



**CITY OF CLINTON
REGULAR MEETING OF THE MAYOR AND BOARD OF
ALDERMEN
TUESDAY DECEMBER 5, 2017 – 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 by Alderwoman Cossitt.

ROLL CALL City Clerk, Russell Wall

Present: Ricki Garrett – Alderwoman-at-Large
 David Ellis – Alderman Ward 1
 Jim Martin – Alderman Ward 2
 William O Barnett – Alderman Ward 3
 Keith Perritt – Alderman Ward 4
 Jan Cossitt – Alderwoman Ward 5
 Mike Cashion – Alderman Ward 6

APPROVAL OF CONSENT AGENDA ITEMS A – R

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

DEPARTMENT HEAD REPORT

Dexter Shelby, Director of Public Works updated the board on the number of new work orders, the number of work orders completed, and the number of new water customers for the period September 1, 2017 through November 30, 2017. Dexter also updated the board of the cost and success of the City Wide Cleanup event and the Household Hazardous Waste event.



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BOARD OF ALDERMEN DISCUSSION AND REPORTS

APPROVE AN AMENDMENT TO THE FY 2018 BUDGET TO MOVE \$3,000.00 OF THE \$8,000.00 THAT WAS TO BE DETERMINED BY THE BOARD TO THE THERAPEUTIC RECREATION DEPARTMENT TO REPLACE CARPET IN THE WOOD CENTER

Upon presentation by Keith Perritt, Alderman Ward 4, **MOTION** made by Alderman Perritt and **SECONDED** by Alderman Ellis the board approved an amendment to the FY 2018 budget to move \$3,000.00 of the \$8,000.00 that was to be determined by the Board to the Therapeutic Recreation Department to replace carpet in the Wood Center. **THE MOTION FAILED BY A VOTE OF 6 NAYS TO 1 AYE. ALDERWOMAN GARRETT, ALDERMAN ELLIS, ALDERMAN MARTIN, ALDERMAN BARNETT, ALDERWOMAN COSSITT, AND ALDERMAN CASHION VOTING NAY AND ALDERMAN PERRITT VOTING AYE**

MAYOR'S DISCUSSION AND REPORTS

ZONING TEXT AMENDMENT – SMALL CELL SITE

Upon presentation by Roy Edwards, Director of Community Development, **MOTION** made by Alderman Ellis and **SECONDED** by Alderman Martin the board approved the Zoning Text Amendment as it relates to Small Cell Cellular Sites. The Planning and Zoning Commission recommended approval. **MOTION CARRIED UNANIMOUSLY**

CONDITIONAL USE/DIMENSIONAL VARIANCE – 107 HIGHWAY 80 EAST TAX PARCEL #2861-269 – BRIXMOR PROPERTY GROUP – WARD 4

Upon presentation by Roy Edwards, Director of Community Development, **MOTION** made by Alderman Martin and **SECONDED** by Alderman Ellis the board approved the request by the Brixmor Property Group for a Conditional Use to construct an approximate 11,000 sf mixed use structure to be located at 107 Highway 80 East in the City of Clinton, Mississippi, and furthermore the board approved a Dimensional Variance from required landscaping between structures on a single lot and a variance from the required parking spaces from a required 683 parking spaces to 569. The Architectural Review Committee and the Planning and Zoning Commission recommended approval. **MOTION CARRIED UNANIMOUSLY**



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**CONDITIONAL USE/DIMENSIONAL VARIANCE – 447 HIGHWAY 80 TAX PARCEL
#2861-251-004 – AT&T – WARD 4**

Upon presentation by Roy Edwards, Director of Community Development, **MOTION** made by Alderman Cashion and **SECONDED** by Alderwoman Cossitt the board approved the request by AT&T for a Conditional Use to construct a 39' wireless communications facility to be located at 447 Highway 80 in the City of Clinton, Mississippi, and furthermore the board approved a Dimensional Variance of 29' from the required setbacks. The Planning and Zoning Commission recommended approval. **MOTION CARRIED UNANIMOUSLY**

