONSENT AGENDA: TO:

BOARD APPROVED

SEP 18 2007

CITY OF CLINTON

FOR:

ACCOUNT NO:

INTRODUCE BY:

DISCUSSION/ACTION: Certificate of Attendance for Tamra Morgan Attending Municipal Court Clerks Statewide Seminar

INTRODUCED BY: ~~Russell Wall~~, City Clerk Mayor Aultman

BOARD ACTION:

MOTION MADE BY: Brabham

SECONDED BY: Barnett

VOTE CAST:	"AYE"	"NAY"	ACTION TAKEN:
Brabham	✓		
Hisaw	✓		
Greer	✓		
Bishop	✓		
Fisher	A		
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 GIVES THE CLERK TIME TO PREPARE THE AGENDA AND ALSO TO COPY THE AGENDA. PLEASE REMEMBER ALL OF THIS TAKES SOME TIME AND THIS IS WHY WE HAVE THIS DEADLINE. THANKS.

MISSISSIPPI JUDICIAL COLLEGE

BOARD APPROVED
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Certificate of Attendance

The University of Mississippi Law Center
Awards this Certificate to

Tamra Morgan

for having attended the

Municipal Court Clerks Statewide Seminar
Grand Casino ~ Tunica, Mississippi
September 6-7, 2007

conducted by the

Mississippi Judicial College

Program Manager

Director

CITY OF CLINTON AGENDA ITEM FACT SHEET

BOARD MEETING DATE: September 18, 2007 AGENDA ITEM NO. 9

CONSENT AGENDA: TO:

FOR:

ACCT. NO.

BOARD APPROVED
SEP 18 2007
CITY OF CLINTON

DISCUSSION/ACTION: Tom McMahon re- appointment to P&R Advisory Board

INTRODUCED BY: Mike Morgan, Alderman Ward 5 TELEPHONE:

EXHIBITS FOR REVIEW:

Minutes	Invoice	Other:
Ordinance	Plans, Maps	
Resolution	Contract	

RECOMMENDATION:

BOARD ACTION:

MOTION MADE BY: Morgan

SECONDED BY: Barnett

VOTE CAST:	"AYE"	"NAY"	ACTION TAKEN:
Brabham	✓		
Hisaw	✓		
Greer	✓		
Bishop	✓		
Fisher	A		
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: September 18, 2007 AGENDA ITEM NO. 10

CONSENT AGENDA: TO:

FOR:

ACCT. NO.

BOARD APPROVED
SEP 18 2007
CITY OF CLINTON

DISCUSSION/ACTION: Danny DeYoung appointment to P&R Advisory Board

INTRODUCED BY: Mike Bishop, Alderman Ward 3 TELEPHONE:

EXHIBITS FOR REVIEW:

Minutes	Invoice	Other:
Ordinance	Plans, Maps	
Resolution	Contract	

RECOMMENDATION:

BOARD ACTION:

MOTION MADE BY: Bishop

SECONDED BY: Morgan

VOTE CAST:	"AYE"	"NAY"	ACTION TAKEN:
Brabham	✓		
Hisaw	✓		
Greer	✓		
Bishop	✓		
Fisher	A		
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: September 18, 2007 AGENDA ITEM NO. 11

CONSENT AGENDA: TO:

FOR:

ACCT. NO.

BOARD APPROVED
SEP 18 2007
CITY OF CLINTON

DISCUSSION/ACTION: Jan Cossitt re- appointment to P&R Advisory Board

INTRODUCED BY: Jehu Brabham, Alderman-at-Large TELEPHONE:

EXHIBITS FOR REVIEW:

Minutes	Invoice	Other:
Ordinance	Plans, Maps	
Resolution	Contract	

RECOMMENDATION:

BOARD ACTION: MOTION MADE BY: Brabham

SECONDED BY: Bishop

VOTE CAST:	"AYE"	"NAY"	ACTION TAKEN:
Brabham	✓		
Hisaw	✓		
Greer	✓		
Bishop	✓		
Fisher	A		
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.

RESOLUTION APPROVING A CONDITIONAL USE FOR PUBLIC/PUBLIC-QUASI FOR THE PROPERTY AS DESCRIBED IN EXHIBIT "A", CLINTON, MISSISSIPPI

WHEREAS, New Birth Church, did file a request for a designation of the property described in exhibit "A" as a public/quasi-public facility; and,

WHEREAS, all notice requirements of the Zoning Ordinance of the City of Clinton were accomplished and a public hearing was held on August 28, 2007, as required; and,

WHEREAS, the Planning and Zoning Commission upon conclusion of the public hearing on January 28, 2007, adopted a motion to approve the request for a public/quasi-public facility 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 Philadelphia Ministries for designation of the property as described in exhibit "A" as a public/public-quasi facility 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.

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

BOARD APPROVED
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Alderman Brabham voted: YEA

Alderman Hisaw voted: YEA

Alderman Greer voted: Did not vote

Alderman Bishop voted: YEA

Alderman Fisher voted: Absent

Alderman Barnett voted: YEA

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

The foregoing ordinance was approved this the 18th day of September 2007.

CITY OF CLINTON

BY: Rosemary G. Aultman
Rosemary Aultman, Mayor

ATTEST: Russell L Wall
Russell Wall, City Clerk

(SEAL)

CITY OF CLINTON
OFFICIAL
SEAL
MISSISSIPPI

"EXHIBIT A"

A parcel of land containing 6.0 acres, more or less, and being situated in the Southwest ¼ of Section 24, Township 6 North, Range 2 West, City of Clinton, Second Judicial District of Hinds County, Mississippi, and being more particularly described by metes and bounds, as follows, to – wit:

Commence at the Northeast corner of the Northwest 1.4 of the said Section and run thence South 00 degrees 05 minutes 35 seconds West for a distance of 4,024.06 feet along the mid-line of the said Section 24 to the northwestern right of way line of the Natchez Trace Parkway; thence South 45 degrees 26 minutes 13 seconds West for a distance of 568.69 feet along the said northwesterly right of way line; thence leave said northwestern right of way line of the Natchez Trace Parkway and run South 57 degrees 51 minutes 38 seconds West for a distance of 274.18 feet along the flare in the northern right of way line of Interstate Highway No. 20; thence North 68 degrees 36 minutes 53 seconds West for a distance of 459.16 feet along the said northern right of way line of Interstate Highway 20 to the Point of Beginning for the parcel herein described; thence leave said northern right of way line and run North 21 degrees 17 minutes 51 seconds West for a distant of 575.63 feet; thence South 16 degrees 43 minutes 54 seconds West for a distance of 462.58 feet to the said northern right of way line of Interstate Highway No. 20; thence South 68 degrees 36 minutes 53 seconds East for a distance of 222.22 feet along the said northern right of way line; thence South 62 degrees 54 minutes 14 seconds East for a distance of 100.50 feet along the said northern right of way line; thence South 68 degrees 36 minutes 53 seconds East for a distance of 215.84 feet along the said northern right of way line of Interstate Highway No. 20 to the Point of Beginning.