

**REGULAR MEETING OF THE MAYOR AND BOARD OF ALDERMEN
TUESDAY, DECEMBER 2, 1997, 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 Brantley followed by the Pledge of Allegiance to the Flag led by Mayor Aultman.

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

 City Attorney - Ken Dreher
 City Clerk - Nelson Byrd

Absent - Phil Fisher - Alderman Ward 4

RECOGNITIONS:

INTRODUCTION OF NEW POLICE OFFICERS

Police Chief Don Byington introduced Bill Messina and Derrick McClung as the City of Clinton's newest police officers.

APPROVAL OF CONSENT AGENDA ITEMS A - R:

MOTION made by Alderman Brantley and **SECONDED** by Alderman Touchton to approve Consent Agenda Items A-R as listed on page 214 of this Minute Book Z. Item D will serve to advertise favorably the opportunities, possibilities, and resources of the City of Clinton.

MOTION CARRIED UNANIMOUSLY

PLANNING AND ZONING ITEMS

APPROVAL OF PRELIMINARY SITE PLAN FOR DISCOUNT AUTO PARTS

Upon recommendation of Planning and Zoning, **MOTION** made by Alderman Hisaw and **SECONDED** by Alderman Lott to approve the preliminary site plan as presented for Discount Auto Parts, Highway 80 at Broadway. **MOTION CARRIED UNANIMOUSLY**

APPROVAL OF SECTION 1119 VARIANCE REQUEST FOR MR. KELLY PERRYMOND - 308 BANKS ROAD

Upon recommendation of Planning and Zoning, **MOTION** made by Alderman Hisaw and **SECONDED** by Alderman Brantley to adopt resolution found on pages 216-217 of this Minute Book Z, granting a special exception Section 1119 variance request for Mr. Kelly Perrymond, 308 Banks Road for placement of a mobile/manufactured home. **MOTION CARRIED UNANIMOUSLY**

TACO BELL REQUEST FOR SIGN VARIANCE ON I-20 AT SPRINGRIDGE ROAD DENIED

Upon recommendation of Planning and Zoning, **MOTION** made by Alderman Touchton and **SECONDED** by Alderman Brabham to deny request from Taco Bell for sign variance at I-20 and Springridge Road. **MOTION CARRIED UNANIMOUSLY**

RUSHING'S TIGER EXXON REQUEST FOR SIGN VARIANCE AT 101 JOHNSTON DENIED

Upon recommendation of Planning and Zoning, **MOTION** made by Alderman Brantley and **SECONDED** by Alderman Brabham to deny request from Rushing's Tiger Exxon for sign variance at 101 Johnston. **MOTION CARRIED UNANIMOUSLY**

HOLIDAY INN EXPRESS REQUEST FOR SIGN VARIANCE AT 103 JOHNSTON PLACE DENIED

Upon recommendation of Planning and Zoning, **MOTION** made by Alderman Brabham and **SECONDED** by Alderman Brantley to deny request from Holiday Inn Express for sign variance at 103 Johnston Place. **MOTION CARRIED UNANIMOUSLY**

PRELIMINARY SITE PLAN FOR OLDE TOWN TABLED

Upon recommendation of Planning and Zoning, **MOTION** made by Alderman Brabham and **SECONDED** by Alderman Touchton to uphold the recommendation of Planning and Zoning to table the request of the Preliminary Site Plan for a proposed dwelling for Stacey Dungan on Jefferson Street in Olde Towne until the Olde Towne Historic Review Committee can start their process. **MOTION CARRIED UNANIMOUSLY**

ADOPTION OF RESOLUTION APPROVING DESIGNATION OF PUBLIC QUASI FACILITY FOR MORRISON HEIGHTS BAPTIST CHURCH

City Attorney Ken Dreher reminded those present that this was not a rezoning issue. After a presentation by Ed McDonald for the Morrison Heights Baptist request, and after opposition from Attorney John Reeves representing a group of homeowners near the church, **MOTION** made by Alderman Brabham and **SECONDED** by Alderman DePriest to adopt the resolution which is reduced to writing and is found on pages 218-221 of this Minute Book Z approving designation of quasi-public facility for Morrison Heights Baptist Church, 201 Morrison Drive. **MOTION CARRIED 5-1** with Alderman Lott voting "nay".

