CLINTON

# CITY OF CLINTON
# REGULAR MEETING OF THE MAYOR AND BOARD OF ALDERMEN
# TUESDAY SEPTEMBER 2, 2014 – 7:00 P. M.
# MUNICIPAL COURTROOM – 305 MONROE STREET

**WELCOME AND CALL TO ORDER** Mayor Phil Fisher

**INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG**

The invocation was led by Alderman Cronin followed by the pledge of allegiance to the flag led by Alderwoman Cossitt.

**ROLL CALL** City Clerk, Russell Wall

Present:
Jehu Brabham – Alderman-at-Large
David Ellis – Alderman Ward 1
Jim Martin – Alderman Ward 2
William O Barnett – Alderman Ward 3
Greg Cronin – Alderman Ward 4
Jan Cossitt – Alderwoman Ward 5
Mike Cashion – Alderman Ward 6

**RECOGNITIONS**

The Mayor read a letter from Bill W DePriest complimenting the EMT fire fighters that answered a medical emergency call. Mr. DePriest was very happy with their professionalism and the way that went about their job.

**APPROVAL OF CONSENT AGENDA ITEMS A - K**

**MOTION** made by Alderman Ellis and **SECONDED** by Alderman Cashion to approve the Consent Agenda Items A-K. **MOTION CARRIED UNANIMOUSLY**

## DEPARTMENT HEAD REPORTS

Mike Warren, Police Chief reported to the board the statistics for calls for service, traffic stops, number of tickets written, and number of arrests for the period August 11, 2014 through August 24, 2014 as compared to the same period in 2013. The Chief then informed the board that this week and next week his officers would be trained in CPR by the Clinton Fire Department, that next weekend his department and the Highway Patrol would be working together in a no refusal weekend, and the MC affair that took place over the past weekend was being worked on and a arrest was possible in the near future.

Barry Burnside, Fire Chief, reported the statistics on the number of service calls including medical and fire calls for the period of January 2014 through August 2014 as compared to the previous year. He also informed the board that the fire fighters that are attending the fire academy were doing excellent, that he had one fire fighter in EMT school, that the fire fighter application process has been closed, his department would be training Clinton Police Department officers in CPR, and his department would be holding fire extinguisher training for Clinton Public School staff.

Mike Parker, Director of the Public Works Department, reported on the number of work orders, the number of new water customers, and the number of persons listed on the water cutoff list for the month of August 2014. He also updated the board on the Hazardous Waste Day to be held on October 4, 2014 and the Fall Cleanup Week to be held on October 4, 2014 through October 11, 2014.

## BOARD OF ALDERMEN DISCUSSION AND REPORTS

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There were no items from the Board of Aldermen.

## MAYOR'S DISCUSSION AND REPORTS

## APPROVE A REZONING REQUEST TO CHANGE C1 ZONING TO C2 ON TAX PARCELS 2860-834-622, 2860-834-623, 2860-834-621, 2860-834-620, 2862-166-006, 2862-166-005, 2862-045, 2862-045-011, AND 2862-045-010 ON THE HINDS COUNTY TAX ASSESSOR'S OWNERSHIP MAP

Upon presentation by Roy Edwards, Director of Community Development, **MOTION** made by Alderman Brabham and **SECONDED** by Alderman Barnett the board approved a rezoning request to change C1 zoning to C2 on tax parcels 2860-834-622, 2860-834-623, 2860-834-621, 2860-834-620, 2862-166-006, 2862-166-005, 2862-045, 2862-045-011, and 2862-045-010 on the Hinds County Tax Assessor's Ownership Map. Tommy Oberhausen of 600 Highway 80 spoke for the property owners in this matter and stated that none of the property owners had any problem with this rezoning matter. **MOTION CARRIED UNANIMOUSLY**

## APPROVE A RESOLUTION OF THE MAYOR AND THE BOARD OF ALDERMEN OF THE CITY OF CLINTON, MISSISSIPPI (THE "CITY"), AUTHORIZING THE EMPLOYMENT OF CERTAIN PROFESSIONALS IN CONNECTION WITH THE PREPARATION OF A TAX INCREMENT FINANCING PLAN (FAIRFIELD INN & SUITES PROJECT); THE ISSUANCE OF TAX INCREMENT FINANCING BONDS OF THE CITY IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED SIX HUNDRED THOUSAND DOLLARS ($600,000) TO RAISE MONEY FOR THE PURPOSE OF PROVIDING FUNDS FOR CERTAIN SITE AND INFRASTRUCTURE IMPROVEMENTS RELATING TO THE FAIRFIELD INN & SUITES PROJECT; AND FOR RELATED PURPOSES

Upon presentation by Troy Johnston, with Butler Snow LLP **MOTION** made by Alderwoman Cossitt and **SECONDED** by Alderman Martin the board approved a resolution of the Mayor and the Board of Aldermen of the City of Clinton, Mississippi (The "CITY"), authorizing the employment of certain professionals in connection with the preparation of a tax increment financing plan (Fairfield Inn & Suites Project); the issuance of tax increment financing bonds of the City in the principal amount of not to exceed six hundred thousand dollars ($600,000) to raise money for the purpose of providing funds for certain site and infrastructure improvements relating to the Fairfield Inn & Suites Project; and for related purposes. **MOTION CARRIED UNANIMOUSLY**

## PUBLIC HEARING FOR THE 2014 – 2015 CITY OF CLINTON, MISSISSIPPI BUDGET AND TAX LEVY

A Public Hearing on the City's fiscal year 2014-2015 budget and tax levy was led by Mayor Phil Fisher. Mayor Fisher read a letter and presented a power point presentation to explain the budget and the proposed tax levy increase. The letter has been made a part of these minutes. John Goolsby stated that he felt the levy increase penalized the business especially with the increase in the school district levy. He felt this increase would not be helpful to Clinton businesses. Shirley Rutland stated that Mississippi has a high unemployment rate and a high poverty rate. She stated that the poverty rate in Clinton was 16% and she felt the increase in the levy would affect those living in poverty. There being no further comments from those attending the Public Hearing the Mayor declared the Public Hearing closed.

## APPROVAL OF A RESOLUTION SETTING THE CITY OF CLINTON, MISSISSIPPI AND THE CLINTON SEPARATE SCHOOL DISTRICT TAX LEVY FOR THE 2014 – 2015 FISCAL YEAR

Upon presentation by Russell Wall, City Clerk **MOTION** made by Alderman Martin and **SECONDED** by Alderman Cashion the board approved a resolution setting the City of Clinton, Mississippi and the Clinton Separate School District tax levy for the 2014 – 2015 fiscal year. **MOTION CARRIED UNANIMOUSLY**

## OTHER BUSINESS

Alderman Cashion wanted to wish Alderman-at-Large Jehu Brabham a happy birthday.

## ADJOURN 8:12 P.M.

**MOTION** made by Alderman Brabham and **SECONDED** by Alderman Cronin to adjourn until the next regular meeting of the Mayor and Board of Aldermen to be held September 16, 2014 at 7:00 p. m. **MOTION CARRIED UNANIMOUSLY**

APPROVED: ______________________________ 9/4/14
Philip R. Fisher, Mayor Date

ATTEST: ______________________________ 9-4-14
Russell L. Wall, City Clerk Date

SEAL

CITY OF CLINTON OFFICIAL SEAL MISSISSIPPI

# City of Clinton
## Mississippi
*Community Development*

Planning & Zoning Commission
August 26, 2014
6:30 p.m.

I. Call to Order

II. Consideration and Approval of June 24, 2014 minutes

III. New Considerations:

A. Rezoning Request – 600-705 Highway 80 West – Change C1 to C2

IV. Other Business

V. Next Meeting

The next meeting will be held on Tuesday, September 23, 2014

VI. Adjournment

P. O. Box 156 · 200 W. Leake Street · Clinton, MS 39056 · (601) 924-2256 · fax (601) 924-0837

**City of Clinton**
**Planning & Zoning Commission**

August 26, 2014
6:30 p.m.
Municipal Courtroom

Minutes recorded by Kelly Hall, Administrative Assistant.

Commission members present: Mark Williams, Bettye King, Christine Whitton, Lisa Shoemaker, Benjie Barham, and Nancy Davis

City Officials present: Roy Edwards (Director of Community Development) and Mark Jones (Director of Communications/Videographer)

Guests: Tommy Oberhausen, Ed & Pat Daigle, David Stevens

The meeting was called to order at 6:30 p.m. by Mr. Williams.

The minutes of the June 24, 2014 meeting were reviewed. As there were no changes to be made Benjie Barham moved, seconded by Nancy Davis, to approve the minutes as presented. Following a unanimous vote in favor the motion to approve the minutes from the June 24, 2014 meeting carried.

New Considerations

**A. 600 – 705 Highway 80 West - Rezoning Request**

Roy Edwards presented a request for rezoning of the property on the south side of Highway 80 West from Clinton-Raymond Road to the entrance of Woodmore subdivision. The property owners are requesting that the zoning be changed from C1 to C2. There are nine parcels in this area, comprising approximately 7 acres. The parcel numbers are as follows: 2860-834-622, 2860-834-623, 2860-834-621, 2860-834-620, 2862-166-006, 2862-166-005, 2862-045, 2862-045-011, and 2862-045-010 on the Hinds County Tax Assessor's Ownership Map. Mr. Edwards presented the current zoning map of Clinton for the Committee members to review. He reviewed the criteria for rezoning, one of which must be met before approval of a rezoning request:

1. A mistake, due to administrative or clerical error, was made in the original zoning.
2. The character of the neighborhood has changed to such an extent that rezoning is necessary AND there is a public need for the rezoning.

