



**CITY OF CLINTON
REGULAR MEETING OF THE MAYOR
AND BOARD OF ALDERMEN
TUESDAY, SEPTEMBER 17, 2024 - 6:00 PM
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 Alderwoman Godfrey. The Pledge of Allegiance to the Flag was led by Boy Scouts Troop 12 & 1475.

ROLL CALL City Clerk, Jimmy Baldree

RECOGNITIONS

Wanda Evers, Hinds County District 4 Supervisor, addressed the Board.

APPROVAL OF CONSENT AGENDA ITEMS A – R

Upon **MOTION** made by Alderman Wilbanks and **SECONDED** by Alderman Lott the Board approved Consent Items A - R. **MOTION CARRIED UNANIMOUSLY**

DEPARTMENT HEAD REPORTS

Marsha Barham, Manager of the Visitors Center, reported on recent visitors from a range of states and previewed upcoming events including book talks, an Art Exhibit, Friday Night Music at Milepost 89, Harmony & Grits, and Slightly Tarnished with their Tribute to John Prine.

BOARD OF ALDERMAN DISCUSSION AND REPORTS

There were no Board of Alderman items to be discussed.

MAYOR'S DISCUSSION AND REPORTS

**DISCUSSION/ACTION – PROCLAIMING SEPTEMBER 17TH THROUGH
SEPTEMBER 23RD, 2024 AS CONSTITUTION WEEK IN THE CITY OF CLINTON**

Upon presentation by Mayor Phil Fisher, **MOTION** made by Alderman Martin and **SECONDED** by Alderwoman Oliver the Board approved a Proclamation for September 17th



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through September 23rd, 2024, as Constitution Week in the City of Clinton. **MOTION CARRIED UNANIMOUSLY**

DISCUSSION/ACTION – CONSIDERATION OF AN INTERLOCAL AGREEMENT BETWEEN HINDS COUNTY, MISSISSIPPI AND THE CITY OF CLINTON, REGARDING IMPROVEMENTS TO KIDS TOWNE PARK

Upon presentation by William Purdie, City Attorney, **MOTION** made by Alderman Chapman and **SECONDED** by Alderman Wilbanks the Board approved an Interlocal Agreement between Hinds County, Mississippi and the City of Clinton, regarding improvements to Kids Towne Park. **MOTION CARRIED UNANIMOUSLY**

DISCUSSION/ACTION – ADOPTION OF A TOW TRUCK POLICY FOR THE CITY OF CLINTON AND THE CLINTON POLICE DEPARTMENT

Upon presentation by William Purdie, City Attorney, **MOTION** made by Alderman Lott and **SECONDED** by Alderwoman Godfrey the Board adopted a Tow Truck Policy for the City of Clinton and the Clinton Police Department. **MOTION CARRIED BY A VOTE OF 6-1. ALDERWOMAN GODFREY, ALDERMAN MARTIN, ALDERMAN CHAPMAN, ALDERMAN WILBANKS, ALDERWOMAN OLIVER, AND ALDERMAN LOTT VOTED AYE. ALDERWOMAN GARRETT VOTED NAY.**

DISCUSSION/ACTION – CONSIDERATION OF A RESOLUTION PROHIBITING THE USE, PURCHASE, POSSESSION, DISTRIBUTION, SALE OR OFFERING FOR SALE OF SYNTHETIC COCAINE, OTHER SYNTHETIC PRODUCTS, OR KRATOM

Upon presentation by William Purdie, City Attorney, **MOTION** made by Alderman Wilbanks and **SECONDED** by Alderman Chapman the Board approved a Resolution prohibiting the Use, Purchase, Possession, Distribution, Sale or Offering for Sale of Synthetic Cocaine, other Synthetic Products, or Kratom. **MOTION CARRIED UNANIMOUSLY**

DISCUSSION/ACTION – CONSIDERATION OF RESOLUTION TO SUBMIT AN APPLICATION TO THE MISSISSIPPI DEPARTMENT OF TRANSPORTATION FOR FUNDING UNDER THE BIPARTISAN INFRASTRUCTURE LAW – TRANSPORTATION ALTERNATIVES PROGRAM 2024. THE APPLICATION WOULD REQUEST TO EXTEND THE SIDEWALK ALONG THE SOUTH SIDE OF COLLEGE STREET