APPROVAL OF FINAL PLAT OF CEDAR GROVE SUBDIVISION

Upon recommendation of City Engineer Richard Broome, **MOTION** made by Alderman Hisaw and **SECONDED** by Alderman Brantley to approve the final plat of Cedar Grove Subdivision. **MOTION CARRIED UNANIMOUSLY**

PROPOSED ORDINANCES:

APPROVAL OF PROPOSED ORDINANCE TO PROHIBIT THE DISCHARGE OR OPERATION OF FIREARMS AND OTHER PROPELLING DEVICES WITHIN THE CITY LIMITS

Upon recommendation of Police Chief Don Byington, **MOTION** made by Alderman Touchton and **SECONDED** by Alderman Brantley to adopt that Ordinance found on pages 742-743 and 222-223 respectively of City of Clinton Ordinance Book II and Minute Book Z prohibiting the discharge or operation of firearms and other projectile propelling devices within the city limits of the City of Clinton. **MOTION CARRIED UNANIMOUSLY** Proofs of Publication can be found on pages 744 and 224 respectively.

APPROVAL OF PROPOSED ORDINANCE TO PROHIBIT THE URINATION AND/OR DEFECATION IN OR ON CERTAIN PLACES IN PUBLIC EXCEPT IN SPECIFICALLY DESIGNATED PLACES AND RELATED MATTERS WITHIN THE CITY LIMITS

Upon recommendation of Police Chief Don Byington, **MOTION** made by Alderman Brabham and **SECONDED** by Alderman Touchton to adopt that Ordinance found on pages 745-746 and 225-226 respectively of City of Clinton Ordinance Book II and Minute Book Z prohibiting the urination and/or defecation in or on certain places in public except in specifically designated places and related matters within the city limits of the City of Clinton. **MOTION CARRIED UNANIMOUSLY** Proofs of Publication can be found on pages 747 and 227 respectively.

NO BOARD ACTION ON AUTOMATIC SPRINKLER SYSTEMS

Fire Chief Bryan Presson presented an ordinance requiring the installation of automatic sprinkler systems in certain structures in the City of Clinton. Chief Presson requested that the Mayor and Board of Alderman consider this ordinance for the next board meeting. **NO BOARD ACTION**

APPROVAL OF RESOLUTION SETTING DATE FOR PUBLIC HEARING TO AMEND ZONING ORDINANCES SECTION 1503.04

MOTION made by Alderman Touchton and **SECONDED** by Alderman Brantley to adopt the resolution found on pages 228-229 of this Minute Book Z setting the date for public hearing to amend Zoning Ordinances Section 1503.04. **MOTION CARRIED UNANIMOUSLY**

ADJOURNMENT 8:03 P.M.

There being no further business to discuss, **MOTION** made by Alderman Touchton and **SECONDED** by Alderman DePriest to adjourn. **MOTION CARRIED UNANIMOUSLY**

Copy of agenda may be found on pages 214-215 of this Minute Book Z.

APPROVED: Rosemary G. Aultman December 15, 1997
Rosemary G. Aultman, Mayor Date

ATTEST: Nelson Byrd December 15, 1997
Nelson Byrd, City Clerk Date

SEAL

7B

RESOLUTION APPROVING A SPECIAL EXCEPTION
(Place of a manufactured home) AT
308 BANKS DRIVE, CLINTON, MISSISSIPPI

BE IT RESOLVED, by the Mayor and Board of Aldermen of the City of Clinton, Mississippi that:

Upon the request of KELLY PERYMOND, 308 Banks Drive, Clinton, Mississippi, for a special exception on the property described below for the replacement and upgrading of an existing mobile home/manufactured home with a new manufactured home and the recommendation for approval of said request by the Planning and Zoning Commission at its November 25, 1997, meeting, the Mayor and Board of Aldermen hereby approve this request for a special exception under Section 1119 of the Zoning Ordinance subject to the following conditions:

1. The subject property is located at 308 Banks Drive, Clinton, Mississippi and is also described as Lot 5, Banks Estates, Second Judicial District, Hinds County, Mississippi.
2. The existing mobile home/manufactured home will be removed within 90 days.
3. The new manufactured home will be owner occupied.

