

**CITY OF CLINTON
REGULAR MEETING OF THE MAYOR AND BOARD OF ALDERMEN
TUESDAY, JULY 17, 2001 – 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 Hisaw followed by the Pledge of Allegiance to the Flag led by Alderman Greer.

ROLL CALL - City Clerk Wayne Derrick

Present: Jehu Brabham - Alderman-At-Large
 Tony Hisaw - Alderman Ward 1
 Tony Greer - Alderman Ward 2
 Clint Brantley - Alderman Ward 3
 Herb Touchton - Alderman Ward 5
 Sharbert Lott – Alderman Ward 6
 Ken Dreher - City Attorney

Absent: Phil Fisher – Alderman Ward 4

APPROVAL OF AGENDA ITEMS A-W

MOTION made by Alderman Brantley and **SECONDED** by Alderman Touchton to approve Consent Agenda Items A-W. **MOTION CARRIED UNANIMOUSLY**

APPROVAL OF PLANNING & ZONING ITEMS A-D

A. Upon recommendation by Gary Ward, **MOTION** made by Alderman Touchton and **SECONDED** by Alderman Lott to approve request for conditional use at 406 Springridge Road by The Kroger Company to operate a fuel center, with the specifications that the columns supporting the canopy shall be brick fascia and should the fuel center be totally abandoned, The Kroger Company shall remove the fuel center and tanks. **MOTION CARRIED UNANIMOUSLY** (Resolution attached)

B. Upon recommendation by Gary Ward, **MOTION** made by Alderman Greer and **SECONDED** by Alderman Brabham to approve request to rezone 1113 Monroe Street from R-2 to C-2. **MOTION CARRIED UNANIMOUSLY** (Ordinance Attached)

C. Upon recommendation by Gary Ward, **MOTION** made by Alderman Touchton and **SECONDED** by Alderman Brabham to approve request for preliminary site plan at 406 Springridge Road for The Kroger Company. **MOTION CARRIED UNANIMOUSLY**

D. Request for preliminary subdivision plat approval for Ashford Acres Commercial Development was removed. To be considered at a later date. No action taken.

APPROVAL OF REAPPOINTMENT TO CITY OF CLINTON LIBRARY BOARD

Upon recommendation by Mayor Rosemary Aultman, **MOTION** made by Alderman Hisaw and **SECONDED** by Alderman Lott to approve reappointment of Debbie Pierce to City of Clinton Library Board beginning July 1, 2001 and ending January 1, 2004. **MOTION CARRIED UNANIMOUSLY**

APPROVAL OF REAPPOINTMENT OF DEPARTMENT HEADS

Upon recommendation by Mayor Rosemary Aultman, **MOTION** made by Alderman Brabham and **SECONDED** by Alderman Brantley to approve reappointment of the following individuals to the position stated and for each individual to continue to serve under the same terms, conditions and salaries as are currently in effect. The following individuals were voted separately and **MOTION CARRIED UNANIMOUSLY**

Police Chief – Don Byington
Fire Chief – Darrel McQuirter
City Clerk & Chief Financial Officer – Wayne Derrick
Parks & Recreational Director – Michael Taggart
Public Works Director – Tim Rogers
City Engineer – Richard Broome
Economic Development Consultant – Jim Powell
City Attorney – Ken Dreher
City Prosecutor – William Spell
Public Defender – Darren LaMarca
City Judge – Mike Parker
Judge Pro Tem – John Breland

ADJOURN 7:16 P.M.

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

APPROVED:

Rosemary G. Aultman
Rosemary G. Aultman, Mayor

7/20/01
Date

ATTEST:

W. Derrick
Wayne Derrick, City Clerk

07/20/2001
Date

SEAL:



BOARD APPROVED

CITY OF CLINTON AGENDA ITEM FACT SHEET

Board Meeting Date: July 17, 2001

Agenda Item No. 7. a

Consent Agenda:

To:

For:

Acct. No.

Discussion/Action: 406 Springridge Road (The Kroger Company)
Request for conditional use

Introduced by: Gary Ward

Telephone: 924-2239

Exhibits for Review:

Minutes _____

Invoice _____

Other: _____

Ordinance _____

Plans, Maps _____

Resolution _____

Contract _____

Recommendation: Planning and Zoning Commission recommends to deny.

