REGULAR MEETING OF THE MAYOR AND BOARD OF ALDERMEN
TUESDAY, FEBRUARY 4, 1992 - 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, February 4, 1992, 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 Harvey Ellis, Minister of Youth at First Baptist Church 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
______________ - 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

APPROVAL OF CONSENT AGENDA ITEMS A-R:

A. Minutes of the Regular and Adjourned Meetings of the Mayor and Board of Aldermen of January 7 and 21, 1992, as printed and distributed.
B. Claims Docket - manual and computer claims numbered 1-540 for the month of January, 1992.
C. $200.00 to MLEOTA for Police Interview School Feb. 17-21, 1992, for Officers Gober and Gunter (Police)
D. $97.50/1,000 to SM Business Forms (low quote) to print appx. 6,000 purchase orders and requisitions (Purchasing Dept.)
E. $964.63 low quote to Mid South Uniform for 19 pairs of shoes (Fire)
F. $607.00 to Precision Brake to sharpen 36 blades and purchase 36 new blades for bush hog (P&R)
G. $3,000.00 to Satterfield Const. for lowering of 8" water line at Shoney's site (PWD)
H. $720.00 to Utility Constructors for constructing 3 detention ponds to prevent sand from entering Robinson Park SCS project (PWD)
I. $2,740.00 to Capweld for chlorine for water treatment (PWD)
J. Central Pipe & Supply $2,392.62 for emergency replacement of sewer line at Vernon and Warrenton due to major infiltrations; $901.90 for hydrant damaged in car accident on McRaven Road; and $852.00 for purchase of 24 bronze Badger meters
K. $6,927.40 to Hill City Oil for gasoline used by various depts.
L. $2,284.80 to Krystal Gravel for (1) road into northeast lagoon; (2) shoulders of roads; and (3) stockpiles
M. $588.27 to Southwest Paving for SS-1 tac and surface mix for road repair (PWD)
N. $1,121.74 to Anderson Engineers and $34,200.00 to Delta Constructors - January work on Southwest Lagoon (PWD)
O. $526.00 each to Wolverine Sports for low quote on four portable backstops for baseball (P&R)
P. Permission to advertise for bids to fence fields 3,4, and 5 for safety reasons with P&R Bond Issue Money (appx. $11,000.00)
Q. Full page ad for CHS Baseball Program - $100.00
R. Full Page ad for Boys State Soccer Championship to be played

in Clinton, MS - $100.00

MOTION made by Alderman Valente and **SECONDED** by Alderman Ryan to approve Consent Agenda Items A-P above as listed with the addition of the two ads listed in items Q and R verbally recommended by Mayor Smith, noting that said ads will serve to advertise and promote favorably the opportunities, possibilities and resources of the City of Clinton. **MOTION CARRIED UNANIMOUSLY.** Quotes in items D, E, and O are located in the Office of the City Clerk.

SPRINGRIDGE ROAD BIDS TO BE OPENED FEBRUARY 7, 1992

Agenda item #6, discussion/acceptance of bids on the widening of Springridge Road was postponed until the next Board Meeting due to bid opening date being February 7, 1992. **NO BOARD ACTION.**

LOTT APPRISES BOARD OF MEETINGS REGARDING KITCHINGS DRIVE/HIGHWAY 80/RAMP TRAFFIC QUESTION

Alderman Lott apprised the Board of current meetings held between the Mississippi State Highway Department, City of Clinton personnel, and concerned citizens from the Kitchings Drive area regarding the traffic at Kitchings Drive, Highway 80, and the ramp accessing the Clinton Plaza Shopping Center. Minutes and information from these meetings were distributed to the aldermen for review. **NO BOARD ACTION** was taken.