Mr. Edwards also noted that any proposed rezoning must be consistent with the City's Comprehensive Plan. David Stevens, one of those who are requesting the change in zoning, addressed the Committee. He said that the neighborhood has changed with the widening of I-20 and the addition of two new companies in the Industrial Park and Parkway Baptist Church. Mississippi College has also grown considerably in the last five to ten years. The intersection of Highway 80 and Clinton-Raymond Road has been enlarged and a traffic light installed to address the increase in traffic. Tommy Oberhausen addressed the Committee and noted that he has been in his current location long enough to be in close contact to the community; his goal is to have or be able to have a dine-in restaurant in this location. Benjie Barham asked what other types of business could be considered if the rezoning is approved. Mr. Edwards replied that an enclosed retail business would be another possibility.

At this point Mr. Williams opened the meeting for public comments. Tammy Lagrone of 109 Winding Hills Drive said that if the property is zoned C-2 the property owners in the area do not want anything put in that will devalue their properties, e.g. tattoo parlors or adult book stores. Christine Whitton pointed out that Clinton has other ordinances in place that will prohibit those types of businesses from being approved.

There being no further public comments, Mr. Williams once again reviewed the criteria for granting a rezoning request. Mrs. King felt that the character of the neighborhood has, indeed, changed since the area was zoned in 1989 and there is a need for a business such as a dine-in restaurant or retail business in this area. Ms. Davis noted that these business owners are long-time Clinton residents and did not feel they would allow anything detrimental to be developed on these properties. Benjie Barham made the motion, seconded by Betty King to forward the rezoning request to change from C1 to C2 to the Mayor and Board of Alderman with our recommendation for approval. The vote was unanimous in favor and the motion carried.

<u>Other Business</u>

Christine Whitton asked the other committee members to join her in wishing Lisa Shoemaker a happy birthday, which they did.

<u>Next Meeting</u>

The date for the next regular meeting of the Planning & Zoning Commission will be Tuesday, July 22, 2014.

At this time Betty King made the motion to adjourn and was seconded by Lisa Shoemaker. The vote was unanimous in favor and the motion carried. The meeting was adjourned at 6:55 p.m.

**City of Clinton**
**Planning & Zoning Commission**

June 24, 2014
6:30 p.m.
Municipal Courtroom

Minutes recorded by Kelly Hall, Administrative Assistant.

Commission members present: Mark Williams, Bettye King, Christine Whitton, Lisa Shoemaker, Benjie Barham

City Officials present: Roy Edwards (Director of Community Development) and Mark Jones (Director of Communications/Videographer)

Guests: Bo Barksdale, Alan Scott, Linda Edwards, Shane Orman, James McGuire, Mike Crimm and David Johnson

The meeting was called to order at 6:30 p.m. by Mr. Williams.

The minutes of the May 13, 2014 meeting were reviewed. As there were no changes to be made Lisa Shoemaker motioned, seconded by Benjie Barham, to approve the minutes as presented. Following a unanimous vote in favor the motion to approve the minutes from the May 13, 2014 meeting carried.

New Considerations

**A. 501 Arrow Drive – Clinton Park Elementary School – Conditional Use**

Clinton Public School District is requesting a Conditional Use to place up to six modular buildings to be used as overflow classroom space at Clinton Park Elementary School. The modular classrooms will be placed on the west side of the school to accommodate a larger than anticipated increase in student enrollment. Architectural Review has recommended approval with the stipulation that the modular classrooms be painted the same color as the existing school building and that a fence and landscaping be put in to hide the modular units from view from Arrow Drive. While CPSD is requesting approval for six units, only one modular unit is going to be placed at this time. Ms. Whitton asked when the landscaping and fencing would be put in; it will be addressed when the modular buildings become visible from Arrow Drive. Mr. Barham asked if the modular units will be on the Kindergarten side or the First Grade side; Mr. Barksdale noted they will be on the Kindergarten side but will be used for both Kindergarten and First Grade classes. Ms. Shoemaker asked if these modular units would be permanent; Mr. Barksdale said they would be removed when the school is expanded as part of their long range plan. Mr. Williams then opened the meeting for public comment or discussion. There being none, Benjie Barham made the motion to approve the request for a Conditional Use and forward our recommendation to the Mayor and Board of Aldermen. Mrs. King asked about the color of the fence, stating that if it was left a natural color it would deteriorate and become ugly in the future. She asked that, before the fence is erected, the Architectural Review committee have an opportunity to review color samples and make a recommendation. Ms. Whitton pointed out that to save time and avoid delays, it the site plan to the Mayor and Board of Alderman with our recommendation for approval. The vote was unanimous in favor and the motion carried.

## Other Business

There was no other business for discussion.

## Next Meeting

The date for the next regular meeting of the Planning & Zoning Commission will be Tuesday, July 22, 2014.

At this time Christine Whitton made the motion to adjourn and was seconded by Bettye King. The vote was unanimous in favor and the motion carried. The meeting was adjourned at 6:59 p.m.

# City of Clinton
## Mississippi
*Community Development*
P.O. Box 156 Clinton, Mississippi 39060

August 11, 2014 CERTIFIED MAIL

NOTIFICATION
TO SURROUNDING PROPERTY OWNERS

RE: Application for Rezoning

Location of subject property:

Parcels 2860-834-622, 2860-834-623, 2860-834-621, 2860-834-620, 2862-166-6, 2862-166-5, 2862-45, 2860-45-11 and 2862-45-10 on the Hinds County Tax Assessor's Ownership Map.

Please take notice that an application has been filed for rezoning on the subject properties as shown on the attached plat. This properties presently carries a zoning classification of C-1. The applicant is seeking a zoning classification of C-2. The City of Clinton Planning Commission will conduct a public hearing on this application on:

August 26, 2014 at 6:30 p.m. at the Police and Municipal Court Building, 305 Monroe Street, Clinton, Mississippi.

or on a subsequent date to which the matter may be continued. As one of the owners of property located within one hundred sixty (160) feet of the above described property, you have the right to be present at the hearing and to make any statement or to offer any evidence concerning the subject application which you may deem necessary (within the limited time period). However, you are not required to be present.

If you have any questions, you may contact the Zoning Administrator at 601-924-2256.

P. O. Box 156 · 200 W. Leake Street · Clinton, MS 39056 · (601) 924-2256 · fax (601) 924-0837

## Roy Edwards

**From:** Eddie Daigle <edaigle@daigleins.com>
**Sent:** Monday, August 04, 2014 10:21 AM
**To:** Roy Edwards
**Subject:** RE: REZONING HWY 80 WEST IN CLINTON

ROY, THANKS, AND I AM READY TO PROCEED. JUST LET ME KNOW THE TIME OF THE MEETINGS. REGARDS, ED

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**From:** Roy Edwards [mailto:redwards@clintonms.org]
**Sent:** Monday, August 04, 2014 8:51 AM
**To:** Eddie Daigle
**Subject:** RE: REZONING HWY 80 WEST IN CLINTON

I will contact Tommy and other property owners and move forward with request. We will shoot for a Aug 26th hearing and Sept 2nd Board meeting, if you are ready to proceed.
Thanks,
Roy

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**From:** Eddie Daigle [mailto:edaigle@daigleins.com]
**Sent:** Tuesday, July 29, 2014 11:11 AM
**To:** redwards@clintonms.org
**Subject:** REZONING HWY 80 WEST IN CLINTON

Mr. Edwards, My wife, Patricia, and I are the owners of Daigle Enterprises, L P and Daigle & Associates, Inc. We are located at 606 Hwy. 80 W. here in Clinton. I built this building starting in 1978 and moved into it in 1980. As you can imagine I have seen a lot of changes in our town since then!

When we moved in this entire area was sort of on the outskirts of Clinton. Since we moved in we have seen several new businesses and organizations in our area. Just some of these are Parkway Baptist Church, the Howard Vaughn Offices, several service stations, Mississippi College Expansion, and several offices to the west of us. All this time we have been zoned C1. This has served us well up to this time, but with all recent, and past development we feel our area would best be served as a C2 zone. This would allow for restaurants and other small retails businesses to come into our area. This would also create a better tax base for our community. It is our hope and desire that you would speak to the Zoning Board, in our behave, and request a zone change to C2. If I can be of further assistance in any way please do not hesitate to give me a call.

I Remain Sincerely,

Eddie Daigle Jr.
Pres. Daigle & Associates, Inc.

## Roy Edwards

| | |
|---|---|
| **From:** | Roy Edwards <redwards@clintonms.org> |
| **Sent:** | Friday, August 08, 2014 8:10 AM |
| **To:** | Phil Fisher (pfisher@clintonms.org); Jehu Brabham (jbrabham@pbcclinton.org); David Ellis (dellis@clintonms.org); jmartin@clintonms.org; wobarnett@aol.com; gcronin@clintonms.org; jcossitt520@gmail.com; mikecashion@msra.org |
| **Cc:** | Kenneth Dreher (kennethrdreher@aol.com) |
| **Subject:** | Rezoning Request |
| **Attachments:** | 20140808080025638.pdf |

Attached is aerial and map of proposed change. It is the strip west of Clinton-Raymond Rd between I-20 and Hwy 80. The request is being made by Tommy Oberhausen, Marvin Oberhausen, Eddie Daigle, David Stevens, Stefanie Thomas and Next Step Group. They are seeking to have this changed from C-1 to C-2. Signs are out and I'm sure calls will begin.
Thanks,
Roy

# City of Clinton
## Mississippi
*Community Development*

August 18, 2014

Mr. Eddie Daigle
Daigle & Associates
P. O. Box 1725
Clinton, MS 39060

Re: 604 & 606 Highway 80 West

Dear Mr. Daigle:

Please be advised that you are scheduled to appear before the Planning & Zoning Committee meeting on August 26th at 6:30 p.m. and the Mayor & Board of Aldermen meeting on September 15th at 7:00 p.m. for final approval of your rezoning request. Both meetings are held in the courtroom of the Police and Judicial Building at 305 N. Monroe Street. Please make note of the time and date as you or your representative must be present at these meetings.

