

**RECESSED MEETING OF THE MAYOR AND BOARD OF ALDERMEN
TUESDAY, JANUARY 18, 1994 - 7 P.M.
MUNICIPAL COURTROOM - 305 MONROE STREET**

The Mayor and Board of Aldermen of the City of Clinton met in Recessed Meeting at 7 P.M., at the Municipal Courtroom, 305 Monroe Street, pursuant to a Recess Order adopted by said Mayor and Board of Aldermen at their Regular Meeting of January 4, 1994, as found on Page 300 of this Minute Book W.

WELCOME AND CALL TO ORDER - Mayor Rosemary Aultman

INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG

The Invocation was led by Alderman George Ferrell followed by the Pledge of Allegiance to the Flag led by Alderman Rodney DePriest.

ROLL CALL - City Clerk Nelson Byrd

Present - Jehu Brabham - Alderman-at-Large
O. C. George Ferrell - Alderman Ward 1
Rodney DePriest - Alderman Ward 2
Ben Todd - Alderman Ward 3
Phil Fisher - Alderman Ward 4
Herb Touchton - Alderman Ward 5
Sharbert Lott - Alderman Ward 6
Mayor Rosemary Aultman - Presiding

City Attorney Ken Dreher
City Clerk Nelson Byrd

APPROVAL OF CONSENT AGENDA ITEMS A-Y:

MOTION made by Alderman Ferrell and **SECONDED** by Alderman Lott to approve Consent Agenda Items A-Y as listed on page 316-317 of this Minute Book W, noting that Consent Agenda Items B and C, will serve to advertise favorably the opportunities, possibilities, and resources of the City of Clinton, and that Consent Agenda Item Y is 75% reimbursable through the Signage Grant. **MOTION CARRIED UNANIMOUSLY.** Quotes listed in items S and V are on file in the Office of the City Clerk. Alderman Fisher reminded City personnel to pull labor costs on all invoices to be used at year-end to determine if the City should pursue supplying its own mechanic shop rather than using vendors outside of City employ for mechanical repairs.

TAYLOR, PARKER AND ALBRITTON APPOINTED TO PLANNING & ZONING BOARD

Recommendations having been made to re-appoint Edward Taylor to serve as the Ward 1 representative (term expiring 1-1-97); to appoint Mike Parker as the Ward 2 representative to fill the unexpired term of Gerald Lee with term expiring 1-1-96; and appoint Gayle Albritton as the Ward 6 representative (term expiring 1-1-97) on the City of Clinton Planning and Zoning Board, **MOTION** made by Alderman Fisher and **SECONDED** by Alderman Ferrell to approve said appointments. **MOTION CARRIED UNANIMOUSLY.**

Due to unexpected death in the family, Alderman DePriest left the Board Room at approximately 7:08 p.m. and did not return.

HUNTERS RIDGE SUBDIVISION FINAL PLAT APPROVED WITH CONTINGENCY

MOTION made by Alderman Todd and **SECONDED** by Alderman Brabham to approve the Final Plat of Hunters Ridge Subdivision contingent upon adding the required language as spelled out in Section 307.8 of the City of Clinton Subdivision Regulations requiring that an irrevocable deed of dedication be provided. **MOTION CARRIED**

UNANIMOUSLY. Alderman DePriest not present for voting. It was noted that said subdivision consists of 33 lots and that a cashier's check in the amount of \$21,216.00 had been received by the City for the wearing surface of the streets.

APPROVAL OF CHANGE ORDER FOR NORTHSIDE PARK

MOTION made by Alderman Ferrell and **SECONDED** by Alderman Brabham to approve a proposed change order for playground equipment/sidewalk for Northside Park not to exceed \$8,927.00, noting said amount will not exceed the total project budget of \$100,000.00. **MOTION CARRIED UNANIMOUSLY.** Alderman DePriest not present for voting.

ADOPTION OF CLINTON WRECKER ORDINANCE

MOTION made by Alderman Touchton and **SECONDED** by Alderman Fisher to adopt that ordinance found on pages 318-324 of this Minute Book W and on pages 559-565 of the City of Clinton Ordinance Book II licensing and regulating vehicle wrecker or towing service in Clinton. **MOTION CARRIED UNANIMOUSLY.** Alderman DePriest not present for voting.