Except as modified hereby, the subject property shall be subject to all applicable ordinances and regulations.

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

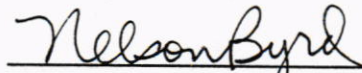
Alderman Brabham voted: AYE
Alderman Hisaw voted AYE
Alderman DePriest voted: AYE
Alderman Brantley voted: AYE
Alderman Fisher voted: ABSENT
Alderman Touchton voted: AYE
Alderman Lott voted: AYE

Approved on the 2ND day of December, 1997.

CITY OF CLINTON, MISSISSIPPI


ROSEMARY AULTMAN, Mayor

ATTEST:


NELSON BYRD, City Clerk

(SEAL)

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RESOLUTION APPROVING DESIGNATION OF QUASI-PUBLIC
FACILITY FOR MORRISON HEIGHTS BAPTIST CHURCH
201 MORRISON DRIVE, CLINTON, MISSISSIPPI

WHEREAS, Morrison Heights Baptist Church, 201 Morrison Drive, Clinton, Mississippi, did file a request for a designation of the property described in Exhibit "A" attached hereto 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 November 25, 1997, as required; and,

WHEREAS, the Planning and Zoning Commission upon conclusion of the public hearing on November 25, 1997, adopted a motion to postpone a formal judgment on the request until a permanent injunction issue is resolved and that the motion of postponement 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 Morrison Heights Baptist Church, 201 Morrison Drive, Clinton, Mississippi, for designation of the property described in Exhibit "A" attached

as a public/quasi-public facility 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 are knowledgeable of the area involved and are aware of the need for the public/quasi-public facility designation.
4. The request is not a rezoning but a designation of a conditional use in a single-family residential district for a public/quasi-public facility as permitted under the Zoning Ordinance.
5. The requested designation meets the definitions of Conditional Use and Facilities and Utilities, Public/Quasi-Public of the Zoning Ordinance.
6. The designation of public/quasi-public facility will promote the general welfare of the City of Clinton and, because the designation makes no change in the existing use of the property described in Exhibit "A", would not and will not adversely affect adjacent property. Future projects by Morrison Heights Baptist Church will remain subject to the Zoning Ordinance and approval of site plans or other matters will allow the City to continue to monitor the area.
7. The Mayor and Board of Aldermen find that Section 402 of the Zoning Ordinance has been complied with and that the requirements of Section 2405.01 of the Zoning Ordinances are satisfied in that Morrison Heights Baptist Church is presently in existence on the property described in Exhibit "A" and that no changes to the existing situation are preapproved by the granting of the requested designation.
8. The granting of this designation does not relieve the requestor from compliance with any applicable law, court order, covenants or contracts.

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

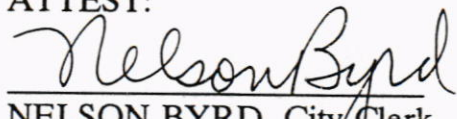
Alderman Brabham voted:	<u>AYE</u>
Alderman Hisaw voted	<u>AYE</u>
Alderman DePriest voted:	<u>AYE</u>
Alderman Brantley voted:	<u>AYE</u>
Alderman Fisher voted:	<u>ABSENT</u>
Alderman Touchton voted:	<u>AYE</u>
Alderman Lott voted:	<u>NAY</u>

Approved on the 2ND day of DECEMBER, 1997.

