

**REGULAR MEETING OF THE MAYOR AND BOARD OF ALDERMEN
TUESDAY, OCTOBER 1, 1991 - 7 P.M.
A. E. WOOD MEMORIAL LIBRARY**

The Mayor and Board of Aldermen of the City of Clinton, Mississippi, met in Regular Meeting on Tuesday, October 1, 1991, 7 P.M., at the A. E. Wood Memorial Library, 111 Clinton Boulevard.

WELCOME AND CALL TO ORDER - Mayor Billy Ray Smith

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 Willard Ryan.

ROLL CALL - City Clerk Nelson Byrd

Present - Willard Ryan - Alderman-at-Large
O. C. George Ferrell - Alderman Ward 1
Edward Valente - Alderman Ward 2
Ronnie Chappell - Alderman Ward 3
Keith Montgomery - Alderman Ward 4
Jean Johnson - Alderman Ward 5
Sharbert Lott - Alderman Ward 6
Mayor Billy Ray Smith - Presiding
City Attorney William E. Spell
City Clerk Nelson Byrd

PETITION FROM CITIZENS OPPOSED TO BEER BEING SOLD AT RACETRACK

The Mayor and Board of Aldermen accepted a petition of 63 pages with approximately 955 signatures from citizens being opposed to the selling of beer at the racetrack. List of those persons addressing the board regarding this matter may be found on Page 4 of this Minute Book V. It was noted that while some of the citizens were opposed to the opening of the racetrack due to the noise, the major complaint was that of drinking and driving. Said petition is on file in the Office of the City Clerk.

REPEAL OF SECTION 8 OF THE CURRENT BEER ORDINANCE - SALE OF BEER AT OUTDOOR SPORTS COMPLEXES

MOTION made by Alderman Ferrell and **SECONDED** by Alderman Valente to adopt that Ordinance found on pages 5-7 of this Minute Book V and on Pages 525-527 of the City of Clinton Ordinance Book II repealing Section 8 of the current beer ordinance making it illegal to sale beer at any outdoor sports complex. **MOTION CARRIED UNANIMOUSLY**. Proofs of Publication may be found respectively on pages 8 and 528 of this Minute Book V and the City of Clinton Ordinance Book II.

APPROVAL OF CONSENT AGENDA ITEMS A-CC:

- A. Minutes of the Regular Meeting of the Mayor and Board of Aldermen of September 3, 1991, and the Adjourned Meeting of September 10, 1991, and the Special Meetings of September 6 and 23, 1991 as printed and distributed.
- B. Claims Docket - manual and computer claims numbered 1-594 for the month of September, 1991.
- C. \$400.00 approximately for expenses of Edward Robertson, Purchasing Manager, to attend purchasing convention in Biloxi, MS Oct. 29 - Nov. 1, 1991 (Adm.)
- D. \$15.00 each for City officials to attend MMA District Meeting 10-10-91 (Adm.)
- E. \$100.00 to Clinton's Young Woman of the Year Program (Adm.)
- F. \$80.00 plus expenses to MS Cooperative Extension Service for Nelson Byrd and Brooxye Sessums to attend Fall Session Phase 1F of the Certified Training Program for MS Clerks and Collectors, Oct. 17-18, 1991, Jackson, MS (Adm.)

- G. \$450.00 appx. for Terry Parker to attend course for Operator Class III Certificate, Nov. 4-8, 1991, Biloxi, MS (Public Works)
- H. \$500.00 appx. for Harold Alderman to attend annual AWWA Technical Conference, Biloxi, MS, Oct. 5-9, 1991 (Public Works)
- I. \$1,207.51, \$1,111.63, \$1,062.67, \$1,544.11 to Apac-MS for asphalt used in street repairs (Public Works)
- J. \$1,047.40 to BWI of Jackson, Inc., for weed killer (Public Works)
- K. \$1,140.00, \$660.00, \$660.00 to CapWeld for chlorine for water treatment (Public Works)
- L. \$751.49 to Central Pipe & Supply for parts to lower water line on Morrison SCS Project Ditch (Public Works)
- M. \$1,043.60 to Central Pipe and Supply for repair parts for meters and hydrants (Public Works)
- N. \$1,544.16 to Choctaw, Inc., for pipe for access road to northeast lagoon (Public Works)
- O. \$1,462.32 to Clinton Welding & Machine Shop for dump gate on C-25 truck (Public Works)
- P. \$520.62 to Clinton Welding & Machine Shop for guardrails around Camp Garaywa Spillway (Public Works)
- Q. \$813.60 to Custom Products for barricades and signs to block 2 streets on projects or emergencies (Public Works)
- R. \$1,185.00 to Harcros Chemicals for sodium fluoride (Public Works)
- S. \$7,561.00 to Hill City Oil for gasoline used by all departments
- T. \$582.90 to Jackson Ready Mix for repairs to road to northeast lagoon (Public Works)
- U. \$1,645.60 to Krystal Gravel Co. for clay gravel (Public Works)
- V. \$870.44 to Lampton-Love Gas Co. for Diesel used in various departments
- W. \$800.00, \$646.34 to Layne Central for repairs of chlorinators (Public Works)
- X. \$721.64 to Mid-South Machine for repairs to Rosco Roller (PWD)
- Y. \$678.00 to Statewide Communications for radio in new C-25 truck (PWD)
- Z. \$1,808.00 to Pagecom for low quote for 4 radios and attachments for new personnel (Police)
- AA. \$540.00 for 18 personnel to attend 2 year EMT Refresher Course at Hinds Community College to maintain licenses (Fire)
- BB. \$812.48 to Clinton Outdoor Equipment low quote for fire service chain saw with carbide blade (Fire)
- CC. \$33,293.05 to Delta Constructors, Inc., and \$1,680.97 to Anderson Engineers, P.A., for work through September, 1991, on the southwest wastewater treatment facility (1.6 million sanitary sewer bond issue) to be paid by DGNB