Should you have any questions, please do not hesitate to contact me at 601-924-2256.

Sincerely,

Roy Edwards
Roy Edwards
Director, Community Development

:ksh

City of Clinton
Mississippi
*Community Development*

August 18, 2014

Mr. Tommy Oberhausen
Mr. Marvin Oberhausen
600 Highway 80 West
Clinton, MS 39056

Re: 600 & 703 Highway 80 West

Dear Mr. Oberhausen:

Please be advised that you are scheduled to appear before the Planning & Zoning Committee meeting on August 26th at 6:30 p.m. and the Mayor & Board of Aldermen meeting on September 15th at 7:00 p.m. for final approval of your rezoning request. Both meetings are held in the courtroom of the Police and Judicial Building at 305 N. Monroe Street. Please make note of the time and date as you or your representative must be present at these meetings.

Should you have any questions, please do not hesitate to contact me at 601-924-2256.

Sincerely,

Roy Edwards

Roy Edwards
Director, Community Development

:ksh

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# City of Clinton
## Mississippi
*Community Development*

August 18, 2014

Stephanie Thomas
705 Highway 80 West
Clinton, MS 39056

Re: 705 Highway 80 West

Dear Ms. Thomas:

Please be advised that you are scheduled to appear before the Planning & Zoning Committee meeting on August 26th at 6:30 p.m. and the Mayor & Board of Aldermen meeting on September 15th at 7:00 p.m. for final approval of your rezoning request. Both meetings are held in the courtroom of the Police and Judicial Building at 305 N. Monroe Street. Please make note of the time and date as you or your representative must be present at these meetings.

Should you have any questions, please do not hesitate to contact me at 601-924-2256.

Sincerely,

Roy Edwards

Roy Edwards
Director, Community Development

:ksh

# City of Clinton
## Mississippi
*Community Development*

August 18, 2014

The Next Step Group, Inc.
703 Highway 80 West
Clinton, MS 39056

Re: 703 Highway 80 West

Dear Sir:

Please be advised that you are scheduled to appear before the Planning & Zoning Committee meeting on August 26th at 6:30 p.m. and the Mayor & Board of Aldermen meeting on September 15th at 7:00 p.m. for final approval of your rezoning request. Both meetings are held in the courtroom of the Police and Judicial Building at 305 N. Monroe Street. Please make note of the time and date as you or your representative must be present at these meetings.

Should you have any questions, please do not hesitate to contact me at 601-924-2256.

Sincerely,

Roy Edwards

Roy Edwards
Director, Community Development

:ksh

P. O. Box 156 · 200 W. Leake Street · Clinton, MS 39056 · (601) 924-2256 · fax (601) 924-0837

# City of Clinton
## Mississippi
*Community Development*

August 18, 2014

David W. Stevens
701 Highway 80 West
Clinton, MS 39056

Re: 701 Highway 80 West

Dear Mr. Stevens:

Please be advised that you are scheduled to appear before the Planning & Zoning Committee meeting on August 26th at 6:30 p.m. and the Mayor & Board of Aldermen meeting on September 15th at 7:00 p.m. for final approval of your rezoning request. Both meetings are held in the courtroom of the Police and Judicial Building at 305 N. Monroe Street. Please make note of the time and date as you or your representative must be present at these meetings.

Should you have any questions, please do not hesitate to contact me at 601-924-2256.

Sincerely,

Roy Edwards

Roy Edwards
Director, Community Development

:ksh

2860-834-623

# REQUEST FOR REZONING APPLICATION

**Subject Property Address** 703 Hwy 80 W

**Owner** Next Step Group, Inc

**Address** 703 Hwy 80 W

**Phone #** 601 708 4500

**Current Zoning District** C1

**Requested Change** C2

---

**Requirements of Applicant:**

1. Letter stating reason for requested zoning change.
2. Copy of the written legal description.
3. Site plan of property.
4. Identification of property owners within 160 feet of subject property.
5. $250.00 fee required for processing.

**Criteria for Rezoning:** *(Section 2406.03 – Zoning Ordinance)*

(a). Show proof that a mistake was made in the original zoning. "Mistake" in this context shall refer to a clerical or administrative error.

(b). Show proof that the character of the neighborhood has changed to such an extent as to justify reclassification, AND that there is a public need for the rezoning.

Applicant shall be present at the Planning and Zoning Commission meeting and Mayor/Board of Aldermen meeting. Documents shall be submitted thirty (30) days prior to the Planning and Zoning Commission meeting.

**Applicant is responsible for complying with all applicable requirements of the Zoning Ordinance.**

**By signing this application, it is understood and agreed that permission is given to the Zoning Administrator to have a sign erected on subject property, giving notice to the public that said property is being considered for rezoning.**

**Signature** **Date** 8/6/14

2860-834-622

# REQUEST FOR REZONING APPLICATION

**Subject Property Address** 705 Hwy 80 West

**Owner** Stefanie Thomas

**Address** 705 Hwy 80 West
Clinton, MS 39056

**Phone #** (601)926-1500

**Current Zoning District** 1

**Requested Change** 2

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**Requirements of Applicant:**

1. Letter stating reason for requested zoning change.
2. Copy of the written legal description.
3. Site plan of property.
4. Identification of property owners within 160 feet of subject property.
5. $250.00 fee required for processing.

**Criteria for Rezoning:** *(Section 2406.03 – Zoning Ordinance)*

(a). Show proof that a mistake was made in the original zoning. "Mistake" in this context shall refer to a clerical or administrative error.

(b). Show proof that the character of the neighborhood has changed to such an extent as to justify reclassification, AND that there is a public need for the rezoning.

Applicant shall be present at the Planning and Zoning Commission meeting and Mayor/Board of Aldermen meeting. Documents shall be submitted thirty (30) days prior to the Planning and Zoning Commission meeting.

**Applicant is responsible for complying with all applicable requirements of the Zoning Ordinance.**

**By signing this application, it is understood and agreed that permission is given to the Zoning Administrator to have a sign erected on subject property, giving notice to the public that said property is being considered for rezoning.**

Signature

10/23/13
Date

2860-834-621

# REQUEST FOR REZONING APPLICATION

**Subject Property Address** 701 Hwy 80 W.

**Owner** David W. Stevens

**Address** 701 Hwy 80 W.
Clinton, MS 39056

**Phone #** 601. 924-7552

**Current Zoning District** C1

**Requested Change** C2

---

**Requirements of Applicant:**

1. Letter stating reason for requested zoning change.
2. Copy of the written legal description.
3. Site plan of property.
4. Identification of property owners within 160 feet of subject property.
5. $250.00 fee required for processing.

**Criteria for Rezoning:** *(Section 2406.03 – Zoning Ordinance)*

(a). Show proof that a mistake was made in the original zoning. "Mistake" in this context shall refer to a clerical or administrative error.

(b). Show proof that the character of the neighborhood has changed to such an extent as to justify reclassification, AND that there is a public need for the rezoning.

Applicant shall be present at the Planning and Zoning Commission meeting and Mayor/Board of Aldermen meeting. Documents shall be submitted thirty (30) days prior to the Planning and Zoning Commission meeting.

**Applicant is responsible for complying with all applicable requirements of the Zoning Ordinance.**

**By signing this application, it is understood and agreed that permission is given to the Zoning Administrator to have a sign erected on subject property, giving notice to the public that said property is being considered for rezoning.**

DW Stevens
**Signature**

10/23/13
**Date**

2862-45-10

# REQUEST FOR REZONING APPLICATION

**Subject Property Address** 703 Hwy 80 West Tax Parcel 2860-834-623

**Owner** Tommy & Marvin Oberhausen 2862-45-107

**Address** 600 Hwy 80 West
703 Hwy 80 West

**Phone #** 601-924-3523

**Current Zoning District** C-1

**Requested Change** C-2

**Requirements of Applicant:**

1. Letter stating reason for requested zoning change.
2. Copy of the written legal description.
3. Site plan of property.
4. Identification of property owners within 160 feet of subject property.
5. $250.00 fee required for processing.

**Criteria for Rezoning:** *(Section 2406.03 – Zoning Ordinance)*

(a). Show proof that a mistake was made in the original zoning. "Mistake" in this context shall refer to a clerical or administrative error.

(b). Show proof that the character of the neighborhood has changed to such an extent as to justify reclassification, AND that there is a public need for the rezoning.

Applicant shall be present at the Planning and Zoning Commission meeting and Mayor/Board of Aldermen meeting. Documents shall be submitted thirty (30) days prior to the Planning and Zoning Commission meeting.

**Applicant is responsible for complying with all applicable requirements of the Zoning Ordinance.**

**By signing this application, it is understood and agreed that permission is given to the Zoning Administrator to have a sign erected on subject property, giving notice to the public that said property is being considered for rezoning.**

Tommy Oberhausen

**Signature**

8/6/13

**Date**

Marvin Oberhausen

STATE OF MISSISSIPPI NOTARY PUBLIC ID # 85373 BRIAN OBERHAUSEN Commission Expires May 13, 2015 HINDS COUNTY

Brian Oberhausen 8/6/13

## Kelly Hall

**From:** Tyler, Rick [rick.tyler@jackson.gannett.com]
**Sent:** Thursday, August 07, 2014 1:56 PM
**To:** Kelly Hall
**Subject:** Rezoning Hearing. Ad 470573

Here's your proof for review. Ad 470573 costs $21.34. Let me know if you see anything that needs to be corrected.

