

TUESDAY JULY 19, 2016 – 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 Alderman Barnett.

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 by telephone

PUBLIC HEARING TO CONSIDER A PROPOSED ORDINANCE OF THE CITY OF CLINTON AUTHHORIZING THE TEMPORARY LICENSING OF OPEN CONTAINERS OF BEER AND LIGHT WINE WITHIN THE CITY LIMITS OF CLINTONN, MISSISSIPPI, IN FESTIVAL SETTINGS

This item was removed from the agenda and no action was taken.

APPROVE AN ORDINANCE OF THE CITY OF CLINTON, MISSISSIPPI, AUTHORIZING THE TEMPORAY LICENSING OF OPEN CONTAINERS OF BEER AND LIGHT WINE WITHIN THE CITY LIMITS OF CLINTON, MISSISSIPPI, IN FESTIVAL SETTINGS, AND FOR RELATED PURPOSES

This item was removed from the agenda and no action was taken.



TUESDAY JULY 19, 2016 – 7:00 P. M. MUNICIPAL COURTROOM – 305 MONROE STREET

APPROVAL OF CONSENT AGENDA ITEMS A – F

MOTION made by Alderman Brabham and SECONDED by Alderman Cronin to approve the Consent Agenda Items A-F. ALDERMAN BRABHAM VOTED AYE, ALDERMAN ELLIS VOTED AYE, ALDERMAN MARTIN VOTED AYE, ALDERMAN BARNETT VOTED AYE, ALDERMAN CRONIN VOTED AYE, ALDERWOMAN COSSITT VOTED AYE, AND ALDERMAN CASHION VOTED AYE

DEPARTMENT HEAD REPORT

Cole Smith, Director of Parks and Recreation informed the board that the Fourth of July Festival was a success and that approximately 7,000 plus persons attended. He told the board that he and his staff were already planning next year's festival. Cole then announced that registration for football and youth cheerleading camps were know open. And, finally he announced that the Clinton Girls Softball team had won the North State Championship.

BOARD OF ALDERMEN DISCUSSION AND REPORTS

There were no items from the Board of Aldermen.

MAYOR'S DISCUSSION AND REPORTS

APPROVE SETTING A PUBLIC HEARING FOR AUGUST 16, 2016, AT 7:00 PM FOR THE PURPOSE OF AMENDING THE CITY OF CLINTON SUBDIVISION REGULATIONS PERTAINING TO RAILROAD SETBACKS

Upon presentation by Roy Edwards, Director of Community Development, MOTION made by Alderman Ellis and SECONDED by Alderman Barnett the board approved setting a Public Hearing for August 16, 2016, at 7:00 pm for the purpose of amending the City of Clinton Subdivision Regulations pertaining to Railroad Setbacks. ALDERMAN BRABHAM VOTED AYE, ALDERMAN ELLIS VOTED AYE, ALDERMAN MARTIN VOTED AYE, ALDERMAN BARNETT VOTED AYE, ALDERMAN CRONIN VOTED AYE, ALDERWOMAN COSSITT VOTED AYE, AND ALDERMAN CASHION VOTED AYE



TUESDAY JULY 19, 2016 – 7:00 P. M. MUNICIPAL COURTROOM – 305 MONROE STREET

<u>UNKEMPT PROPERTY – 112 ANGELINA LANE – WARD 6</u>

Upon presentation by Roy Edwards, Director of Community Development, <u>MOTION</u> made by Alderman Cashion and <u>SECONDED</u> by Alderman Cronin the board approved a resolution determining the necessity for cleaning the property located at 112 Angelina Lane, 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 but no one representing the property owner was present and there was no public comment. The resolution is on file with the City Clerk. <u>ALDERMAN BRABHAM VOTED AYE, ALDERMAN ELLIS VOTED AYE, ALDERMAN MARTIN VOTED AYE, ALDERMAN BARNETT VOTED AYE, ALDERMAN CRONIN VOTED AYE, ALDERWOMAN COSSITT VOTED AYE, AND ALDERMAN CASHION VOTED AYE</u>