CITY OF CLINTON, MISSISSIPPI


ROSEMARY AULTMAN, Mayor

ATTEST:


NELSON BYRD, City Clerk

(SEAL)

c:\wp60\clinton\mhbc.res\jb

The following is a description of Morrison Heights Baptist Church property as of September 26, 1997:

Commence at the Southeast corner of the Southwest 1/4, Section 28, Township 6 North, Range 1 West, Hinds County, Mississippi, and run Westerly along the South line of Clinton Boulevard a distance of 342 ft. to the POINT OF BEGINNING: Run thence Southerly a distance of 284.2 ft. to a point, turn and run Westerly 26 ft. to a point, run thence Southerly a distance of 148.6 ft. to the North line of McDonald Drive, turn thence and run along the North line of McDonald Drive a distance of 572.9 ft. to the East line of Morrison Drive, turn thence and run Northwesterly along the East line of Morrison Drive a distance of 144.81 ft. to a point, said point being the Southwest corner of the Bob Dunaway property, turn thence and run along the South line of the Bob Dunaway property a distance of 120 ft., continue thence Easterly along the South line of the Hale Singletary property to its Southeast corner a distance of 150 ft. to a point, said point also being the Southwest corner of Morrison Heights Baptist Church property, turn thence and run Northerly along the East line of the Hale Singletary property a distance of 300 ft. to the South line of Clinton Boulevard, said point also being the Northwest corner of Morrison Heights Baptist Church property, turn thence and run Easterly along the South line of Clinton Boulevard a distance of 350 ft. to the POINT OF BEGINNING.

There are also lots 2, 3, 5, 6, 7, 8, and 9 of Morrison Heights Subdivision and lying on the West side of Morrison Drive, same being a Plat of Record in Plat Book 17, Page 10 in Hinds County Chancery Clerks' Subdivision Records. Also all of that property lying between Morrison Drive on the West, McDonald Drive on the North, Lynn Lane on the East and Church Street on the South.

All the above property lying and being situated in the Southwest 1/4, Section 28, Township 6 North, Range 1 West, Hinds County, Mississippi.

(This property is the majority of the property that is considered "Morrison Heights Baptist Church property" located on and around the church.)

EXHIBIT "A"

AN ORDINANCE PROHIBITING THE DISCHARGE OR OPERATION OF FIREARMS AND OTHER PROJECTILE PROPELLING DEVICES WITHIN THE CITY LIMITS OF THE CITY OF CLINTON, MISSISSIPPI ; EXCEPTIONS

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

- (1) It shall be unlawful, except as otherwise provided, for any person to cause or allow or to procure another to cause or allow any firearm of any description to be shot, discharged or operated in any manner and/or cause or allow or procure another to cause or allow any air, gas, tension or otherwise operated weapon or device capable of propelling a projectile of any description capable of causing bodily injury and/or property damage to be shot, discharged or operated in any manner anywhere within the Clinton city limits whether such takes place indoors or outdoors on or in any private or public place of whatever nature or to so do outside the Clinton city limits when such results in any projectile being introduced into the Clinton city limits.
- (2) The discharge or operation of any firearm or any of the aforementioned devices of any type or nature shall not be unlawful when:
 - (A) Authorized in writing by the Chief of Police for any legitimate purpose that does not pose a threat to public safety or is in conflict with any State or Federal laws. Any such permit issued shall expire as determined by the Chief of Police. The Chief of Police shall have sole discretion as to whether or not a permit shall be issued and the location, time and circumstances under which such devices as aforementioned may be shot, discharged or operated.
 - (B) Authorized in writing by the Chief of Police for the operation of any indoor shooting range provided such range complies with any and all standards for safety and noise restriction. The Chief of Police shall not deny a permit to any person, business, corporation or otherwise for the operation of such an indoor shooting range when such is in compliance as aforementioned. The standards for such safety and noise restriction shall be determined by the Chief of Police who shall perform annual inspections of any such range for compliance. The Chief of Police is authorized to close any such range at any time such is not in compliance as aforementioned
 - (C) Done by any law enforcement officer in the proper execution of his duty.
- (3) The authorization as provided in Section (2)(A)(B) shall not be construed to relieve or protect any person from civil or criminal liability for property damages or injury to any person arising from any act connected with the discharge or operation of the aforementioned devices. The Chief of Police shall not be held criminally or civilly liable for the issuance of a permit to any person who causes damages or injury as aforementioned.
- (4) This ordinance repeals any previous ordinance of like nature.
- (5) Any person convicted of violating any provision of this ordinance shall be fined 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 as determined in the discretion of the Court.
- (6) This ordinance shall be in full force and effect Thirty (30) days following its enactment.

