

**REGULAR MEETING OF THE MAYOR AND BOARD OF ALDERMEN
TUESDAY, DECEMBER 3, 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, December 3, 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 Sharbert Lott followed by the Pledge of Allegiance to the Flag led by Alderman Keith Montgomery.

ROLL CALL - City Clerk Nelson Byrd

Present - 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

Absent - Willard Ryan - Alderman-at-Large

APPROVAL OF CONSENT AGENDA ITEMS A-R:

- A. Minutes of the Regular Meeting of the Mayor and Board of Aldermen of November 5, 1991, the Adjourned Meeting of November 19, 1991, and the Special Meeting of November 26, 1991, as printed and distributed
- B. Claims Docket - manual and computer claims numbered 1-499 for the month of November, 1991
- C. \$105.00 plus expenses for Employment and Labor Law Seminar in Jackson January 23, 1992, for Alice Burchfield (Personnel)
- D. \$55.00 for registration to BOAM Winter Workshop for Julian Lowther (PWD)
- E. \$2,500.00 quarterly dues to Chamber of Commerce (October - December) - budgeted item
- F. \$778.77 to APAC-MS for asphalt for street repair (PWD)
- G. \$560.00 to Capitol Welding for chlorine for water treatment (PWD)
- H. \$626.25 to Central Pipe for check valves at Briars Plant (PWD)
- I. \$7,693.95 to Hill City Oil for gas used in various departments
- J. \$897.60 to Krystal Gravel for street repair (PWD)
- K. \$737.50 to Roper Supply for emergency strobe lights for emergency vehicles (PWD)
- L. \$1,034.14 to SW Paving for surface mix to repair streets (PWD)
- M. \$550.00 to Fortenberry's Transmission for emergency repairs to patrol car (Police)
- N. \$500.00 to Coleman-Taylor Transmission for emergency repairs to patrol car (Police)
- O. \$1,800.00 appx. for 9 week Basic Police Training for Clinton's first full-time female officer, Donna L. Tullos, beginning January 5, 1991 (Budgeted Item - Police)
- P. \$880.00 appx. to Grace Industries for 8 Personnel Alert Safety Devices - State Contract Price (Fire)
- Q. Appx. \$500.00 each for 4 new firefighters turnout gear (coat and pants) - State Contract Price (Fire)
- R. \$48,968.85 to Delta Constructors and \$1,994.51 to Anderson Engineers to be paid by DGNB for SW Lagoon - Bond Issue

The Board having found as fact that said advertisement or dues

in Consent Agenda Item E will serve to advertise favorably the opportunities, possibilities and resources of the City of Clinton, MOTION made by Alderman Johnson and SECONDED by Alderman Ferrell to approve Consent Agenda Items A-R as listed above. MOTION CARRIED UNANIMOUSLY.

SPECIAL EXCEPTION REQUEST BY JAMES R. LEGGETTE TABLED UNTIL NEXT MEETING

Following a presentation by Attorney Charles Brewer representing Mr. James R. Leggette regarding the special exception requested by Mr. Leggette for a stable and riding academy at 160 Leggette Road, and after hearing statements from property owners both for and against said issue, along with a petition from those against which may be found in the Office of the City Clerk, MOTION made by Alderman Valente to allow Mr. Leggette to continue to operate in his current place but accept the recommendation of the City of Clinton Planning and Zoning Board to deny said request. MOTION DIED FOR LACK OF A SECOND.

MOTION was then made by Alderman Johnson and SECONDED by Alderman Montgomery to approve the special exception as long as Mr. Leggette complies with City Ordinances on setback distances and that he be allowed to relocate. Prior to a vote being taken, MOTION was made by Alderman Chappell and SECONDED by Alderman Valente to table the previous motion until the next Board Meeting when a judgement can be made after all the facts are known. MOTION CARRIED UNANIMOUSLY. Alderman Chappell requested Mr. Leggette provide a drawing of his entire property showing the location and distances of the proposed new facility and the relationship to the neighborhood and the house nearest to the facility (the Bullock home).

REZONING REQUEST OF ANNIE L. JACKSON FOR PROPERTY AT 375 JACKSON DRIVE FROM R-1 TO AGRICULTURE DENIED

Following request of Mrs. Annie L. Jackson to move a mobile home onto the lot next to her one-bedroom house and hearing opposition from John Gill, Alderman Valente offered a petition from opposed residents to be filed in the Office of the City Clerk and MOVED to accept the recommendation of the City of Clinton Planning and Zoning Board to deny said request to rezone the property at 375 Jackson Drive. SECONDED by Alderman Chappell and MOTION CARRIED 5-1 with Alderman Ferrell voting "nay".

