

CITY OF CLINTON
REGULAR MEETING OF THE MAYOR AND BOARD OF ALDERMEN
TUESDAY, OCTOBER 6, 1998 - 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 Lott followed by the Pledge of Allegiance to the Flag led by Alderman Brabham and the pack 88 Boy Scout Troop

ROLL CALL - City Clerk Nelson Byrd

Present: Jehu Brabham - Alderman-At-Large
Tony Hisaw - Alderman Ward 1
Rodney DePriest - Alderman Ward 2
Clint Brantley - Alderman Ward 3
Herb Touchton - Alderman Ward 5
Sharbert Lott - Alderman Ward 6
Ken Dreher - City Attorney
Nelson Byrd - City Clerk

Absent: Phil Fisher - Alderman Ward 4

APPROVAL OF CONSENT AGENDA ITEMS A-CC

MOTION made by Alderman Brantley and **SECONDED** by Alderman Lott to approve Consent Agenda Items A-CC with the exception of item "I" listed on page 780 of this Minute Book Z. Items C and D will serve to advertise favorably the opportunities, possibilities, and resources of the City of Clinton. Quotes listed in item F and O may be found in the office of the City Clerk. Certificates for item CC may be found on pages 782-783. **MOTION CARRIED UNANIMOUSLY**

APPROVAL OF PRELIMINARY SITE PLAN FOR BACKYARD BURGERS

MOTION made by Alderman Touchton and **SECONDED** by Alderman Brabham to accept the recommendation from planning & Zoning for approval of the preliminary site plan from Backyard Burgers. **MOTION CARRIED UNANIMOUSLY**

APPROVAL OF PRELIMINARY SITE PLAN FOR TRUSTMARK BANK

MOTION made by Alderman Touchton and **SECONDED** by Alderman Brantley to accept the recommendation from planning & zoning to approve the preliminary site plan for Trustmark Bank at the corner of Pinehaven and Northside Dr. **MOTION CARRIED UNANIMOUSLY**

APPROVAL OF SIGN AT 205 E. MAIN

MOTION made by Alderman Brabham and **SECONDED** by Alderman Brantley to accept the recommendation from the Historical Preservation Commission and Planning and Zoning to approve the request from Randy Mascagni to erect a sign at 205 E. Main St. **MOTION CARRIED UNANIMOUSLY**

APPROVAL OF HOUSE RENOVATION AT 109 LANDRUM ST.

MOTION made by Alderman Touchton and **SECONDED** by Alderman Brantley to accept the recommendation from the Historical Preservation Commission and Planning and Zoning to approve the request from Brad and Donna Baker to renovate the house located at 109 Landrum St. **MOTION CARRIED UNANIMOUSLY**

PUBLIC HEARING SET OCTOBER 27, 1998, TO AMEND ZONING ORDINANCE

MOTION made by Alderman Lott and **SECONDED** by Alderman Brantley to set a public hearing on October 27, 1998, to amend section 2101.02(c)(2) of the zoning ordinance on parking regulations at restaurants. **MOTION CARRIED UNANIMOUSLY**

RESOLUTION ON UNCLEAN PROPERTY APPROVED

Upon recommendation of Zoning Administrator Gary Ward, **MOTION** made by Alderman Brabham and **SECONDED** by Alderman Hisaw to approve that Resolution found on pages 784-787 to clean the property at parcel 2860-505-380 (W. Northside Dr.) **MOTION CARRIED UNANIMOUSLY**

NO BOARD ACTION ON PROPERTY AT 401-B LINDALE

Upon recommendation of City Attorney Ken Dreher, there was NO BOARD ACTION on 401-B Lindale until the property owners are notified.

RECESS FOR REFRESHMENTS WITH MAIDS AND MATRONS

Refreshments provided by the Maids and Matrons Club were enjoyed during a recess from 7:20 to 7:35 p.m.

APPROVAL OF GENERAL INSURANCE PROPOSAL FOR 98/99

Upon recommendation of Sam Bryson, **MOTION** made by Alderman Brantley and **SECONDED** by Alderman Hisaw to approve the general insurance proposal of Zurich Insurance for 1998-1999. **MOTION CARRIED UNANIMOUSLY**. Copy of said proposal can be found in the office of the City Clerk.

