

ADJOURNED MEETING OF THE MAYOR AND BOARD OF ALDERMEN
TUESDAY, JULY 16, 1991 - 7 P.M.
A. E. WOOD MEMORIAL LIBRARY

The Mayor and Board of Aldermen of the City of Clinton met in Adjourned Meeting at 7 P.M., at the A. E. Wood Memorial Library, 111 Clinton Boulevard, pursuant to a Recess Order adopted by said Mayor and Board of Aldermen at their Regular Meeting of July 2, 1991, as found on Page 749 of this Minute Book U.

WELCOME AND CALL TO ORDER - Mayor pro tem Jean Johnson

INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG

The Invocation was led by Dr. Buddy Waggoner followed by the Pledge of Allegiance to the Flag led by Alderman Ed Valente.

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 - Presiding as Mayor pro tem
Sharbert Lott - Alderman Ward 6

City Attorney William E. Spell
City Clerk Nelson Byrd

Absent - Willard Ryan - Alderman-at-Large (illness)
Mayor Billy Ray Smith - out of country (China)

APPROVAL OF CONSENT AGENDA ITEMS A-I:

- A. \$713.60 to Faulkner Concrete for Arch Culvert for Traceway Park (P&R)
- B. \$1,185.00 to Harcros Chemical for 1500 lbs sodium fluoride for water treatment (PWD)
- C. \$609.42 to Jackson Ford Tractor for rubber footings for backhoe to protect pavement (PWD)
- D. \$960.00 to CapWeld for 12 cyl. of chlorine for water treatment (PWD)
- E. \$7,553.35 to Hill City Oil for gasoline used in various departments
- F. \$350.00 to Willie Caston to cut down dangerous tree behind City Hall due to decay and age (Adm.)
- G. \$34.51 to Bill Lewis for gasoline purchased on Gulf Coast at Paramedic Course (Fire)
- H. \$1,446.00 State Contract Price to Statewide Communications for low quote on radio for Fire Station #1 (CFD)
- I. \$721.12 State Contract price to General Tire for Tanker Truck tires (CFD)

MOTION made by Alderman Lott and SECONDED by Alderman Chappell to approve Consent Agenda Items A-I as listed above. MOTION CARRIED UNANIMOUSLY.

PUBLIC HEARINGS TO DETERMINE STATE OF UNCLEANLINESS OF VARIOUS PARCELS

Noting that the following parcels were scheduled for public hearing to determine whether they are in a state of uncleanness so as to be a menace to the health and safety of the community and that said property owners had been properly notified by certified mail with copies of signed certificates on file in the Office of the Public Works Director, Mayor pro tem Johnson called said public hearing open.

Alderman Montgomery requested Parcel (A) #2862-172 owned by Deborah P.

Reed be continued until the next Board Meeting because Ms. Reed had contacted him and told him said property will be cleaned within the next ten days; Public Works Director Alderman apprised the Board that Parcels (B) #2860-851 owned by Dr. H. B. Todd and (C) #2862-170-21 owned by Daniel T. Anderson had been cleaned up, and that Parcel (D) #2862-160-154 once owned by Marlin Pike is now in bankruptcy court (Alderman Valente to check with surrounding property owners this week to see if this matter can wait until ownership is determined in bankruptcy court or if the City needs to pursue filing a petition in bankruptcy court to allow the City to clean said property); and Parcel (E) #2860-834-460 owned by Oxford Homes Equity Loan Co., Inc., was determined to be a threat to the health and safety of the community and should be cleaned immediately.

MOTION made by Alderman Montgomery and SECONDED by Alderman Valente that Parcel E listed above be cleared immediately and Parcels A and D listed above be continued until the next Board Meeting. MOTION CARRIED UNANIMOUSLY.