MOTION made by Alderman Valente and **SECONDED** by Alderman Ferrell to adopt Consent Agenda Items A-CC as listed above. **MOTION CARRIED UNANIMOUSLY.**

DIMENSIONAL VARIANCE GRANTED FOR 105 LAKE DRIVE

MOTION made by Alderman Lott and **SECONDED** by Alderman Johnson to approve that recommendation of the City of Clinton Planning and Zoning Board to grant a dimensional variance at 105 Lake Drive to build a non-commercial storage area. **MOTION CARRIED UNANIMOUSLY.**

HUNTCLIFF SUBDIVISION PART 5, LOTS 1-23 REZONED FROM C-1 TO R-2

MOTION made by Alderman Chappell and **SECONDED** by Alderman Johnson to approve that recommendation of the City of Clinton Planning and Zoning Board to rezone Huntcliff Subdivision Part 5 lots 1-23 from C-1 to R-2. **MOTION CARRIED UNANIMOUSLY.** Further, Building Inspector Julion Lowther was directed to bring a report to the next Board Meeting of any other residential properties in

the City of Clinton that are built on commercial-zoned properties.

Mayor Smith then called for a 15 minute recess to enjoy the delicious refreshments graciously prepared for the Board by the City of Clinton Maids and Matrons Club.

FEDERATION DRIVE ACCEPTED AS CITY STREET FAILED

MOTION made by Alderman Ferrell and **SECONDED** by Alderman Valente to accept Federation Drive as a City Street based upon the condition set out by Public Works Director Alderman that the end of the drive be made into a cul-de-sac noting that prior to dedication the owners of Federation Towers would have to give their permission and an exact legal description of said property. **ROLL CALL VOTE:** Alderman Ryan - "aye", Alderman Ferrell - "aye", Alderman Valente - "aye", Alderman Chappell - "nay", Alderman Montgomery - "nay", Alderman Johnson - "nay", Alderman Lott - "nay". **MOTION FAILED 3-4.**

1991-1992 CITY INSURANCE POLICIES RENEWED THROUGH RELIANCE

Acting upon the recommendation of Agent of Record Robert Penn, **MOTION** made by Alderman Montgomery and **SECONDED** by Alderman Lott to renew the City Insurance Policies through the current carrier Reliance for the year 1991-1992 at a total cost of \$111,425.00. **MOTION CARRIED UNANIMOUSLY.** Copy of the insurance proposal may be found in the Office of the City Clerk.

ENDORSEMENT OF HOUSEHOLD HAZARDOUS WASTE CLEAN-UP DAY - 10-19-91

MOTION made by Alderman Valente and **SECONDED** by Alderman Montgomery authorizing Mayor Smith and City Clerk Byrd to draft an advertisement for the Clinton News to inform citizens of the opportunity to participate in the October 19, 1991, household hazardous waste clean-up day, educating them as to what these hazardous chemicals are, and to endorse a proposal to seek a way to hold an annual event like this in Clinton. **MOTION CARRIED UNANIMOUSLY.**

CITY TO APPLY FOR SCS EMERGENCY ASSISTANCE FOR NEAL STREET

MOTION made by Alderman Ferrell and **SECONDED** by Alderman Ryan to apply to the SCS for emergency assistance to stabilize the ditch west of the box culvert on Neal Street, at a cost of \$12,000.00. **MOTION CARRIED 6-0** with Alderman Chappell abstaining. Copy of application may be found on page 9 of this Minute Book V.