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Upon presentation by Bill Owen, P.E., Consulting Engineer, **MOTION** made by Alderman Lott and **SECONDED** by Alderwoman Oliver the Board approved a Resolution to submit an application to the Mississippi Department of Transportation for funding under the Bipartisan Infrastructure Law – Transportation Alternatives Program 2024 in order to extend the sidewalk along the South Side of College Street. **MOTION CARRIED UNANIMOUSLY**

**DISCUSSION/ACTION – CONSIDERATION AND APPROVAL OF SUMMARY
CHANGE ORDER AND FINAL PAY REQUEST IN THE AMOUNT OF \$1,155,258.37 TO
AJ CONSTRUCTION FOR 2024 STREET PAVING IMPROVEMENTS**

Upon presentation by Bill Owen, P.E., Consulting Engineer, **MOTION** made by Alderman Wilbanks and **SECONDED** by Alderwoman Godfrey the Board approved a Summary Change Order and Final Pay Request in the amount of \$1,155,258.37 to AJ Construction for 2024 Street Paving Improvements. **MOTION CARRIED UNANIMOUSLY**

**DISCUSSION/ACTION – CONSIDERATION AND APPROVAL TO USE CITY FUNDS
FOR IMPROVEMENTS TO NORTHSIDE DRIVE BRIDGE REPLACEMENT
PROJECT**

Upon presentation by Bill Owen, P.E., Consulting Engineer, **MOTION** made by Alderman Godfrey and **SECONDED** by Alderwoman Oliver the Board approved to use City Funds for improvements to Northside Drive Bridge Replacement Project. **MOTION CARRIED UNANIMOUSLY**

**DISCUSSION/ACTION – CONDITIONAL USE – STREET DOUGH – 25 WEST
LAKEVIEW DRIVE – WARD 4**

Upon presentation by Courtney Nunn, Director of Parks & Recreation, **MOTION** made by Alderman Chapman and **SECONDED** by Alderman Wilbanks the Board approved a Conditional Use for Street Dough at 25 West Lakeview Drive in Ward 4. **MOTION CARRIED BY A VOTE OF 6-1. ALDERWOMAN GARRETT, ALDERWOMAN GODFREY, ALDERMAN CHAPMAN, ALDERMAN WILBANKS, ALDERWOMAN OLIVER AND ALDERMAN LOTT VOTED AYE. ALDERMAN MARTIN VOTED NAY.**



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DISCUSSION/ACTION – SITE PLAN REVIEW FOR A MURAL – INDIAN LANES - 815 E. NORTHSIDE DR. – WARD 3

MOTION made by Alderwoman Oliver and **SECONDED** by Alderman Chapman the Board approved a Site Plan Review for a Mural to be created by Lilly Grace Crawshaw for her Eagle Scout Project at Indian Lanes at 815 E. Northside Dr. in Ward 3. **MOTION CARRIED UNANIMOUSLY**

DISCUSSION/ACTION – ACCEPT A PROPOSAL AS THE LOWEST AND BEST BID FROM MID-STATE CONSTRUCTION OF MS AND AUTHORIZE THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY TO PROVIDE CONSTRUCTION SERVICES RELATED TO 2% PARK BUILDING PROJECTS

Upon presentation by Courtney Nunn, Director of Parks & Recreation, **MOTION** made by Alderman Lott and **SECONDED** by Alderwoman Godfrey the Board approved a Proposal from Mid-State Construction of MS as the lowest and best bid and authorized the Mayor to execute all documents necessary to provide construction services related to 2% Park Building Projects. **MOTION CARRIED UNANIMOUSLY**

EMPLOYMENT ITEMS

MOTION made by Alderman Wilbanks and **SECONDED** by Alderman Chapman the Board approved hiring, contingent on the successful completion of the hiring process, Trelon Thompson as a Grounds Technician for the Parks & Recreation Department, and Camran Parks as a Maintenance Worker and Duke Bracey as a Meter Tech for the Public Works Department. **MOTION CARRIED UNANIMOUSLY**

PROCLAMATION CONSTITUTION WEEK

WHEREAS: September 17, 2024 marks the two hundred and thirty - seventh anniversary of the signing of the Constitution of the United States of America by the Constitutional Convention, and

WHEREAS: It is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary, and to the patriotic celebrations which will commemorate the occasion, and

WHEREAS: Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week.