APPROVAL OF FINAL PLAT FOR PHASE I OF JOE DEHMER'S PROPERTY LOCATED ON SPRINGRIDGE ROAD NEAR I-20

Following Public Works Director Harold Alderman's statement that all requirements of the subdivision regulations had been properly met, MOTION made by Alderman Valente and SECONDED by Alderman Ferrell to approve and accept the Joe T. Dehmer Final Plat for Phase I consisting of two commercial lots near I-20 and Springridge Road. MOTION CARRIED UNANIMOUSLY. Mr. Alderman also stated that a cashier's check for \$16,000.00 for future paving had been accepted and is on file in the City Clerk's Office.

CITY WILL NOT BE INVOLVED IN APPEAL OF REZONING APPLICATION OF MRS. WILLIAM E. HANNAH

Mayor Smith and City Attorney Spell advised the Board that the City Clerk had received notice of a Bill of Exceptions in an appealing of the 11-19-91 rezoning denial to the Circuit Court of Hinds county, Mississippi. After asking for direction from the Board, MOTION made by Alderman Johnson and SECONDED by Alderman Ferrell that the City Attorney not be involved in the appeal process. After much discussion from property owners asking for help with this appeal, Alderman Ferrell called for the question with a 3-3 tie vote resulting with "aye" votes cast from Aldermen Ferrell, Montgomery and Johnson and "nay" votes cast from Aldermen

Valente, Chappell and Lott. MOTION CARRIED 4-3 with Mayor Smith casting the affirmative vote breaking the tie.

DICTAPHONE AWARDED BID FOR VOICE LOGGER/RECORDER FOR FIRE AND POLICE DEPARTMENTS

Following discussion and recommendation of Chiefs Landrum and Byington regarding the three bids received for a voice logger/recorder for the police and fire departments, MOTION made by Alderman Ferrell and SECONDED by Alderman Chappell to approve the low bid of Dictaphone Corporation for \$18,359.00 with an approximate \$900 option and accept package #3 in their bid. MOTION CARRIED UNANIMOUSLY. Proof of Publication that bids were properly advertised may be found on Page 71 and Bid Tabulation on Page 72 of this Minute Book V with actual bids on file in the Office of the City Clerk.

DISCUSSION LIMITING BOARD APPOINTMENTS POSTPONED

Agenda Item #8 concerning terms of Board appointments was passed over with NO BOARD ACTION.

DISCUSSION OF GENERAL FUND TAX LEVY AND VOTER APPROVAL OF CERTAIN CAPITAL EXPENDITURES RESULTS IN NO BOARD ACTION

Alderman Valente discussed the previous Board authorization of bids on the police station and the question of how much the station would cost and how it would be paid for. Mayor Smith stated that the cost would be known when the bids were received. The difference between the estimated cost and the budgeted amount (appx. \$210,000) could be borrowed under State Law Section 17-21-51, if needed, and paid back in five years.

Dr. Valente stated that other expenditures (architect fees, soil boring, topo surveys, field testing and other unknown expenses) appeared to exceed the amount that could be borrowed by law. Alderman Valente and Mayor Smith discussed that appx. \$240,000 had been spent previously on property acquisition and that some millage increase may be necessary in the future to build the facility depending on the bids to be received on January 30, 1992. There also would possibly be a decrease in millage that was necessary in the past for property acquisition when a new budget is adopted in the future. More facts will be known after the bids are received and there was NO BOARD ACTION.

SUPPLEMENTAL HOMESTEAD EXEMPTION ROLL FOR 1991 ADOPTED

MOTION made by Alderman Montgomery and SECONDED by Alderman Johnson to adopt that Supplemental Homestead Exemption Roll for 1991 as found on Page 73 of this Minute Book V. MOTION CARRIED UNANIMOUSLY.

ATTORNEY SPELL UPDATES THREE LITIGATION CASES THAT INVOLVE THE CITY

City Attorney Spell apprised and updated the Board on litigation pending in which the City is a party: (1) School Board (water wells on 16th section land); (2) Budzinski (alleged flooding); and (3) Rayford Bradshaw (alleged excessive force). After being advised in item 3 that the Liability Insurance for the City will offer a defense only up to \$500,000 and that the City and officials will not be protected by sovereign immunity, MOTION made by Alderman Chappell and SECONDED by Alderman Lott that the City Attorney become involved in the Rayford Bradshaw lawsuit representing the parties individual interest in the excess liability above the insurance coverage. MOTION CARRIED 4-2 with "nay" votes cast by Alderman Valente and Montgomery.

ADJOURNMENT - 9:56 P.M.

There being no further business to discuss, MOTION made by

Alderman Montgomery and SECONDED by Alderman Chappell to adjourn with the next meeting being January 7, 1992, 7 P.M. MOTION CARRIED UNANIMOUSLY.

Copy of Agenda may be found on Pages 74-76 of this Minute Book V.