CONTINUATION OF

AN ORDINANCE PROHIBITING THE DISCHARGE OR OPERATION OF FIREARMS AND OTHER PROJECTILE PROPELLING DEVICES WITHIN THE CITY LIMITS OF THE CITY OF CLINTON, MISSISSIPPI ; EXCEPTIONS

Upon motion of Alderman TOUCHTON, and a second from Alderman

BRANTLEY, this ordinance was heard and as a matter laid upon the regular agenda of the Mayor and Board of Alderman, reduced to writing and submitted for consideration by the Mayor and Board of Alderman of the City of Clinton at a regular meeting of the same; and after full and sufficient discussion of the ordinance, and considering each section of the ordinance, the Mayor polled the Alderman with the Clerk recording their votes, which are as follows:

Alderman-at-Large: Jehu Brabham	<u>AYE</u>
Alderman Ward 1 : Tony Hisaw	<u>AYE</u>
Alderman Ward 2 : Rodney Depriest	<u>AYE</u>
Alderman Ward 3 : Clint Brantley	<u>AYE</u>
Alderman Ward 4 : Phil Fisher	<u>ABSENT</u>
Alderman Ward 5 : Herb Touchton	<u>AYE</u>
Alderman Ward 6 : Sharbert Lott	<u>AYE</u>

This action was taken in the City of Clinton at the regular meeting of the Mayor and Board of

Alderman this the 2nd day of December, 19 97

Rosemary Aultman
Rosemary Aultman (Mayor)

Nelson Byrd
Nelson Byrd (Clerk)

12-2-97
DATE

I, Nelson Byrd, the undersigned City Clerk of the City of Clinton, Hinds County, Mississippi, hereby certify that the above and foregoing is a true copy of an ordinance adopted by the Mayor and Board of Alderman of the City of Clinton at its meeting duly held on the:

2nd day of December, 19 97, as the same appears in Minute Book

2 at pages 222-223 of the minutes of said Board and recorded in Ordinance Book

II. of the City of Clinton at pages 742-743 thereof.

Given under my hand and official seal of office this the:

2nd day of December, 19 97

Nelson Byrd
Nelson Byrd (Clerk)

AN ORDINANCE PROHIBITING THE DISCHARGE OR OPERATION OF FIREARMS AND OTHER PROJECTILE PROPELLING DEVICES WITHIN THE CITY LIMITS OF THE CITY OF CLINTON, MISSISSIPPI; EXCEPTIONS

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

(1) It shall be unlawful, except as otherwise provided, for any person to cause or allow or to procure another to cause or allow any firearm of any description to be shot, discharged or operated in any manner and/or cause or allow or procure another to cause or allow any air, gas, tension or otherwise operated weapon or device capable of propelling a projectile of any description capable of causing bodily injury and/or property damage to be shot, discharged or operated in any manner anywhere within the Clinton city limits whether such takes place indoors or outdoors on or in any private or public place of whatever nature or to so do outside the Clinton city limits when such results in any projectile being introduced into the Clinton city limits.

(2) The discharge or operation of any firearm or any of the aforementioned devices of any type or nature shall not be unlawful when:

(A) Authorized in writing by the Chief of Police for any legitimate purpose that does not pose a threat to public safety or is in conflict with any State of Federal laws. Any such permit issued shall expire as determined by the Chief of Police. The Chief of Police shall have sole discretion as to whether or not a permit shall be issued and the location, time and circumstances under which such device as aforementioned maybe shot, discharged or operated

(B) Authorized in writing by the Chief of Police for the operation of any indoor shooting range provided such range complies with any and all standards for safety and noise restriction. The Chief of Police shall not deny a permit to an person, business, corporation or otherwise for the operation of such an indoor shooting range when such is in compliance as aforementioned. The standards for such safety and noise restriction shall be determined by the Chief of Police who shall perform annual inspections of any such range for compliance. The Chief of Police is authorized to close any such range at any time such is not in compliance as aforementioned.