1990-1991 AUDIT ACCEPTED

MOTION made by Alderman Valente and **SECONDED** by Alderman Lott to accept the annual financial report as submitted for fiscal year ended 9-30-91 with special thanks to City Clerk Byrd and Comptroller Broadstreet for their good work on the new computer system and auditing practices respectively. **MOTION CARRIED UNANIMOUSLY.** Copy of audit on file in the Office of the City Clerk. Proof of Pub. on Page 113 A. NB

CMPDD TO DRAW NEW WARD LINES FOR CITY OF CLINTON VOTING WARDS

Noting that the City of Clinton must re-draw ward lines to conform to population statistics, **MOTION** made by Alderman Ferrell and **SECONDED** by Alderman Johnson to engage CMPDD to assist the City by drawing the new ward line boundaries at the fees set out in their letter as found on pages 114-116 of this Minute Book V. **MOTION CARRIED UNANIMOUSLY.** Dr. Valente encouraged these boundaries be done as expediently as possible to allow time for City Officials to work with the Justice Department, County and State to try and get City, County and State voting precincts and wards to coincide, thusly eliminating voter confusion at polling places.

ADOPTION OF RESOLUTION INTERPRETING THE ZONING ORDINANCE AS IT PERTAINS TO THE NORTHSIDE CAR CARE CENTER

MOTION made by Alderman Valente and **SECONDED** by Alderman Johnson adopting the Resolution found on pages 117-119 of this Minute Book V as requested by Mr. Ernie Johnson giving him guidance as to what he may and may not do as it pertains to the zoning ordinance and Northside Car Care Center. There being a tie vote of 3-3, Mayor Smith cast the deciding vote with Aldermen Ryan, Ferrell, and Montgomery casting "nay" votes and Aldermen Valente, Johnson, Lott and Mayor Smith casting "aye" votes. **MOTION CARRIED 4-3** to adopt said Resolution. City Clerk Byrd to send copy of said Resolution to Mr. Johnson.

OTHER BUSINESS:

A. Dr. Valente reported to the Board that none of the twenty-five families represented at the February 3, 1992, meeting to discuss a sewer proposal for College Hills expressed opposition to said proposal and that contact is being made with those persons affected but not present for said meeting.

B. Mayor Smith advised the Board that contact had been made with Danny and Mattie Elmore's attorney, Jonathan Alpert, regarding the SCS project and that the attorney stated through his secretary that he would strongly encourage the Elmore's to accept the City's offer for the appraised price of their property located on the SCS streambank erosion project along Robinson Park Extension, and Mr. Alpert further advised to send the necessary paperwork directly to him which City Attorney Spell is in the process of doing.

C. Mayor Smith reminded those present of the Ward 3 election on Tuesday, February 11, 1992; and City Clerk Byrd stated that City Hall would be open this Saturday, February 8, 1992, from 9 a.m. - 12 noon for absentee voters, noting that noon Saturday will be the last opportunity for a voter to cast an absentee ballot.

D. Mayor Smith apprised that representatives of the Board of Aldermen and the School Board have met and discussed options to the water well/recreational facility impasse and the School Board will be presenting a counter proposal to the City in the near future.

ADJOURNMENT - 8:25 P.M.

There being no further business to discuss, **MOTION** made by Alderman Montgomery and **SECONDED** by Alderman Johnson to Recess until February 18, 1992, 7 P.M. **MOTION CARRIED UNANIMOUSLY**.

Copy of Agenda may be found on Page 120 of this Minute Book V.

APPROVED: Billy R Smith — 2-9-92
Billy Ray Smith, Mayor — Date

ATTEST: Nelson Byrd — 2-9-92
Nelson Byrd, City Clerk — Date

SEAL

110 Clinton legals | 110 Clinton legals | 110 Clinton legals | 110 Clinton legals

The audit report for the City of Clinton for the year ended September 30, 1991 has been completed. Certain financial statements included in the report are reflected herein.

Comments disclosed in the auditors' report included the following:

> Certain expenditures were in excess of the appropriated amounts for those specific line-items of the adopted City budget; however, total operating expenditures in these applicable funds were less than the total operating expenditures budgeted.

> Mississippi state laws require that municipalities obtain collateral coverage equal to 105% of their uninsured deposit balances. At September 30, 1991, the City was $341,452 short of this requirement.

A copy of the audit report is on file and available for public inspection at the office of Nelson Byrd, City Clerk, City of Clinton, and at the Clinton Public Library.