Rick

NOTICE OF ZONING HEARING

NOTICE IS HEREBY GIVEN TO THOSE PARTIES IN INTEREST THAT THERE WILL BE A HEARING ON AUGUST 26, 2014 AT 6:30 P.M., AT THE POLICE AND MUNICIPAL COURT BUILDING, 305 MONROE STREET, CLINTON, MISSISSIPPI, FOR THE PURPOSE OF DETERMINING WHETHER OR NOT THE ZONING OF THE FOLLOWING DESCRIBED PROPERTY LOCATED IN CITY OF CLINTON, MISSISSIPPI SHALL BE CHANGED FROM C-1 TO C-2: Those certain parcels of land indicated as parcels 2860-834-622, 2860-834-623, 2860-834-621, 2860-834-620, 2862-166-006, 2862-166-005, 2862-045, 2862-045-011, and 2862-045-010 on the Hinds County Tax Assessor's Ownership Map.

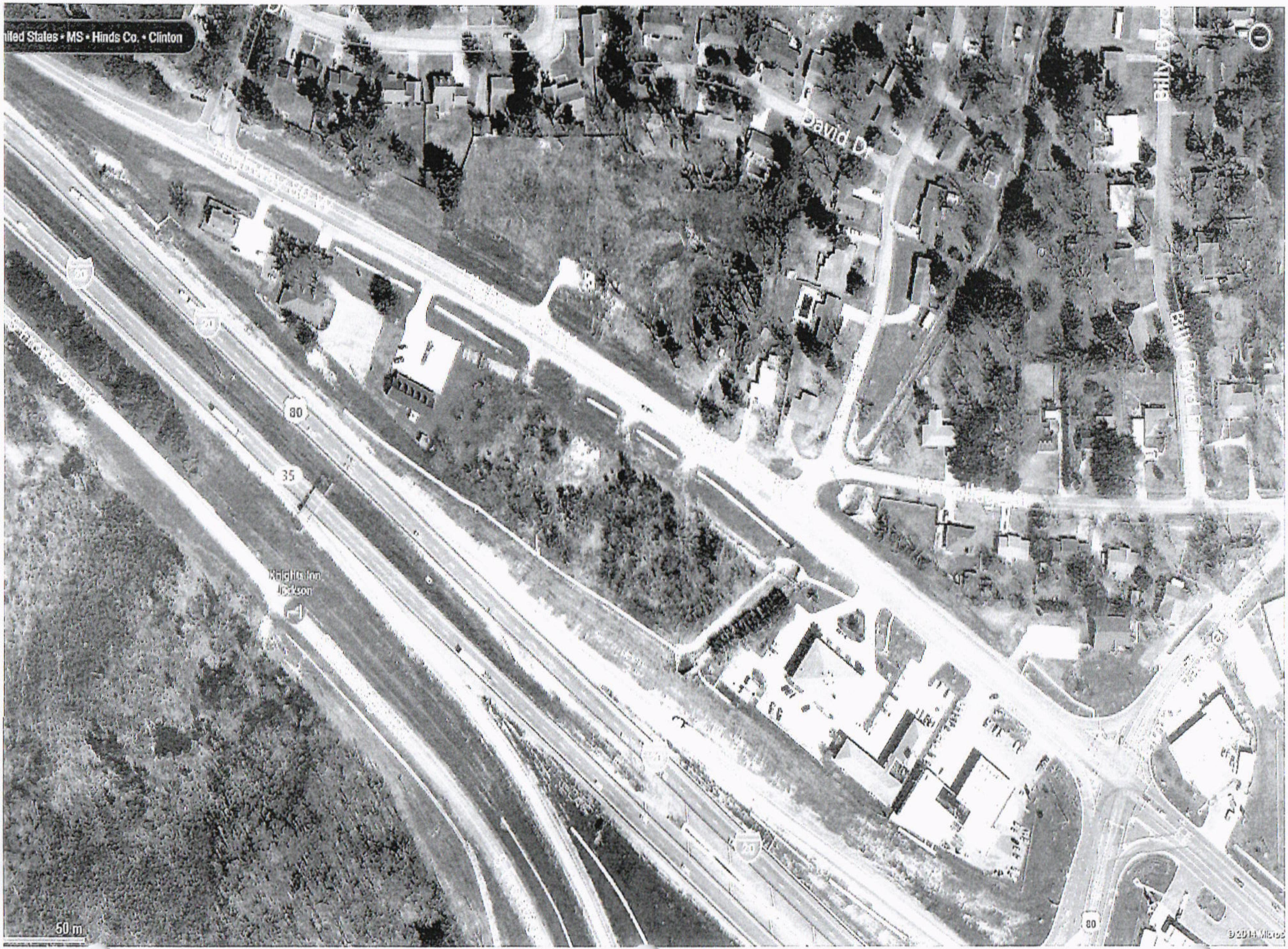
August 11, 2014

Thanks,

Rick Tyler
Public Notice Supervisor
Clarion Ledger, Madison County Herald, Rankin Ledger
201 S Congress St
Jackson, MS 39201
601-961-7117

## PLEASE NOTE

**The old cllegals@clarionledger.net account is no longer active. If you have sent anything and have not received a response please re-send it to rick.tyler@jackson.gannett.com.**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AN ORDINANCE AMENDING THE OFFICIAL ZONING ORDINANCE, AND ZONING MAP OF CITY OF CLINTON, MISSISSIPPI FOR CERTAIN PARCELS AS DESCRIBED HEREIN, FROM C-1 TO C-2 AND FOR RELATED PURPOSES.

**WHEREAS**, a public hearing, pursuant to Section 3006.05 of the City of Clinton, Mississippi Zoning Ordinance, was set for the 26th day of August 2014, at 6:30 o'clock P.M.; and,

**WHEREAS**, the City of Clinton did cause notice of said hearing to be published in the Clarion Ledger, a newspaper published in Hinds County, Mississippi, in the manner and for the time required by law, and did post notice upon the affected properties in the manner and for the time required by law; and,

**WHEREAS**, at the time, date and place specified in the Notice, Planning Commission of the City of Clinton, Mississippi, did conduct a full and complete hearing, and thereafter, Motion before Commission to approve the rezoning was unanimously approved, and,

**WHEREAS,** the matter was presented to the Mayor and Board of Aldermen of the City of Clinton, along with the recommendation of the Planning Commission, as shown in minutes of said meeting and exhibits attached thereto, and after discussion thereof, Alderman Brabham offered the following ordinance and moved that it be adopted, to-wit;

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Board of Aldermen of the City of Clinton, Hinds County, Mississippi as follows, to-wit:

*Section 1*. That the matters and facts stated in the preamble hereof are found to be true and correct.

*Section 2*. That this matter was presented as required by Section 3006 of the City of Clinton Zoning Ordinance and the Mayor and Board of Aldermen hereby find that this request meets the requirements of Section 3006.03 Criteria for Rezoning, the Mayor and Board of Aldermen specifically find that sufficient proof was presented to show this request meets the requirements of Section 3006.03(B) in that there was a change in the neighborhood and a public need for the rezoning.

*Section 3.* The Mayor and Board of Aldermen used their common knowledge and familiarity with the subject property and the surrounding neighborhood in determining its findings contained in this order.

*Section 4*. That pursuant to Article XIX of the Zoning Ordinance, the proposed use shall be "C-2 General Commercial District".

*Section 5*. That the following tract of real property be, and the same is, hereby rezoned from its present C-1 use district classification to C-2 use district classification and that said rezoning is consistent with the current Comprehensive Plan of City of Clinton, to-wit:

Those certain parcels of land identified as 2860-834-622, 2860-834-623, 2860-834-621, 2860-834-620, 2862-166-006, 2862-166-005, 2862-045-000, 2862-045-011,and 2862-045-010 on the Hinds County Tax Assessor's Ownership Map.

*Section 6*. That the City of Clinton Zoning Ordinance be, and the Official Zoning Map be, and the same hereby are, amended to reflect the foregoing change in the zoning of the above-described real property.

This Ordinance shall be effective on the 2nd day of October, 2014.

ORDAINED, ADOPTED AND APPROVED BY THE MAYOR AND BOARD OF ALDERMEN OF CITY OF CLINTON, MISSISSIPPI, at a meeting thereof held on the 2nd day of September 2014.

A motion to approve adoption was seconded by Alderman Barnett and the foregoing Ordinance having been first reduced to writing, and no request being made by the Mayor or any member of the Board of Aldermen that the Ordinance be read by the City Clerk, before any vote was taken, it was submitted to the Board of Aldermen for the passage or rejection on roll call vote upon the vote being as follows, to-wit:

| | |
|---|---|
| Alderman Brabham voted: | AYE |
| Alderman Ellis voted: | AYE |
| Alderman Martin voted: | AYE |
| Alderman Barnett voted: | AYE |
| Alderman Cronin voted: | AYE |
| Alderwoman Cossitt voted: | AYE |
| Alderman Cashion voted: | AYE |

Whereupon the Mayor declared the motion carried and the Ordinance approved and adopted. The foregoing Ordinance was approved this the 2nd day of September 2014.

