

**CITY OF CLINTON
REGULAR MEETING OF THE MAYOR AND BOARD OF
ALDERMEN
TUESDAY OCTOBER 20, 2015 – 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 Cashion followed by the pledge of allegiance to the flag led 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

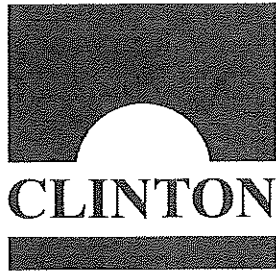
Alderman Cronin entered the meeting at 7:04 pm

APPROVAL OF CONSENT AGENDA ITEMS A – J

MOTION made by Alderman Ellis and **SECONDED** by Alderwoman Cossitt to approve the Consent Agenda Items A-J. **MOTION CARRIED UNANIMOUSLY**

DEPARTMENT HEAD REPORT

Barry Burnside, Fire Chief reported the statistics on the number of service calls including medical and fire calls for the period January 1, 2015 through September 30, 2015. The Chief then updated the board on the various activities and events sponsored by the Fire Department. These events and activities included an upcoming meeting with the architect on the plans for Fire Station #4, and various classes consisting of fire safety inspections, driver operator training and fire safety education classes. Also, the department recently hired two new firefighters that will begin employment in November 2015.



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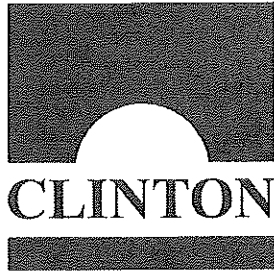
BOARD OF ALDERMEN DISCUSSION AND REPORTS

APPROVE A MOTION TO RECONSIDER THE LEWIS FURNITURE DIMENSIONAL VARIANCE REQUEST FROM THE OCTOBER 6, 2015 BOARD MEETING

Upon presentation by Mike Cashion, Alderman Ward 6, **MOTION** made by Alderman Cashion and **SECONDED** by Alderwoman Cossitt the board approved the motion to reconsider the Lewis Furniture dimensional variance request from the October 6, 2015 board meeting. Before the vote was taken a discussion by the board was as follows. Alderman Brabham declared a point of order concerning this motion. Alderman Brabham felt this motion could not be made because according to his understanding of Roberts Rule's of Order the motion had to be made by one of those voting for the original motion and the motion had to be made at the meeting of October 6, 2015 when it was originally voted on. City Attorney Dreher stated he felt the point of order was not valid. **THE VOTE WAS 4 TO 3 IN FAVOR OF THE MOTION. ALDERMAN BARNETT, ALDERMAN CRONIN, ALDERWOMAN COSSITT AND ALDERMAN CASHION VOTED AYE. ALDERMAN BRABHAM, ALDERMAN ELLIS AND ALDERMAN MARTIN VOTED NAY.**

Before the motion was made to approve the dimensional variance the following discussion was held:

Alderman Cashion stated that he felt like he made an error in voting to deny the dimensional variance. He went back and reread the ordinance pertaining to this issue and felt that the request did meet the guidelines. After making a visit to the property he felt that there were peculiar issues especially concerning traffic problems if the request was not approved. Alderman Martin went back and studied the ordinance and he did not feel that there were peculiar issues regarding this request. He mentioned that there were other parts of the ordinance that related to properties with streets in front and back of the property. Overall, it was his opinion that the request did not meet the requirements for a dimensional variance and that if the board did not treat all requests of this nature equally there would be problems down the road. Alderman Ellis stated he did struggle with the traffic problem; however he agreed with Alderman Martin and felt the request did not meet the requirements of the ordinance. Alderman Brabham agreed with the statements made by Aldermen Martin and Ellis and furthermore, did not believe the request met the requirements of the ordinance. He also stated that various court rulings stated that economic hardship was not a valid reason for granting a dimensional variance. Alderman Cronin believed that it was important the ordinances are looked at carefully. His concern was rather granting the variance would create a change in the nature and environment of the surrounding area. He also agreed that there were peculiarities in the property that allowed the granting of the request. Alderman Barnett visited the property and surrounding area and felt that granting the request



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would not cause a change in the nature of the property and the surrounding area. After the discussion the following motion was made:

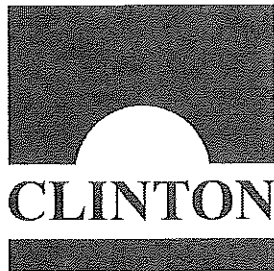
APPROVE A MOTION TO GRANT THE REQUEST FROM LEWIS FURNITURE FOR A DIMENSIONAL VARIANCE FOR PROPERTY LOCATED AT 451 HIGHWAY 80 EAST LOCATED IN THE CITY OF CLINTON, MISSISSIPPI