Board Action:

Motion made by: Touchton

Seconded by: Lott

Vote Cast: "Aye" _____

"Nay" _____

Action Taken:

Brabham _____

Hisaw _____

Greer _____

Brantley _____

Fisher _____

Touchton _____

Lott _____

Mayor Aultman _____

(1) Brick facia

(2) Removal in boxes if
unsuccessful venture

**RESOLUTION APPROVING A CONDITIONAL USE FOR
THE KROGER STORE
LOCATED AT 406 SPRINGRIDGE ROAD, CLINTON, MISSISSIPPI**

WHEREAS, The Kroger Store did file a request for a conditional use for the property as described in Exhibit "A" to operate a fuel center; and,

WHEREAS, all notice requirements of the Zoning Ordinance of the City of Clinton were accomplished and a public hearing was held on June 26, 2001, as required; and,

WHEREAS, the Planning and Zoning Commission upon conclusion of the public hearing adopted a motion to deny 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 The Kroger Store for a conditional use for the property described in Exhibit "A" attached is 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 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. If fuel center ceases operation, all structures associated with the center's operation shall be removed by the Kroger Store, its successors, or assigns within six (6) months after the fuel center ceases to be in operation .
 - b. All support columns for canopy shall be brick. Type of material and colors shall be presented to Architectural Review Committee for its approval prior to construction.

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

Alderman Brabham voted: Aye

Alderman Hisaw voted: Aye

Alderman Greer voted: Aye

Alderman Brantley voted: Aye

Alderman Fisher voted: Aye

Alderman Touchton voted: Aye

Alderman Lott voted: Aye

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

The foregoing ordinance was approved this the 3rd day of July, 2001.

CITY OF CLINTON

BY: *Rosemary A. Aultman*
ROSEMARY AULTMAN, MAYOR

ATTEST:

Wayne Derrick
Wayne Derrick, City Clerk



Exhibit "A"

Commence at the southwest corner of Section 29, Township 6 North, Range 1 West, Hinds County, Mississippi, and run thence due east for a distance of 1,228.88 feet to a point; run thence due north for a distance of 980.16 feet to the point of intersection of the west right-of-way line of Springridge Road and the south line of the Hartwell T. Ashford property; as said property is described in the instrument recorded in Deed Book 347 at page 149 in the chancery records of Hinds County, Mississippi, said point being the point of beginning of the property described as follows:

Run thence south 15 degrees 42 minutes 31 seconds east and along the west right-of-way line of Springridge Road for a distance of 206.21 feet to a point; run thence south 04 degrees 32 minutes 57 seconds east and along the west right-of-way line of Springridge Road for a distance of 30.80 feet to an iron bar marking the northeast corner of the McDonald's Corporation property, as said property is described in the instrument recorded in deed book 2800 at page 725 in said chancery records, run thence as follows amount the northern, western, southern boundaries of the McDonald's Corporation Property as follows: Run thence north 89 degrees 48 minutes 00seconds east for a distance of 200.0 feet to an iron pin; run thence south 04 degrees 32 minutes 57 seconds east for a distance of 150.0 feet to an iron pin ; run thence south 89 degrees 48 minutes 00 seconds east for a distance of 200.0 feet to an iron pin on said west right-of-way line of Springridge Road; leaving the McDonald's Corporation Property, run thence 04 degrees 32 Minutes 57 Seconds east and along said west right-of-way line of said Springridge Road for a distance of 35.00 feet to an iron bar marking the northeast corner of the Pritchard Oil Company Property, as said property is described in an instrument recorded in deed book 2426 at page 175 in said chancery records; run thence north 89 degrees 48 minutes west and along the northern boundary of the said Pritchard Oil Company property for a distance of 668.68 feet to a point; run thence north 03 degrees 14 minutes 30 seconds west for a distance of 267.02 feet to an iron bar at the southeast corner of the Mississippi Highway Commission property, as said property is described in an instrument recorded in deed book 333 at page 310 in said chancery records; run thence north 08 degrees 53 minutes 53 seconds west along the eastern boundary of said highway commission property for a distance of 23.1 feet to an iron bar; run thence north 01 degree 20 minutes 53 seconds along said eastern boundary of said highway commission property for a distance of 206.20 feet to an iron bar marking the southwest corner of said Ashford property; run thence south 89 degrees 15 minutes 37 seconds east and along the southern boundary of said Ashford property for a distance of 597.72 feet to the point of beginning.