DEMOLITION OF 524 EAST COLLEGE STREET SET FOR FINAL HEARING AUG. 6, 1991

Noting that Parcel #2861-284 located at 524 East College Street owned by Mr. Hollis E. Lee had upon September 4, 1990, been declared by the Mayor and Board of Aldermen as unsafe, unsanitary or a fire hazard and ordered to be demolished, and Ms. Dorothy McCraw appearing before the Board on said date having taken out a permit to remove the building from the ground (Permit #9883) advised said Board that they would begin to tear said building down in 3 1/2 weeks and should have said demolition completed in 1 to 1 1/2 months, and noting that nothing has been done to correct said matter to date, MOTION made by Alderman Valente and SECONDED by Alderman Chappell authorizing Public Works Director Alderman to send a second legal notice to the property owner by certified mail informing them that this matter is set for final hearing on August 6, 1991, before the Mayor and Board of Aldermen and to instruct the Building Inspector to visit said site and record the dilapidated state of said property on video tape. MOTION CARRIED UNANIMOUSLY.

APPROVAL GRANTED TO ABANDON AN EIGHTEEN INCH PORTION OF EASEMENT ON SOUTH SIDE OF 704 PINEHURST DRIVE IN EXCHANGE FOR TEN FOOT EASEMENT ON NORTH SIDE

After presentation of a letter and a plat of property on 704 Pinehurst Drive by Attorney Fariss Crisler, III, as shown on Pages 764-767 of this Minute Book U, that said property encroaches eleven inches onto a City easement on the south side of property, and after consultation by the Board with Public Works Director Alderman and City Engineer Terry Anderson, MOTION made by Alderman Montgomery and SECONDED by Alderman Lott to abandon eighteen inches of the present easement on the south side in exchange for a ten foot easement on the north side of said property. MOTION CARRIED UNANIMOUSLY. Fariss Crisler and City Attorney Spell are to draw up and record the necessary easements. In conjunction with this matter, Mr. Jackie Dalton requested the Board to consider a similar request at the next Board Meeting because his fireplace extends two feet on this same easement.

AUTHORIZATION TO ENTER INTO CONTRACT WITH JOSEPH LONG FOR REVIEW APPRAISER FOR CDBG PROJECT

As directed at the July 2, 1991, meeting of the Mayor and Board of Aldermen, the selection Committee reviewed the four proposals submitted for CDBG review appraiser and determined that the proposal of Mr. Joseph Long at \$95.00 per parcel was the best proposal, MOTION made by Alderman Ferrell and SECONDED by Alderman Chappell to enter into contract with Mr. Joseph Long as review appraiser for the CDBG project at \$95.00 per parcel as found on Pages 768-769 of this Minute Book U. MOTION CARRIED UNANIMOUSLY. It was noted by Mr. Woody Sample, Sample and Associates, that bids are to be received on this project next Thursday, July 25, 1991.

PRESENTATION OF DAVID WEEKS FOR P&R LAND LEASE PASSED OVER

Due to Mr. David Weeks absence, Agenda item # 10, "Statement/Presentation by Mr. David Weeks for P&R land for lease" was passed over. NO BOARD ACTION.

CITY TO FILE PETITION TO INTERVENE INTO STATE RE-DISTRICTING LAWSUIT

Following considerable discussion, MOTION made by Alderman Montgomery and SECONDED by Alderman Valente to authorize City Attorney Bill Spell to file a petition on behalf of the City of Clinton to intervene into the State Re-districting lawsuit. This action is being taken in order to pursue keeping Clinton substantially in one district and maintaining the protection of the City as a political subdivision. ROLL CALL VOTE: Alderman Ferrell - "nay", Alderman Valente - "aye", Alderman Chappell - "nay", Alderman Montgomery - "aye", Alderman Lott - "aye". MOTION CARRIED 3-2.

ADOPTION OF RESOLUTION ASSESSING DAMAGES AGAINST WOODWARD PROPERTY ON LAKEVIEW STREET

Noting that the matter of damages against the Woodward property on Lakeview Street was tabled at the July 2, 1991, meeting for additional documentation of expenses incurred by the City, MOTION made by Alderman Valente and SECONDED by Alderman Lott to adopt that Resolution found on Pages 770-771 of this Minute Book U in the amount of the stated damages plus the cost of advertising in the amount of \$10.60. MOTION CARRIED UNANIMOUSLY.