UNKEMPT PROPERTY - 615 COBBLESTONE COURT - WARD 6

Upon presentation by Roy Edwards, Director of Community Development, MOTION made by Alderman Cashion and SECONDED by Alderwoman Cossitt the board approved a resolution determining the necessity for cleaning the property located at 615 Cobblestone Court, 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 but no one representing the property owner was present and there was no public comment. The resolution is on file with the City Clerk. ALDERMAN BRABHAM VOTED AYE, ALDERMAN ELLIS VOTED AYE, ALDERMAN MARTIN VOTED AYE, ALDERMAN BARNETT VOTED AYE, ALDERMAN CRONIN VOTED AYE, ALDERWOMAN COSSITT VOTED AYE, AND ALDERMAN CASHION VOTED AYE

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UNKEMPT PROPERTY - 708 PINEHURST - WARD 4

Upon presentation by Roy Edwards, Director of Community Development, <u>MOTION</u> made by Alderman Cronin and <u>SECONDED</u> by Alderman Brabham the board approved a resolution determining the necessity for cleaning the property located at 708 Pinehurst, 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 but no one representing the property owner was present and there was no public comment. The board also requested that Roy Edwards, Director of Communications report back at the next meeting on whether or not the slab should be removed. The resolution is on file with the City Clerk. <u>ALDERMAN BRABHAM</u> <u>VOTED AYE, ALDERMAN ELLIS VOTED AYE, ALDERMAN MARTIN VOTED AYE, ALDERMAN BARNETT VOTED AYE, ALDERMAN CRONIN VOTED AYE, ALDERMAN COSSITT VOTED AYE, AND ALDERMAN CASHION VOTED AYE</u>

<u>UNKEMPT PROPERTY – 1502 ROSEMONT DRIVE – WARD 4</u>

Upon presentation by Roy Edwards, Director of Community Development, <u>MOTION</u> made by Alderman Cronin and <u>SECONDED</u> by Alderman Brabham the board approved a resolution determining the necessity for cleaning the property located at 1502 Rosemont Drive, 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 but no one representing the property owner was present and there was no public comment. The resolution is on file with the City Clerk. <u>MOTION CARRIED UNANIMOUSLY</u>

SITE REVIEW - 1207 NEAL STREET - SAM AND MARILYN MINTER - WARD 1

Upon presentation by Roy Edwards, Director of Community Development, <u>MOTION</u> made by Alderman Ellis and <u>SECONDED</u> by Alderman Martin the board approved the request made by Sam and Marilyn Minter for the site of a sign to be located at 1207 Neal Street located in the City of Clinton, Mississippi. <u>ALDERMAN BRABHAM VOTED AYE, ALDERMAN ELLIS VOTED AYE, ALDERMAN MARTIN VOTED AYE, ALDERMAN BARNETT VOTED AYE, ALDERMAN CRONIN VOTED AYE, ALDERWOMAN COSSITT VOTED AYE, AND ALDERMAN CASHION VOTED AYE</u>



TUESDAY JULY 19, 2016 – 7:00 P. M. MUNICIPAL COURTROOM – 305 MONROE STREET

<u>CONDITIONAL USE DIMENSIONAL VARIANCES – 2832 NORRELL ROAD – GULFSOUTH TOWERS CAPITAL PARTNERS</u>

Upon presentation by Roy Edwards, Director of Community Development, MOTION made by Alderman Ellis and SECONDED by Alderman Barnett the board approved the request made by Gulfsouth Towers Capital Partners for a conditional use to construct a communications tower on the west side of Norrell Road. The board also approved a fifty-foot variance for the tower height and a variance of one hundred fifty- six feet needed with regards to the required distance from a residence. Also, the board approved due to its size a three hundred sixty-two-foot variance on the west, a three hundred eighty-foot variance on the east, a two-hundred-foot variance on the north and a three-hundred-foot variance on the south side. ALDERMAN BRABHAM VOTED AYE, ALDERMAN BARNETT VOTED AYE, ALDERMAN CRONIN VOTED AYE, ALDERMAN COSSITT VOTED AYE, AND ALDERMAN CASHION VOTED AYE

