

CITY OF CLINTON
REGULAR MEETING OF THE MAYOR AND BOARD OF ALDERMEN
TUESDAY, JUNE 15, 1999 - 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 Nelson Byrd

Present: Jehu Brabham - Alderman-At-Large
 Tony Hisaw - Alderman Ward 1
 Rodney DePriest - Alderman Ward 2
 Clint Brantley - Alderman Ward 3
 Phil Fisher - Alderman Ward 4
 Herb Touchton - Alderman Ward 5
 Sharbert Lott - Alderman Ward 6
 Ken Dreher - City Attorney
 Nelson Byrd - City Clerk

APPROVAL OF CONSENT AGENDA ITEMS A-P

MOTION made by Alderman Brantley and **SECONDED** by Alderman Brabham to approve Consent Agenda Items A-P listed on page 111 of this Minute Book AA. Item E will serve to advertise favorably the opportunities, possibilities, and resources of the City of Clinton.

MOTION CARRIED UNANIMOUSLY

RECOGNITIONS

Alderman Lott explained and discussed the Character Trait of the Month - RESPONSIBILITY.

APPROVAL OF RESOLUTION FOR A CONDITIONAL USE FOR COMMUNISITE TOWER RENTALS AT 1438 N. FRONTAGE ROAD

MOTION made by Alderman Hisaw and **SECONDED** by Alderman DePriest to adopt that Resolution found on pages 112-114 of this Minute Book AA that approves a conditional use for a designation of Public/Quasi-Public Facility and Utility for Communisite Tower Rentals, Inc. for property located at 1438 N. Frontage Road. **MOTION CARRIED 4-3** with Aldermen Brabham, Brantley, and Fisher voting "NO".

APPOINTMENT OF ARCHITECTURAL REVIEW COMMITTEE

Mayor Aultman presented the following names to be considered by the Board as candidates for the City of Clinton Architectural Review Committee: Bill Campbell (Chairman of Planning & Zoning), Gary Ward (Zoning Administrator), Dale Baker (Building Inspector), Debbie O'Neal (Design Specialist), and George Ewing (Landscape Architect). **MOTION** made by Alderman Brabham and **SECONDED** by Alderman Fisher to approve the committee as presented to serve for unspecified terms at the will and pleasure of the Mayor and Board. **MOTION CARRIED UNANIMOUSLY**

ADJOURN 7:22 p.m.

MOTION made by Alderman Fisher and **SECONDED** by Alderman Touchton to adjourn
MOTION CARRIED UNANIMOUSLY

Copy of Agenda can be found on page 111 of this Minute Book AA.

APPROVED:

Rosemary G. Aultman
Rosemary G. Aultman, Mayor

Date

June 17, 1999

ATTEST:

Nelson Byrd
Nelson Byrd, City Clerk

Date

June 17, 1999

SEAL:



**RESOLUTION APPROVING A CONDITIONAL USE FOR A
DESIGNATION OF PUBLIC/QUASI-PUBLIC FACILITY AND
UTILITY FOR COMMUNISITE TOWER RENTALS, INC. FOR
PROPERTY LOCATED AT 1438 N. FRONTAGE ROAD**

WHEREAS, Communisite Tower Rentals, Inc. did file a request for a designation of the property described in Exhibit "A" attached hereto as a public/quasi-public facility and utility; and,

WHEREAS, all notice requirements of the Zoning Ordinance of the City of Clinton were accomplished and a public hearing was held on February 23, 1999, as required; and,

WHEREAS, the Planning and Zoning Commission upon conclusion of the public hearing on February 23, 1999, adopted a motion to approve the request for a public/quasi-public facility and utility 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 Communisite Tower Rentals, Inc. for designation of the property described in Exhibit "A" attached as a public/quasi-public facility and utility 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.

Designation is hereby granted with the following conditions:

1. Maximum height of 250 feet including tower, antennas and/or lightning rods.
2. Capable of accommodating six wireless communication carriers. *Wireless communications shall mean any personal wireless services as defined in the Telecommunications Act of 1996, which includes FCC licensed commercial wireless telecommunications services including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging and similar services that currently exist.*
3. Tower shall be located a minimum of 1000 feet from the Natchez Trace right-of-way.

4. Tower shall be removed from property if no longer utilized.
5. Tower will be utilizing dual lighting system, strobe during daylight hours and red during night hours, as permitted by FAA. Lights to be shielded.

The foregoing Resolution, having been reduced to writing,

Aldermen HISAW moved that said Resolution be adopted.

Alderman DEPRIEST seconded. The vote was as follows:

Alderman Brabham voted: NO

Alderman Hisaw voted: YES

Alderman DePriest voted: YES

Alderman Brantley voted: NO

Alderman Fisher voted: NO

Alderman Touchton voted: YES

Aldermen Lott voted: YES

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

The foregoing ordinance was approved this the 15TH day of JUNE, 1999.

CITY OF CLINTON

BY:

Rosemary G. Aultman
Rosemary Aultman, Mayor

ATTEST:

Nelson Byrd
Nelson Byrd, City Clerk

(SEAL)