The above described parcel of property contains 6.635 acres, (298,027 square feet, more or less) and is located in the southwest quarter (SW 1/4) of the southwest quarter (SW 1/4) of Section 29, Township 5 North, Range 1 West, City of Clinton, First Judicial District, Hinds County, Mississippi.

CITY OF CLINTON AGENDA ITEM FACT SHEET

Board Meeting Date: July 17, 2001

Agenda Item No. 7.6

Consent Agenda:

To:

For:

Acct. No.

Discussion/Action: 1113 Monroe Street
Request to rezone from R-2 to C-2

Introduced by: Gary Ward

Telephone: 924-2239

Exhibits for Review:

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

Recommendation: Planning and Zoning Commission recommends approval.**Board Action:**Motion made by: GreerSeconded by: Brantley Brabham

<u>Vote Cast:</u>	<u>"Aye"</u>	<u>"Nay"</u>	<u>Action Taken:</u>
Brabham	_____	_____	_____
Hisaw	_____	_____	_____
Greer	_____	_____	_____
Brantley	_____	_____	_____
Fisher	<u>Absent</u>	_____	_____
Touchton	_____	_____	_____
Lott	_____	_____	_____
Mayor Aultman	_____	_____	_____

BOARD APPROVED

Zoning Action Application

Request for:

- ☒ Rezoning
☐ Dimensional Variance
☐ Conditional Use (Special Exception)

Owner's Name Clinton Body Shop Phone # 924-2159
Address 1115 Monroe St.
Clinton, ms 39056

Property Address _____
Current Zoning _____ Requested Change C-

Date of Public Hearing before Planning & Zoning Commission 6-26-01
Date of Mayor & Board of Aldermen Meeting 7-17-01

Requirements of Applicant: (General Guidelines Only)

1. Letter stating reason for request.
2. Copy of the written legal description.
3. Site plan or plat of property.
4. Identification of property owners within 160 feet of subject property (*required for rezoning request only*).
5. \$250.00 fee required for processing.

PLEASE NOTE: APPLICANT IS RESPONSIBLE FOR COMPLYING
WITH ALL APPLICABLE REQUIREMENTS OF THE
ZONING ORDINANCE.

Applicant shall be present at both the Planning & Zoning Commission and Mayor/ Board of Aldermen meetings. Documents shall be submitted thirty (30) days prior to public hearing before the Planning and Zoning Commission.

By signing the application, it is understood and agreed that permission is given to the Zoning Administrator to have a sign erected on said property, giving notice to the public that said property is being considered for zoning action.

John E. Mosley 6-12-01
Signature Date

BOARD APPROVED

TO WHOM IT MAY CONCERN,

THE PURPOSE OF THE REQUEST FOR REZONING IS TO ENABLE US TO USE THE BUILDING ON THIS PROPERTY FOR A REAL ESTATE BUSINESS. WE ASK THAT YOU CONSIDER THIS AS SEVERAL PIECES OF PROPERTY ON MONROE STREET HAVE BEEN REZONED TO COMMERCIAL IN THE RECENT MONTHS. THE RECENT REZONINGS INCLUDE THE CORNER OF MONROE AND CYNTHIA, CHARLIE MIDDLETON'S PROPERTIES WHICH ARE SOUTH OF MONROE AND CYNTHIA AND OTHER PIECES ON BOTH SIDES OF MONROE BETWEEN CYNTHIA AND THE RAILROAD TRACK.