ACKNOWLEDGEMENT OF RECEIPT OF SCHOOL 1991-1992 BUDGET

MOTION made by Alderman Lott and SECONDED by Alderman Ferrell to acknowledge receipt of the 1991-1992 budget of estimated revenues and expenses for the support, maintenance and operation of the Clinton Public School District as submitted by Dr. Virgil Belue, School Superintendent. MOTION CARRIES UNANIMOUSLY. Copy of said budget is on file in the Office of the City Clerk.

NOMINATION OF P&Z REPRESENTATIVE FOR WARD 1 TO BE PLACED ON NEXT AGENDA

MOTION made by Alderman Ferrell to accept Mr. James Robinson as nominee to fill the Ward 1 unexpired term on the City of Clinton Planning and Zoning Board vacated by Mr. Don Williams. MOTION DIED FOR LACK OF SECOND. It was noted that Board members had not had enough time to interview Mr. Robinson and requested this matter be placed on the next agenda.

CLERK INSTRUCTED TO PLACE RITCHEY WATER BILL ON NEXT AGENDA

Alderman Montgomery requested City Clerk Byrd to investigate and place on the next agenda the matter of a water bill adjustment for Richard Ritchey who requested the City to cut his water off while he was serving active military duty in Saudi Arabia. NO BOARD ACTION.

GARBAGE/RECYCLING BID TO BE AWARDED AT AUGUST 6, 1991 MEETING

City Clerk Byrd informed the Board that the Mayor will meet with the four vendors who turned in proposals for garbage/recycling pick-up for the City and go over each proposal in detail and will bring a recommendation back to the Board for action on August 6, 1991. NO BOARD ACTION.

ECONOMIC DEVELOPMENT BROCHURE AUTHORIZED

Upon the request of Mr. James Powell, City Economic Development Director, MOTION made by Alderman Chappell and SECONDED by Alderman Montgomery to proceed with the Economic Development Tourism Brochure noting that said item is budgeted. ROLL CALL VOTE: Alderman Ferrell - "nay", Alderman Valente - "aye", Alderman Chappell - "aye", Alderman Montgomery - "aye", Alderman Lott - "aye". MOTION CARRIED 4-1. Copy of quotes are on file in the Office of the City Clerk.

ADJOURNMENT 8:30 P.M.

There being no further business to discuss, MOTION made by Alderman Montgomery and SECONDED by Alderman Chappell to adjourn. MOTION CARRIED UNANIMOUSLY.

Copy of Agenda may be found on Pages 772-774 of this Minute Book U.

APPROVED:

Jean Johnson
Jean Johnson, Mayor Pro Tem

7-18-91
Date

ATTEST:

Nelson Byrd
Nelson Byrd, City Clerk

7-18-91
Date

SEAL

7-2-91

AMENDMENT TO CONTRACT

This "Amendment to Contract" made and entered into by and between American Television and Communications Corporation, hereinafter called "ATC", and the City of Clinton, Mississippi, a municipal corporation, hereinafter called "City".

WITNESSETH:

WHEREAS, on February 20, 1978 a non-exclusive contract for furnishing CATV services to citizens of Clinton, Mississippi, was entered into between Clearview of Clinton (which was later transferred to Capitol Cablevision) and the City of Clinton, Mississippi; and

WHEREAS, the terms and conditions of the existing contract remain satisfactory to both parties;

NOW, THEREFORE, in consideration of the mutual benefits and advantages each to the other, as hereinafter set forth, the parties hereto agree as follows:

1. The City shall extend until 7-2, 2001, the term of the existing contract between ATC and it.

2. The terms and conditions of the February 20, 1978 Contract between ATC and the City, as amended, and as altered by the Cable Communications Policy Act of 1984, shall remain valid, binding and in force.

IN WITNESS WHEREOF, the parties hereto have affixed their signatures on this the 2ND day of July, 1991.

AMERICAN TELEVISION &
COMMUNICATIONS CORPORATION INC.