TEXT AMENDMENTS TO CITY OF CLINTON ZONING ORDINANCES, DELETE SECTIONS 801(D) AND 1001(D)

Upon presentation by Roy Edwards, Director of Community Development, <u>MOTION</u> made by Alderwoman Cossitt and <u>SECONDED</u> by Alderman Brabham the board approved the text amendments to the City of Clinton Zoning Ordinances to delete Sections 801(D) and 1001 (D). <u>ALDERMAN BRABHAM VOTED AYE, ALDERMAN ELLIS VOTED AYE, ALDERMAN MARTIN VOTED AYE, ALDERMAN BARNETT VOTED AYE, ALDERMAN CRONIN VOTED AYE, ALDERWOMAN COSSITT VOTED AYE, AND ALDERMAN CASHION VOTED AYE</u>

TEXT AMENDMENTS TO CITY OF CLINTON ZONING ORDINANCES, RAILROAD SETBACKS DELETE SECTION 401.07

Upon presentation by Roy Edwards, Director of Public Works, MOTION made by Alderman Cronin and SECONDED by Alderman Barnett the board approved the text amendments to the City of Clinton Zoning Ordinances, Railroad Setbacks to delete Section 401.07. ALDERMAN BRABHAM VOTED AYE, ALDERMAN ELLIS VOTED AYE, ALDERMAN MARTIN VOTED AYE, ALDERMAN BARNETT VOTED AYE, ALDERMAN CRONIN VOTED AYE, ALDERWOMAN COSSITT VOTED AYE, AND ALDERMAN CASHION VOTED AYE

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<u>DIMENSIONAL VARIANCES AND CERTIFICATE OF APPROPRIATENESS – MORTON LAW FIRM – WARD 4</u>

Before any vote was taken on this item the following discussion was held:

Ronnie Morton the owner of the property appeared before the board to state his case for approval of the variances. He described his firm as an eldercare firm. His clients represented persons 65 years and older. He has clients all over the state and that the client meetings were few and short. He stated that he was a long term resident of Clinton and planned on staying in Clinton for the foreseeable future. He informed the board that the site was previously approved for commercial use. That the site was located in a mixed use district and the area where this site was located was a busy commercial area. This was a street of five houses with apartments on one side and commercial businesses on the other side. He also stated he believed that the property fit the grandfather clause of the Planning and Zoning ordinance. He discussed some of the fears the neighbors had. He said that there was no proof of reduced property values and there was no proof that the neighbors would have problems converting their property to commercial use. Finally, he said that there had been no complaints from the neighborhood of other commercial sites in the area.

Amy Hudson living at 305 East College Street appeared before the board to speak against granting the variances. She stated that her and her husband had purchased their home eleven years ago and renovated the house to be their home. She did not want her home to be surrounded by parking lots with persons coming and going all day long. She stated that she had helped with getting petitions signed against allowing this business to locate in their neighborhood. She also could not understand why Mr. Morton wanted to force his way into a residential neighborhood where the neighbors did not want his business.

Macie Dean living at 311 East College Street was next to appear before the board to speak against granting the variances. She stated that her family purchased their home in 2008. She was excited and felt the area was perfect for a family. They had spent many hardworking hours renovating their home so they could live in it. She also stated that placement of a commercial property at this location would replace a family that could move in and occupy the house as a residence.