(C) Done by any law enforcement officer in the proper execution of his duty.

(3) The authorization as provided in Section 92(A)(B) shall not be construed to relieve or protect any person from civil or criminal liability for property damages or injury to any person arising from any act connected with the discharge or operation of the aforementioned devices. The Chief of Police shall not be held criminally or civilly liable for the issuance of a permit to any person who causes damages or injury as aforementioned.

(4) This ordinance repeals any previous ordinance of like nature.

(5) Any person convicted or violating any provision of this ordinance shall be fined 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 as determined in the discretion of the Court.

(6) This ordinance shall be in full force and effect Thirty (30) days following its enactment.

Upon motion of Alderman Touchton and seconded by Alderman Brantley, this ordinance was heard and as a matter laid upon the regular agenda of the Mayor and Board of Alderman, reduced to writing and submitted for consideration by the Mayor and Board of Alderman of the City of Clinton at a regular meeting of the same, and after full and sufficient discussion of the ordinance, and considering each section of the ordinance, the Mayor polled the Alderman with the Clerk recording their votes, which are as follows:

Alderman-at-Large: Jehu Brabham AYE
Alderman Ward 1: Tony Hisaw AYE
Alderman Ward 2: Rodney Depriest AYE
Alderman Ward 3: Clint Brantley AYE
Alderman Ward 4: Phil Fisher ABSENT
Alderman Ward 5: Herb Touchton AYE
Alderman Ward 6: Sharbert Lott AYE

This action was taken in the City of Clinton at the regular meeting of the Mayor and Board of Alderman this the 2nd day of December, 1997.

BY: /s/ Rosemary G. Aultman
Rosemary Aultman (Mayor)

/s/ Nelson Byrd
Nelson Byrd (Clerk)

DATE
12-2-97

I, Nelson Byrd, the undersigned City Clerk of the City of Clinton, Hinds County, Mississippi, hereby certify that the above and foregoing is a true copy of an ordinance adopted by the Mayor and Board of Alderman of the City of Clinton at its meeting duly held on the 2nd day of December, 1997, as the same appears in Minute Book 2 at pages 222-223 of the minutes of said Board and recorded in Ordinance Book II of the City of Clinton at pages 742-743 thereof. Given under my hand and official seal of office this the 2nd day of December, 1997.

(SEAL)
/s/ Nelson Byrd
Nelson Byrd (Clerk)

Dec. 19, 1997

Proof of Publication
State of Mississippi
Hinds County

PERSONALLY appeared before me, the undersigned notary public in and for Hinds County, Mississippi,

Shirley Mize
an authorized clerk of THE CLARION-LEDGER, a daily newspaper as defined and prescribed in Sections 13-3-31 and 13-3-32, of the Mississippi Code of 1972, as amended, who, being duly sworn, states that the notice, a true copy of which is hereto attached, appeared in the issues of said newspaper as follows:

Dates of Publication:

Friday, December 19, 1997

Lines: 190
Words: 844
Issues: 1
Total: \$69.52

Signed
Shirley Mize
Authorized Clerk
of The Clarion-Ledger

Nelson Byrd
Notary Public

SWORN to and subscribed before me on
12/19/97

My Commission Expires:

NOTARY PUBLIC STATE OF MISSISSIPPI AT LARGE.
MY COMMISSION EXPIRES: Nov. 8, 2000.
BONDED THRU NOTARY PUBLIC UNDERWRITERS.

(SEAL)

AN ORDINANCE PROHIBITING URINATION AND/OR DEFECATION IN OR ON CERTAIN PLACES IN PUBLIC EXCEPT IN SPECIFICALLY DESIGNATED PLACES AND RELATED MATTERS WITHIN THE CITY LIMITS OF THE CITY OF CLINTON, MISSISSIPPI

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

Whereas it is paramount to the health, safety, and welfare of the citizenry:

(1) It shall be unlawful for any person to urinate and/or defecate or expose their genitalia or bare buttocks in or on any public place of whatever nature where any other person may view such act unless such person so doing is in a place specifically designated for such function.