BY: _____
JAMES P. COTTINGHAM
Executive Vice President

ATTEST: _____

CITY OF CLINTON, MISSISSIPPI

BY: Billy R. Smith
BILLY RAY SMITH, MAYOR

ATTEST: Nelson Byrd
Nelson Byrd, City Clerk

H. FARISS GRISLER, III*Attorney at Law*

811 East River Place, Suite 102

Jackson, Mississippi 39202

601/353-2155

July 15, 1991

Mayor Billy Ray Smith
City of Clinton
Clinton, MS 39056

Dear Mayor Smith:

I represent Mrs. Debra B. Davis, the owner of the residence located at 704 Pinehurst, Clinton, Mississippi.

On April 6, 1991 Mrs. Davis obtained a contract to sell her residence to Mr. and Mrs. Terry W. Dennis. Mr. and Mrs. Dennis were subsequently approved by their mortgage company to obtain an FHA loan to purchase the residence. In preparation for closing a survey was ordered. Bailey Engineering, Inc. prepared a survey dated May 3, 1991, a copy of which is attached hereto for your reference. The legal description of this property is as follows:

Lot 44, McDonald Heights, Part 2, a subdivision according to the map or plat thereof which is on file and of record in the office of the Chancery Clerk of Hinds County at Jackson, Mississippi, in Plat Book 21 at Page 34, reference to which is hereby made in aid of and as a part of this description.

The subdivision plat indicates that there is a twenty (20) foot easement along the south line of the subject property, also being the common property line for lots 44 and 43. It would appear from the plat of the subdivision that the intention is that there be ten (10) feet easement on both sides of this property line. As you will notice on the attached plat, the driveway, open carport and storage room appears to encroach on the easement by nine-tenths (.9) of a foot. This is unacceptable to the FHA. In the easement on Lot 44 is an eight (8) inch sanitary sewer line used by the City of Clinton. Bailey Engineering, Inc. has prepared an additional plat indicating the approximate location of the sanitary sewer line, a copy of which is attached hereto for your reference. I have made several efforts to get the FHA to waive their objection to the encroachment onto the easement but I have been unsuccessful in doing so. It appears that the only other alternative at this point is to have the easement under the storage room, open carport and driveway released by the City of Clinton.

This residence was built in 1978, having passed all the inspections of the City of Clinton Building Inspector. No one knew of this problem until Bailey Engineering, Inc. prepared its survey on May 3, 1991. Due to the fact that the City of Clinton approved the construction of the residence as indicated on the plat of Bailey Engineering, Inc., my client takes the position that the City of Clinton abandoned so much of the easement that is encroached upon by the storage room, open carport and driveway as shown on the plat.

This matter, at my request, has been placed on the agenda for your meeting on July 16. Request is made that the City of Clinton formally release that portion of the easement which is encroached upon by the storage room, open carport and driveway as shown on the plat of Bailey Engineering, Inc.