NOW THEREFORE I, Philip R. Fisher by virtue of the authority vested in me as Mayor of the City of Clinton, Mississippi do hereby proclaim the week of September 17th through the 23rd as,

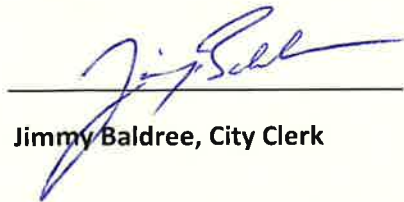
CONSTITUTION WEEK

AND ask our citizens to reaffirm the ideals of the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained.

IN WITNESS THEREOF, I have hereunto set my hand and caused the Seal of the City of Clinton to be affixed to this 17th day of September 2024.



Philip R. Fisher, Mayor



Jimmy Baldree, City Clerk



INTERLOCAL COOPERATION AGREEMENT

HINDS COUNTY, MISSISSIPPI

AND

CITY OF CLINTON, MISSISSIPPI

In Re: Improvements to Kids Towne Park, City of Clinton (2024)

THIS INTERLOCAL AGREEMENT (the "Agreement") is made and entered into on the dates shown at the end of this document by and between **HINDS COUNTY, MISSISSIPPI** (the "County"), a body politic and political subdivision of the State of Mississippi and the **CITY OF CLINTON, MISSISSIPPI** (the "City"), a municipal corporation, pursuant to and in accordance with the Interlocal Cooperation Act of 1974, Section 17-13-1, *et seq.* of the Mississippi Code of 1972, as amended (the "Act"), and other applicable law.

WITNESSETH:

WHEREAS, the County and the City believe it to be in their best interest to make improvements to Kids Towne Park, to include shade structures and education signage, within the City for the benefit of the citizens of the City, which are also within the boundaries of the County.

IN CONSIDERATION of the mutual benefits described herein, the parties agree as follows:

I. PURPOSE AND GENERAL PROVISIONS

A. AGREEMENT. This Agreement is entered into pursuant to and in accordance with the authorization of the Act found at Section 17-13-1 *et seq.* of the Mississippi Code of 1972, as amended, as it now appears or is hereafter amended, and all provisions set forth in the Act are incorporated herein and made a part hereof as if fully set forth in words and figures, it being the intent

of the parties to this Agreement that such authority as is granted by the Act shall be exercisable by the parties to enable them to accomplish the scope of work in Subsection B. Scope.

B. SCOPE. The nature and scope of the project contemplated by this Agreement is the improvement of Kids Towne Park, to include shade structures and education signage, within the City and County.

C. AUTHORITY. The specific authority under which the County and the City may exercise the powers necessary to fulfill the terms of this Agreement are found, respectively, in Article 6, Section 170, Mississippi Constitution of 1890 and Sections 19-3-40, 19-3-41, 21-17-5, and 21-37-3 of the Mississippi Code of 1972, as amended.

D. PUBLIC BENEFIT. It is acknowledged that each of the parties has formally considered this matter and has determined that it is in the public interest that they participate and cooperate in this project, and that substantial benefits are anticipated to inure to citizens of the County and the City by virtue of completion of the project.

E. PARTICIPATION AND FINANCING. The County will participate in this project by providing funding in an amount of \$40,000.00 from any legally appropriate source. The City will participate in this project by constructing and providing ongoing maintenance after the completion of this project for the improvements.

F. SIGNAGE. The parties agree that either the County or the City, to the extent either contributes funding, may install signage at the location of the project recognizing it as the sponsor for the work performed under this Agreement. Location and specifications for the respective signage, if any, shall be left to the discretion of the County and the City.

II. AMENDMENTS OR TERMINATION

This Agreement may be amended or terminated only with the mutual consent of both parties and such action shall be taken by resolution in the same procedural manner as required in the instance of the adoption of this Agreement.

III. ADMINISTRATION

The Directors of Parks and Recreation for the County and the City shall be the project administrators and shall be responsible for ensuring that there is full compliance with the terms of this Agreement.

