

**CITY OF CLINTON  
REGULAR MEETING OF THE MAYOR AND BOARD OF ALDERMEN  
TUESDAY, NOVEMBER 18, 2008 - 7:00 P.M.  
MUNICIPAL COURTROOM – 305 MONROE STREET**

**WELCOME AND CALL TO ORDER** Mayor Rosemary Aultman

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

The invocation was led by Alderwoman Peace followed by the pledge of allegiance to the flag led by Mayor Aultman.

**ROLL CALL** City Clerk, Russell Wall

Present:       Jehu Brabham – Alderman-at-Large  
                  Tony Hisaw – Alderman Ward 1  
                  Tony Greer – Alderman Ward 2  
                  Mike Bishop – Alderman Ward 3  
                  Kathy Peace – Alderwoman Ward 4  
                  William Barnett – Alderman Ward 6

Absent:         Mike Morgan, Alderman Ward 5

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

**MOTION** made by Alderman Brabham and **SECONDED** by Alderman Greer to approve the Consent Agenda Items A-M. **MOTION CARRIED UNANIMOUSLY**

**APPROVAL OF CHANGE ORDER #2 FOR THE QUISENBERRY LIBRARY**

Upon presentation by Richard Broome, City Engineer, **MOTION** made by Alderman Barnett and **SECONDED** by Alderwoman Peace the board approved change order #2 for the Quisenberry Library. **MOTION CARRIED UNANIMOUSLY**

**APPROVAL OF CHANGE ORDER #3 FOR THE QUISENBERRY LIBRARY**

Upon presentation by Richard Broome, City Engineer, **MOTION** made by Alderwoman Peace and **SECONDED** by Alderman Barnett the board approved change order #3 for the Quisenberry Library. **MOTION CARRIED UNANIMOUSLY**

**APPROVAL OF A TEST AND BALANCE PROPOSAL FROM CAPITAL AIR BALANCE, INC. FOR THE QUISENBERY LIBRARY**

Upon presentation by Richard Broome, City Engineer, **MOTION** made by Alderwoman Peace and **SECONDED** by Alderman Brabham the board approved a test and balance proposal from Capital Air Balance, Inc. for the Quisenberry Library. **MOTION CARRIED UNANIMOUSLY**

**ACCEPTANCE OF DEED FROM ED MCDONALD**

Upon presentation by Ken Dreher, City Attorney, **MOTION** made by Alderman Brabham and **SECONDED** by Alderwoman Peace the board approved the acceptance of a deed from Ed McDonald. **MOTION CARRIED UNANIMOUSLY**

**OTHER BUSINESS**

**APPROVAL TO PLACE AN ADVERTISEMENT FOR BIDS FOR ENGINEERING SERVICES RELATED TO THE ROADWAY SAFETY/ENGINEERING ASSISTANCE PROGRAM GRANT (GRANT NUMBER 09-RS-206-1)**

Upon presentation by Rosemary Aultman, Mayor, **MOTION** made by Alderman Greer and **SECONDED** by Alderman Bishop the board approved the request to place an advertisement for bids for engineering services related to the Roadway Safety/Engineering Assistance Program Grant (Grant Number 09-RS-206-1). **MOTION CARRIED UNANIMOUSLY**

**AUTHORIZE THE MAYOR TO SUBMIT A REQUEST TO THE MDOT DISTRICT FOR AUTHORIZATION TO BEGIN THE RIGHT-OF-WAY PHASE FOR THE PINEHAVEN ROAD PROJECT**

Upon presentation by Rosemary Aultman, Mayor, **MOTION** made by Alderman Bishop and **SECONDED** by Alderman Brabham the board approved authorizing the Mayor to submit a request to the MDOT District for authorization to begin the right-of-way phase for the Pinehaven Road project. **MOTION CARRIED UNANIMOUSLY**

**ADJOURN 7:20 P.M.**

**MOTION** made by Alderman Brabham and **SECONDED** by Alderman Greer to adjourn until the next regular meeting of the Mayor and Board of Aldermen to be held on December 2, 2008 at 7:00 pm. **MOTION CARRIED UNANIMOUSLY**

APPROVED: Rosemary G. Aultman  
Rosemary Aultman, Mayor

11-19-08  
Date

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

11-19-08  
Date



## CITY OF CLINTON AGENDA ITEM FACT SHEET

BOARD MEETING DATE: November 18, 2008

AGENDA ITEM NO. 7

CONSENT AGENDA:

TO:

FOR:

ACCT. NO.