(2) It shall be unlawful for any person to urinate and/or defecate or expose their genitalia or bare buttocks in or on any private place of whatever nature where any person, who is in or on any public place of whatever nature or in or on any private place of whatever nature other than the aforementioned private place, may view such act unless such person so doing is in a place specifically designated for such function.

(3) A place specifically designated for such function shall mean what is commonly known as a "Restroom" or "Bathroom" which is in an enclosed area.

(4) Any person convicted of violating any provision of this ordinance shall be fined in any amount not to exceed Five Hundred Dollars (\$500.00), or be punished by imprisonment for any length of time not to exceed Ninety (90) days, or punished by both such fine and imprisonment as determined in the discretion of the Court.

(5) Any provision of this ordinance that is held invalid or unconstitutional shall have no effect on any remaining provision.

(6) This ordinance shall be in full force and effect Thirty (30) days after its enactment.

745
225

CONTINUATION OF

AN ORDINANCE PROHIBITING URINATION AND/OR DEFECATION IN OR ON CERTAIN PLACES IN PUBLIC EXCEPT IN SPECIFICALLY DESIGNATED PLACES AND RELATED MATTERS WITHIN THE CITY LIMITS OF THE CITY OF CLINTON, MISSISSIPPI

Upon motion of Alderman BRABHAM, and a second from Alderman

TOUCHTON, this ordinance was heard and as a matter laid upon the regular agenda of the Mayor and Board of Alderman, reduced to writing and submitted for consideration by the Mayor and Board of Alderman of the City of Clinton at a regular meeting of the same; and after full and sufficient discussion of the ordinance, and considering each section of the ordinance, the Mayor polled the Alderman with the Clerk recording their votes, which are as follows:

Alderman-at-Large: Jehu Brabham	<u>AYE</u>
Alderman Ward 1 : Tony Hisaw	<u>AYE</u>
Alderman Ward 2 : Rodney Depriest	<u>AYE</u>
Alderman Ward 3 : Clint Brantley	<u>AYE</u>
Alderman Ward 4 : Phil Fisher	<u>ABSENT</u>
Alderman Ward 5 : Herb Touchton	<u>AYE</u>
Alderman Ward 6 : Sharbert Lott	<u>AYE</u>

This action was taken in the City of Clinton at the regular meeting of the Mayor and Board of

Alderman this the 2nd day of DECEMBER, 1997.

Rosemary Autman
Rosemary Autman (Mayor)

Nelson Byrd
Nelson Byrd (Clerk)

12-2-97
DATE

I, Nelson Byrd, the undersigned City Clerk of the City of Clinton, Hinds County, Mississippi, hereby certify that the above and foregoing is a true copy of an ordinance adopted by the Mayor and Board of Alderman of the City of Clinton at its meeting duly held on the:

2nd day of December, 1997 as the same appears in Minute Book

2 at pages 225-226 of the minutes of said Board and recorded in Ordinance Book

II of the City of Clinton at pages 745-746 thereof.

Given under my hand and official seal of office this the:

2nd day of December, 1997

Nelson Byrd
Nelson Byrd (Clerk)

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AN ORDINANCE PROHIBITING URINATION AND/OR DEFECATION IN OR ON CERTAIN PLACES IN PUBLIC EXCEPT IN SPECIFICALLY DESIGNATED PLACES AND RELATED MATTERS WITHIN THE CITY LIMITS OF THE CITY OF CLINTON, MISSISSIPPI

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(2) It shall be unlawful for any person to urinate and/or defecate or expose their genitalia or bare buttocks in or on any private place of whatever nature where any person, who is in or on any public place of whatever nature or in or on any private place of whatever nature other than the aforementioned private place, may view such act unless such person so doing is in a place specifically designated for such function.

(3) A place specifically designated for such function shall mean what is commonly known as a "Restroom" or "Bathroom" which is in an enclosed area.