CITY OF CLINTON

BY: ______________________

PHILIP R. FISHER, Mayor

ATTEST:

______________________

RUSSELL WALL, City Clerk

CITY OF CLINTON OFFICIAL SEAL MISSISSIPPI

The Mayor and Board of Aldermen of the City of Clinton, Mississippi (the "City"), took up for consideration the matter of employing certain professionals in connection with the Fairfield Inn & Suites Project. After a discussion of the subject, ~~Alderman~~ Aldeкwoman Lessit offered and moved the adoption of the following resolution:

**RESOLUTION OF THE MAYOR AND THE BOARD OF ALDERMEN OF THE CITY OF CLINTON, MISSISSIPPI (THE "CITY"), AUTHORIZING THE EMPLOYMENT OF CERTAIN PROFESSIONALS IN CONNECTION WITH THE PREPARATION OF A TAX INCREMENT FINANCING PLAN (FAIRFIELD INN & SUITES PROJECT); THE ISSUANCE OF TAX INCREMENT FINANCING BONDS OF THE CITY IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED SIX HUNDRED THOUSAND DOLLARS ($600,000) TO RAISE MONEY FOR THE PURPOSE OF PROVIDING FUNDS FOR CERTAIN SITE AND INFRASTRUCTURE IMPROVEMENTS RELATING TO THE FAIRFIELD INN & SUITES PROJECT; AND FOR RELATED PURPOSES.**

**WHEREAS**, the Mayor and Board of Aldermen of the City of Clinton, Mississippi (the "Governing Body" of the "City" or "Issuer"), hereby finds, determines, adjudicates and declares as follows:

1. The Mississippi Tax Increment Financing Act, Sections 21-45-1 *et seq.*, Mississippi Code of 1972, as amended (the "Act"), authorizes municipalities and counties in the State of Mississippi to undertake and carry out redevelopment projects (as defined in the Act) with the use of Tax Increment Financing, as set forth in detail in the Act.

2. The Governing Body of the City has heretofore approved its "Tax Increment Financing Redevelopment Plan of 1995, Clinton, Mississippi" (the "Redevelopment Plan"), as authorized by the Act.

3. On February 4, 2014, the Governing Body of the City adopted a resolution approving the "Tax Increment Financing Plan, The Fairfield Inn & Suites Project, City of Clinton, Mississippi 2014" (the "TIF Plan"), pursuant to the Redevelopment Plan as required by the Act.

4. As authorized by the Act, the Governing Body has determined the necessity of providing funds for certain site and infrastructure improvements relating to the Fairfield Inn & Suites Project, including, but not limited to, installation and/or relocation of utilities such as water, sanitary, sewer, and natural gas lines; installation and relocation of electrical services; installation of storm drainage; construction of roadways with curb and gutter, parking, sidewalks; installation of traffic signalization and signage; grading; lighting and landscaping of rights-of way; purchase of rights-of-way and other property necessary for the installation of the infrastructure and other improvements described hereinabove; capitalized interest; related engineering fees; all expenses in connection with the authorization, sale and issuance of bonds, notes, or similar debt instruments; TIF Plan preparation fees and other incidental costs; and related professional fees (the "Improvements").

5. It is necessary and in the public interest for the City to issue tax increment financing bonds, in the principal amount of not to exceed Six Hundred Thousand Dollars ($600,000) (the "Bonds"), to finance all or a portion of the cost of the Improvements.

6. That in order to prepare the necessary resolutions and documents for the sale and issuance of the Bonds, it is in the best interest of the City to authorize Kenneth R. Dreher, Clinton, Mississippi, as City Counsel, Butler Snow LLP, Ridgeland, Mississippi, as Bond Counsel, and Government Consultants, Inc., Jackson, Mississippi, as Financial Advisor, to prepare and distribute such resolutions and documents necessary in order to facilitate the sale and issuance of such Bonds subject to the approval of the Governing Body of the City.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY, ACTING FOR AND ON BEHALF OF THE CITY, AS FOLLOWS:**

**SECTION 1**. The Governing Body hereby declares its intention to issue the Bonds of the City in one or more series to raise money for the Improvements.

**SECTION 2**. The Governing Body herein employs Kenneth R. Dreher, Clinton, Mississippi, as City Counsel, Butler Snow LLP, Ridgeland, Mississippi, as Bond Counsel, and Government Consultants, Inc., Jackson, Mississippi, as Financial Advisor, and authorizes them to prepare and distribute such resolutions and documents necessary in order to facilitate the sale and issuance of such Bonds at a subsequent date subject to the approval of the Governing Body of the City.

**SECTION 3.** The Mayor and City Clerk of the City are hereby authorized and directed to execute and deliver an engagement letter or such other documents as may be necessary to effectuate the purposes of this Resolution.

Alderman MARTIN seconded the motion to adopt the foregoing resolution, and the question being put to a roll call vote, the result was as follows:

| | |
|---|---|
| Alderman-at-Large Jehu Brabham | voted: AYE |
| Alderman David Ellis | voted: AYE |
| Alderman Jim Martin | voted: AYE |
| Alderman William O. Barnett | voted: AYE |
| Alderman Greg Cronin | voted: AYE |
| Alderwoman Jan Cossitt | voted: AYE |
| Alderman Mike Cashion | voted: AYE |

The motion having received the affirmative vote of a majority of the members present, the Mayor declared the motion carried and this Resolution adopted this the 2nd day of September, 2014.

**PHIL FISHER**
**MAYOR**

ATTEST:

______________________________
RUSSELL L. WALL
CITY CLERK

(SEAL)

# BUTLER | SNOW

September 2, 2014

Mayor and Board of Aldermen
City of Clinton, Mississippi
300 Jefferson Street
Post Office Box 156
Clinton, Mississippi 39060-0156

Re: Tax Increment Financing Bonds (Fairfield Inn & Suites Redevelopment Project), Series 2014, of the City of Clinton, Mississippi (the "**City**"), in the Principal Amount of Not to Exceed Six Hundred Thousand Dollars ($600,000) (the "**Bond**")

Dear Mayor and Aldermen:

The purpose of this engagement letter is to set forth certain matters concerning the services we will perform as Bond counsel to the City in connection with the issuance of the above-referenced Bond. We understand that the Bond is being issued for the purpose of providing funds for various public infrastructure improvements related to the Fairfield Inn & Suites Redevelopment Project (the "**Project**") pursuant to Sections 21-45-1 *et seq.,* Mississippi Code of 1972, as amended and/or supplemented from time to time (the "**Act**"), and will be secured by the City's pledge of up to one hundred percent (100%) of the incremental increase in real and personal ad valorem taxes and a pledge by Hinds County, Mississippi (the "**County**"), of up to fifty percent (50%) of the incremental increase in real and personal property ad valorem taxes limited to the millage levied for the general fund all generated from the tax increment financing district established for the Project as authorized by and provided in the Act.

## SCOPE OF ENGAGEMENT

In connection with this engagement, we expect to perform the following duties:

1. Subject to the completion of proceedings to our satisfaction, render our legal opinion (the "**Bond Opinion**") regarding the validity and binding effect of the Bond, the source of payment and security for the Bond, and the excludability of interest on the Bond from gross income for federal and State of Mississippi (the "**State**") income tax purposes;

2. Prepare and review documents necessary or appropriate for the authorization, issuance and delivery of the Bond, including the bond resolution, the development and reimbursement agreement (the "**Development Agreement**"), the inter-local agreement between the City and the County or other agreements pursuant to which the Bonds will be issued, and coordinate the authorization and execution of such documents;

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Ridgeland, MS 39158-6010

J. TROY JOHNSTON
601.985.4419
troy.johnston@butlersnow.com

Suite 1400
1020 Highland Colony Parkway
Ridgeland, MS 39157

T 601.948.5711 · F 601.985.4500 · www.butlersnow.com
BUTLER SNOW LLP

3. Assist the City in seeking from any other governmental authorities such approvals, permissions, and exemptions as we determine are necessary or appropriate in connection with the authorization, issuance and delivery of the Bond, except that we will not be responsible for any required Blue Sky filings;

4. Review legal issues relating to the structure of the Bond issue;

5. Pursue validation proceedings under State law;

6. If applicable, assist the City in preparing the official statement (the "**Official Statement**") and subject to satisfactory completion of our review, provide to the Issuer written advice that in the course of our participation, no information has come to our attention that leads us to believe that the Official Statement, as of its date (except for financial statements, other statistical data, feasibility reports and statements of trends and forecasts and book-entry language contained in the Official Statement and its appendices, as to which we will express no opinion), contains any untrue statement of material fact or omits to state any material fact necessary to make the statements in the Official Statement, in light of the circumstances under which they were made, not misleading. Provided, however, if the Official Statement requires an extensive review of prior continuing disclosure undertakings to determine whether the City is in compliance with SEC rules, then an additional fee may be charged as we may agree to at that time;

7. If necessary, assist the City in presenting information to bond rating organizations and providers of credit enhancement relating to legal issues affecting the issuance of the Bond;

8. If applicable, prepare and review the notice of sale pertaining to the competitive sale of the Bond; and

9. If applicable, draft the continuing disclosure agreement of the City.

Our Bond Opinion will be addressed to the City and will be delivered by us on the date of delivery of the Bond. The Bond Opinion will be based on facts and laws existing as of its date. In rendering our Bond Opinion, we will rely upon the certified proceedings and other certifications of public officials and other persons furnished to us without undertaking to verify the same by independent investigation, and we will assume continuing compliance by the City with applicable laws relating to the Bond. During the course of this engagement, we will rely on you to provide us with complete and timely information on all developments pertaining to any aspect of the Bond and its security. We understand that you will direct members of your staff and other employees of the City to cooperate with us in this regard. In rendering our Bond Opinion, we will expressly rely upon other counsel as to due authorization, execution and delivery of Bond documents executed by the City.