BOARD APPROVED

NOV 18 2008

DISCUSSION/ACTION: Change Order #2 for Quisenberry Library

CITY OF CLINTON

INTRODUCED BY: Richard L. Broome, City Engineer

TELEPHONE: 601-925-6102

### EXHIBITS FOR REVIEW:

Minutes  
Ordinance  
Resolution

Invoice  
Plans, Maps  
Contract

Other:

RECOMMENDATION:

BOARD ACTION:

MOTION MADE BY: Barnett

SECONDED BY: Peace

VOTE CAST:

"AYE"

"NAY"

ACTION TAKEN:

Brabham  
Hisaw  
Greer  
Bishop  
Peace  
Morgan  
Barnett

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Mayor Aultman

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AGENDA ITEMS MUST BE TURNED IN TO THE CITY CLERK WITH ALL ATTACHMENTS NO LATER THAN 5 P.M. ON THE WEDNESDAY PRECEEDING THE TUESDAY BOARD MEETING TO BE INCLUDED ON THE AGENDA. THIS DEADLINE WILL BE STRICTLY ENFORCED.



# AIA Document G701™ – 2001

## Change Order

|                                                                                  |                                           |                                                        |
|----------------------------------------------------------------------------------|-------------------------------------------|--------------------------------------------------------|
| <b>PROJECT</b> (Name and address):                                               | <b>CHANGE ORDER NUMBER:</b> 002           | <b>OWNER:</b> <input checked="" type="checkbox"/>      |
| Quisenberry Library<br>Clinton, Mississippi                                      | <b>DATE:</b> November 03, 2008            | <b>ARCHITECT:</b> <input checked="" type="checkbox"/>  |
| <b>TO CONTRACTOR</b> (Name and address):                                         | <b>ARCHITECT'S PROJECT NUMBER:</b> 04055A | <b>CONTRACTOR:</b> <input checked="" type="checkbox"/> |
| Laws Construction Co., Inc.<br>2508 Lakeland Drive<br>Flowood, Mississippi 39208 | <b>CONTRACT DATE:</b> September 05, 2008  | <b>FIELD:</b> <input type="checkbox"/>                 |
|                                                                                  | <b>CONTRACT FOR:</b> General Construction | <b>OTHER:</b> <input type="checkbox"/>                 |

### THE CONTRACT IS CHANGED AS FOLLOWS:

(Include, where applicable, any undisputed amount attributable to previously executed Construction Change Directives)

|                                                            |                |
|------------------------------------------------------------|----------------|
| Delete all charges and responsibility for testing services | \$ (18,005.00) |
| Less Services rendered by Ladner testing                   | 125.00         |

|               |                |
|---------------|----------------|
| Net Deductive | \$ (17,880.00) |
|---------------|----------------|

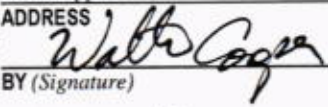
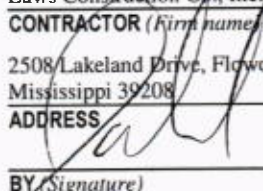
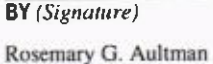
|                                                                          |                 |
|--------------------------------------------------------------------------|-----------------|
| The original Contract Sum was                                            | \$ 6,756,000.00 |
| The net change by previously authorized Change Orders                    | \$ 3,419.00     |
| The Contract Sum prior to this Change Order was                          | \$ 6,759,419.00 |
| The Contract Sum will be decreased by this Change Order in the amount of | \$ 17,880.00    |
| The new Contract Sum including this Change Order will be                 | \$ 6,741,539.00 |

The Contract Time will be decreased by Zero ( 0 ) days.