THANKS- JOHN E. MOSLEY

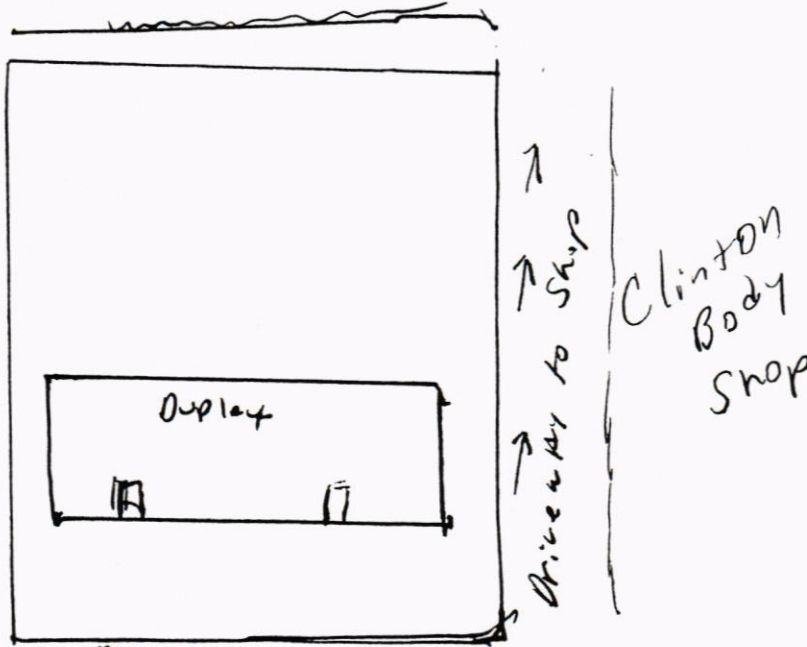
BOARD APPROVED

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Hinds County Landroll

Parcel Number	Map Reference Number
2861-62	66.11 1 17 00
Subdivision No.	
STR	
Assessed Owner	Assessed Values
CLINTON BODY SHOP INC	Land Value 1,350
1115 N MONROE ST	Improvement Value 3,761
CLINTON MS 39056	Total 5,111
Location	Appraised Values
1113 N MONROE ST	Land Value 9,000
Legal Description	Improvement Value 25,070
75 FT W/S ST X 142.3 FT E & W ON N/S	Total 34,070
BEG 440	Building Info.
FT N OF CYNTHIA RD IN SW 1/4 NW 1/4	Type DUP
SEC 20 T6	Base Area 1,320
RTW CITY OF CLINTON	Adjusted Area 1,508
	Year Built 1960
	Deed Info
	Book & Page 4622-0424
	Date 06/07/1996

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OFFICIAL FORM

AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CLINTON, HINDS COUNTY, MISSISSIPPI AMENDING THE OFFICIAL ZONING ORDINANCE AND ZONING MAP OF THE CITY OF CLINTON, MISSISSIPPI FOR THE PROPERTY LOCATED AT 1113 MONROE STREET, AND AS DESCRIBED IN EXHIBIT "A" FROM R-2 TO C-2

WHEREAS, John Mosely, dba Clinton Body Shop (the "Applicant") did file a petition to Rezone certain property from its present R-2 use district classification to a C-2 use district classification: and,

WHEREAS, a public hearing, pursuant to Section 2406.05 of the Zoning Ordinance of the City of Clinton, Mississippi, was set for the 26th day of June, 2001, at 7:00 o'clock P.M.; and,

WHEREAS, the City of Clinton did cause notice of said hearing to be published in the *Clarion Ledger*, a newspaper published in Hinds County, Mississippi, in the manner and for the time required by law, and did post notice upon the affected property in the manner and for the time required by law; and,

WHEREAS, at the time, date and place specified in the Notice, the Planning Commission of the City of Clinton, Mississippi, did conduct a full and complete hearing, and thereafter, did recommend the petition of the applicants be approved, pursuant to Section 2406 of the Zoning Ordinance; and,

WHEREAS, the matter was presented to the Mayor and Board of Aldermen of the City of Clinton, along with the recommendation of the Planning Commission, as shown in minutes of said minutes and exhibits attached thereto, and after discussion thereof, Alderman GREER offered the following ordinance and moved that it be adopted, to-wit;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Clinton, Hinds County, Mississippi as follows, to-wit:

Section 1. That the matters and facts stated in the preamble hereof are found to be true and correct.