Upon presentation by Mike Cashion, Alderman Ward 6, **MOTION** made by Alderman Cashion and **SECONDED** by Alderwoman Cossitt the board approved the motion to grant the dimensional variance requested by Lewis Furniture to add an additional 5,600 square feet to accommodate setback requirements located at 451 Highway 80 East located in the City of Clinton, Mississippi. The Architectural Review Committee and the Planning and Zoning Commission recommended approval. **THE VOTE WAS 4 TO 3 IN FAVOR OF THE MOTION. ALDERMAN BARNETT, ALDERMAN CRONIN, ALDERWOMAN COSSITT AND ALDERMAN CASHION VOTED AYE. ALDERMAN BRABHAM, ALDERMAN ELLIS AND ALDERMAN MARTIN VOTED NAY**

MAYOR'S DISCUSSION AND REPORTS

UNKEMPT PROPERTY LOCATED AT 208 WEST LEAKE STREET – WARD 1

Upon presentation by Roy Edwards, Director of Community Development, **MOTION** made by Alderman Ellis and **SECONDED** by Alderman Barnett the board approved to continue until the first board meeting in January 2016 a resolution determining the necessity for the cleaning of private property located at 208 West Leake Street, under the authority granted to municipalities by Section 21-19-11, Mississippi Code of 1972, as amended and other applicable statutes and ordinances. A public hearing was held and no one representing the property owner was present. No one from the public had any comments. The resolution is on file with the City Clerk. Alderman Martin left the meeting at 7:37 pm and returned to the meeting at 7:40 pm. Alderman Martin did not participate in the discussion of this item nor did he vote on this item. **MOTION CARRIED UNANIMOUSLY**



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UNKEMPT PROPERTY LOCATED AT 2205 OLD VICKSBURG ROAD – WARD 6

Upon presentation by Roy Edwards, Director of Community Development, **MOTION** made by Alderman Martin and **SECONDED** by Alderman Barnett the board approved placing this item on the agenda for the November 3, 2015 board meeting for consideration. **MOTION CARRIED UNANIMOUSLY**

APPROVE A PROCLAMATION DECLARING THE MONTH OF OCTOBER 2015 AS RACIAL RECONCILIATION CELEBRATION MONTH

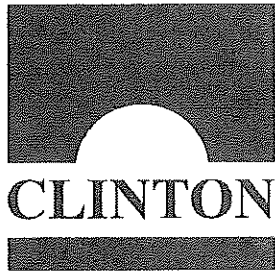
Upon presentation by Phil Fisher, Mayor, **MOTION** made by Alderman Ellis and **SECONDED** by Alderman Martin the board approved a proclamation declaring the month of October 2015 as Racial Reconciliation Celebration Month. **MOTION CARRIED UNANIMOUSLY**

APPROVE THE APPOINTMENT OF ESTELLE SHERER, DEREK HOLMES, RANDY RUSSELL AND DR. WALTER HOWELL TO THE SCENIC BYWAYS CORRIDOR ADVOCACY GROUP, AND FURTHERMORE APPOINT AS EX-OFFICIO MEMBERS BILL BARNETT AND LAUREN STUBBLEFIELD TO THE SAME GROUP

Upon presentation by Phil Fisher, Mayor, **MOTION** made by Alderman Barnett and **SECONDED** by Alderman Cronin the board approved the appointment of Estelle Sherer, Derek Holmes, Randy Russell and Dr. Walter Howell to the Scenic Byways Corridor Advocacy Group, and furthermore appointed as ex-officio members Bill Barnett and Lauren Stubblefield to the same group. **MOTION CARRIED UNANIMOUSLY**

APPROVE THE ADOPTION OF THE 2014-2015 AMENDED BUDGETS FOR THE NEW AND EXISTING FUNDS

Upon presentation by Russell Wall, City Clerk, **MOTION** made by Alderman Cronin and **SECONDED** by Alderman Barnett the board approved the adoption of the 2014-2015 amended budgets for the new and existing funds. **MOTION CARRIED UNANIMOUSLY**



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APPROVE AS AN EMERGENCY REPAIR THE REPAIR OF THE SEWER FORCE MAIN IN BRUENBURG SUBDIVISION AND FUTUREMORE APPROVE THE PAYMENT TO UTILITY CONSTRUCTORS, INC. OF \$29,581.60 FOR THE REPAIR WORK