TANN, BROWN & RUSS CO., LTD.
CERTIFIED PUBLIC ACCOUNTANTS
419 E. CAPITOL
JACKSON, MISSISSIPPI 39201
601/354-4926

MEMBERS AMERICAN INSTITUTE CERTIFIED PUBLIC ACCOUNTANTS — MEMBERS MISSISSIPPI SOCIETY OF CERTIFIED PUBLIC ACCOUNTANTS

INDEPENDENT AUDITORS' REPORT

The Honorable Mayor and Board of Aldermen
City of Clinton
Clinton, Mississippi

We have audited the accompanying general purpose financial statements of the City of Clinton, Mississippi, as of September 30, 1991, and for the year then ended. These general purpose financial statements are the responsibility of City of Clinton's management. Our responsibility is to express an opinion on these general purpose financial statements based on our audit.

We conducted our audit in accordance with generally accepted auditing standards and Government Auditing Standards, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the general purpose financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the general purpose financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

In our opinion, the general purpose financial statements referred to above present fairly, in all material respects, the financial position of City of Clinton, Mississippi, as of September 30, 1991, and the results of its operations and cash flows of its proprietary and similar trust fund type for the year then ended in conformity with generally accepted accounting principles.

Our audit was made for the purpose of forming an opinion on the general purpose financial statements taken as a whole. The combining, individual fund and account group financial statements and supplemental schedules listed in the table of contents are presented for purposes of additional analysis and are not a required part of the general purpose financial statements of the City of Clinton, Mississippi. Such information has been subjected to the auditing procedures applied in the audit of the general purpose financial statements and, in our opinion, is fairly stated in all material respects in relation to the general purpose financial statements taken as a whole.

As discussed in Note 15 to the general purpose financial statements, the City is the defendant in various lawsuits, including a lawsuit alleging excessive force was used in an arrest by officers of the City police force. The ultimate liability resulting from these matters cannot presently be determined. Accordingly, no provision for any liability that may result has been made in the accompanying general purpose financial statements or combining, individual fund and account group financial statements and supplemental schedules.

Tann, Brown & Russ Co

December 20, 1991

CITY OF CLINTON

COMBINED STATEMENT OF REVENUES, EXPENSES, AND CHANGES IN RETAINED EARNINGS/FUND BALANCES - ALL PROPRIETARY FUND TYPES AND SIMILAR TRUST FUND

Year Ended September 30, 1991

	Proprietary Fund Type: Enterprise	Fiduciary Fund Type: Pension Trust	Totals (Memorandum Only) 1991	Totals (Memorandum Only) 1990
Operating Revenues:				
Water sales	$1,496,491	$	$1,496,491	$1,592,090
Sewer service charges	711,577		711,577	780,570
Other services	92,625		92,625	97,661
Interest		118	118	29
Taxes		120,627	120,627	117,975
Intergovernmental		2,438	2,438	2,587
Total Operating Revenues	2,300,693	123,183	2,423,876	2,590,912
Operating Expenses:				
Salaries	459,971		459,971	403,646
Employee benefits	112,975		112,975	101,824
Insurance	15,820		15,820	15,525
Office supplies	1,573		1,573	916
Operating supplies:				
Gas and oil	11,430		11,430	10,588
Other	7,868		7,868	6,517
Repairs and maintenance	164,739		164,739	163,371
Professional services	52,163		52,163	33,383
Telephone	10,554		10,554	9,720
Postage	16,014		16,014	13,258
Printing	1,536		1,536	3,383
Utilities	240,656		240,656	250,298
Rentals	980		980	1,454
Depreciation	194,874		194,874	182,077
Amortization	20,004		20,004	20,004
Purification	45,307		45,307	42,654
Pro rata overhead to General Fund	72,000		72,000	72,000
Other	19,297		19,297	5,569
Contribution to Public Employees Retirement System		123,939	123,939	121,964
Total Operating Expenses	1,447,761	123,939	1,571,700	1,458,151
Operating Income (Loss)	852,932	<756>	852,176	1,132,761

COMBINED STATEMENT OF REVENUES, EXPENSES, AND CHANGES IN RETAINED EARNINGS/FUND BALANCES - ALL PROPRIETARY FUND TYPES AND SIMILAR TRUST FUND (CONTINUED)