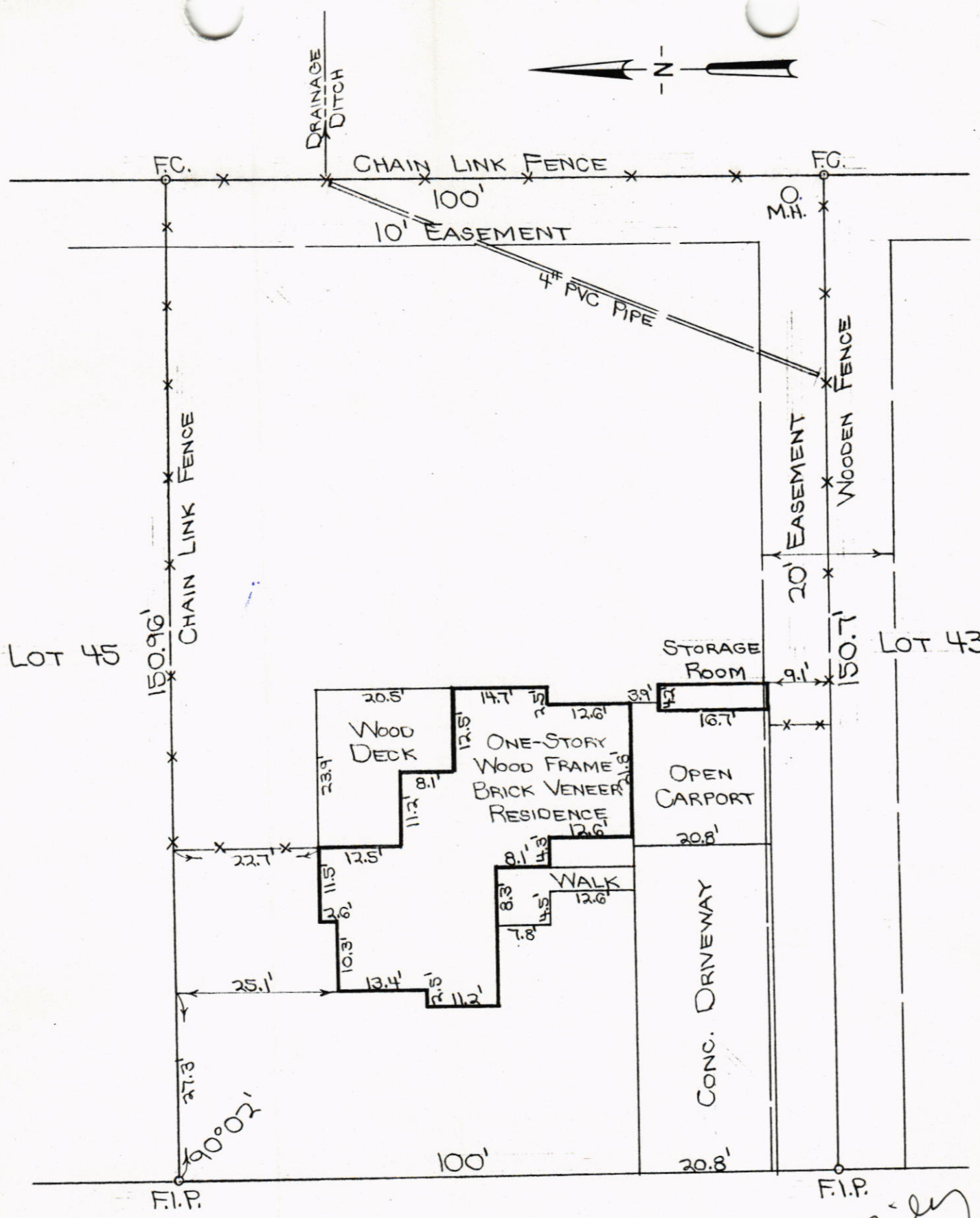
Thank you for your consideration of this matter.

Sincerely,



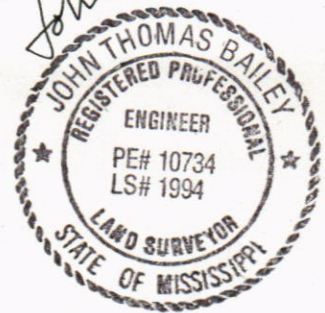
H. Fariss Crisler, III

HFC/le



PINEHURST DRIVE (60' R.O.W.)