The date of Substantial Completion as of the date of this Change Order therefore is January 28, 2010

**NOTE:** This Change Order does not include changes in the Contract Sum, Contract Time or Guaranteed Maximum Price which have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

### NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.

|                                                                                                              |                                                                                                              |                                                                                                                |
|--------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------|
| JBHM Architects, PA<br><b>ARCHITECT</b> (Firm name)                                                          | Laws Construction Co., Inc.<br><b>CONTRACTOR</b> (Firm name)                                                 | City of Clinton<br><b>OWNER</b> (Firm name)                                                                    |
| 308 East Pearl Street, Ste. 300, Jackson,<br>Mississippi 39201<br><b>ADDRESS</b>                             | 2508 Lakeland Drive, Flowood,<br>Mississippi 39208<br><b>ADDRESS</b>                                         | 300 Jefferson Street, Clinton, Mississippi<br>39056<br><b>ADDRESS</b>                                          |
| <br><b>BY</b> (Signature) | <br><b>BY</b> (Signature) | <br><b>BY</b> (Signature) |
| Walter Cooper, AIA<br>(Typed name)                                                                           | John Laws<br>(Typed name)                                                                                    | Rosemary G. Aultman<br>(Typed name)                                                                            |
| 11-3-2008<br><b>DATE</b>                                                                                     | 11-4-08<br><b>DATE</b>                                                                                       | <br><b>DATE</b>                                                                                                |



P O Box 14027  
Jackson, MS 39236  
(601) 933-1990  
(601) 933-1960 fax

## CHANGE ORDER

To: City Of Clinton

|                                              |                  |
|----------------------------------------------|------------------|
| CO#: 002                                     | November 3, 2008 |
| Quisenberry Library<br>Clinton, MS           |                  |
| JBHM # 04055A                                | Laws # 4114      |
| Date of Existing Contract: September 5, 2008 |                  |

We hereby agree to make the following changes:

|                                                            |               |
|------------------------------------------------------------|---------------|
| Delete all charges and responsibility for testing services | <18,005.00>   |
| Less services rendered by Ladner testing                   | <u>125.00</u> |
| Net deductive CO                                           | <17,880.00>   |

Note: This change order becomes part of and in conformance with the existing contract.

|                                                                    |  |                           |                     |
|--------------------------------------------------------------------|--|---------------------------|---------------------|
| We agree hereby to make the changes specified above at this price: |  | <b>Deduct</b>             | <b>17,880.00</b>    |
|                                                                    |  | Previous Contract Amount: | <b>6,759,419.00</b> |
|                                                                    |  | Revised Contract Amount:  | <b>6,741,539.00</b> |

The above prices and specifications of this Change Order are satisfactory and are hereby accepted. All work to be performed under same terms and conditions as specified in the original contract unless otherwise **stipulated**:

ACCEPTED: \_\_\_\_\_

Date: \_\_\_\_\_

ACCEPTED: \_\_\_\_\_

Date: \_\_\_\_\_

## CITY OF CLINTON AGENDA ITEM FACT SHEET

BOARD MEETING DATE: November 18, 2008

AGENDA ITEM NO. 8

CONSENT AGENDA:

TO:

FOR:

ACCT. NO.

DISCUSSION/ACTION: Change Order #3 for Quisenberry Library

INTRODUCED BY: Richard L. Broome, City Engineer

TELEPHONE: 601-925-6102

### EXHIBITS FOR REVIEW:

Minutes  
Ordinance  
Resolution

Invoice  
Plans, Maps  
Contract

Other:  
\_\_\_\_\_  
\_\_\_\_\_

RECOMMENDATION:

BOARD ACTION:

MOTION MADE BY: Peace

SECONDED BY: Barnett

VOTE CAST:

"AYE"

"NAY"

ACTION TAKEN:

Brabham  
Hisaw  
Greer  
Bishop  
Peace  
Morgan  
Barnett

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Mayor Aultman

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AGENDA ITEMS MUST BE TURNED IN TO THE CITY CLERK WITH ALL ATTACHMENTS NO LATER THAN 5 P.M. ON THE WEDNESDAY PRECEDING THE TUESDAY BOARD MEETING TO BE INCLUDED ON THE AGENDA. THIS DEADLINE WILL BE STRICTLY ENFORCED.