Our duties in this engagement are limited to those expressly set forth above. Among other things, our duties under this engagement, without a separate engagement as may hereafter be agreed between the parties, do not include:

(a) Except as described in paragraph 6 above, assisting in the preparation or review of the Official Statement or any other disclosure document, if applicable, with respect to the Bond, or performing an independent investigation to determine the accuracy, completeness or sufficiency of any such document or rendering advice that the Official Statement or other disclosure document, if applicable, does not contain any untrue statement of a material fact or omit to state a material fact necessary to make the statements contained therein, in light of the circumstances under which they were made, not misleading;

(b) Preparing request for tax rulings from the Internal Revenue Service ("**IRS**") or no action letters from the Securities and Exchange Commission ("**SEC**");

(c) If applicable, preparing Blue Sky or investment surveys with respect to the Bond;

(d) Drafting State constitutional or legislative amendments;

(e) Pursuing test cases or other litigation, such as contested validation proceedings;

(f) Making an investigation or expressing any view as to the creditworthiness of the City or the Bond;

(g) Except as described in paragraph 9 above and if applicable, assisting in the preparation of, or opining on, a continuing disclosure undertaking pertaining to the Bond or, after closing, providing advice concerning any actions necessary to assure compliance with any continuing disclosure undertaking;

(h) Representing the City in IRS examinations or inquiries, or SEC investigations;

(i) After closing, providing continuing advice to the City or any other party concerning any actions necessary to assure that interest paid on the Bond will continue to be excludable from gross income for federal income tax purposes (e.g., our engagement does not include rebate calculations for the Bond). Although our present engagement does not include rebate analysis and post-issuance advice relating to the Bond, we would like to discuss with you a separate engagement involving rebate and other post-issuance compliance matters for the Bond and other bond issues or notes that you may have issued on various occasions. This includes the drafting of a formal debt management policy and post-issuance tax compliance policy;

(j) Giving and/or providing any financial advice or recommendations concerning the issuance of the Bond as mandated by SEC rules; or

(k) Addressing any other matters not specifically set forth above that is not required to render our Bond Opinion.

## ATTORNEY-CLIENT RELATIONSHIP

Upon execution of this engagement letter, the City will be our client and an attorney-client relationship will exist between us. We understand that counsel to the City has been engaged by the City to assist with the issuance of the Bond, particularly as to the authorization, execution and delivery of bond documents. We assume that all other parties will retain such counsel, as they deem necessary and appropriate to represent their interest in this transaction. We further assume that all other parties understand that in this transaction we represent only the

City, we are not counsel to any other party, and we are not acting as an intermediary among the parties. Our services as bond counsel are limited to those contracted for in this letter, and the City's execution of this engagement letter will constitute an acknowledgment of those limitations. Our representation of the City will not affect, however, our responsibility to render an objective Bond Opinion.

Our representation of the City and the attorney-client relationship created by this engagement letter will be concluded upon issuance of the Bond. Nevertheless, subsequent to Closing, we will mail, if required, to the IRS the appropriate IRS Form 8038-G and prepare and distribute to the participants in the transaction a transcript of the proceedings pertaining to the Bond.

## PROSPECTIVE CONSENT

As you are aware, Butler Snow represents many political subdivisions, companies and individuals. It is possible that during the time that we are representing the City, one or more of our present or future clients will have transactions with the City. It is also possible that we may be asked to represent, in an unrelated matter, one or more of the entities involved in the issuance of the Bond. We do not believe that such representation, if it occurs, will adversely affect our ability to represent you as provided in this letter, either because such matters will be sufficiently different from the issuance of the Bond so as to make such representations not adverse to our representation of you, or because the potential for such adversity is remote or minor and outweighed by the consideration that it is unlikely that advice given to the other client will be relevant to any aspect of the issuance of the Bond. Execution of this letter will signify the City's consent to our representation of others consistent with the circumstances described in this paragraph.

## FEES

Based upon: (i) our current understanding of the terms, structure, size and schedule of the financing represented by the Bond; (ii) the duties we will undertake pursuant to this engagement letter; (iii) the time we anticipate devoting to the financing; and (iv) the responsibilities we will assume in connection therewith, our fee will be $18,000 - $21,000 plus expenses in an amount not to exceed $3,000, which includes our expenses such as travel costs, deliveries, copies, transcripts, telephone charges, filing fees, computer-assisted research and other expenses.

If, for any reason, the financing is not consummated within eighteen (18) months of the execution of the Development Agreement, or is completed without the rendition of our Bond Opinion, we will expect to be compensated on an hourly basis by the developer at our normal hourly rates (currently ranging from $250 to $385 depending on personnel) for time actually spent, plus out-of-pocket expenses. To that end, we will include a provision in the Development Agreement that will be executed between the City and the developer obligating the developer to pay our fees in the event such circumstances arise. Otherwise, our fee is normally paid at the Closing out of Bond Proceeds, and we customarily do not submit any statement until the Closing.

## RECORDS

At your request, papers and property furnished by you will be returned promptly upon receipt of payment for outstanding fees and client charges. Our own files, including lawyer work product, pertaining to the transaction will be retained by us. For various reasons, including the minimization of unnecessary storage expenses, we reserve the right to dispose of any documents or other material retain by us after the termination of this engagement.

If the foregoing terms are acceptable to you, please so indicate by returning a copy of this engagement letter dated and signed by an authorized officer, retaining the original for your files. We look forward to working with you.

**BUTLER SNOW LLP**

By: ______________________
Troy Johnston

Accepted and Approved:

**CITY OF CLINTON, MISSISSIPPI**

By: ______________________
Mayor

Dated: 9/4/14

Authorized by Resolution of the Mayor and Board of Aldermen dated September 2, 2014

ButlerSnow 20614002v2

This is a long explanation of the City's financial situation – how we got to this point, what we are doing about it, and where we go from here. I felt it important to give a detailed explanation in order to lay out all the facts and issues that led to this situation. However, if you are not inclined to read the entire document, remember this one point;

**Revenue > Expenditures = Good; Revenue = Expenditures = OK; Revenue < Expenditures = Bad**

As a City, we must have the appropriate amount of money to provide the services you want. While the cost for those services has not risen very much, previous City budgets - from Fiscal Year (FY) 2006-2007 through FY 2012 – 2013 - were strained by increased spending without the supporting revenue. Although the City's financial position strengthened by .9% during FY 2013 -2014, the spending habits of the past have caught up to the realities of today.

Explaining the reasons for the 2.75 millage tax hike by the Board of Alderman requires an understanding of how we got to this point. First a review of the City's revenue numbers from FY 2006-2007 through FY 2012 – 2013:

- FY 2006-07 – a negative .29%
- FY 2007-08 – a positive 1.73%
- FY 2008-09 – a positive 9.47% (property tax reappraisal year).
- FY 2009-10 – a negative 2.73%
- FY 2010-11 – a negative 4.63%
- FY 2011-12 – a positive 9.76 % ($400,000 from increase in sales tax and $720,000 in loan proceeds for fire truck and police vehicles.)
- FY 2012-13 – a negative 1.14% (this was a reappraisal year and assessed property values went up, however, nonrecurring cash flows in FY 2011-2012 negated the assessed property increase and drove the revenue to negative 1.14% growth figure).

In dollar value from FY 2006-2007 through FY 2012-2013, City revenue grew by $1.5 million. But that is - only half the story, the other half is expenditures. The FY 2006 - 2007 expenditures were $12,576,847, however, by FY 2012-2013 the expenditures had increased to $14,763,096. During this period expenditures grew by $2,186,249 while revenues increased only $1,500,000 equaling a negative $686,249 difference.

**This unbalanced growth (expenses > revenues) is clearly reflected in the general fund balance. The FY 2006 – 2007 budget began with a positive $1,120,258 million fund balance. By July 2013, the projected FY 2012 – 2013 ending fund balance was a negative $259,366. A net decrease of $1,379,624.**

The expenditure increases went primarily to raising the salaries of City employees, certainly important to stay competitive in today's world. Over an 8 year period, ending with the FY 2012 – 2013 budget, the City granted yearly 3% pay increases equaling a 24% growth in salaries (recurring expenses). This does not infer anything was done wrong. – For example, when comparing the entire salary (base and overtime) of a rookie Clinton police officer and a rookie Madison police officer our sampling shows there is only a $103 per month difference.

The 24% growth in salaries – occurring over the previous 8 years - represented $2,198,650 of the $9,161,045 FY 2012 – 2013 salary budget. Note, the 24% increase in salaries ($2,198,650), very nearly matches the $2,186,249 (the difference between the FY 2012 – 2013 expenditures of $14,763,096 and the FY 2006 – 2007 expenditures of $12,576,847).

**The issue here is not increasing salaries, but not having the recurring revenues to support the growing/recurring salary expenses.**

To address the deficits from the FY 2006 - 2007 through 2012– 2013 budgets, previous Boards made cuts in the general fund by removing $500,000 from street paving (100% of the paving budget), raised $210,000 from the sale of the City Square, and froze a total of 10 positions (5 positions in the fire department and 5 positions in the police department).

**The cuts to these general fund line items delayed essential maintenance, stretched our First Responders, and failed to provide a long term solution to the imbalance of recurring expenditures to revenue.**

In this administration's first budget (FY 2013 – 2014), the new Mayor and Board adopted a zero based, 3 step budgeting process. First, we required department heads to budget only what it takes to open the doors and minimally operate. Second, we listed items the department heads/Mayor and Board believed needed. Finally, a list of the "nice to have items" was compiled (we never got to the "nice to have items").

During the process, we recognized the need to borrow $1,000,000 from Water/Sewer to deduct the obligated expenses left over from the previous Board, totaling over $450,000:

- $338,000 for Pinehaven Project Match
- $50,000 for New Rental Ordinance Employee
- $21,000 for the 2012 $4.2 million bond overruns

In addition, the previous Board met six days prior to leaving office (and without notifying the incoming Mayor and Board members) obligating $41,000 more unbudgeted dollars for carpet, sheetrock and fountain work at the police station. All of these expenditures were passed along without a revenue source to cover them.