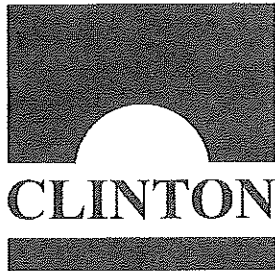
Upon presentation by Dexter Shelby, Assistant Director of Public Works, **MOTION** made by Alderman Ellis and **SECONDED** by Alderwoman Cossitt the board approved as an emergency repair the repair of the Sewer Force Main in Bruenburg Subdivision and furthermore approved the payment to Utility Constructors, Inc. of \$29,581.60 for the repair work. **MOTION CARRIED UNANIMOUS**

APPROVAL TO NOTIFY WASTE MANAGEMENT TO PULL ROLL DUMPSTERS THE CITY PROVIDES AND PAYS FOR AT SPRINGRIDGE MOBILE HOME ESTATES AS OF DECEMBER 31, 2015 AND FUTUREMORE STOP CHARGING THE TENANTS \$15.50 EACH FOR GARBAGE COLLECTION

Upon presentation by Dexter Shelby, Assistant Director of Public Works, **MOTION** made by Alderman Ellis and **SECONDED** by Alderwoman Cossitt the board gave its approval to notify Waste Management to pull roll dumpsters the City provides and pays for at Springridge Mobile Home Estates as of December 31, 2015 and furthermore approved stopping charging the tenants \$15.50 each for garbage collection. **MOTION CARRIED UNANIMOUSLY**

APPROVAL TO CHANGE THE WATER DEPOSIT TO A SERVICE FEE WHICH WILL BE NON-REFUNDABLE AND INCREASE FROM \$100.00 TO \$125.00 FOR HOMEOWNERS AND \$175.00 FOR RENTING OR LEASING TO BECOME EFFECTIVE NOVEMBER 1, 2015

Upon presentation by Dexter Shelby, Assistant Director of Public Works, **MOTION** made by Alderman Ellis and **SECONDED** by Alderman Barnett the board approved changing the Water Deposit to a Service Fee which will be non-refundable and increase from \$100.00 to \$125.00 for Homeowners and \$175.00 for renting or leasing to become effective November 1, 2015. **MOTION CARRIED UNANIMOUSLY**



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APPROVAL TO ELIMINATE AFTER HOUR CALL OUTS TO RECONNECT WATER SERVICE TO BECOME EFFECTIVE NOVEMBER 1, 2015

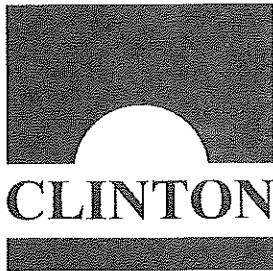
Upon presentation by Dexter Shelby, Assistant Director of Public Works, **MOTION** made by Alderman Barnett and **SECONDED** by Alderman Ellis the board approved eliminating after hour call outs to reconnect water service to become effective November 1, 2015. **MOTION CARRIED UNANIMOUSLY**

APPROVAL TO INCREASE THE RECONNECT FEE DUE TO NON-PAYMENT FROM \$40.00 TO \$50.00 EFFECTIVE NOVEMBER 1, 2015

Upon presentation by Dexter Shelby, Assistant Director of Public Works, **MOTION** made by Alderman Cronin and **SECONDED** by Alderman Ellis the board approved an increase in the reconnect fee due to Non-Payment from \$40.00 to \$50.00 effective November 1, 2015. **MOTION CARRIED UNANIMOUSLY**

APPROVAL TO CHARGE EXISTING CUSTOMERS WHO TRANSFER WATER SERVICES FROM ONE LOCATION TO ANOTHER LOCATION WITHIN THE CITY A \$75.00 TRANSFER FEE TO BECOME EFFECTIVE NOVEMBER 1, 2015

Upon presentation by Dexter Shelby, Assistant Director of Public Works, **MOTION** made by Alderwoman Cossitt and **SECONDED** by Alderman Ellis the board approved charging existing customers who transfer water services from one location to another location within the City a \$75.00 Transfer Fee to become effective November 1, 2015. **THE VOTE WAS 6 TO 1 IN FAVOR OF THE MOTION. ALDERMAN BRABHAM, ALDERMAN ELLIS, ALDERMAN MARTIN, ALDERMAN BARNETT, ALDERMAN CRONIN AND ALDERWOMAN COSSITT VOTED AYE. ALDERMAN CASHION VOTED NAY.**