**CONDITIONAL USE/DIMENSIONAL VARIANCE – 116 CLINTON BOULEVARD
TAX PARCEL #2861-213 – WILLOWOOD DEVELOPMENT – WARD 4**

Upon presentation by Roy Edwards, Director of Community Development, **MOTION** made by Alderman Perritt and **SECONDED** by Alderwoman Garrett the board approved the request by Willowood Development for a Conditional Use to operate an adult daycare facility to be located at 116 Clinton Boulevard in the City of Clinton, Mississippi, and furthermore the board approved a Dimensional Variance of 5' from the required side setback to construct a 13 x 20 (260) canopy over an existing parking pad. The Architectural Review Committee and the Planning and Zoning Commission recommended approval. **MOTION CARRIED UNANIMOUSLY**

**REZONING/CONDITIONAL USE/DIMENSIONAL VARIANCE/CERTIFICATE OF
APPROPRIATENESS – TAX PARCELS #2860-669 AND #2860-722 – HILLMAN
COMMONS – WARD 1**

Upon presentation by Roy Edwards, Director of Community Development, **MOTION** made by Alderman Cashion and **SECONDED** by Alderman Barnett the board approved the request by Hillman Commons to rezone two parcels at the NE corner of East Leake Street and East Street and furthermore the board approved a Certificate of Appropriateness and a Conditional Use to construct a mixed use structure at the NE corner of East Leake and East Streets, and finally the board approved a dimensional variance for the following: 1) Front setback 25'; proposed is 20' a (5' variance) 2) Parking spaces 261 required; 118 provided on site a (143 space variance) will also have 66 spaces in ROW, and 3) Commercial Building 4,000 sf max; proposed 123,236 a (119,236 variance). The Historical Preservation Commission and the Architectural Review Committee recommended approval. **THE MOTION WAS APPROVED BY A 6-1 VOTE. WITH ALDERWOMAN GARRETT, ALDERMAN ELLIS, ALDERMAN BARNETT,**



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**ALDERMAN PERRITT, ALDERWOMAN COSSITT AND ALDERMAN CASHION
VOTING AYE AND ALDERMAN MARTIN VOTING NAY**

**ARCHITECTURAL REVIEW – 650 HIGHWAY 80 EAST TAX PARCEL #2861-243-1 –
COOK-OUT RESTAURANT – WARD 5**

Upon presentation by Roy Edwards, Director of Community Development, **MOTION** made by Alderman Ellis and **SECONDED** by Alderman Perritt the board approved the construction documents as presented by Cook-Out Restaurant to construct an approximately 1,400 sf restaurant to be located at 650 Highway 80 East in the City of Clinton, Mississippi. The Architectural Review Committee and the Planning and Zoning Commission recommended approval. **MOTION CARRIED UNANIMOUSLY**

**ARCHITECTURAL REVIEW – 941 HIGHWAY 80 EAST TAX PARCEL #2861-96-3 –
COWBOY MALONEY’S – WARD 6**

Upon presentation by Roy Edwards, Director of Community Development, **MOTION** made by Alderman Ellis and **SECONDED** by Alderman Martin the board approved the paint colors and awning to the existing building located at 941 Highway 80 East in the City of Clinton, Mississippi. The Planning and Zoning Commission recommended approval. Alderman Cashion left the meeting at 8:23 pm and returned to the meeting at 8:27 pm. Alderman Cashion did not participate in the discussion of this item nor did he vote on this item. **MOTION CARRIED UNANIMOUSLY**

**APPROVE A PROCLAMATION RECOGNIZING JANUARY 21, 2018 THROUGH
JANUARY 27, 2018 AS CITY OF CLINTON SCHOOL CHOICE WEEK**

Upon presentation by Phil Fisher, Mayor, **MOTION** made by Alderman Barnett and **SECONDED** by Alderwoman Cossitt the board approved a Proclamation recognizing January 21, 2018 through January 27, 2018 as City of Clinton School Choice Week. **MOTION CARRIED UNANIMOUSLY**



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**APPROVE CHANGE ORDER #1 RELATED TO THE I-20/NORRELL ROAD
WATERLINE RELOCATION PROJECT**

Upon presentation by Dexter Shelby, Director of Public Works, **MOTION** made by Alderwoman Garrett and **SECONDED** by Alderwoman Cossitt the board approved Change Order #1 related to the I-20/Norrell Road Waterline Relocation project. **MOTION CARRIED UNANIMOUSLY**

**AUTHORIZATION TO EXECUTE AN AGREEMENT TO THE AGREEMENT FOR
THE SALE AND PURCHASE OF REAL ESTATE TO EXTEND THE PERIOD TO
ACCEPT THE SPECIAL PROVISIONS TO JULY 31, 2018**