The Mayor and Board of Alderman established priorities for their four year term and set about the process of "budgeting to priorities" vs. "budgeting based off of last year's expenditures". Those 5 priorities are:

1. Comprehensive Police Plan
   a. Additional patrolling officers (ending in 60 funded slots, up from 40 funded slots)
   b. I-20 Interdiction
   c. Determine the best options for the City radio system
   d. Technical improvements to allow for pro-active policing
2. Community Development
   a. Enforce Codes
   b. Stress neighborhood clean-up
3. Economic Development
   a. Comprehensive planning

    b. Work both retail and industrial development
4. Annexation Obligations
    a. As per court annexation order
5. Drainage
    a. Address flooding issues (within legal bounds)

The FY 2013 – 2014 budget added 5 police officers, a rental enforcement officer, a Communications Director, and put equipment in the Woods Activity Building. We also began enforcing the City ordinances on dilapidated homes and property. Of no less significance, we began a branding process, hired a company to assist the City in addressing retail shortages, and cut 3 slots in the Parks and Recreation Department and 3 slots in Public Works (Streets).

Working within the allotted salary line item of the Clinton Police Department we reorganized the department and increased the pay for 25 patrolling officers by $1,300 p/y. Of note, this new scale pays starting officers $12,787 more over their first 5 years than the previous pay scale allowed.

At the end of the process, we anticipated a FY2013 - 2014 "end of year balance" of $277,308. With strict adherence to the budget, including quarterly updates from the department heads to the Board of Alderman (a first), we will finish the FY 2013 – 2014 budget year with a projected "ending fund balance" of $279,366 – right on target.

**Our commitment to add police officers remains our highest priority – one cannot argue the vast improvement in our police presence, lower crime levels, and higher arrest numbers in FY 2013 – 2014.**

The FY2014-2015 budget began addressing the requirements of the 2007 annexation. This budget year marks the 7th year of the 10 year agreement with the annexation court to provide fire protection in the annexed area. With nothing done in the annexed area requirements of public safety in previous years, we are behind the curve.

We are scheduled to add three more police officers. Since this Administration came into office, we raised the Clinton Police Department from a July 2013 level of 45 slots (with 40 paid and 5 frozen) to 53 slots (with 0 frozen). The increase to 53 officers by this board meets the annexation court requirement for police officer slots.

Additionally, the City must address fire protection in the annexed area. In June of 2014, the City began the process of reviewing plans and purchasing land for a fire station to provide coverage. We must also buy a new fire truck and hire 9 new firefighters to staff the fire station. The 2014 – 2015 budget hires three of those fire fighters.

In an effort to be completely transparent, the construction of a fourth fire station will add to the bonding debt of the City – moving millage from the general fund to bond debt. The bond money spent on the construction of Fire Station 3, at Kids Towne Park, might have been better spent answering the annexation requirement to build a fire station in the annexed area. To mitigate that, I am investigating grants and other resources to assist with building of the fire station and securing a fire truck. While behind, we are committed to completing the annexation requirements by 2017.

**With proper planning, the annexation court requirements related to police and fire services would have been addressed years ago.**

So why the tax increase? The Board must address the gap between expenditures and revenue in a permanent way, considering not only the immediate needs but the needs of the future. Although the FY 2013 - 2014 revenue stream improved by .9%, the City's revenue growth still trails the reoccurring expenses added in previous years. With nothing left to "rob" from in the budget, we have precious few options. And truthfully, the short – term solution 'of taking from Peter to pay Paul" does not address the problem of expenditures exceeding revenues.

**This administration is determined to address this issue and put the City back on stable financial footing. To do so, we must decrease reoccurring expenditures and increase revenues.**

So what does it cost? The 2.75 mil increase will cost $2.75 per $1,000 dollars of assessed value. Assessed values are computed on the true value of the house or auto. For houses the assessed value is 10% of the true value, for business property the assessed value is 15% of the true value, and for autos the assessed value is 30% of the true value. Below are examples of the approximate increase in property tax on various homes based on their value with the 2.75 millage increase:

$100,000 Home (Assessed Value - $10,000) the increase will be $27.50 per year
$150,000 Home (Assessed Value - $15,000) the increase will be $41.24 per year
$200,000 Home (Assessed Value - $20,000) the increase will be $55.00 per year
$250,000 Home (Assessed Value - $25,000) the increase will be $68.75 per year
$300,000 Home (Assessed Value - $30,000) the increase will be $82.50 per year
$350,000 Home (Assessed Value - $35,000) the increase will be $96.25 per year
$400,000 Home (Assessed Value - $40,000) the increase will be $110.00 per year
$450,000 Home (Assessed Value - $45,000) the increase will be $123.75 per year
$500,000 Home (Assessed Value - $50,000) the increase will be $137.50 per year

**See the attached sheet to compare the millage rate of Clinton to other cities (some cities did not respond to our request).**

As you compare the millage rates also note the value of a mil in those cities. Comparing Clinton (after the tax increase) to Madison shows that the Clinton's millage rate is 41.49 with each mil valued at $199,000. Madison millage rate is 28.80, with each mil valued at $370,000. Although Clinton's millage rate is higher than Madison's, the value of the mil is lower - meaning that Clinton generates $8,256,510 (41.49 X $199,000), while Madison generates $10,656,000 (28.80 X $370,000), a difference of $2,399,490. Clinton would need a millage of 53.55 to equal Madison's revenue or Madison millage must drop to 22.31 to equal Clinton's revenue. So the millage rate alone is not an "apples to apples" comparison - you must consider the value of a mil.

Sales tax is another method of funding the general fund. The higher the sales tax figures the more retail opportunity in that city. The FY 2012 – 2013 sales tax for Clinton generated $4,339,205. The FY 2012 – 2013 sales tax for Madison generated $6,091,988. The $1,752,783 difference in sales tax added to the $2,399,490 difference in millage value equals a $4,152,273 larger general fund budget for Madison (population 24,800) than Clinton (population 24,600).

Economic development (commercial and retail) increases the value of the mil faster, thereby raising both property values and decreasing the millage requirement on homeowners. Think of the cities that you believe have a high level of retail, then check the attached chart. Note that the cities with higher mil values (and lower milage rates), have higher levels of economic development.

**Higher per mil values (not higher millage rates) are an indication of greater economic development and higher property values. The best case is a city with growing commercial and retail sectors to drive the value of the mil up and fund the required services of the City.**

So after all this is said, what does the FY 2014 – 2015 budget do? Although the City has a problem with the expenditure to revenue ratio, we cannot cut out everything. We must address this imbalance, but continue to move forward. If you cut supplies and materials too deeply, then the employees have nothing to work with. If you cut employees too deeply, you must be willing to give up that function (job/services). With that in mind, the FY 2014 – 2015 budgets accomplishes the following:

1. Economic Development - We are addressing the lack of retail sales tax growth in the City. Years of "little to no growth" in the retail business community is the big elephant in the room. This Administration accepted the challenge and changed the way Clinton views recruiting of retail businesses. We hired TheRetailCoach and they have already completed a retail analysis. They also provided a survey (900 respondents) to determine the retail needs in Clinton and are now helping us develop a strategic plan for retail recruitment and growth. The results of their demographic study and survey are posted on the City web page under "Retail Information".

2. Branding – Our branding efforts are putting a new face on the community - one of inclusiveness. An upbeat "You Belong Here" brand promise was recently introduced, and the music video has already received over 43,000 hits on the various internet sites. We will continue to expand our brand with an integrated advertising campaign, targeted at specific markets to realize the greatest value for our dollar. Keep in mind that the majority of the City's advertising/promotional budget is funded through the City's special hotel/motel tax, not property or sales tax revenue.

3. Transparency - Your government is more open with you as we stream our Board meetings, send daily e-mail blast, put information on the City's much improved webpage and updated social media platforms. I take part in a twice monthly radio show on Star93. We are more inclusive to all citizens and strive for a wider range of participation and input from all sectors in the City.

4. Additional police officers allow the Department to better engage the criminal element with increased patrolling and more pro-active policing during each shift – checking homes when you leave for period of time and drug interdiction along I-20 come to mind. Remember, crime is down and arrests are up. This is because we have more police officers on the streets, focusing on more sections of the City than at any other time in the past.

5. We are beginning to address long overdue firefighting improvements in the annexed area through the purchase of land, hiring 3 of 9 firefighters, and the extension of water lines for fire hydrants. Over the next three years, construction of a fire station, purchase of a fire truck, and the completion of hiring the needed personnel will continue. This not only benefits those in the annexed area, but the entire City. The Fire Rating Bureau notified me - 7 days after Election Day (June 2013) - that since nothing had been

done to address fire protection in the annexed area, increasing fire rates throughout Clinton was on the table. This will not happen.

6. We are addressing the issue of reoccurring expenditures and getting them in line with a realistic, reoccurring revenue flow. The FY 2015 budget deleted 11 full time slots and 4 part time slots from four City Departments - 4 full time and 4 part time slots from Parks and Recreation, 4 slots from PW (Streets), 2 slots from Community Development (Inspections) and 1 slot from Administration (Purchasing – those duties assigned to the Mayor's Administrative Assistant). In the FY 2014 budget we eliminated 3 slots in Parks and Recreation and 3 slots in Public Works (street). Over two years, the City has eliminated 17 full time and 4 part time slots.

I believe the millage increase – along with the other cuts undertaken - will help us get ahead of the reoccurring expenditure over revenue issue. With economic development, and the resulting growth in sales tax, we will begin to work ourselves back to a stable financial position.