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APPROVE AN INCREASE IN THE GARBAGE FEE OF \$1.00 FOR THE PURPOSE OF ESTABLISHING A BEAUTIFICATION FUND TO BECOME EFFECTIVE FOR THE NOVEMBER 1, 2015 BILLING CYCLE

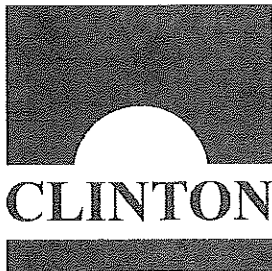
Upon presentation by Dexter Shelby, Assistant Director of Public Works, **MOTION** made by Alderman Ellis and **SECONDED** by Alderman Cashion the board approved an increase in the Garbage Fee of \$1.00 for the purpose of establishing a Beautification Fund to become effective for the November 1, 2015 billing cycle. Alderman Cronin stated that he wanted to have the following placed in the minutes concerning this item. He stated that the projects to be paid for with this money be listed and voted on, that the projects would be for beautification of the City only, and that the money not be used for routine or deferred maintenance. These conditions were not approved as a part of the approval of this motion. **MOTION CARRIED UNANIMOUSLY**

APPROVAL OF CHANGE ORDER #2 RELATED TO THE SRF WATER SYSTEMS IMPROVEMENTS PROJECT DWSIRLF PROJECT #DWI-L250003-03

Upon presentation by Dexter Shelby, Assistant Director of Public Works, **MOTION** made by Alderman Ellis and **SECONDED** by Alderman Martin the board approved Change Order #2 related to the SRF Water Systems Improvements Project DWSIRLF Project #DWI-L250003-03. **MOTION CARRIED UNANIMOUSLY**

AUTHORIZE THE MAYOR TO EXECUTE A CONTRACT AND AGREEMENT BETWEEN THE CITY OF CLINTON, MISSISSIPPI AND THE MISSISSIPPI TRANSPORTATION COMMISSION OF MISSISSIPPI RELATED TO THE LANDSCAPING OF INTERSTATE 20 BY THE CITY OF CLINTON, MISSISSIPPI

Upon presentation by Dexter Shelby, Assistant Director of Public Works, **MOTION** made by Alderwoman Cossitt and **SECONDED** by Alderman Barnett the board authorized the Mayor to execute a contract and agreement between the City of Clinton, Mississippi and the Mississippi Transportation Commission of Mississippi related to the landscaping of Interstate 20 by the City of Clinton, Mississippi. **MOTION CARRIED UNANIMOUSLY**



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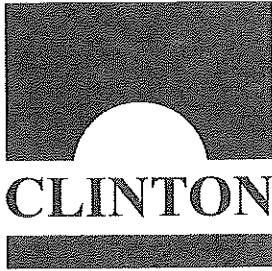
EXECUTIVE SESSION

MOTION made by Alderwoman Cossitt and **SECONDED** by Alderman Ellis that the Mayor and Board of Alderman consider entering executive session to discuss a legal matter. **MOTION CARRIED UNANIMOUSLY**

MOTION made by Alderman Brabham and **SECONDED** by Alderman Cronin that the Mayor and Board of Alderman enter into executive session to discuss a legal matter. **MOTION CARRIED UNANIMOUSLY**

The Mayor and Board of Aldermen entered into executive session at 8:30 pm. Also, present in the executive session were City Attorney Ken Dreher, City Clerk Russell Wall and Director of Community Development Roy Edwards. A discussion of a legal issued occurred during the executive session. Alderman Martin did not participate in the discussion during the executive session nor was Alderman Martin present in the executive session. No action was taken during the executive session. **MOTION** was made by Alderman Ellis and **SECONDED** by Alderman Cashion to exit executive session. **MOTION CARRIED UNANIMOUSLY.** The Mayor and Board of Aldermen exited executive session at 8:55 pm.

ADJOURN 8:56 PM



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MOTION made by Alderman Ellis and SECONDED by Alderman Cronin to adjourn until the next regular meeting of the Mayor and Board of Aldermen to be held November 3, 2015 at 7:00 pm. MOTION CARRIED UNANIMOUSLY

APPROVED: *Philip R. Fisher*
Philip R. Fisher, Mayor

10/22/15
Date

ATTEST: *Russell L. Wall*
Russell L. Wall, City Clerk

10-22-15
Date