	Proprietary Fund Type: Enterprise	Fiduciary Fund Type: Pension Trust	Totals (Memorandum Only) 1991	Totals (Memorandum Only) 1990
Nonoperating Revenues (Expenses):				
Interest income	111,072		111,072	146,696
Interest and fiscal charges	<325,380>		<325,380>	<347,389>
Total Nonoperating Revenues (Expenses)	<214,308>		<214,308>	<200,693>
Income Before Operating Transfers	638,624	<756>	637,868	932,068
Operating Transfers In				203,326
Operating Transfers Out	<33,103>		<33,103>	<162>
Net Income (Loss)	605,521	<756>	604,765	1,135,232
Retained Earnings/Fund Balances, October 1	5,514,485	3,849	5,518,334	4,383,102
Retained Earnings/Fund Balances, September 30	$6,120,006	$ 3,093	$6,123,099	$5,518,334

The notes to the financial statements are an integral part of this statement

CITY OF CLINTON

COMBINED BALANCE SHEET - ALL FUND TYPES AND ACCOUNT GROUPS

SEPTEMBER 30, 1991

ASSETS AND OTHER DEBITS	Governmental Fund Types: General	Special Revenue	Debt Service	Capital Projects	Proprietary Fund Type: Enterprise	Fiduciary Fund Type: Trust and Agency	Account Groups: General Fixed Assets	General Long-Term Debt	Totals (Memorandum Only) 1991	1990
Assets:										
Cash	$ 157,991	$ 11,386	$ 94,582	$1,506,482	$ 322,814	$ 14,752	$	$	$ 2,108,007	$ 760,322
Investments (Note 4)	500,000				102,000				602,000	2,048,000
Cash with fiscal agent			9,760						9,760	940
Receivables:										
Taxes	54,367	4,123	14,435			3,093			76,018	89,330
Accrued interest receivable	14,694								14,694	
Sales tax	114,703								114,703	86,107
Franchise charges	120,050								120,050	116,774
Intergovernmental				122,127					122,127	
Accounts					383,449				383,449	452,487
Special assessments					58,413				58,413	67,992
Miscellaneous										200
Interfund receivables (Note 7)	1,436					1,662			3,098	26,506
Inventory, at cost					9,948				9,948	9,948
Prepaid expense										4,360
Restricted assets (Note 4)	19,600				885,113				904,713	1,345,246
Deferred compensation plan assets at fair market value						197,089			197,089	147,176
Fixed assets (net of accumulated depreciation) - (Note 5)					9,009,864		3,426,227		12,436,091	10,497,106
Intangible asset (net of accumulated amortization)					716,659				716,659	736,663
Other debits:										
Amount available in Debt Service Fund								113,160	113,160	113,160
Amount to be provided for retirement of general long-term debt								5,452,944	5,452,944	4,889,626
Amount to be provided for compensated absences								124,860	124,860	120,995
Total Assets	$ 982,841	$ 15,509	$ 118,777	$1,628,609	$11,488,260	$ 216,596	$3,426,227	$5,690,964	$23,567,783	$21,512,938