APPROVAL OF FINAL PLATS FOR BRUENBURG

Upon recommendation of City Engineer Richard Broome, **MOTION** made by Alderman Hisaw and **SECONDED** by Alderman Lott to approve Final Plats for Dunton Hill of Bruenburg, Bellemeade I of Bruenburg, Stonebridge I of Bruenburg, Primrose Landing of Bruenburg, and Cowles Creek of Bruenburg. **MOTION CARRIED UNANIMOUSLY**

RESOLUTION APPROVED FOR EMINENT DOMAIN-PARCEL 30 CLINTON PARKWAY

MOTION made by Alderman Touchton and **SECONDED** by Alderman Brabham to adopt that Resolution found on pages 788-792 of this minute book Z authorizing the City to file eminent domain on parcel 30 of the Clinton Parkway Project. **MOTION CARRIED UNANIMOUSLY**

APPROVAL OF CONSULTANTS FOR HOBBY FARMS/CLINTON-RAYMOND CDBG

MOTION made by Alderman Hisaw and **SECONDED** by Alderman Brabham to approve the recommendation of the members of the selection committee for City of Clinton's 1998 CDBG Program found on page 793 of this minute book Z. **MOTION CARRIED UNANIMOUSLY**

CONTRACT WITH JACKSON COCA-COLA EXTENDED FOR PARKS & RECREATION

MOTION made by Alderman Brantley and **SECONDED** by Alderman Touchton to approve a three-year extension of a contract with Jackson Coca-Cola bottling Company signed March 8, 1994. Copy of Agreement Renewal can be found on page 794 of this minute book Z. **MOTION CARRIED UNANIMOUSLY**

ADJOURN 7:51 p.m.

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

Copy of Agenda can be found on pages 780-781 of this Minute Book Z.

APPROVED: Rosemary G. Aultman October 9, 1998
Rosemary G. Aultman, Mayor Date

ATTEST: Nelson Byrd October 9, 1998
Nelson Byrd, City Clerk Date

SEAL:

8-1

RESOLUTION

There came on for public hearing before the Mayor and Board of Aldermen of the City of Clinton, Mississippi, the matter of unclean property located at Parcel 2860-505-380 (West Northside Drive), Clinton, Mississippi, and after full consideration of the matter, Alderman Brabham offered the following Resolution:

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CLINTON, MISSISSIPPI, DETERMINING THE NECESSITY FOR THE CLEANING OF PRIVATE PROPERTY LOCATED AT Parcel 2860-505-380 (West Northside Drive), CLINTON, MISSISSIPPI, UNDER THE AUTHORITY GRANTED TO MUNICIPALITIES BY §21-19-11, MISSISSIPPI CODE OF 1972, AS AMENDED, AND OTHER APPLICABLE STATUTES AND ORDINANCES.

WHEREAS, it has come to the attention of the Mayor and Board of Aldermen that the property located at Parcel 2860-505-380 W. Northside Dr., Clinton, Mississippi, may constitute a menace to the public health and safety of the community because of its present condition and state of uncleanliness; and

WHEREAS, notice was given to the owner of said property as required by §21-19-11 of the Miss. Code of 1972, as amended, of a public hearing on this matter; and

WHEREAS, a public hearing was held at 7:00 p.m., October 6, 1998, at the Municipal Room of the Public Safety Complex, 305 Monroe Street, Clinton, Mississippi; and

WHEREAS, based upon the information and evidence provided at said public hearing, the Mayor and Board of Aldermen of the City of Clinton, Mississippi, has determined that this property, in its present condition and state of uncleanness, constitutes a menace to the public health and safety of the community and does adjudicate said property in its present condition to be a menace to the public health and safety of the community. The Director of the Public Works Department is directed to take such action as appropriate under §21-19-11 of the Miss. Code of 1972, as amended, and other applicable statutes and ordinances, to use municipal employees or, by contract, clean the property by cutting weeds, removing rubbish and dilapidated buildings and other debris.

NOW BE IT RESOLVED, by the Mayor and Board of Aldermen of the City of Clinton, Mississippi, as follows:

1. It is hereby adjudicated that the property located at Parcel 2860-505-380 (West Northside Drive), Clinton, Mississippi, in its present condition, constitutes a menace to the public health and safety of the community.
2. The Director of Public Works is hereby directed to take such action as appropriate under §21-19-11, Miss. Code of 1972, as amended, and other applicable statutes and ordinances, to clean the property by cutting weeds, removing rubbish and dilapidated buildings and debris.

3. The Director of Public Works is hereby directed that upon completion of this cleaning that he advise the Mayor and Board of Aldermen of the City of Clinton, Mississippi, of the actual costs incurred in cleaning the property so that the Mayor and Board of Aldermen for the city of Clinton, Mississippi may adjudicate the costs of such action and impose such penalty as it adjudicates, all as provided by under §21-19-11, Miss. Code of 1972, as amended, and other applicable statutes and ordinances.