MOTION made by Alderman Todd and **SECONDED** by Alderman Brabham amending said motion to strike wording on page 3, Section 6 (1) line 1 regarding Garage Keeper's collision coverage subject to "one hundred dollars" and to reword as follows: collision coverage subject to "any amount up to a maximum of \$250.00" deduction with each accident deemed a separate claim. **AMENDMENT TO THE MOTION AND MOTION-AS-AMENDED CARRIED UNANIMOUSLY.** Alderman DePriest not present for voting.

Proofs of Publication that ^{it}said ordinance was properly published may be found on pages 325th and 566 respectively of this Minute Book W and the City of Clinton Ordinance Book II.

OTHER BUSINESS

- A. Mayor Aultman asked Board Members to notify her if they plan to attend the Chamber Banquet so that she might reserve tables for all City employees to sit together.
- B. Mayor Aultman to check with Soil Conservation Service to see if any of our SCS monies are in danger of being re-allocated to California due to the recent earthquake tragedy.
- C. Police Chief Byington to report to aldermen at next meeting on status of fines turned over to Collection Agency.

ADJOURNMENT - 7:30 P.M.

There being no further business to discuss, **MOTION** made by Alderman Ferrell and **SECONDED** by Alderman Todd to adjourn. **MOTION CARRIED UNANIMOUSLY.** Alderman DePriest not present for voting.

Copy of Agenda may be found on Pages 316-317 of this Minute Book W.

APPROVED: Rosemary Aultman
Rosemary Aultman, Mayor

January 19, 1994
Date

ATTEST: Nelson Byrd
Nelson Byrd, City Clerk

1-19-94
Date

SEAL

AN ORDINANCE LICENSING AND REGULATING VEHICLE WRECKER OR TOWING SERVICE; REQUIRING INSURANCE POLICIES TO PROTECT THE PUBLIC; PROVIDING FOR INVESTIGATION AND SUPERVISION BY THE CHIEF OF POLICE; SETTING FORTH DUTIES OF LICENSEES; PROVIDING FOR REVOCATION OF LICENSES; AND PRESCRIBING PENALTIES for the VIOLATION OF ITS PROVISIONS

BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Clinton:

Section 1. Short title. This Ordinance shall be known and may be cited as the "Clinton Wrecker Ordinance."

Section 2. Definitions. For the purposes of this Ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

(1) "City" is the City of Clinton, Mississippi.

(2) "Person" is any person, firm, partnership, association, corporation, company or organization of any kind.

(3) "Wrecker" is a person engaged in the business, or offering the services, of a vehicle wrecker or towing service, whereby disabled motor vehicles are towed or otherwise removed from the place where they are disabled by use of a wrecker so designed for the purpose or by a truck, automobile or other vehicle so adapted to that purpose.

Section 3. License Required. No wrecker shall engage in business within the City or offer such service within the City without first obtaining a license as hereinafter provided from

the City Clerk.

Section 4. Application for License. Applications for licenses issued hereunder shall be made upon blank forms prepared and made available by the City Clerk. Applicants shall furnish the following information:

(1) The name, home address, and proposed business address of the applicant.

(2) The location, description and hourly availability of the tow trucks owned or operated by the applicant.

(3) That the applicant has available space for properly accommodating and protecting all disabled motor vehicles to be towed or otherwise removed from the place where they are disabled.

(4) Such other information as the Chief of Police shall find reasonably necessary to effectuate the purpose of this Ordinance and to arrive at a fair determination of whether the terms of this Ordinance have been complied with.

Section 5. Application fee. An application hereunder shall be accompanied by an application fee of Twenty-five Dollars (\$25.00).

Section 6. Insurance Policies. No license shall be issued to an applicant hereunder until he shall have deposited with the City Clerk the following insurance policies:

(1) Garage Keeper's Policy. A garage keeper's legal liability policy covering fire, theft, and explosion in the minimum amounts of One Hundred Thousand Dollars (\$100,000), and

MB
ANY AMOUNT UP TO A MAXIMUM OF \$250.00

collision coverage subject to ~~One Hundred Dollars (\$100,000)~~
deduction with each accident deemed a separate claim.

(2) Garage Liability Policy. A garage liability policy, covering the operation of applicant's business, equipment, or vehicles, for any bodily injury or property damage. This policy will be in the amounts of One Hundred Thousand Dollars (\$100,000) for any one person killed or injured and Five Hundred Thousand Dollars (\$500,000) for more than one person injured or killed in any one accident. This policy shall also provide Fifty Thousand Dollars (\$50,000) coverage for all damage arising out of injury to or destruction of property.