IV. DURATION

This Agreement shall be in full force and effect from the effective date as explained in Section V. Enforceability, below and shall continue in effect until such time as the parties acknowledge, through the project administrators described in Section III. Administration above, that the activities contemplated by this Agreement have been completed.

V. ENFORCEABILITY

A. APPROVAL. The parties understand that, as a condition precedent to this Agreement being enforceable, this Agreement shall be submitted to the Attorney General of the State of Mississippi for approval and that this Agreement shall not be enforced unless:

1. Approved by the Attorney General, or until,
2. Sixty (60) days has passed since its submission and the Attorney General has failed to disapprove same, in which event the Agreement shall be considered approved and enforceable.

The Office of the City Attorney for the City of Clinton is responsible for submitting the Agreement to the Attorney General.

B. FILING. Upon approval by the Attorney General, or the passage of sixty (60)

days after submission without disapproval, copies of this Agreement shall be filed with the Chancery Clerk of Hinds County and the Mississippi Secretary of State. In accordance with the terms of the Act, the Agreement will not be deemed in force until proof of filing of the Agreement has been received from the Chancery Clerk of Hinds County and the Mississippi Secretary of State. The Office of the City Attorney for the City of Clinton shall be responsible for filing the Agreement and for notifying the project administrators that the Agreement is properly in force. A copy of the Agreement will also be forwarded to the Clerk of the City for recordkeeping purposes.

C. PARTIAL ENFORCEABILITY. If any provision of this Agreement or any portion thereof is determined to be unenforceable or invalid by the decision of any court of competent jurisdiction, which determination is not appealed or appealable, for any reason whatsoever, such unenforceability or invalidity shall not invalidate the entire Agreement, but the Agreement shall be construed as if it did not contain the particular provision held to be invalid and the rights and obligations of the parties shall be construed and enforced accordingly.

D. ENTIRE AGREEMENT

This Agreement contains the entire agreement between the parties with respect to the subject matter hereof and supersedes all prior and contemporaneous arrangements or understandings with respect to the subject matter of this Agreement.

[SIGNATURE PAGE FOLLOWS]

This, the 17 day of SEPTEMBER, 2024.

HINDS COUNTY, MISSISSIPPI

CITY OF CLINTON, MISSISSIPPI

ROBERT GRAHAM
President




PHIL FISHER
Mayor

ATTEST:
HINDS COUNTY, MISSISSIPPI

ATTEST:
CITY OF CLINTON, MISSISSIPPI

EDDIE JEAN CARR
Chancery Clerk and Clerk of the Board



JIMMY BALDREE
City Clerk

STATE OF MISSISSIPPI
COUNTY OF HINDS

PERSONALLY APPEARED BEFORE ME, the undersigned Notary Public in and for the aforesaid jurisdiction, the within named ROBERT GRAHAM and EDDIE JEAN CARR to me known, who acknowledge that they are the PRESIDENT of the Hinds County Board of Supervisors and Hinds County CHANCERY CLERK, respectively, and that for and on behalf of Hinds County, Mississippi, signed and delivered the foregoing Interlocal Cooperation Agreement as of the date hereof, after having been duly authorized so to do in its **Minutes dated _____, 2024.**

IN WITNESS WHEREOF, on this _____ day of _____, 2024.

NOTARY PUBLIC

MY COMMISSION EXPIRES:

STATE OF MISSISSIPPI
COUNTY OF HINDS

PERSONALLY APPEARED BEFORE ME, the undersigned Notary Public in and for the aforesaid jurisdiction, the within named PHIL FISHER and Jimmy Baldree, to me known, who acknowledge that they are the MAYOR and CITY CLERK, respectively, of the City of Clinton, Mississippi, and that for and on behalf of the City of Clinton, Mississippi, signed and delivered the foregoing Interlocal Cooperation Agreement as of the date hereof, after having been duly authorized so to do in its Minutes dated 17 September, 2024.

IN WITNESS WHEREOF, on this 25th day of September, 2024.