It was noted during this conversation that out of the 1991-1992 drainage budget, each alderman has approximately \$17,000.00 to spend in his individual ward and no more.

ADJOURNMENT - 9:20 P.M.

There being no further business to discuss, **MOTION** made by Alderman Valente and **SECONDED** by Alderman Chappell to Recess until October 15, 1991, 7 P.M. **MOTION CARRIED UNANIMOUSLY.**

Copy of Agenda may be found on Pages 10-11 of this Minute Book V.

APPROVED:

Billy R. Smith
Billy Ray Smith, Mayor

10-4-91
Date

ATTEST:

Nelson Byrd
Nelson Byrd, City Clerk

10-4-91
Date

SEAL

Speakers re: Racetrack

<u>Name</u>	<u>Address</u>	For / Against
1. David ELLER	303 Warwick Rd Clinton	✓
2. Jehu Brabham	106 Longwood Dr.	✓
3. Rodney R. Reece	110 Deer Creek Way	✓
4. Charles Scott	208 Winding Hills	✓
5. Harvey Mullins	1594 Mt. N St Nrc-	
6. Dorothy W. Fuller	415 Armour Dr. Jackson, Ms. 39211	
7. Paul BOATNER	Rd 2 FABIAN BROOK DR	
8. Dan B. Wheat	104 Gassaway Cove Clinton, Ms	
9. Bill Wright	600 David Dr for	
10. DOYLE GOODMAN	702 CHERRIDGE COVE FOR	
11. Richard Martin	106 Deviney Cove	
12. Ed Schrader	504 Merganser Trail	Against



CITY OF CLINTON

REPEAL OF SECTION 8 OF THE ORDINANCE REGULATING
THE SALE OF BEER IN THE CITY OF CLINTON, MISSISSIPPI

WHEREAS the City of Clinton, Mississippi, has enacted on February 5, 1985 an Ordinance regulating the sale of beer; and

Whereas said Ordinance provides that Privilege Licenses be required, Application be made for retail sale of beer, Locations of retail operations be controlled and General Restrictions be set for retail sale of beer, and other provisions which are completely set forth in "An Ordinance of The City of Clinton, Mississippi Regulating the Sale of Beer" (hereafter referred to as the "Ordinance"), which Ordinance is hereby wholly included by reference as if contained verbatim herein, and which may be found in ORDINANCE BOOK II, page 192 through 195, inclusive, of the City of Clinton; and

Whereas Section 8 of the Ordinance provides for sale of beer by the drink at Commercial Outdoor Sports Complexes notwithstanding any of the other provisions contained in the Ordinance, including Complexes at which, among outdoor activities, horse racing and automobile racing may take place, except that such sale shall take place only during sporting events for which an admission fee is charged and only between 11:00 A.M. and 12:00 P.M. Monday through Saturday, and except that persons under the age of 18 years shall not sell, dispense, or serve beer; and

Whereas, valuable community interests including the health, safety, and welfare of the citizens of the City of Clinton, Mississippi are served more completely, effectively and consistently; and the safe use of their public thoroughfares is encouraged and promoted; and the peace, tranquillity, safety and enjoyment of their neighborhoods, homes and businesses are more effectively protected, preserved and promoted by the removal of exceptions in the Ordinance which provide for sale and consumption of

beer by the drink within the City of Clinton at Commercial Out-door Sports Complexes as contained in Section 8 of the Ordinance;

NOW THEREFORE BE IT ORDAINED AND RESOLVED that Section 8 of "An Ordinance of The City of Clinton, Mississippi Regulating the Sale of Beer" is hereby repealed, and the provisions of said Section are removed and made of no further effect; leaving intact and unaffected all other Sections, Restrictions and Penalties of the Ordinance.

UPON FIRST the motion of Alderman Ferrell, and hearing a second from Alderman Valente, the revision proposed herein to the Ordinance, was heard and as a matter laid upon the regular agenda of the Mayor and Board of Aldermen, reduced to writing and submitted for consideration by the Mayor and Board of Aldermen of the City of Clinton at a regular meeting of the same; and after full and sufficient discussion of the Ordinance, its Revision, and considering each section of the Ordinance, the Mayor polled the Aldermen with the Clerk recording their votes, which are as follows:

Alderman-at-Large Willard Ryan	<u>YES</u>
Alderman Ward 1 O. C. George Ferrell	<u>YES</u>
Alderman Ward 2 Edward Valente	<u>YES</u>
Alderman Ward 3 Ronnie Chappell	<u>YES</u>
Alderman Ward 4 Keith Montgomery	<u>YES</u>
Alderman Ward 5 Jean Johnson	<u>YES</u>
Alderman Ward 6 Sharbert Lott	<u>YES</u>

This action was taken in the City of Clinton at the regular meeting of the Mayor and Board of Alderman this 1ST day of October, 1991.