# AIA® Document G701™ – 2001

## Change Order

|                                                                                                                              |                                                                                                                                    |                                                                                                                                                                                                                                                          |
|------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>PROJECT</b> (Name and address):<br>Quisenberry Library<br>Clinton, Mississippi                                            | <b>CHANGE ORDER NUMBER:</b> 003<br><b>DATE:</b> November 03, 2008                                                                  | <b>OWNER:</b> <input checked="" type="checkbox"/><br><b>ARCHITECT:</b> <input checked="" type="checkbox"/><br><b>CONTRACTOR:</b> <input checked="" type="checkbox"/><br><b>FIELD:</b> <input type="checkbox"/><br><b>OTHER:</b> <input type="checkbox"/> |
| <b>TO CONTRACTOR</b> (Name and address):<br>Laws Construction Co., Inc.<br>2508 Lakeland Drive<br>Flowood, Mississippi 39208 | <b>ARCHITECT'S PROJECT NUMBER:</b> 04055A<br><b>CONTRACT DATE:</b> September 05, 2008<br><b>CONTRACT FOR:</b> General Construction |                                                                                                                                                                                                                                                          |

### THE CONTRACT IS CHANGED AS FOLLOWS:

(Include, where applicable, any undisputed amount attributable to previously executed Construction Change Directives)

Inlet numbers 1, 3, and 4  
208 Linear feet of 15" RCP

|                           |               |
|---------------------------|---------------|
| Subcontractor's Deduct    | \$ (9,517.00) |
| Law's Overhead and Profit | \$ (476.00)   |
| MS Sales Tax              | \$ (362.00)   |

Net Deduct \$ (10,355.00)

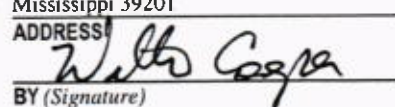
|                                                                          |                 |
|--------------------------------------------------------------------------|-----------------|
| The original Contract Sum was                                            | \$ 6,756,000.00 |
| The net change by previously authorized Change Orders                    | \$ -14,461.00   |
| The Contract Sum prior to this Change Order was                          | \$ 6,741,539.00 |
| The Contract Sum will be decreased by this Change Order in the amount of | \$ 10,355.00    |
| The new Contract Sum including this Change Order will be                 | \$ 6,731,184.00 |

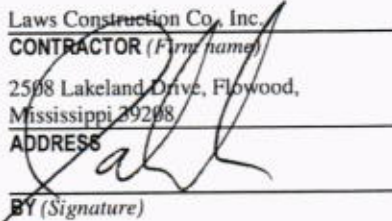
The Contract Time will be unchanged by Zero ( 0 ) days.

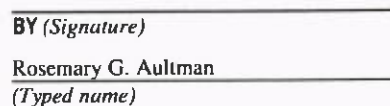
The date of Substantial Completion as of the date of this Change Order therefore is January 28, 2010

**NOTE:** This Change Order does not include changes in the Contract Sum, Contract Time or Guaranteed Maximum Price which have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

**NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.**

JBHM Architects, PA  
**ARCHITECT** (Firm name)  
308 East Pearl Street, Ste. 300, Jackson,  
Mississippi 39201  
**ADDRESS**  
  
**BY** (Signature)  
Walter Cooper, AIA  
(Typed name)  
11-3-2008  
**DATE**

Laws Construction Co., Inc.  
**CONTRACTOR** (Firm name)  
2508 Lakeland Drive, Flowood,  
Mississippi 39208  
**ADDRESS**  
  
**BY** (Signature)  
John Laws  
(Typed name)  
11-4-08  
**DATE**

City of Clinton  
**OWNER** (Firm name)  
300 Jefferson Street, Clinton, Mississippi  
39056  
**ADDRESS**  
  