Section 2. That this matter was presented as required by Section 2406 of the City of Clinton Zoning Ordinance and the Mayor and Board of Aldermen hereby find that this request meets the requirements of Section 2406.03(a) Criteria for Rezoning, the Mayor and Board of Aldermen specifically finding that the character of the neighborhood has changed to such an extent as to justify reclassification and that there is a public need for additional general commercial district within the City of Clinton.

Section 3. That pursuant to Article XV of the Zoning Ordinance, the proposed facility shall be "C-2, General Commercial District".

Section 4. That the following described tract of real property be, and the same is, hereby rezoned from its present R-2 use district classification to C-2 use district classification and that said rezoning is consistent with the current Comprehensive Plan of the City of Clinton, to-wit:

A tract of land situated in the City of Clinton, the First Judicial District of Hinds County, Mississippi and more completely described in Exhibit "A" attached hereto and made a part thereof.

Section 5. That the City of Clinton Zoning Ordinance be, and the Official Zoning Map be, and the same hereby are, amended to reflect the foregoing change in the zoning of the above-described real property.

Section 6. That this ordinance shall take effect thirty days from and after passage.

ORDAINED, ADOPTED AND APPROVED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CLINTON, MISSISSIPPI, at a meeting thereof held on the 17TH day of July, 2001.

A Motion for adoption was seconded by Alderman BRABHAM
and the foregoing ordinance having been first reduced to writing, and no request
being made by the Mayor or any member of the Board of Aldermen that the
Ordinance be read by the City Clerk, before any vote was taken, it was submitted
to the Board of Aldermen for the passage or rejection on roll call vote upon the
vote being as follows, to-wit:

Alderman Brabham voted:	<u>YES</u>
Alderman Hisaw voted:	<u>YES</u>
Alderman Greer voted:	<u>YES</u>
Alderman Brantley voted:	<u>YES</u>
Alderman Fisher voted:	<u>ABSENT</u>
Alderman Touchton voted:	<u>YES</u>
Alderman Lott voted:	<u>YES</u>

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

The foregoing ordinance was approved this the 7TH day of July, 2001.

CITY OF CLINTON

BY: Rosemary J. Aultman
ROSEMARY AULTMAN, Mayor

ATTEST:

Wayne Derrick
WAYNE DERRICK, City Clerk

(S E A L)

Legal Description
For 1113 N. Monroe Street

Exhibit "A"

Begin 440 feet north of Cynthia Street – 75 feet west side x 142.3 on north of street; southwest $\frac{1}{4}$ of northwest $\frac{1}{4}$ Section 20. T6N R1W, City of Clinton, Mississippi

AKA – 1113 North Monroe Street

CITY OF CLINTON AGENDA ITEM FACT SHEET

Board Meeting Date: July 17, 2001

Agenda Item No. 7.C

Consent Agenda:

To:

For:

Acct. No.

Discussion/Action: 406 Springridge Road (The Kroger Company)
Request for preliminary site plan approval

Introduced by: Gary Ward

Telephone: 924-2239

Exhibits for Review:

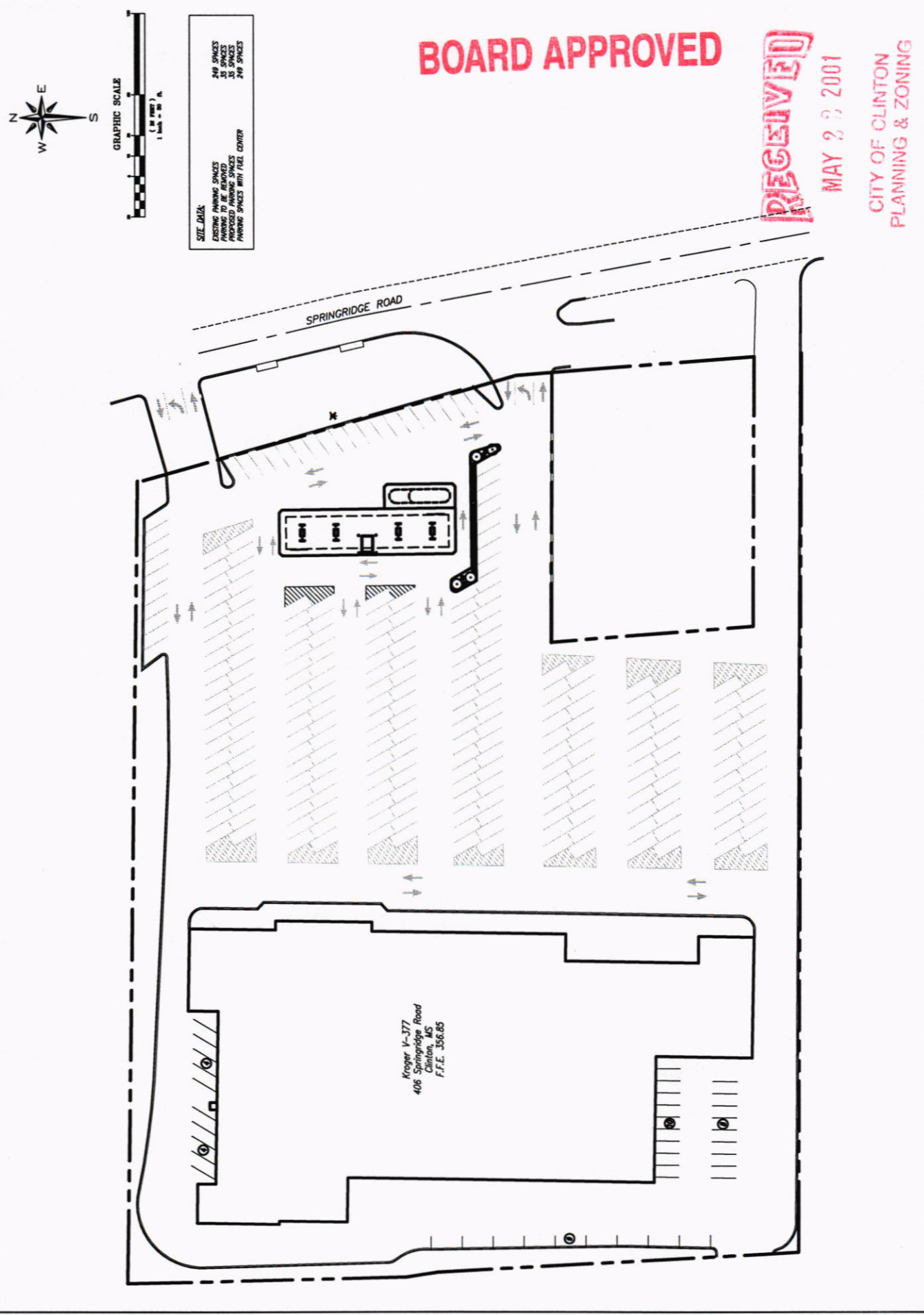
Minutes _____	Invoice _____	Other: _____
Ordinance _____	Plans, Maps _____	_____
Resolution _____	Contract _____	_____

Recommendation:Board Action:

Motion made by: Touchton
Seconded by: Brabham

Vote Cast: "Aye" "Nay" Action Taken:

Brabham	<u>I</u>	_____	_____
Hisaw	<u>I</u>	_____	_____
Greer	<u>I</u>	_____	_____
Brantley	<u>I</u>	_____	_____
Fisher	<u>Absent</u>	_____	_____
Touchton	<u>I</u>	_____	_____
Lott	<u>I</u>	_____	_____
Mayor Aultman	_____	_____	_____



CITY OF CLINTON AGENDA ITEM FACT SHEET

Board Meeting Date: July 17, 2001

Agenda Item No. 9.

Consent Agenda:	To:
For:	Account:

Discussion/Action: Reappointment of Department Heads	
Introduced by: Mayor Rosemary Aultman	Telephone:

Exhibits for Review:

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

Recommendation:

Board Action:

Motion made by: Brabham

Seconded by: Brantley

<u>Vote Cast:</u>	<u>"Aye":</u>	<u>"Nay":</u>	<u>Action Taken:</u>
Brabham	_____	_____	_____
Hisaw	_____	_____	_____
Greer	_____	_____	_____
Brantley	_____	_____	_____
Fisher	<u>Absent</u>	_____	_____
Touchton	_____	_____	_____
Lott	_____	_____	_____
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.