LIABILITIES, EQUITY AND OTHER CREDITS	Governmental Fund Types: General	Special Revenue	Debt Service	Capital Projects	Proprietary Fund Type: Enterprise	Fiduciary Fund Type: Trust and Agency	Account Groups: General Fixed Assets	General Long-Term Debt	Totals (Memorandum Only) 1991	1990
Liabilities:										
Accounts payable	$ 172,412	$ 13,788	$ 3,047	$ 122,127	$ 162,853	$	$	$	$ 474,227	$ 234,140
Accrued interest payable					15,890				15,890	67,726
Compensated absences payable					30,228			124,860	155,088	149,170
Liabilities payable from restricted assets					347,215				347,215	302,968
Matured general obligation bonds and interest			9,785						9,785	940
Capital lease payable - current (Note 10)					66,666				66,666	66,666
General obligation bonds payable - current					140,000				140,000	130,000
Interfund payables (Note 7)	1,481	120			1,497				3,098	26,506
Due to other governments	3,158								3,158	4,346
General obligation bonds payable (Note 6)					1,630,000			5,548,000	7,178,000	6,735,000
Revenue bonds payable (Note 6)					1,598,000				1,598,000	1,644,000
Long-term note payable and obligations under capital leases (Notes 6 and 10)					666,670			18,104	684,774	771,122
Amounts held in custody for others (Note 11)						197,089			197,089	147,176
Total Liabilities	177,051	13,908	12,832	122,127	4,659,019	197,089		5,690,964	10,872,990	10,279,760
Equity and Other Credits:										
Investment in general fixed assets							3,354,106		3,354,106	3,079,712
Contributed capital					709,235				709,235	909,235
Retained earnings:										
Reserved per revenue bond indentures					537,898				362,898	1,021,847
Reserved general obligation bond proceeds									5,757,108	4,492,638
Unreserved					5,582,108					14,289
Fund balances:										
Reserved for encumbrances										
Reserved for advance to Water and Sewage System Fund										
Reserved for unemployment and retirement benefits						19,507			19,507	19,112
Reserved for debt service			105,945						105,945	113,160
Unreserved - undesignated	605,790	1,601		1,506,482					2,113,873	593,185
Unreserved - designated	200,000								200,000	1,190,000
Total Fund Equity and Other Credits	805,790	1,601	105,945	1,506,482	6,829,241	19,507	3,354,106		12,622,672	11,233,178
Total Liabilities, Fund Equity and Other Credits	$ 982,841	$ 15,509	$ 118,777	$1,628,609	$11,488,260	$ 216,596	$3,354,106	$5,690,964	$23,495,662	$21,512,938

The notes to the financial statements are an integral part of this statement.

CITY OF CLINTON

COMBINED BALANCE SHEET - ALL FUND TYPES AND ACCOUNT GROUPS

SEPTEMBER 30, 1991

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Assets:										
Cash	$ 157,991	$ 11,386	$ 94,582	$1,506,482	$ 322,814	$ 14,752	$		$ 2,108,007	$ 760,322
Investments (Note 4)	500,000				102,000				602,000	2,048,000
Cash with fiscal agent			9,760						9,760	940
Receivables:										
Taxes	54,367	4,123	14,435			3,093			76,018	89,330
Accrued interest receivable	14,694								14,694	
Sales tax	114,703								114,703	86,107
Franchise charges	120,050								120,050	116,774
Intergovernmental				122,127					122,127	
Accounts					383,449				383,449	452,487
Special assessments					58,413				58,413	67,992
Miscellaneous										200
Interfund receivables (Note 7)	1,436					1,662			3,098	26,506
Inventory, at cost					9,948				9,948	9,948
Prepaid expense										4,360
Restricted assets (Note 4)	19,600				885,113				904,713	1,345,246
Deferred compensation plan assets at fair market value						197,089			197,089	147,176
Fixed assets (net of accumulated depreciation) - (Note 5)					9,009,864		3,426,227		12,436,091	10,497,106
Intangible asset (net of accumulated amortization)					716,659				716,659	736,663
Other debits:										
Amount available in Debt Service Fund								113,160	113,160	113,160
Amount to be provided for retirement of general long-term debt								5,452,944	5,452,944	4,889,626

…OF OF PUBLICATION
…TATE OF MISSISSIPPI
…HINDS COUNTY

…peared before me, the undersigned notary …unty, Mississippi,

Kim Hemphill ,

…k of THE CLINTON NEWS, a weekly …d and prescribed in Sections 13-3-31 and …ppi Code of 1972, as amended, who, being … that the notice, a true copy of which is …peared in the issues of said newspaper as

February 20 , 19 92

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Kim Hemphill

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…ruary 1992 .

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…Expires Nov. 17, 1992

(Seal)

113 A

CMPDD

CENTRAL MISSISSIPPI PLANNING AND DEVELOPMENT DISTRICT

E.E.Jackson
President
Tally P. Mize
Vice President
James Wilson
Secretary-Treasurer
F.Clarke Holmes
Executive Director

1170 LAKELAND DRIVE P.O. BOX 4935 JACKSON, MISSISSIPPI 39296-4935 (601) 981-1511 FAX: (601) 981-1515

January 17, 1992

Mayor Billy Ray Smith
City of Clinton
Post Office Box 156
Clinton, Mississippi

Dear Billy Ray:

We took the map of Clinton outlining the wards for the City and placed it on our computerized mapping system to determine if Clinton needed to redistrict your ward boundaries. As you know, each municipality must utilize the 1990 Census to determine if they are in compliance with the one-man, one-vote concept. If your municipality's variance is greater than 10%, then you are required to re-draw your ward lines.