Upon presentation by Chelsea Brannon, City Attorney, **MOTION** made by Alderman Ellis and **SECONDED** by Alderwoman Cossitt the board authorized the execution of an Agreement to the Agreement for the Sale and Purchase of Real Estate to extend the period to accept the Special Provisions to July 31, 2018. **MOTION CARRIED UNANIMOUSLY**

**AUTHORIZATION TO ENTER INTO A LEASE AGREEMENT WITH OETTINGER,
LLC FOR PROPERTY TO BE UTILIZED BY THE CLINTON POLICE DEPARTMENT
FOR STORAGE OF EQUIPMENT**

Upon presentation by Chelsea Brannon, City Attorney, **MOTION** made by Alderwoman Garrett **SECONDED** by Alderman Perritt the board authorized the entering into a Lease Agreement with Oettinger, LLC for property to be utilized by the Clinton Police Department for storage of equipment. **MOTION CARRIED UNANIMOUSLY**

**AUTHORIZATION TO ENTER INTO A MEMORANDUM OF UNDERSTANDING
WITH N-ERGY SOLUTIONS FOR THE PURPOSE OF PREPARING A PROPOSAL
REGARDING LED LIGHTING INSTALLATION IN SEVERAL PROPERTIES IN THE
CITY**

Upon presentation by Chelsea Brannon, City Attorney, **MOTION** made by Alderman Barnett and **SECONDED** by Alderman Ellis the board authorized the entering into a Memorandum of Understanding with N-Ergy Solutions for the purpose of preparing a proposal regarding LED lighting installation in several properties in the City. **MOTION CARRIED UNANIMOUSLY**



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APPROVE A RESOLUTION REQUESTING THE MISSISSIPPI LEGISLATURE TO ENACT LEGISLATION TO AUTHORIZE THE CITY OF CLINTON TO OPERATE AND REGULATE THE OPERATION OF GOLF CARTS ON CERTAIN PUBLIC ROADS AND STREETS WITHIN CERTAIN SUBDIVIDED RESIDENTIAL NEIGHBORHOODS IN THE CITY

Upon presentation by Chelsea Brannon, City Attorney, **MOTION** made by Alderman Ellis and **SECONDED** by Alderman Cashion the board approved a Resolution requesting the Mississippi Legislature to enact Legislation to authorize the City of Clinton to Operate and Regulate the Operation of Golf Carts on Certain Public Roads and Streets within Certain Subdivided Residential Neighborhoods in the City. **MOTION CARRIED UNANIMOUSLY**

APPROVE A RESOLUTION REQUESTING THE MISSISSIPPI LEGISLATURE TO ENACT LEGISLATION TO AUTHORIZE THE CITY OF CLINTON TO IMPOSE AN ADDITIONAL TOURISM TAX OF ONE PERCENT (1%) ON THE GROSS PROCEEDS DERIVED FROM HOTEL AND MOTEL ROOM RENTALS WITHIN THE CITY AND TO EXPEND THE PROCEEDS OF THE TAX TO PROMOTE TOURISM AND ECONOMIC DEVELOPMENT, TO PROVIDE THAT THE TAX SHALL BE COLLECTED BY THE STATE TAX COMMISSION AND PAID TO THE CITY OF CLINTON, TO PROVIDE FOR A PETITION ELECTION ON THE QUESTION OF WHETHER THE TAX AUTHORIZED BY THIS ACT MAY BE LEVIED, AND FOR RELATED PURPOSES

Upon presentation by Chelsea Brannon, City Attorney, **MOTION** made by Alderman Barnett and **SECONDED** by Alderman Cashion the board approved a resolution requesting the Mississippi Legislature to enact legislation to authorize the City of Clinton to impose an Additional Tourism Tax of One Percent (1%) on the Gross Proceeds derived from Hotel and Motel Room Rentals within the City and to expend the proceeds of the tax to promote Tourism and Economic Development, to provide that the tax shall be collected by the State Tax Commission and paid to the City of Clinton, to provide for a Petition Election on the Question of whether the tax authorized by this Act may be levied, and for related purposes. **MOTION CARRIED UNANIMOUSLY**