Finally, Bill Quisenberry appeared before the board to speak against granting the variances. He lived on East Main Street for four generations. He stated that the area has grown and that there are now several apartments and duplexes in the area. He felt that the area was at a tipping point and felt the area should remain residential and that commercial businesses did not fit in this neighborhood.



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After listening to the parties for and against this item several board members made the following comments:

Alderman Cronin stated that he reviewed all of the information and listened to all of the comments made on this issue. He stated that he did not think values would be harmed. He felt that in a mixed use area you must have both residential and commercial property. However, he said that he did not support granting the variances and that this area should remain residential.

Alderman Brabham stated that he had considered three criteria in making his decision on how to vote on this issue. 1. Variances should be hard to get approved. Variances are not intended to be a convenience. 2. Is there an acceptable use for the property if the variances are denied. In this case the use would be residential. 3. What is the impact on the neighborhood. He felt based on his review of the information and the comments made that there would be a negative impact on the neighborhood if the variances were granted.

Alderman Martin stated that the 100-foot requirement was made to restrict commercial business from moving into residential areas. He did not believe that this request for a variance was appropriate.

After the discussion of this matter, the following motion was made:

Upon presentation by Roy Edwards, Director of Community Development, MOTION made by Alderman Cronin and SECONDED by Alderman Brabham the board moved to deny the requested variance pursuant to Section 3004.07 of the current zoning ordinance and that the basis for the denial is the finding of fact that granting the variance would be injurious to the neighborhood and otherwise injurious to the public welfare. This is based on the testimony and documentation before this Board. ALDERMAN BRABHAM VOTED AYE, ALDERMAN ELLIS VOTED AYE, ALDERMAN MARTIN VOTED AYE, ALDERMAN BARNETT VOTED AYE, ALDERMAN CRONIN VOTED AYE, ALDERWOMAN COSSITT VOTED AYE, AND ALDERMAN CASHION VOTED AYE

Before the next item was taken up the following motion was made concerning a Certificate of Appropriateness concerning the construction of a ADA complaint ramp at this property. The motion was as follows.



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APPROVE A CERTIFIACTE OF APPROPRIATENESS TO BUILD A ADA COMPLAINT RAMP FOR HANDICAPPED ACCESS AT 307 EAST COLLEGE STREET

Upon presentation by Roy Edwards, Director of Community Development, MOTION made by Alderman Cronin and SECONED by Alderman Brabham the board approved a Certificate of Appropriateness to build a ADA complaint ramp for Handicapped Access at 307 East College Street. ALDERMAN BRABHAM VOTED AYE, ALDERMAN ELLIS VOTED AYE, ALDERMAN MARTIN VOTED AYE, ALDERMAN BARNETT VOTED AYE, ALDERMAN CRONIN VOTED AYE, ALDERWOMAN COSSITT VOTED AYE, AND ALDERMAN CASHION VOTED AYE

ACCEPTANCE OF HOMELAND SECURITY GRANT AWARD TOTALING \$62,500.00 FOR THE POLICE DEPARTMENTS BOMB SQUAD TO BE UTILIZED FOR FACILITIES, EQUIPMENT AND TRAINING

Upon presentation by Ford Hayman, Police Chief, MOTION made by Alderman Martin and SECONDED by Alderwoman Cossitt the board approved accepting a Homeland Security Grant Award totaling \$62,500.00 for the Police Departments Bomb Squad to be utilized for facilities, equipment and training. ALDERMAN BRABHAM VOTED AYE, ALDERMAN ELLIS VOTED AYE, ALDERMAN MARTIN VOTED AYE, ALDERMAN BARNETT VOTED AYE, ALDERMAN CRONIN VOTED AYE, ALDERWOMAN COSSITT VOTED AYE, AND ALDERMAN CASHION VOTED AYE