(A) Notice of Change or Cancellation. Each policy required herein must contain an endorsement providing for ten (10) days notice to the City in the event of any material change or cancellation.

Section 7. Investigation by Chief of Police. Within ten (10) days after receipt of an application as provided for herein the Chief of Police shall cause an investigation to be made of the applicant and of his proposed operation.

Section 8. Standards for Issuance. The Chief of Police shall issue a license hereunder when he finds:

- (1) That the public convenience and necessity require the proposed wrecker service for which application has been submitted;
- (2) That insurance policies as required by the Ordinance have been procured;
- (3) That the applicant and all employees are fit and proper

persons to conduct or work in the proposed business;

(4) That the requirements of this Ordinance and all other governing laws and ordinances have been met.

Section 9. License Fee. A license shall be issued to a successful applicant hereunder after payment to the City Clerk of a license fee of Twenty-five Dollars (\$25.00). Said license shall be valid for one year from date of issue at which time a licensee may reapply as set out in this ordinance.

Section 10. Promulgation of Regulations by Chief of Police. The Chief of Police shall adopt and enforce reasonable rules and regulations for wreckers.

Section 11. Duties of Licensees. A wrecker license hereunder shall be issued subject to the following conditions:

(1) Possession of Certificate. The Chief of Police shall issue to a licensed wrecker a certificate which the wrecker shall at all times carry in each wrecker or other vehicle used for towing purposes.

(2) Maintenance of Equipment. Wreckers shall keep and maintain tow vehicles and towing equipment which is adequate to perform such towing service in a safe and reasonably workmanlike manner.

(3) Compliance with Rate Schedule. Wreckers shall charge for their services such rates not to exceed as follows:

(A) For daytime tow within the City, Fifty Dollars (\$50.00);

(B) For a nighttime or weekend tow within the City,

Sixty Dollars (\$60.00);

(C) Use of dolly wheels or winch, Twenty-five Dollars (\$25.00);

(D) For time in excess of twenty (20) minutes at the scene of tow for work necessary to accomplish tow, Thirty-four Dollars (\$34.00) per hour or portion thereof;

(E) For tow outside City of Clinton, One Dollar (\$1.00) per mile one way; provided, however, no mileage charge shall be made for towing to a holding area of the wrecker service;

(F) For storage of vehicles at the holding area of a wrecker service, Ten Dollars (\$10.00) per 24-hour period after the first 24 hours.

(4) Rotation of City Towing. Wreckers shall perform towing service for the City on a rotation basis;

(5) Interception of Police Calls. No wrecker shall intercept police calls by short wave radio.

(6) Place of business. All licensees must maintain their physical business premises within the territorial limits of the City, and must also maintain a secure place for storage for properly accommodating and protecting all disabled motor vehicles within the City. Any current licensee not in compliance with this provision may operate under his existing license until it expires, is revoked or until December 31, 1994, whichever shall come first. Said impound areas must consist of an area surrounded by a chain link fence and secured by a locked gate, or a building which is locked to prevent casual access.

(7) Access to vehicles. Wreckers shall be available during normal business hours (8 a.m. to 5 p.m., Monday-Friday) for vehicles to be picked up the next business day after they are towed.

Section 12. Revocation of License. The Chief of Police shall revoke a license issued hereunder when he finds any of the following grounds:

(1) The license was procured by fraudulent conduct of false statement of a material fact, or that a fact concerning the applicant was not disclosed at the time of his making application, and such fact would have constituted just cause for refusal to issue said license.

(2) The licensee illegally employed a short-wave radio to obtain information as to the location of the scene of an accident or disabled vehicle.

(3) The licensee paid in the form of a gratuity any third person not involved in the accident for information as to the location of the accident.

(4) The licensee has violated the fee schedule by overcharge.

(5) The licensee has violated any of the requirements of this Ordinance or any of the rules and regulations as established by the Chief of Police or the City governing authority.

Section 13. Penalties. The penalty for violating this Ordinance shall be disqualification from police calls for a period of one (1) year or a fine of Two Hundred Fifty Dollars (\$250.00), or both.