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

Alderman Brabham voted:	<u>Aye</u>
Alderman Hisaw voted:	<u>Aye</u>
Alderman DePriest voted:	<u>Aye</u>
Alderman Brantley voted:	<u>Aye</u>
Alderman Fisher voted:	<u>Absent</u>
Alderman Touchton voted:	<u>Aye</u>
Alderman Lott voted:	<u>Aye</u>

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

The foregoing Resolution was approved this the 6th day of October, 1998.

CITY OF CLINTON

BY: Rosemary A. Aultman
ROSEMARY AULTMAN, Mayor

ATTEST:

Nelson Byrd
NELSON BYRD, City Clerk

(S E A L)

CLEAN.RES .
3/3/98-MMH

11.

**RESOLUTION AUTHORIZING THE CONDEMNATION
OF A RIGHT OF WAY FOR THE
CLINTON NORTH-SOUTH CONNECTOR PROJECT**

WHEREAS, it has been reported to the Mayor and Board of Aldermen of the City of Clinton, State of Mississippi, that the attempt to obtain the right-of-way required for construction, expansion, maintenance and repair of the Clinton North-South Connector Project, has been unsuccessful, and condemnation proceedings will have to be instituted in order to acquire the right-of-way across certain land because of the failure of efforts to enter into a voluntary agreement with Joe H. Treloar and Mary H. Treloar for a road right-of-way running from the South to the North through their property located in the Northeast corner of Section 29, Township 6 North, Range 1 West, Clinton, First Judicial District of Hinds County, Mississippi; and

WHEREAS, it is necessary to obtain this right-of-way for construction of the Clinton North-South Connector Project to improve access and safe passage on the roadways of Clinton and the long range transportation plans of the City of Clinton, Mississippi; and

WHEREAS, the Mayor and Board of Aldermen of the City of Clinton, Mississippi, have previously found and determined that the Clinton North-South Connector Project will be necessary to promote the health, safety, and welfare of the citizens of the City of Clinton, Mississippi.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Board of Aldermen of the City of Clinton, Mississippi, hereby direct its legal counsel to prepare the necessary documents to present a Complaint in Condemnation to the Special Court of Eminent Domain of the First Judicial District of Hinds County, Mississippi, against Joe H. Treloar and Mary H. Treloar for the condemnation of a right-of-way on the land mentioned above, such right-of-way being more particularly described as found in the document attached hereto as Exhibit "A"; and be it further,

RESOLVED, that if necessary, the Mayor of the City of Clinton, Mississippi, is hereby authorized to sign and verify such complaint; and be it further,

RESOLVED, that legal counsel be and it is hereby authorized and directed to commence any and all proceedings necessary for the condemnation of such right-of-way, to include the employment of appropriate expert witnesses to give testimony concerning the location and value of the property to be obtained; and be it further,

RESOLVED, that the City of Clinton, Mississippi, and its citizens will suffer irreparable harm and delay by exercising the right to condemn the property through eminent domain proceedings pursuant to Mississippi Code Annotated, Sections 11-27-1 through 11-27-49, as opposed to claiming the right of immediate possession of said property pursuant to Sections 11-27-81 through 11-27-89; and be it further,

RESOLVED, that legal counsel is hereby authorized to pursue condemnation pursuant to the rights of immediate possession provided by Mississippi Code Annotated Section 11-27-81, et seq., necessitous circumstances having been hereby found.

SIGNED, this the 6th day of October, 1998.

CITY OF CLINTON, MISSISSIPPI

BY: Rosemary J. Aultman
ROSEMARY AULTMAN, Mayor

ATTEST:

Nelson Byrd
NELSON BYRD, City Clerk

TRELOAR.R2
10/6/98-MMH

PARCEL 30

JOE H. TRELOAR
D.B. 1664 PG. 115
D.B. 2638 PG. 113

REQUIRED RIGHT-OF-WAY

Commencing at the northeast corner of Section 29, Township 6 North Range 1 West, as marked by a found 1/2" iron pin, go North 00° 00' 00" West, a distance of 2,684.46 feet; thence North 90° 00' 00" West, a distance of 3,901.33 feet to the point of intersection of the South line of grantors property with the Easterly right-of-way line of the Proposed Clinton Parkway, Project No. STP-7312(2), that is 60.00 feet Easterly of and measured perpendicularly to the Centerline at Survey Station 69+27.74, also being located on the Northerly right-of-way line of Cynthia Road (60 foot right-of-way) as it is now laid and exists March 28, 1995, and Point of Beginning. From said point of beginning run thence North 89° 25' 36" West, a distance of 37.39 feet along the northerly right-of-way line of Cynthia Road to the Easterly right-of-way line of Livingston Road (50 foot right-of-way) as it is now laid out and exists March 28, 1995; thence along the Easterly right-of-way line of Livingston Road the following bearings and distances:

North 01° 12' 04" East, a distance of 49.89 feet;
North 01° 06' 59" East, a distance of 39.78 feet;
North 01° 13' 53" East, a distance of 40.03 feet;
North 00° 52' 18" East, a distance of 39.70 feet;
North 02° 25' 19" East, a distance of 39.81 feet;
North 02° 57' 01" East, a distance of 17.67 feet;
(Livingston Road right-of-way width varies at this point)
South 87° 12' 49" East, a distance of 22.10 feet;
North 04° 36' 32" East, a distance of 108.83 feet to the Southerly right-of-way line of Northside Drive (varying right-of-way width due to intersection flare) as it is now laid out and exists March 28, 1995;

Thence along said Southerly right-of-way line North 72° 43' 57" East, a distance of 18.81 feet to a point on the proposed Easterly right-of-way line of Clinton Parkway Project No. STP-7312(2); said

Exhibit A

point being on a curve having a central angle of $11^{\circ} 12' 28''$ to the left, a radius of 664.92 feet and a chord bearing of South $06^{\circ} 22' 39''$ West and a chord distance of 129.86 feet, thence along the arc of said curve a distance of 130.07 feet to a point of tangency; thence South $00^{\circ} 46' 25''$ West, a distance of 211.12 feet to the Northerly right-of-way line of Cynthia Road and the point of beginning and being situated in and a part of the Northwest 1/4 of Section 20, Township 6 North, Range 1 West, City of Clinton, First Judicial District, Hinds County, Mississippi.

The above described required right-of-way contains 0.224 acres, (9,740 square feet), more or less, and is more particularly shown on a plat by ABMB Engineers, Inc. dated November 21, 1997, said plat attached and made a part hereof.



SELECTION COMMITTEE FOR CITY OF CLINTON'S 1998 CDBG PROGRAM

Members of Selection Committee:

Mayor Rosemary G. Aultman
Alderman-at-Large - Jehu Brabham
Alderman Ward 1 - Tony Hisaw
Alderman Ward 3 - Clint Brantley
City Engineer - Richard Broome (non-voting)

Recommendations:

<u>Function</u>	<u>Firm</u>
Project Administrator	Sample and Associates, Inc.
Project Attorney	Pyle, Dreher, Mills & Dye, P.A.
Appraiser	Horton Land Company
Review Appraiser	Clark Appraisal Services
Project Engineer	Alford Engineering

AGREEMENT RENEWAL

This agreement is a three-year extension of present contractual agreement between the City of Clinton and Jackson Coca-Cola Bottling Company, signed March 8, 1994 (Exhibit I). The contract will then expire March 8, 2001. All terms remain as is, with the inclusion of an annual cash sponsorship fees of Fifteen Hundred Dollars (\$1500), payable to the City of Clinton as support of the city's sports Fourplex.

Jackson Coca-Cola Bottling Company will have the Rights of First Negotiation and Refusal upon expiration of this agreement for any similar agreement regarding Beverage availability, merchandising, promotional or advertising rights.

The City of Clinton agrees that the amount of Sponsorship Fees provided to City by Sponsor under this Agreement will be kept confidential by City, its agents, employees and representatives and, except as may be required by law, will not be disclosed in any manner whatsoever, in whole or in part, by City or its agents, employees or representatives without the prior written consent of Sponsor. The foregoing obligation regarding confidentiality shall remain in effect for a period of three (3) years after the expiration of this Agreement.

IN WITNESS WHEREOF, the undersigned have caused this Agreement to be duly executed.

CITY OF CLINTON

Mayor's Office
300 Jefferson
Clinton, MS 39056

COCA-COLA ENTERPRISES, INC.
D/b/a JACKSON COCA-COLA BOTTLING
P.O. Box 2397/1421 Hwy 80 W
Jackson, MS 39225-2397

ROSEMARY AULTMAN
Printed Name

Rosemary A. Aultman OCT. 6, 1998
Signature Date

MAYOR
Title

Printed Name

Signature Date

Title





cc
BOARD APPROVED

Certificate of Attendance

The University of Mississippi Law Center
Awards this Certificate to

Anita Wray

for having attended the

Municipal Court Clerks Fall Statewide Seminar
Crowne Plaza ~ Downtown Jackson, Mississippi

September 10-11, 1998

conducted by the

Mississippi Judicial College

Linda E. Beasley *Leslie D. Johnson*
Program Manager Director

Certificate of Attendance

Awarded To

ANITA Wray

*For their attendance at the
Municipal Court Clerk's Seminar
Biloxi, Mississippi - June 29-30, 1998*

Given this 30th day of June, 1998

Charlotte Lenta

BOARD APPROVED

cc