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APPROVE A RESOLUTION REQUESTING THE MISSISSIPPI LEGISLATURE TO ENACT LEGISLATION TO AUTHORIZE THE CITY OF CLINTON TO IMPOSE A SPECIAL SALES TAX OF NOT MORE THAN ONE PERCENT (1%) ON THE GROSS PROCEEDS OF ALL SALES OR THE GROSS INCOME OF BUSINESSES IN THE CITY DERIVED FROM ACTIVITIES TAXED AT THE RATE OF SEVEN PERCENT (7%) UNDER THE MISSISSIPPI SALES TAX LAW, TO PROVIDE THAT THE SPECIAL SALES TAX SHALL NOT BE LEVIED UNLESS AUTHORIZED BY AT LEAST SIXTY PERCENT (60%) OF THE VOTES CAST AT AN ELECTION CALLED AND HELD FOR SUCH PURPOSE, TO PROVIDE THAT THE REVENUE COLLECTED FROM THE SPECIAL SALES TAX SHALL BE USED AND EXPENDED BY THE CITY SOLEY TO FUND THE ESTABLISHING OF STORM DRAINAGE OR SEWERAGE SYSTEMS, CONSTRUCTION, REPAIR, REHABILITATION AND RECONSTRUCTION OF ROADWAYS, SIDEWALKS, DRIVEWAYS, PARKWAYS, WALKWAYS OR PUBLIC PARKING FACILITIES AND FOR RELATED PURPOSES

Upon presentation by Chelsea Brannon, City Attorney, **MOTION** made by Alderman Ellis and **SECONDED** by Alderman Barnett the board approved a Resolution requesting the Mississippi Legislature to enact legislation to authorize the City of Clinton to impose a Special Sales Tax of not more than One Percent (1%) on the Gross Proceeds of All Sales or the Gross Income of Businesses in the City Derived from Activities Taxed at the Rate of Seven Percent (7%) under the Mississippi Sales Tax Law, to provide that the Special Sales Tax shall not be Levied unless authorized by at Least Sixty Percent (60%) of the Votes Cast at an Election Called and Held for Such Purpose, to provide that the Revenue Collected from the Special Sales Tax shall be used and expended by the City solely to fund the Establishing of Storm Drainage or Sewerage Systems, Construction, Repair, Rehabilitation and Reconstruction of Roadways, Sidewalks, Driveways, Parkways, Walkways or Public Parking Facilities and for related purposes. **MOTION CARRIED UNANIMOUSLY**

APPROVE CANCELLING THE REGULAR MEETING OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CLINTON, MISSISSIPPI TO BE HELD ON DECEMBER 19, 2017 AND TO SET THE NEXT MEETING ON JANUARY 2, 2018

Upon presentation by Phil Fisher, Mayor, **MOTION** made by Alderman Perritt and **SECONDED** by Alderman Barnett the board approved cancelling the regular meeting of the Mayor and Board of Aldermen of the City of Clinton, Mississippi to be held on December 19, 2017 and to set the next meeting on January 2, 2018. **MOTION CARRIED UNANIMOUSLY**



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OTHER BUSINESS

AUTHORIZE THE MAYOR TO EXECUTE AN ATTORNEY/CLIENT EMPLOYMENT AGREEMENT BETWEEN THE CITY OF CLINTON, MISSISSIPPI AND DANIEL, COKER, HORTON & BELL PA RELATED TO A FEDERAL LEGAL ACTION FILED AGAINST THE CITY

Upon presentation by Chelsea Brannon, City Attorney, MOTION made by Alderman Ellis and SECONDED by Alderman Martin the board authorized the Mayor to execute an Attorney/Client Employment Agreement between the City of Clinton, Mississippi and Daniel, Coker, Horton & Bell PA related to a federal legal action filed against the City. MOTION CARRIED UNANIMOUSLY

ADJOURN 9:00 PM

MOTION made by Alderman Cashion and SECONDED by Alderman Ellis to adjourn until the next regular meeting of the Mayor and Board of Aldermen of the City of Clinton, Mississippi to be held January 2, 2018 at 7:00 pm. MOTION CARRIED UNANIMOUSLY

APPROVED: _____

Philip R. Fisher
Philip R. Fisher, Mayor

Date

12/7/17

ATTEST: _____

Russell L. Wall
Russell L. Wall, City Clerk

Date

12-7-17

SEAL