John J. Bailey
5-3-91

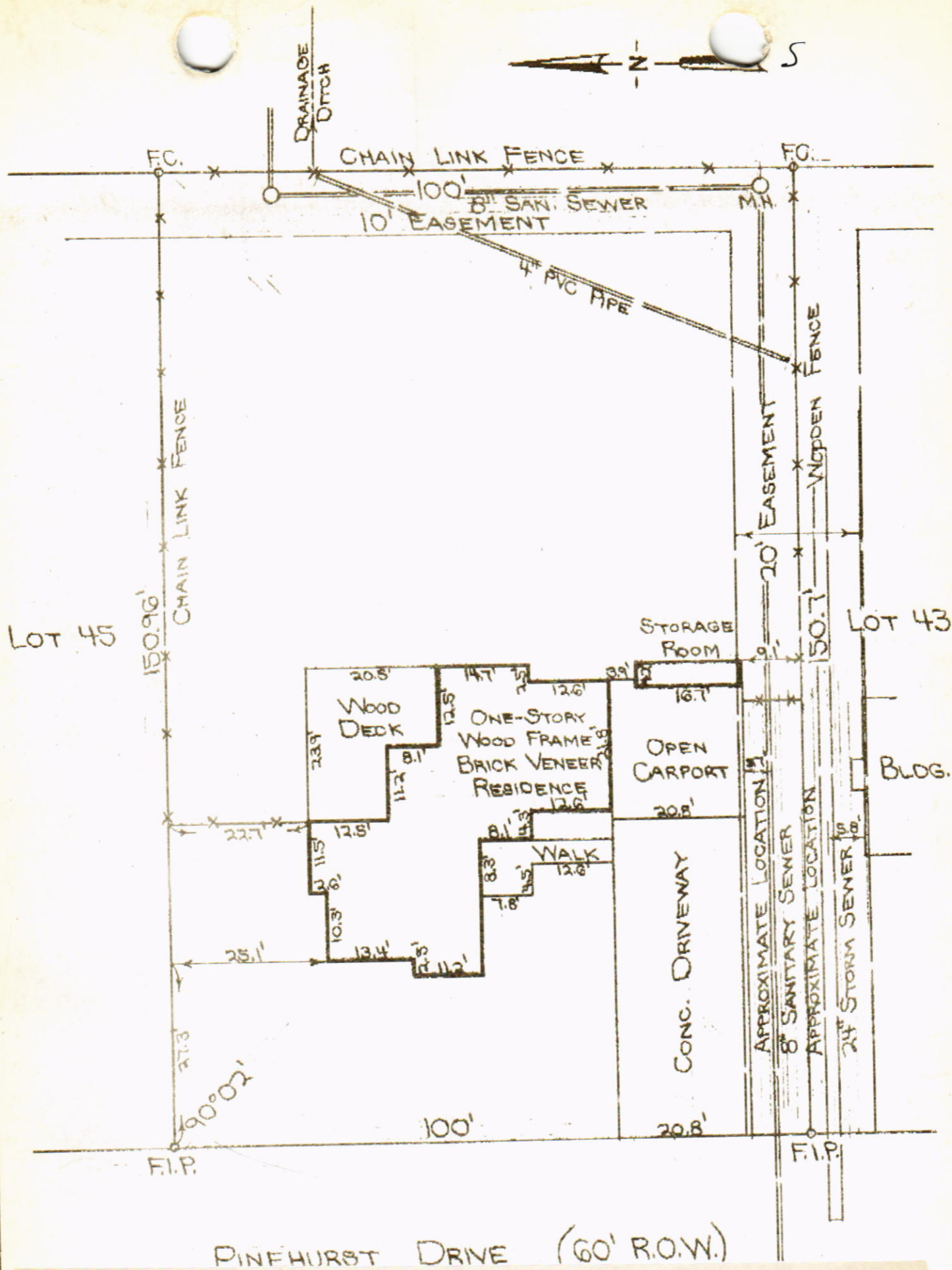


SEE ATTACHED SURVEYOR'S INSPECTION REPORT.

BAILEY ENGINEERING, INC.
541 HIGHWAY 80 WEST, SUITE C-924-1215
CLINTON, MISSISSIPPI

JOB NO.	91-212
DATE	MAY 3, 1991
SCALE	1"=20'
SURVEY CLASS:	B

PLAT OF SURVEY
LOT 44
McDONALD HEIGHTS, PART 2



BAILEY ENGINEERING, INC.
 541 HIGHWAY 80 WEST, SUITE C-924-1215
 CLINTON, MISSISSIPPI

JOB NO. 91-212
 DATE MAY 3, 1991
 SCALE 1"=20'
 SURVEY CLASS: B

PLAT OF SURVEY
 LOT 44
 McDONALD HEIGHTS, PART 2

REVIEW APPRAISAL CONTRACT

THIS AGREEMENT, made in Clinton, in the County of Hinds, in the State of Mississippi, by and between the City of Clinton hereinafter called "City", and Joseph Long whose present office is 1110 Arlington Street, Clinton, Mississippi, 39060, hereinafter called "Appraiser".

WHEREAS, the City desires to determine the present fair market value of certain properties to be acquired for the installing sewer improvements.

WHEREAS, the appraiser represents that he is well qualified by training and experience and is in a position to prepare and furnish to the City the desired review appraisal reports.