No one on the Board wanted to take this step, but there were no other options. At the end of the day, you play the hand you are dealt. The question is whether you have the courage to do what is necessary to overcome the challenges before you – or you kick the can down the road.

**Our goals are to responsibly spend your tax dollars, enable both industrial and retail development, establish a positive revenue to expenditure growth ratio, and end this term with a $500,000 ending fund balance while addressing the responsibilities of the City.**

*CITY OF CLINTON*

# MILLAGE RATE COMPARISON

FISCAL YEAR 2014-2015

WITH THE PROPOSED 2.75 MIL INCREASE

| CITY | MILLAGE RATE | VALUE OF ONE (1) MILL | SCHOOL MILLAGE RATE | FOR CLINTON TO MATCH REVENUE | TO MATCH CLINTON REVENUE |
|---|---|---|---|---|---|
| ***Clinton*** | ***41.49*** | ***199,000*** | ***67.87*** | | |
| Biloxi | 30.10 | | 43.05 | - | - |
| Brandon | 29.00 | 230,222 | 0.00 | 33.55 | 35.86 |
| Byram | 34.10 | 81,164 | | 13.91 | 101.73 |
| Flowood | 20.00 | | | - | - |
| Gulfport | 34.00 | 700,000 | 60.85 | 119.60 | 11.80 |
| Madison | 28.80 | 370,000 | 54.55 | 53.55 | 22.31 |
| Meridian | | | | - | - |
| Natchez | 42.73 | 220,222 | 52.22 | 47.29 | 37.49 |
| Pearl | 21.50 | 232,000 | 60.00 | 25.07 | 35.59 |
| Ridgeland | 20.03 | 400,000 | 54.55 | 40.26 | 20.64 |
| Tupelo | 32.47 | 440,000 | 64.51 | 71.79 | 18.76 |
| Vicksburg | | | | - | - |

*Proposed Mill Value (Gross) based on Fiscal Year 2015 Assessed Values*

## PROPERTY TAX - COST COMPARISON

| SCENARIO | | |
|---|---|---|
| DESCRIPTION | REAL VALUE | ASSESSED |
| HOME | 200,000 | 20,000 |
| 2 - VEHICLES ($25k each) | 50,000 | 15,000 |

| PROPERTY TAX CALCULATION | |
|---|---|
| CLINTON (Current Rate - 38.74) | 1,356 |
| CLINTON (Proposed Rate - 41.49) | 1,452 |
| *CHANGE DUE TO MILLAGE INCREASE* | *96* |

| COMPARATIVE - TAXES IN NEIGHBORING CITIES | |
|---|---|
| MADISON (Millage Rate 28.80) | 1,008 |
| BRANDON (Millage Rate 29.00) | 1,015 |
| PEARL (Millage Rate 21.50) | 753 |
| RIDGELAND (Millage Rate 20.03) | 701 |

** ALL CALCULATIONS BASED ON CITY PORTION OF MILLAGE RATES ONLY*

# CITY OF CLINTON
## PUBLIC HEARING – 2014 – 2015 BUDGET AND TAX LEVY
## TUESDAY SEPTEMBER 2, 2014 – 7:00 P.M.
## MUNICIPAL COURTROOM – 305 MONROE ST

| NO. | NAME | ADDRESS |
|---|---|---|
| 1 | DR. GEORGE FRENCH | 322 COLONIAL DR. JACKSON, MS 39204 |
| 2 | James Burghardt | 1504 Arlington St Clinton MS 39056 |
| 3 | Barbara Calhoun | 321 Warwick Rd 39056 |
| 4 | John Goolsby | 411 WARWICK Rd 39056 |
| 5 | Bailey Ballenger | 603 Herndon Hill 39056 |
| 6 | Lauren Cook | 507 Berkshire St. 39056 |
| 7 | TINA Collier | 305 Church Street 39056 |
| 8 | Prisca Patrick | 1002 Huntcliff Way 39056 |
| 9 | Alan Brown | 1117 Rose Ave 39204 |
| 10 | [illegible] | 116 Glen Auburn Drive |
| 11 | Steve Baggett | 100 TIMBERWOOD DRIVE |
| 12 | RAMIE FORD | 109 NAPA VALLEY DR |
| 13 | Rob Neblett | 100 Cotton Acres Dr. |
| 14 | Tommy Oberhausen | 109 Norton PLACE |

CITY OF CLINTON
PUBLIC HEARING – 2014 – 2015 BUDGET AND TAX LEVY
TUESDAY SEPTEMBER 2, 2014 – 7:00 P.M.
MUNICIPAL COURTROOM – 305 MONROE ST

| NO. | NAME | ADDRESS |
|---|---|---|
| 15 | Barry Bernside | 122 Bailey's Ridge Cv. Clinton, MS 39056 |
| 16 | [illegible] Smith | 1897 Wade Patrick Rd Braxton, MS 39044 |
| 17 | Roy Edwards | 2021 Perdue Rd Raymond MS 39154 |
| 18 | Michael Warren | 215 Willow Oak Dr. Clinton, MS 39056 |
| 19 | Mike Parker | 119 Countrywood Cvr. Clinton MS 39056 |
| 20 | KEN DREHER | 111 Hillmont Circle 39056 |
| 21 | | |
| 22 | | |
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**RESOLUTION FIXING THE AD VALOREM TAX LEVY ON REAL AND PERSONAL PROPERTY FOR THE CITY OF CLINTON, MISSISSIPPI, AND FOR THE CLINTON PUBLIC SCHOOL DISTRICT FOR THE 2014-2015 BUDGET YEAR**

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

Section 1: That for the Fiscal Year beginning October 1, 2014 and ending September 30, 2015, there shall be and is hereby levied on all taxable property, real and personal, within the corporate limits of the City of Clinton, Mississippi, for ad valorem taxes for municipal purposes as indicated, the following levies to be collected on each dollar of assessed value shown on the Real and Personal Property Ad Valorem Assessment Rolls of said City, by the City Tax Collector, to wit:

| | |
|---|---|
| For General purposes –<br>Levied under section 27-39-307 MS Code of 1972………………………………………………… | 34.23 |
| For Firemen and Policemen Disability and Relief –<br>Levied under Chapter 511, general laws, 1987, Senate Bill 2602………………………………... | 1.24 |
| For Debt Service purposes –<br>Levied under Section 21-33-87 MS Code of 1972……………………………………………….. | 6.02 |
| Total Levied for Municipal Purposes……………………………………………………………….. | 41.49 |

Section 2: That for the Fiscal Year beginning October 1, 2014 and ending September 30, 2015, there shall be and is hereby levied on all taxable property, real and personal, within the Clinton Public School District, for ad valorem taxes for school purposes such levies having been authorized and requested by the Board of Trustees of said School District by Order entered on its Minutes and certified to the Mayor and Board of Aldermen of the City of Clinton, Mississippi, the following levies to be collected on each dollar of assessed value as shown on said Real and Personal Property Ad Valorem Assessment Rolls of said City, by the City Tax Collector, to wit:

| | |
|---|---|
| For District School Operation and Maintenance Fund,<br>Section 37-57-105, Mississippi Code Annotated 1972, as amended ("the Code")…………………. | 52.77 |
| For payments on 2010 construction bonds<br>Pursuant to the provisions of Sections 37-59-1 through 37-59-45, Et seq………………………….. | 4.30 |
| For payments on 2005 construction bonds<br>Pursuant to the provisions of Sections 37-59-1 through 37-59-45, Et seq………………………….. | 5.40 |
| For payments on 2008 capital improvements loan<br>Pursuant to the provisions of Sections 37-59-101 through 37-59-107, Et seq……………………… | 1.40 |
| For payments on 2011 construction bonds<br>Pursuant to the provisions of sections 37-59-1 through 37-59-45, Et seq…………………………... | 2.10 |
| For payments on 2012 construction bonds<br>Pursuant to the provisions of sections 37-59-1 through 37-59-45, Et seq…………………………... | .30 |
| For payments on 2010 capital improvements loan<br>Pursuant to the provisions of Sections 37-59-101 through 37-59-107, Et seq……………………... | 1.60 |
| For cost of collection of taxes due to the Hinds County Tax Collector<br>Pursuant to the provisions of Sections 37-57-1 and 37-57-105, Et seq……………………………... | .07 |

| | |
|---|---|
| Total levied for School District Purposes.................................................................... | 67.94 |
| Grand Total for Municipal and School District Purposes............................................... | 109.43 |

Section 3: That this Resolution shall be in full force and effect from and after its passage.

The foregoing Resolution having been reduced to writing, presented to the Board and the Motion having been made by Alderman Martin and seconded by Alderman Cashion to adopt the foregoing Resolution, the matter was put to a vote with the following results:

| | |
|---|---|
| Jehu Brabham, Alderman at Large | AYE |
| David Ellis, Alderman Ward One | AYE |
| Jim Martin, Alderman Ward Two | AYE |
| William O Barnett, Alderman Ward Three | AYE |
| Greg Cronin, Alderman Ward Four | AYE |
| Jan Cossitt, Alderwoman Ward Five | AYE |
| Mike Cashion, Alderman Ward Six | AYE |

The Motion to adopt, having received the affirmative vote of the majority of the members of the Board of Aldermen, the Mayor declared the MOTION passed and the Resolution duly adopted.

APPROVED: ______________________ Date: September 2, 2014
Philip R. Fisher, Mayor

ATTEST: Russell L Wall Date: September 2, 2014
Russell L. Wall, City Clerk

SEAL

CITY OF CLINTON OFFICIAL SEAL MISSISSIPPI