DECLARE ITEMS AS SURPLUS OUTLINED ON THE CLINTON FIRE DEPARTMENT PROPOSED INVENTORY SCRAP LIST

Upon presentation by Barry Burnside, Fire Chief, MOTION made by Alderman Cronin and SECONDED by Alderman Barnett the board declared items as surplus outlined on the Clinton Fire Department proposed inventory scrap list. ALDERMAN BRABHAM VOTED AYE, ALDERMAN ELLIS VOTED AYE, ALDERMAN MARTIN VOTED AYE, ALDERMAN BARNETT VOTED AYE, ALDERMAN CRONIN VOTED AYE, ALDERWOMAN COSSITT VOTED AYE, AND ALDERMAN CASHION VOTED AYE



TUESDAY JULY 19, 2016 – 7:00 P. M. MUNICIPAL COURTROOM – 305 MONROE STREET

APPROVE THE PURCHASE OF A 2017 E-ONE CUSTOM PUMPER, WITH A 1500 GPM PUMP CAPACITY, SOLD BY SUNBELT FIRE APPARATUS, FAIRHOPE, AL IN THE AMOUNT OF \$558,822.00. THE PURCHASE INCLUDES SCBA'S WITH SPARE CYLINDERS, TNT RESCUE TOOLS, AND LOOSE FIREFIGHTING EQUIPMENT. STATE CONTRACT NO. 5-070-25563

Upon presentation by Barry Burnside, Fire Chief, <u>MOTION</u> made by Alderman Barnett and <u>SECONDED</u> by Alderman Brabham the board approved the purchase of a 2017 E-One custom pumper, with a 1500 GPM pump capacity, sold by Sunbelt Fire Apparatus, Fairhope, AL in the amount of \$558,822.00. The purchase includes SCBA's with spare cylinders, TNT rescue tools, and loose firefighting equipment. State Contract No. 5-070-25563. <u>ALDERMAN BRABHAM VOTED AYE, ALDERMAN ELLIS VOTED AYE, ALDERMAN MARTIN VOTED AYE, ALDERMAN BARNETT VOTED AYE, ALDERMAN CRONIN VOTED AYE, ALDERWOMAN COSSITT VOTED AYE, AND ALDERMAN CASHION VOTED AYE</u>

ACCEPT DONATION FROM THE CLINTON GIRLS SOFTBALL ASSOCIATION IN THE AMOUNT OF \$16,665.11

Upon presentation by Cole Smith, Director of Parks and Recreation, <u>MOTION</u> made by Alderman Ellis and <u>SECONDED</u> by Alderwoman Cossitt the board accepted the donation from the Clinton Girls Softball Association in the amount of \$16,665.11. <u>ALDERMAN BRABHAM VOTED AYE, ALDERMAN ELLIS VOTED AYE, ALDERMAN MARTIN VOTED AYE, ALDERMAN BARNETT VOTED AYE, ALDERMAN CRONIN VOTED AYE, ALDERWOMAN COSSITT VOTED AYE, AND ALDERMAN CASHION VOTED AYE</u>

$\frac{ACCEPT\ DONATION\ FROM\ CLINTON\ SOCCER\ ASSOCIATION\ TOTALLING}{\$179,471.78}$

Upon presentation by Cole Smith, Director of Parks and Recreation, MOTION made by Alderman Martin and SECONDED by Alderman Brabham the board accepted the donation from the Clinton Soccer Association totaling \$179,471.78. ALDERMAN BRABHAM VOTED AYE, ALDERMAN ELLIS VOTED AYE, ALDERMAN MARTIN VOTED AYE, ALDERMAN BARNETT VOTED AYE, ALDERMAN CRONIN VOTED AYE, ALDERWOMAN COSSITT VOTED AYE, AND ALDERMAN CASHION VOTED AYE

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AUTHORIZE MAYOR PHIL FISHER TO EXECUTE AN AGREEMENT WITH MITCHELL SIGNS FOR FABRICATION AND DELIVERY OF WAY-FINDING SIGNS FOR THE CITY OF CLINTON