NOW, THEREFORE, the parties hereto do mutually agree as follows: The appraiser is to be paid a fee of \$ 95.00 per parcel for the review appraisal work.

The appraiser agrees to complete all appraisals fully within twenty (20) working days of receiving all the information necessary to make the review appraisal. The appraiser will furnish one original and one copy of each appraisal to the City.

The City, in making its request for review appraisal reports, will furnish the appraiser with a copy of the primary appraisal.

The City shall have the right of cancellation on all or any part of the services under the Terms of this Agreement in the event of changes in CDBG plans which relieves the necessity for such appraisal, by giving notice by mail to the appraiser herein, and shall be liable for services furnished only to the date of the receipt of such notice by the appraiser.

This Contract covers the appraisal work necessary for the City of Clinton CDBG Program, Community Development Block Grant Project Number 0-1135-168-PF-01.

EQUAL EMPLOYMENT OPPORTUNITY

The Appraiser will not discriminate against any employee or applicant for employment because of race, religion, sex, color, or national origin. The Appraiser will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, religion, sex, color, or national origin.

AUDITS AND INSPECTIONS

At any time during normal business hours and as often as the State of Mississippi, Department of Economic and Community Development, Division of Community Development, HUD, and/or the Comptroller General of the United States may deem necessary, there shall be made available to the City, Department of Economic and Community Development, Division of Community Development, HUD, and/or representatives of the Comptroller General for examination of all its records with respect to all matters covered by this contract and will permit the City, Department of Economic and Community Development, Division of Community Development, HUD, and/or representatives of the Comptroller General to audit, examine, and make excerpts or transcripts from such records, and to make audits of all contracts, invoices, materials, payrolls, records of personnel, conditions of employment and other data relating to all matters covered by this Contract. Records related to the project shall be retained for three (3) years.

In Witness Whereof, the said parties have hereto set their hands on this the 16th day of July, 1991.

Billy R. Smith
MAYOR

Nelson Byrd
CITY CLERK

James P. Long
APPRAISER

John Lee
WITNESS

RESOLUTION

WHEREAS, the property which comprises Parcel 2861-112 on the tax records of the First Judicial District of Hinds County, Mississippi, and the City of Clinton, Mississippi, consisting of an abandoned dwelling became so unkempt that it constituted a hazard to the health, welfare and public safety of the community of the City of Clinton; and

WHEREAS, the owner of said property, Mrs. Dawn Woodard, was duly notified according to law to clean and repair the property to a state where it no longer was a threat to the health, safety and welfare of the citizens of the City of Clinton; and

WHEREAS, after due notice according to law, and the hearings prescribed by law, the Mayor and Board of Aldermen, in a duly assembled meeting, determined that the property should be cleaned and the cost thereof assessed against the property owner; and

WHEREAS, the property was cleaned and the health and safety hazards were removed at a cost to the City of Clinton of Four Thousand Eight Hundred Ten Dollars Sixty Cents (\$4810.60); and

WHEREAS, such amount should, in accordance with the law, be assessed against the property;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Aldermen, as authorized by the appropriate statutes of the State of Mississippi, the sum of Four Thousand Eight Hundred Ten Dollars Sixty Cents (\$4810.60) is assessed against Parcel 2861-112 in the tax records of the First Judicial District of Hinds County, Mississippi, and the City of Clinton, and the Tax Assessor of Hinds County and the Tax Collector of Hinds County are hereby directed to take such action as is authorized by law to collect same for the benefit of the City of Clinton.

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

Alderman Ryan voted:	<u>ABSENT</u>
Alderman Ferrell voted:	<u>AYE</u>
Alderman Valente voted:	<u>AYE</u>
Alderman Chappell voted:	<u>AYE</u>
Alderman Montgomery voted:	<u>AYE</u>
Alderman Johnson voted:	<u>MAYOR PRO TEM</u>
Alderman Lott voted:	<u>AYE</u>

APPROVED on the 16th day of JULY,

1991.

Billy R Smith
BILLY RAY SMITH, MAYOR

ATTEST:

Nelson Byrd
NELSON BYRD, CITY CLERK