(4) Any person convicted of violating any provision of this ordinance shall be fined in any amount not to exceed Five Hundred Dollars (\$500.00), or be punished by imprisonment for any length of time not to exceed Ninety (90) days, or punished by both such fine and imprisonment as determined in the discretion of the Court.

(5) Any provision of this ordinance that is held invalid or unconstitutional shall have no effect on any remaining provision.

(6) This ordinance shall be in full force and effect Thirty (30) days after its enactment.

Upon motion of Alderman Brabham, and a second from Alderman Touchton, this ordinance was heard and as a matter laid upon the regular agenda of the Mayor and Board of Alderman, reduced to writing and submitted for consideration by the Mayor and Board of Alderman of the City of Clinton at a regular meeting of the same, and after full and sufficient discussion of the ordinance, and considering each section of the ordinance, the Mayor polled the Alderman with the Clerk recording their votes, which are as follows:

Alderman-at-Large: Jehu Brabham Aye
Alderman Ward 1: Tony Hisaw aye
Alderman Ward 2: Rodney Depriest Aye
Alderman Ward 3: Clint Brantley Aye
Alderman Ward 4: Phil Fisher Absent
Alderman Ward 5: Herb Touchton Aye
Alderman Ward 6: Sharbert Lott

Proof of Publication

The State of Mississippi

Hinds County

PERSONALLY appeared before me, the undersigned notary public in and for Hinds County, Mississippi,

Shirley Mize

an authorized clerk of THE CLARION-LEDGER, a daily newspaper as defined and prescribed in Sections 13-3-31 and 13-3-32, of the Mississippi Code of 1972, as amended, who, being duly sworn, states that the notice, a true copy of which is hereto attached, appeared in the issues of said newspaper as follows:

Dates of Publication:

Friday, December 19, 1997

Lines: 127
Words: 587
Issues: 1
Total: \$48.96

Signed

Authorized Clerk
of The Clarion-Ledger

Notary Public

SWORN to and subscribed before me on
12/19/97

My Commission Expires:

NOTARY PUBLIC STATE OF MISSISSIPPI AT LARGE.
MY COMMISSION EXPIRES: Nov. 8, 2000.
BONDED THRU NOTARY PUBLIC UNDERWRITERS.

(SEAL)

**MOTION TO SET PUBLIC HEARING TO AMEND
ZONING ORDINANCE BY AMENDING SECTION 1503.04(b)**

I move that, pursuant to the Zoning Ordinance of the City of Clinton, a public hearing be set, as required, to amend the Zoning Ordinance by amending Section 1503.04(b) as set out below and that said hearing take place on January 27, 1998, or as soon thereafter as possible before the Planning Commission.

AMENDMENT TO ZONING ORDINANCE

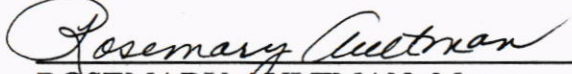
Section 1503.04(b) is hereby amended by deleting the following in line 2 20 feet and replacing the deleted portion with 10 feet.

The forgoing Motion, having been reduced to writing, Alderman Touchton moved that said Motion be adopted. Alderman BRANTLEY seconded. The vote was as follows:

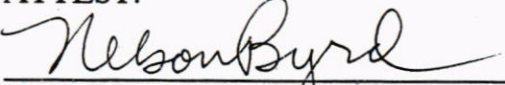
Alderman Brabham voted:	<u>AYE</u>
Alderman Hisaw voted	<u>AYE</u>
Alderman DePriest voted:	<u>AYE</u>
Alderman Brantley voted:	<u>AYE</u>
Alderman Fisher voted:	<u>ABSENT</u>
Alderman Touchton voted:	<u>AYE</u>
Alderman Lott voted:	<u>AYE</u>

Approved on the 2nd day of December, 1997.

CITY OF CLINTON, MISSISSIPPI


ROSEMARY AULTMAN, Mayor

ATTEST:


NELSON BYRD, City Clerk



c:\wp60\clinton\sec1503.amdjb