Upon presentation by Mark Jones, Director of Communications, MOTION made by Alderman Ellis and SECONDED by Alderman Cronin the board authorized Mayor Phil Fisher to execute an agreement with Mitchell Signs for fabrication and delivery of way-finding signs for the City of Clinton. ALDERMAN BRABHAM VOTED AYE, ALDERMAN ELLIS VOTED AYE, ALDERMAN MARTIN VOTED AYE, ALDERMAN BARNETT VOTED AYE, ALDERMAN CRONIN VOTED AYE, ALDERWOMAN COSSITT VOTED AYE, AND ALDERMAN CASHION VOTED AYE

OTHER BUSINESS

APPROVE A RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CLINTON, MISSISSIPPI, ADJUDICATING AND DETERMINING THE COMPLETION OF THE ASSESSMENT ROLL OF SPECIAL ASSESSMENT IMPROVEMENTS IN THE VICINITY OF THE SOUTHERN OAKS SUBDIVISION, INCLUDING CONSTRUCTION OF SANITARY SEWER UTILITIES, PROVIDING FOR DELIVERY OF SAME TO THE CLERK, ACKNOWLEDGING NOTICE OF MEETING TO HEAR AND DETERMINE ANY OBJECTIONS OR DEFENSES, AND FOR RELATED PURPOSES

Upon presentation by Ken Dreher, City Attorney, MOTION made by Alderman Barnett and SECONDED by Alderman Brabham the board approved the resolution of the Mayor and Board of Aldermen of the City of Clinton, Mississippi, adjudicating and determining the completion of the assessment roll of special assessment improvements in the vicinity of the Southern Oaks Subdivision, including construction of sanitary sewer utilities, providing for delivery of same to the clerk, acknowledging notice of meeting to hear and determine any objections or defenses, and for related purposes. ALDERMAN BRABHAM VOTED AYE, ALDERMAN ELLIS VOTED AYE, ALDERMAN MARTIN VOTED AYE, ALDERMAN BARNETT VOTED AYE, ALDERMAN CRONIN VOTED AYE, ALDERWOMAN COSSITT VOTED AYE, AND ALDERMAN CASHION VOTED AYE

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APPROVE THE TERMINATION OF THE CONTRACT BETWEEN THE CITY OF CLINTON, MISSISSIPPI AND TRICIA NELSON REGARDING THE OLDE TOWNE CLINTON HISTORIC DISTRICT NOMINATION

Upon presentation by Roy Edwards, Director of Community Development, <u>MOTION</u> made by Alderman Brabham and <u>SECONDED</u> by Alderman Ellis the board approved the termination of the contract between the City of Clinton, Mississippi and Tricia Nelson regarding the Olde Towne Clinton Historic District nomination. <u>ALDERMAN BRABHAM VOTED AYE</u>, <u>ALDERMAN ELLIS VOTED AYE</u>, <u>ALDERMAN MARTIN VOTED AYE</u>, <u>ALDERMAN BARNETT VOTED AYE</u>, <u>ALDERMAN CRONIN VOTED AYE</u>, <u>ALDERWOMAN COSSITT VOTED AYE</u>, AND ALDERMAN CASHION VOTED AYE

ADJOURN 8:53 PM

MOTION made by Alderman Brabham and SECONDED by Alderman Ellis to adjourn until the next regular meeting of the Mayor and Board of Aldermen to be held August 2, 2016 at 7:00 pm. ALDERMAN BRABHAM VOTED AYE, ALDERMAN ELLIS VOTED AYE, ALDERMAN MARTIN VOTED AYE, ALDERMAN BARNETT VOTED AYE, ALDERMAN CRONIN VOTED AYE, ALDERWOMAN COSSITT VOTED AYE, AND ALDERMAN CASHION VOTED AYE

APPROVED: Philip R. Eisher, Mayor	7/21/16 Date
ATTEST:	7-2/-/6 Date
OF OLD	

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