Based on the 1990 Census, your variance is 48.50%. Ward 2 has a positive variance of 22.02% while Ward 5 has a negative variance of 26.48%. As a result, it is obvious that you need to redistrict your ward boundaries.

You are now on our computerized mapping system and if you would like, we can assist you with this complicated procedure. Attached is a proposal that outlines the redistricting procedure and our charge for these services. We are experts in this field and are already familiar with Clinton. Attached is our standard proposal which outlines the work required and the costs associated with the work. If you would like for me to provide you additional information or meet with you and your Board, please feel free to contact me.

I appreciate your concern in this matter. Please call me to let us know how you would like to proceed.

Sincerely,

Bruce

Bruce S. Reynolds
Senior Planner

Attachment

Serving Local Governments: Copiah, Hinds, Madison, Rankin, Simpson, Warren and Yazoo Counties

CMPDD'S PROPOSAL FOR
REDISTRICTING OF MUNICIPAL WARD BOUNDARIES

PHASE I
DETERMINE IF REDISTRICTING IS NEEDED

- Obtain Existing Ward Lines from Municipality
- Place Municipality on CMPDD's Geographic Information System (Computerized Mapping System)
- CMPDD Reviews Computerized Printout to Determine Population Variance By Ward
- If the Variance is Higher than that Allowed by Department of Justice (No More Than 10% Variance Top to Bottom) Then Redistricting is Needed
- If The Municipality Elects Each Candidate on an "At Large" Basis, It is Recommended That a Ward System Be Developed

COST PHASE I: NO CHARGE FOR THIS SERVICE

PHASE II
INITIATE REDISTRICTING EFFORT

BEGIN THE PROJECT

- CMPDD Will Meet With Board and Explain redistricting Procedure
- Develop Criteria (Acceptable to Board and Department of Justice) to Guide Redistricting Process
- Develop Resolution Establishing Redistricting Guidelines
- Determine Which Wards are Most in Need of Changing

CITIZEN PARTICIPATION

- CMPDD Will Explain Department of Justice Requirements
- Provide Public Hearing Notice(s)
- CMPDD Will Assist in Holding Public Hearing(s)
- Record and Document Citizen Participation to Comply with Department of Justice (DOJ) Regulations

RE-DRAW WARD BOUNDARIES

- Discuss Possibilities of Potential Change with the Board
- Based on Municipality's Needs, Begin Changing Ward Lines on District's GIS Computerized Mapping System

- Develop a Proposed Ward System to Comply With One-Person, One-Vote Principle, Department of Justice and State Regulations

9

- Present Proposal to Board
- Hold Public Hearing
- Assist Municipality with Adoption of Plan in Accordance with State Regulations

SUBMISSION OF PROPOSAL TO DEPARTMENT OF JUSTICE

- Develop Checklist for City Attorney
- Meet with City Attorney to Familiarize him with Submittal Procedure
- Provide Required Attachments
- Review Submittal Document for Adequacy
- Assist Attorney in Submitting New Ward System to Department of Justice for Review
- Answer Questions and Provide Additional Information to DOJ Regarding Submittal

PRECLEARANCE OF PLAN (APPROVAL) FROM DEPARTMENT OF JUSTICE

- DOJ has 60 Days to Review Submittal Document
- Approval is Automatic if not Acted on by DOJ Within 60 Days
- If Substantial Questions are asked by DOJ, the "Clock" is Extended 60 Additional Days
- Maximum Time for Review by DOJ is 120 Days

COST PHASE II: $2,500 minimum. If additional hours over and above $2,500 are incurred, then hourly rate of participating staff is charged not to exceed $7,000.

PHASE III

COURT ACTION (IF NECESSARY)

- Defend Redistricting Plan
- Provide Information Requested by Courts
- Testify as Expert Witness for the Municipality
- Work With City Attorney to Assist in Litigation

COST PHASE III: If Plan is challenged, District staff time will be charged at an hourly rate based on the actual amount of time and expense required. This could be over and above the $7,000 "not to exceed" limit.