MY COMMISSION EXPIRES:

3/17/28

There came on for consideration at a duly constituted meeting of the Mayor and Members of the Board of Alderman of the City of Clinton, Mississippi, held on the 17th day of September, 2024, the following Resolution:

A RESOLUTION BY THE GOVERNING AUTHORITIES OF THE CITY OF CLINTON PROHIBITING THE USE, PURCHASE, POSSESSION, DISTRIBUTION, SALE OR OFFERING FOR SALE OF SYNTHETIC COCAINE, OTHER SYNTHETIC PRODUCTS, OR KRATOM

WHEREAS, the U.S. Food and Drug Administration ("FDA") has issued several warnings addressing illegal marketing of the drugs unproven ability to treat opioid withdrawal, heavy metals found in kratom products, and a recall on kratom products due to a risk of salmonella; and

WHEREAS, there are no FDA approved uses for the drug and in November 2017 the FDA issued a public safety advisory warning that kratom, which affects the same opioid brain receptors as morphine, appears to have properties that expose users to the risks of addiction, abuse and dependence; and

WHEREAS, kratom is not controlled under the Controlled Substances Act, and there are no state regulations or prohibitions against the possession and use of kratom. The FDA has not approved kratom for any medical use. In addition, the U.S. Drug Enforcement Administration has listed kratom as a Drug and Chemical of Concern; and

WHEREAS, according to the Mayo Clinic, (1) studies on the effects of kratom have identified many safety concerns and no clear benefits; (2) kratom has been reported to cause abnormal brain function when taken with prescription medicines, causing severe headaches, the inability to communicate, or confusion; (3) in a study testing kratom as a treatment for symptoms of opioid withdrawal, people who took kratom for more than six months reported withdrawal symptoms similar to those that occur after opioid use. Also, people who use kratom may begin craving it and require treatments given for opioid addiction, such as naloxone (Narcan) and buprenorphine (Buprenex); (4) Kratom adversely affects infant development. When kratom is used during pregnancy, the baby may be born with symptoms of withdrawal that require treatment; and (5) as of April 2018, more than 130 people in 38 states became ill with Salmonella after taking kratom. Salmonella poisoning may be fatal and as of then, the FDA had linked more than 35 deaths to salmonella-tainted kratom. Salmonella contamination has no obvious signs, so the best way to avoid becoming ill is to avoid products that may contain it.

BE IT ORDAINED that the City of Clinton, Mississippi hereby adopts the following ordinance which prohibits the use, purchase, possession, distribution, sale or offering for sale of synthetic cocaine, other synthetic products or kratom, as set forth here in below to-wit:

Section 1. Use, purchase, possession distribution sale or offering for sale of synthetic cocaine other synthetic products or kratom; is prohibited.

(a) No person shall use, possess, purchase, distribute, manufacture, sell or attempt to use, possess, purchase, distribute or sale or publicly display for sale any one or more of the following within the city:

(1) Products sold as 'bath salts' under the trade names: Ivory wave, bliss, white lightning, hurricane Charlie, super code, cloud 9 peeve ocean magic white dove, and other trade names and/or containing one or more of the following compounds or chemicals:

- a. 3,4-Methylendioxy-methylcathinone (Methylone)
- b. 3,4-Methylenedioxy-pyrovalerone (MDPV)
- c. 4-Methylmeth-cathinone (Mephedrone)
- d. 4-Methoxymeth-cathinone
- e. 4-Fluorometh-cathinone

(2) Products sold as "kratom " or any part of the plant *Mitragyna Speciosa*, *Mitragyna Speciosa* Korth, *Mitragyna speciosa* leaf extract *Mitragyna speciosa* extract, whether growing or not, and any compound, manufacture, salt derivative, capsule, tablet, caplet, gelcap, pill, powder, liquid, vegetative material, mixture, or preparation of the plant including but not limited to any product containing mitragynine, or 7-hydroxymitragynine.

(3) This includes any *Mitragyna speciosa* specific alkaloids, isomers, esters, ethers, salts and salts of isomers and ethers including but not limited to synthetics or natural products which include the active ingredients in kratom, such as:

- a. Ajmalicine (raubasine)
- b. Mitraphylline
- c. Rhynchophylline
- d. Mitragynine pseudoindoxyl

Section 2. That this Resolution shall take full force and effect immediately upon its passage and enactment according to law and shall be spread upon the minutes of the City.