**BY** (Signature)  
Rosemary G. Aultman  
(Typed name)  
**DATE**



P O Box 14027  
Jackson, MS 39236  
(601) 933-1990  
(601) 933-1960 fax

## CHANGE ORDER

To: City Of Clinton

|                                              |                  |
|----------------------------------------------|------------------|
| CO#: 003                                     | October 21, 2008 |
| Quisenberry Library<br>Clinton, MS           |                  |
| JBHM # 04055A                                | Laws # 4114      |
| Date of Existing Contract: September 5, 2008 |                  |

We hereby agree to make the following changes:

Delete the following items:

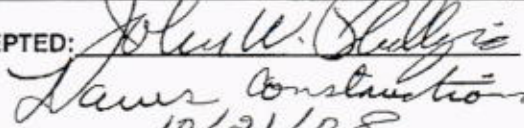
1. Inlets #'s 1, 3 and 4.
2. 208 lin. feet of 15" RCP

|                          |               |
|--------------------------|---------------|
| Subcontractors deduct    | 9,517.00      |
| Laws overhead and profit | 476.00        |
| MS sales tax             | <u>362.00</u> |
| Net deduct               | 10,355.00     |

We agree hereby to make the changes specified above at this price: **Deduct** **<10,355.00>**

|  |                           |                     |
|--|---------------------------|---------------------|
|  | Previous Contract Amount: | <b>6,741,539.00</b> |
|  | Revised Contract Amount:  | <b>6,731,184.00</b> |

The above prices and specifications of this Change Order are satisfactory and are hereby accepted. All work to be performed under same terms and conditions as specified in the original contract unless otherwise stipulated:

|                                                                                                                        |                                |
|------------------------------------------------------------------------------------------------------------------------|--------------------------------|
| ACCEPTED: <br>Date: <u>10/21/08</u> | ACCEPTED: _____<br>Date: _____ |
|------------------------------------------------------------------------------------------------------------------------|--------------------------------|

## CITY OF CLINTON AGENDA ITEM FACT SHEET

BOARD MEETING DATE: November 18, 2008

AGENDA ITEM NO. 9

CONSENT AGENDA:

TO:

FOR:

ACCT. NO.

DISCUSSION/ACTION: Test and balance proposal for Quisenberry Library

INTRODUCED BY: Richard L. Broome, City Engineer

TELEPHONE: 601-925-6102

### EXHIBITS FOR REVIEW:

Minutes  
Ordinance  
Resolution

Invoice  
Plans, Maps  
Contract

Other:

RECOMMENDATION:

BOARD ACTION:

MOTION MADE BY: Peace

SECONDED BY: Brabham

VOTE CAST:

"AYE"

"NAY"

ACTION TAKEN:

Brabham  
Hisaw  
Greer  
Bishop  
Peace  
Morgan  
Barnett

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Mayor Aultman

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AGENDA ITEMS MUST BE TURNED IN TO THE CITY CLERK WITH ALL ATTACHMENTS NO LATER THAN 5 P.M. ON THE WEDNESDAY PRECEEDING THE TUESDAY BOARD MEETING TO BE INCLUDED ON THE AGENDA. THIS DEADLINE WILL BE STRICTLY ENFORCED.



# CAPITAL AIR BALANCE, INC.

P.O. BOX 957

TERRY, MISSISSIPPI 39170

PHONE (601) 878-6701 FAX (601) 878-6720

June 24, 2008

Johnson Bailey Henderson McNeel  
308 East Pearl Street  
Suite 300  
Jackson, MS 39201

Re: City Of Clinton  
Quisenberry Library  
Clinton, Mississippi

Subject: Project Quote

Dear Sirs:

We propose to furnish Labor and Instrumentation to perform the Test and Balance, of the above referenced project, according to Contract Documents, Section 15990, pages 1 thru 5, as prepared by Johnson Bailey Henderson McNeel Architects, for the price quoted below:

Price \$ 9,950.00

If further clarification or explanation is needed, please do not hesitate to contact us. If this quote is accepted please sign below.