APPROVED: Billy R. Smith 12-6-91
Billy Ray Smith, Mayor Date

ATTEST: Nelson Byrd 12-6-91
Nelson Byrd, City Clerk Date

SEAL

PROOF OF PUBLICATION
THE STATE OF MISSISSIPPI
HINDS COUNTY

PASTE PROOF HERE

ADVERTISEMENT FOR BID
Sealed bids for a new Voice
Logger/Recorder for the City
of Clinton Fire and Police
Departments will be received
by the Mayor and Board of
Aldermen at the City Hall,
300 Jefferson Street, Clinton,
Mississippi, until 1:30 P.M. lo-
cal time on November 12,
1991 and immediately there-
after will be opened and pub-
licly read.
All documents required for
bidding purposes, including
specifications may be ob-
tained from the City Clerk at
the Clinton City Hall Monday
through Friday 8:00 A.M. to
5:00 P.M.
Bid preparation will be in ac-
cordance with the "Invitation
to Bid" found in the specifi-
cations. The City reserves the
right to waive irregularities
and to reject any and all
bids.
CITY OF CLINTON,
MISSISSIPPI
BY: /s/ Nelson Byrd
Nelson Byrd
City Clerk
APPROVED BY:
/s/ Billy R. Smith
Billy Ray Smith
Mayor
October 24, 31, 1991

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

Kin Hemphill,
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:

Date October 24, 19 91
Date October 31, 19 91
Date _____, 19____
Date _____, 19____
Date _____, 19____
Number of Lines 37
Published 2 Times
Total \$ 20.24
Signed *Kin Hemphill*
Authorized Clerk
of The Clarion-Ledger

SWORN to and subscribed before me the 31st day of October,
19 91.

Janet Boatner
Notary Public

My Commission Expires:
My Commission Expires Nov. 17, 1992

(Seal)

BID TABULATION
 BID OPENING - VOICE LOGGER - NOVEMBER 12, 1991, 1:30 P.M. - MAYOR'S OFFICE AT CITY HALL

VENDOR	PACKAGE #1	PACKAGE #2	PACKAGE #3	TAPES 30-DAY	60-DAY	90-DAY	REINSTALLATION
Communications Systems Memphis, TN	\$17,950.00	\$17,950.00 + 8,575.00 *See note	\$3,095.00	\$525.00 270.00 (Alt.)	\$1,005.00 510.00(A)	\$1,435.00 715.00 (Alt.)	\$475.00

*Package 1 was supposed to be a recorder/playback unit;
 Package 2 was supposed to be a record only unit with a separate playback unit. This company did not submit a bid on a record only unit so must use the recorder/playback unit price plus the separate playback unit price of \$8,575.00 combined for Package #2.

Dictaphone Strafford, CT	\$15,869.00 + 906.00 option	\$ 6,063.50	\$1,110.00	\$1,245.00	\$2,490.00	\$3,735.00	\$200-300
	\$10,390.00 Alt. + 906.00 option	5,000.00 Alt.					
Lanier Jackson, MS	\$14,995.00	\$14,329.00	\$4,615.50 (Additional units \$1,445.00)	\$1,600.00	\$3,200.00	\$4,800.00	\$600.00

Note: Bids were given to Rob Watras and Jeff Landrum for review. They will review and make recommendation to be submitted on Monday, Nov. 18, 1991, to send out in special packet to Aldermen for review prior to Board Meeting.

CITY OF CLINTON, MISSISSIPPI, APPROVING THE REGULAR
SUPPLEMENTAL HOMESTEAD EXEMPTION ROLL FOR 1991

BE IT RESOLVED BY THE MAYOR AND BOARD OF ALDERMEN OF THE
CITY OF CLINTON, MISSISSIPPI:

SECTION 1. That the Supplemental Homestead Exemption Roll for the year 1991, having been prepared and filed strickly according to law, showing 4,260 applications to have been allowed in the aggregate amount of 27,298,307 be, and the same, is hereby is all things, approved and adopted as the Supplemental Homestead Exemption Roll of the City of Clinton and the Clinton Public School District for the year of 1991. A copy of said Roll, duly certified, together with a certified copy of the Resolution, shall be the warrant and authority of the City Tax Collector for the allowance of such exemptions from the 1991 Municipal School District Ad Valorem Taxes as therein provided, and a duly certified copy of said Roll and this Resolution shall be furnished by the City Clerk to the State Tax Commission.

SECTION 2. That for cause, this Resolution shall be in force and effect from and after its passage.

A MOTION to adopt the foregoing Resolution having been duly made and SECONDED; the MOTION Carried Unanimously.

APPROVED:

ATTEST:

Billy R. Smith, Mayor

Nelson Byrd, City Clerk

CERTIFICATE

I, the undersigned NELSON BYRD, and the duly appointed City Clerk hereby certify that the above and foregoing is a true and exact copy of a Resolution adopted by the Mayor and Board of Aldermen of the City of Clinton at its Regular Meeting on Tuesday, the 3rd day of Dec., 1991 and appearing in Minute Book V at page 73.

Nelson Byrd
City Clerk

SEAL