RESOLUTION INTERPRETING THE ZONING ORDINANCE OF THE CITY OF CLINTON, MISSISSIPPI

WHEREAS, the City of Clinton adopted a Zoning Ordinance in April 1976, which Ordinance governs the development of real property within the City; and

WHEREAS, the Zoning Ordinance contains §901J which provides that in a C-1 District there may be established other similar enterprises or businesses of the same class as are specifically provided in §901, provided such businesses are not more obnoxious or detrimental to the welfare of the particular area than the enterprises or businesses permitted in §901, and provided further that any uses not specifically listed as an approved activity shall be reviewed by the Planning Commission and approved by the Mayor and Board of Aldermen prior to the initiation of such use; and

WHEREAS, a request for review of a "similar enterprise or business" of the same class, as provided in §901, was made to the Board so that the Northside Car Care Center could be operated at the corner of Pinehaven and Northside Drive in the City of Clinton; and

WHEREAS, the Mayor and Board of Aldermen considered such application and, in particular, considered the conditions under which the proposed Northside Car Care Center could be operated as a "similar enterprise or business" under §901J; and

WHEREAS, the Mayor and Board of Aldermen at the time the application was considered heard testimony with regard to the proposed operation of Northside Car Care Center and considered sworn testimony in light of the language of the Ordinance; and

WHEREAS, the applicant assured the Mayor and Board of Aldermen that the operation of Northside Car Care Center would comply with all provisions of §901 and that all operations would be conducted inside the building to be erected; and

WHEREAS, the Mayor and Board of Aldermen made findings and imposed as a condition upon the approval of the application of Northside Car Care Center to operate under §901J that all operations be within an enclosed building; and

WHEREAS, the Mayor and Board of Aldermen at the time the application was considered took special care and precautions to advise the applicant that all conditions of §900 of the Ordinance related to Limited Commercial District (C-1) must be complied with, including the requirement to conduct all operations inside an enclosed structure which the Mayor and Board of Aldermen informed the applicant meant inside a building;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Mayor and Board of Aldermen reaffirm the interpretation §901J of the Zoning Ordinance of the City of Clinton to mean that any business authorized to be conducted under §901J must be conducted inside an enclosed building.

2. Except for the parking of vehicles awaiting repairs, as permitted under §901 of the Zoning Ordinance, or for vehicles after repair waiting to be removed from the premises, any vehicle parked outside a building for the purpose of storage or detention is a violation of the Municipal Zoning Ordinance.

3. The operation of a vehicle towing service in a C-1 District where motor vehicles are brought upon the premises of a C-1 District and placed there for storage or safekeeping outside a building, whether or not on a temporary basis, is a violation of the City Zoning Ordinance, and the storing or parking of vehicles outside a building upon the premises of a business designated C-1 for storage or safekeeping, whether or not placed there by a towing service, is a violation of the City Zoning Ordinance, unless for the purposes permitted as hereinabove set forth.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Building Inspector and Director of Public Works of the City of Clinton, Mississippi, be, and by this Resolution hereby are, informed that the governing authority of the City of Clinton considers the actions and conditions described hereinabove to be violations of the City Zoning Ordinance, and the Building Inspector and the Director of Public Works be, and hereby are, directed immediately and thereafter periodically to make such inspections of the premises of the Northside Car Care Center location and its operation as necessary to determine whether there is a violation of the City Zoning Ordinance and, if such a violation is found, then the Building Inspector and the Director of Public Works be, and hereby are, directed to take such action as is provided by the Ordinance and other applicable laws to enforce the City Zoning Ordinance.

Alderman VALENTE moved that the foregoing Resolution be adopted. Alderman JOHNSON seconded. The vote was as follows:

Alderman Ryan voted:	"NAY"
Alderman Ferrell voted:	"NAY"
Alderman Valente voted:	"AYE"
Alderman Montgomery voted:	"NAY"
Alderman Johnson voted:	"AYE"
Alderman Lott voted:	"AYE"

APPROVED on the 4TH day of FEB., 1992.

Billy R. Smith - VOTED "AYE"
BILLY RAY SMITH, MAYOR

ATTEST:

Nelson Byrd
NELSON BYRD, CITY CLERK