Respectfully submitted,

John D. Todd, President  
Capital Air Balance, Inc.

This quote is valid for 30 days from the above date and based on the assumption that a contract document can be negotiated. Any contractual duty to indemnify, defend, and hold harmless the Contractor, Owner, Architect, or their agents will not include any right to indemnify where the indemnified party's negligence is a proximate cause of injury to persons or property. Price based on signing a written contract document between the prime contractor and subcontractor.

## CITY OF CLINTON AGENDA ITEM FACT SHEET

BOARD MEETING DATE: November 18, 2008

AGENDA ITEM NO.

CONSENT AGENDA:

TO:

10

FOR:

ACCOUNT NO:

INTRODUCED BY:

---

DISCUSSION/ACTION: Acceptance of Deed from Ed McDonald.

INTRODUCED BY: Ken Dreher, City Attorney

BOARD ACTION:

MOTION MADE BY:

*Brabham*

SECONDED BY:

*Peace*

VOTE CAST:  
TAKEN:

"AYE"

"NAY"

ACTION

Brabham

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Hisaw

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Mayor Aultman

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**AGENDA ITEMS MUST BE TURNED IN TO THE CITY CLERK WITH ALL ATTACHMENTS NO LATER THAN 5 P.M. ON THE WEDNESDAY PRECEEDING THE TUESDAY BOARD MEETING TO BE INCLUDED ON THE AGENDA. THIS DEADLINE GIVES THE CLERK TIME TO PREPARE THE AGENDA AND ALSO TO COPY THE AGENDA. PLEASE REMEMBER ALL OF THIS TAKES SOME TIME AND THIS IS WHY WE HAVE THIS DEADLINE. THANKS.**

This property lies in the R.O.W.  
of McDonald Drive just east of  
William Drive. The City has maintained  
the R.O.W. for years but the land  
records reflect ownership in Mr.  
McDonald. He wants to quit paying  
taxes on it. The deed is free.

WARRANTY DEED

FOR AND IN CONSIDERATION of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable considerations, the receipt and sufficiency of all of which are hereby acknowledged, the undersigned E. F. McDONALD, does hereby convey and warrant unto the CITY OF CLINTON, the following described land and property situated in Hinds County, Mississippi, to-wit:

Begin North East Corner of Lot 17, Morrison Heights Subdivision Part 2, North 50 ft, West 129.9 ft., South 50 ft., East 129.9 ft. to Point of Beginning in the North East  $\frac{1}{4}$  of the South West  $\frac{1}{4}$ , Section 28, Township 6, Range 1 West, City of Clinton.

The warranty of this conveyance is subject to prior reservations of minerals, right-of-ways, easements, zoning ordinances and restrictive covenants of record.

Ad valorem taxes covering the above-described property for the current year to be paid by Grantor..

This property constitutes no part of Grantor's homestead.

WITNESS MY SIGNATURE, this the 6<sup>th</sup> day of Nov. 2008

E. F. McDonald

STATE OF MISSISSIPPI

COUNTY OF HINDS

Personally appeared before me, the undersigned authority in and for the aforesaid jurisdiction, E. F. McDonald, who acknowledged that he signed and delivered the above and foregoing WARRANTY DEED on the day and year therein mentioned for the intent and purpose therein expressed.

Given under my hand and seal of office, this the 6 day November 2008.

My Commission Expires:



Majorie Roberts  
NOTARY PUBLIC

City of Clinton  
November 18, 2008  
Meeting of the Mayor and Board of Aldermen

Other Business:

Approval to place an advertisement for bids for engineering services related to the  
Roadway Safety/Engineering Assistance Program Grant. (Grant Number 09-RS-206-1).

Motion Greer  
Second Bishop  
all agree.

## Proposed Motion

In compliance with a request from MDOT we hereby authorize the Mayor to submit a request to the MDOT District for authorization to begin the right-of-way phase for the Pinchaven Road project.

motion: Bishop  
second: Brakham  
all agree