Section 14. Separability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 15. Ordinances Repealed. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance, including that certain ordinance dated September 6, 1988 heretofore known as the "Clinton Wrecker Ordinance," are hereby repealed.

This Ordinance having been first reduced to writing was then considered by the Mayor and Board of Aldermen as a whole and then section by section. Alderman TOUCHTON moved adoption and the motion was seconded by Alderman FISHER.

The vote was as follows:

Alderman Brabham voted:	<u>AYE</u>
Alderman Ferrell voted:	<u>AYE</u>
Alderman Depriest voted:	<u>absent</u>
Alderman Fisher voted:	<u>AYE</u>
Alderman Touchton voted:	<u>AYE</u>
Alderman Lott voted:	<u>AYE</u>
Alderman Todd voted:	<u>AYE</u>

APPROVED on the 18TH day of JANUARY, 1994.

Rosemary Aultman
ROSEMARY AULTMAN, MAYOR

ATTEST:

Nelson Byrd
NELSON BYRD, City Clerk

AN ORDINANCE LICENSING AND REGULATING VEHICLE WRECKER OR TOWING SERVICE; REQUIRING INSURANCE POLICIES TO PROTECT THE PUBLIC; PROVIDING FOR INVESTIGATION AND SUPERVISION BY THE CHIEF OF POLICE; SETTING FORTH DUTIES OF LICENSEES; PROVIDING FOR REVOCATION OF LICENSES; AND PRESCRIBING PENALTIES FOR THE VIOLATION OF ITS PROVISIONS

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(1) "City" is the City of Clinton, Mississippi.

(2) "Person" is any person, firm, partnership, association, corporation, company or organization of any kind.

(3) "Wrecker" is a person engaged in the business, or offering the services, of a vehicle wrecker or towing service, whereby disabled motor vehicles are towed or otherwise removed from the place where they are disabled by use of a wrecker so designed for the purpose of by a truck, automobile or other vehicle so adapted to that purpose.

Section 3. License Required. No wrecker shall engage in business within the City of Clinton without first obtaining a license as hereinafter provided from the City Clerk.

Section 4. Application for License. Applications for licenses issued hereunder shall be made upon blank forms prepared and made available by the City Clerk. Applicants shall furnish the following information:

(1) The name, home address, and proposed business address of the applicant.

(2) The location, description and hourly availability of the tow truck owned or operated by the applicant.

(3) That the applicant has available space for properly accommodating and protecting all disabled motor vehicles to be towed or otherwise removed from the place where

used for towing purposes.

(2) Maintenance of Equipment. Wrecker shall keep and maintain tow vehicles and towing equipment which is adequate to perform such towing service in a safe and reasonably workmanlike manner.

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(2) The licensee illegally employed a short-wave radio to obtain information as to the location of the scene of an accident or disable vehicle.

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This Ordinance having been first reduced to writing and then considered by Mayor and Board of Aldermen as a whole and then section by section. Alderman Touchton moved adoption and the motion was seconded by Alderman Fisher.

The vote was as follows:

Alderman Brabham voted: AYE

Alderman Ferrell voted: AYE

Alderman Depriest voted: ABSENT

Alderman Fisher voted: AYE

Alderman Touchton voted: AYE
Alderman Lott voted: AYE
Alderman Todd voted: AYE
APPROVED on the 18th day of January, 1994.
/s/ Rosemary Aultman
ROSEMARY AULTMAN
MAYOR

ATTEST:
/s/ Nelson Byrd
NELSON BYRD, City Clerk
January 27, 1993

red before me, the undersigned
Hinds County, Mississippi,

Tim Lee
Mark of THE CLINTON NEWS, a
s defined and prescribed in
and 13-3-32 of Mississippi
amended, who, being duly
the notice, a true copy of
attached, appeared in issues
as follows:

Date _____, 1994
Date _____, 19____
Date _____, 19____
Date _____, 19____
Date _____, 19____

Number of Lines/Words 377/1566 Words

Published 1 Times

Total \$ 127.28

Signed Tim Lee
Authorized Clerk
of The Clinton News

to and subscribed before me the 6 day of April, 1994.

Marie Mills
Notary Public

Commission Expires:

NOTARY PUBLIC STATE OF MISSISSIPPI AT LARGE.
MY COMMISSION EXPIRES: Nov. 8, 1996.
BONDED THRU NOTARY PUBLIC UNDERWRITERS.

(SEAL)