Billy R. Smith
Billy Ray Smith, Mayor

Nelson Byrd
Nelson Byrd, Clerk

10-1-91
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 Aldermen, City of Clinton at its meeting duly held on October 1, 1991 as the same appears in Minute Book V at pages 5-7 of the minutes of said Board and recorded in Ordinance Book II of the City of Clinton at Pages 525-527 thereof.

Given under my hand and official seal of office this the 1st day of October, 1991.


Nelson Byrd, Clerk

PASTE AD HERE

PROOF OF PUBLICATION
THE STATE OF MISSISSIPPI
HINDS COUNTY

110 Clinton
legals

CITY OF CLINTON
REPEAL OF SECTION 8
OF THE ORDINANCE
REGULATING THE SALE
OF BEER IN THE CITY OF
CLINTON, MISSISSIPPI

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Whereas, valuable community interests including the health, safety, and welfare of the citizens of the City of Clinton, Mississippi are served more completely, effectively and consistently; and the safe use their public thoroughfares is encouraged and promoted; and the peace, tranquility, safety and enjoyment of their neighborhoods, homes, and businesses are more effectively protected, preserved and promoted by the removal of exceptions in the Ordinance which provide for sale and consumption of beer by the drink within the City of Clinton at Commercial Outdoor Sports Complexes as contained in Section 8 of the Ordinance;

NOW THEREFORE BE IT ORDAINED AND RESOLVED that Section 8 of "An Ordinance of the City of Clinton, Mississippi Regulating the Sale of Beer" is hereby repealed, and the provisions of said Section are removed and of no other effect; leaving intact and unaffected all other Sections, Restrictions and Penalties of the Ordinance.

UPON FIRST the motion of Alderman Ferrell, and hearing a second from Alderman Valente, the revision proposed herein to the Ordinance, was heard and as a matter laid upon the regular agenda of the Mayor and Board of Aldermen, reduced to writing and submitted for consideration by the Mayor and Board of Aldermen of the City of Clinton at a regular meeting of the same; and after full and sufficient discussion of the Ordinance, its Revision, and considering each section of the Ordinance, the Mayor polled the Aldermen with the clerk recording their votes, which are as follows:

Alderman-at-Large	Willard Ryan	Yes
Alderman Ward 1	O.C. George Ferrell	Yes
Alderman Ward 2	Edward Valente	Yes
Alderman Ward 3	Ronnie Chappell	Yes
Alderman Ward 4	Keith Montgomery	Yes
Alderman Ward 5	Jean Johnson	Yes
Alderman Ward 6	Sharbert Lott	Yes

This action was taken in the City of Clinton at the regular meeting of the Mayor and Board of Aldermen this 1st day of October, 1991.

/s/ Billy R. Smith
Billy Ray Smith, Mayor
10-1-91

/s/ Nelson Byrd
Nelson Byrd, Clerk

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 Aldermen, City of Clinton at its meeting duly held on October 1, 1991 as the same appears in Minute Book V at pages 5-7 of the minutes of said Board and recorded in Ordinance Book II of the City of Clinton at Pages 525-527 thereof.

Given under my hand and official seal of office this the 1st day of October, 1991.

/s/ Nelson Byrd
Nelson Byrd, Clerk
October 10, 1991

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

Kim Hemphill

an authorized clerk of THE CLINTON NEWS, a weekly newspaper as defined and prescribed in Sections 13-3-31 and 13-3-32, of 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:

Date October 10, 19 91

Date _____, 19 _____

Date _____, 19 _____

Date _____, 19 _____

Date _____, 19 _____

Number of Lines 158

Published 1 Times

Total \$ 52.56

Signed Kim Hemphill
Authorized Clerk
of The Clinton News

Sworn to and subscribed before me the 10th day of
October 19 91.

Jane Boatner
Notary Public

My Commission Expires:

My Commission Expires Nov. 17, 1992

(Seal)

APPLICATION FOR EMERGENCY WORK

Thru: The District Conservationist and Area Conservationist

The following information is submitted in support of the application:

Assistance is requested to stabilize severely eroding channel banks that are threatening home and road crossing at one location: Neal Street.

5. ENVIRONMENTAL CONSIDERATION:

7. WITNESS the signatures of the undersigned sponsoring local organization on the dates shown below:

Address: Po Box 156, Clinton, Ms. 39060