THE ABOVE AND FOREGOING RESOLUTION, after having been first reduced to writing and no request being made by the Mayor or any members of the Board of Aldermen that the Ordinance be read by the City Clerk before any vote was taken, was introduced by Alderman WILBANKS, seconded by Alderman CHAPMAN and was adopted by the following roll call vote:

Alderman Garrett:	<u>AYE</u>
Alderman Godfrey:	<u>AYE</u>
Alderman Martin:	<u>AYE</u>
Alderman Chapman:	<u>AYE</u>
Alderman Wilbanks :	<u>AYE</u>
Alderman Oliver:	<u>AYE</u>
Alderman Lott:	<u>AYE</u>

WHEREUPON, the foregoing Resolution was declared passed and adopted at a regularly scheduled meeting of the Mayor and Board of Aldermen of the City of Clinton, Mississippi, on this the 17th day of September, 2024.


Philip R. Fisher, Mayor

ATTEST:


Jimmy Baldree, City Clerk

(SEAL)



ATTACHMENT #9 – LEGAL COMPLIANCE AND CERTIFICATION - RESOLUTION

WHEREAS, Bipartisan Infrastructure Law (BIL) funds have been made available for Transportation Alternatives (TA) Program 2024 within the State of Mississippi; and

WHEREAS, The City of Clinton has selected a project to submit to the Mississippi Department of Transportation for consideration for funding; and

WHEREAS, the selected project includes the construction of and continuation of a pedestrian sidewalk along College Street, a designated collector street, from the end of the existing walk near Mississippi College and extending to the intersection of College Street and Mt. Salus Drive which will allow residents and visitors a safer walking path between residences and schools along the corridor; and

WHEREAS, the selected project will be designed in accordance with all applicable codes, standards, and regulations; and

WHEREAS, there are no known legal impediments that could prohibit completion of the selected project; and

WHEREAS, The City of Clinton hereby requests BIL/TA funding from the Mississippi Department of Transportation in the Amount of \$425,700; and

WHEREAS, The City of Clinton agrees to provide the local matching funds for the project in the amount of \$146,865. The City of Clinton agrees to provide said matching funds in a timely manner. In addition, the City of Clinton agrees to provide any additional funds necessary to complete the project should the total cost exceed the requested grant and local match amount of \$146,865

ATTACHMENT #9 – LEGAL COMPLIANCE AND CERTIFICATION - RESOLUTION

NOW, THEREFORE, BE IT RESOLVED: The City of Clinton acknowledges if said project is selected for funding through the MDOT selection process said project is subject to all applicable Federal and State laws and regulations regarding BIL/TA funding for TA projects, as well as subject to the rules and procedures established by the Mississippi Department of Transportation regarding approved TA projects funded through the TA program.

SO ORDERED this 17 day of SEPTEMBER, 2024.

Philip R. Fisher _____
Mayor

Philip R. Fisher _____
Signature

Jimmy Baldree _____
City Clerk

Jimmy Baldree _____
Signature

Seal





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OTHER BUSINESS

MOTION made by Alderman Wilbanks and **SECONDED** by Alderwoman Lott for the Board to enter into a Closed Session at 7:00 pm. **MOTION CARRIED UNANIMOUSLY**

MOTION made by Alderman Wilbanks and **SECONDED** by Alderwoman Oliver for the Board to enter into an Executive Session for a personnel item and potential litigation. **MOTION CARRIED UNANIMOUSLY**

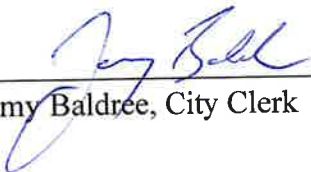
MOTION made by Alderman Wilbanks and **SECONDED** by Alderwoman Godfrey for the Board to exit out of an Executive Session at 7:08 pm There was no action taken. **MOTION CARRIED UNANIMOUSLY**

ADJOURN 7:10 PM

MOTION made by Alderwoman Oliver and **SECONDED** by Alderman Lott to adjourn until the next regular meeting of the Mayor and Board of Aldermen of the City of Clinton, Mississippi to be held October 1, 2024, at 6:00 pm. **MOTION CARRIED UNANIMOUSLY**

APPROVED: 
Philip R. Fisher, Mayor

9/25/2024
Date

ATTEST: 
Jimmy Baldree, City Clerk

9/25/24
Date

SEAL

