**CITY OF CLINTON**
**REGULAR MEETING OF THE MAYOR AND BOARD OF ALDERMEN**
**TUESDAY, JUNE 3, 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 Alderman Bishop followed by the pledge of allegiance to the flag led by Alderwoman Peace.

**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
Mike Morgan – Alderman Ward 5
William Barnett – Alderman Ward 6

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

**MOTION** made by Alderman Brabham and **SECONDED** by Alderwoman Peace to approve the Consent Agenda Items A-V. Item D will serve to advertise favorably the opportunities, possibilities and resources of the City of Clinton. **MOTION CARRIED UNANIMOUSLY**

**PRELIMINARY SITE PLAN – REVELL ACE HARDWARE – 730 CLINTON PARKWAY**

Upon presentation by Richard Broome, City Engineer, **MOTION** made by Alderman Greer and **SECONDED** by Alderman Bishop the board approved the preliminary site plan for Revell Ace Hardware to be located at 730 Clinton Parkway. The Planning and Zoning Commission recommended approval. The site plan is on file with the Community Development Director. **MOTION CARRIED UNANIMOUSLY**

**PRELIMINARY SITE PLAN – CLINTON SQUARE SHOPPING CENTER – 322 HIGHWAY 80**

Upon presentation by Richard Broome, City Engineer, **MOTION** made by Alderman Brabham and **SECONDED** by Alderman Greer the board approved the preliminary site plan for Clinton Square Shopping Center to be located at 322 Highway 80. The Planning and Zoning Commission recommended approval. The site plan is on file with the Community Development Director. **MOTION CARRIED UNANIMOUSLY**

**PRELIMINARY SUBDIVISION PLAT – CHOCTAW FALLS – VERNON ROAD**

Upon presentation by Richard Broome, City Engineer, **MOTION** made by Alderman Hisaw and **SECONDED** by Alderman Barnett the board approved the preliminary subdivision plat for Choctaw Falls Subdivision to be located off Vernon Road subject to the following conditions. Condition 1 – That all houses constructed in the subdivision will be a minimum of 1,600 square feet. Condition 2 – No modular housing units will be constructed in the subdivision. The Planning and Zoning Commission recommended approval. The subdivision plat is on file with the Community Development Director. **MOTION CARRIED UNANIMOUSLY**

**UNKEMPT PROPERTY LOCATED AT PARCEL 2861-238**

Upon presentation by Richard Broome, City Engineer, **MOTION** made by Alderman Brabham and **SECONDED** by Alderman Greer the board approved giving the property owners a minimum of four (4) weeks to make progress on the cleaning of this property. The board also approved that after this four week period upon the review of the progress that the possibility of an extension would be considered. A public hearing was held and Paul Cassibry informed the board that he was in the process of cleaning the property and believed he could have it completed in the four (4) weeks time limit. No public comment was heard. **MOTION CARRIED UNANIMOUSLY**

**APPROVAL OF A RESOLUTION OF THE MAYOR AND ALDERMEN OF THE CITY OF CLINTON, MISSISSIPPI, DECLARING THE INTENTION OF THE CITY TO AUTHORIZE THE BORROWING OF AN AMOUNT NOT TO EXCEED EIGHT MILLION DOLLARS ($8,000,000) PURSUANT TO SECTIONS 31-25-1 ET SEQ. AND/OR SECTION 21-33-301 ET SEQ., MISSISSIPPI CODE OF 1972, AS AMENDED, BY ENTERING INTO A LOAN AGREEMENT WITH THE MISSISSIPPI DEVELOPMENT BANK AND/OR ISSUING GENERAL OBLIGATION BONDS OF THE CITY FOR THE PURPOSE OF PROVIDING FUNDS NECESSARY TO DESIGN, ERECT, EQUIP AND FURNISH MUNICIPAL BUILDINGS TO PURCHASE LAND THEREFORE, IF ANY; TO DESIGN AND ERECT A PUBLIC LIBRARY AND PURCHASE LAND, IF ANY, EQUIPMENT AND BOOKS THEREFORE; AND FOR RELATED PURPOSES**

Upon presentation by Demery Grubbs, with Government Consultants, Inc., **MOTION** made by Alderman Greer and **SECONDED** by Alderman Brabham the board approved a resolution of the Mayor and Aldermen of the City of Clinton, Mississippi, declaring the intention of the City to authorize the borrowing of an amount not to exceed eight million dollars ($8,000,000) pursuant to Sections 31-25-1 ET SEQ. and/or Section 21-33-301 ET SEQ., Mississippi Code of 1972, as amended, by entering into a loan agreement with the Mississippi Development Bank and/or issuing General Obligation Bonds of the City for the purpose of providing funds necessary to design, erect, equip and furnish municipal buildings to purchase land therefore, if any; to design and erect a public library and purchase land, if any, equipment and books therefore; and for related purposes. The resolution is on file with the City Clerk. **MOTION CARRIED UNANIMOUSLY**

**APPROVAL OF A RESOLUTION FOR AN INITIAL FIVE-YEAR EXEMPTION FROM PROPERTY TAXES FOR GULF STATES CANNERS, INC. ON PROPERTY HAVING A TRUE VALUE OF $16,778,766.51 FOR THE PERIOD OF DECEMBER 31, 2007 TO DECEMBER 31, 2012**

Upon presentation by Russell Wall, City Clerk, **MOTION** made by Alderman Hisaw and **SECONDED** by Alderman Greer the board approved a resolution for an initial five-year exemption from property taxes for Gulf States Canners, Inc. on property having a true value of $16,778,766.51 for the period of December 31, 2007 to December 31, 2012. The resolution is on file with the City Clerk. **MOTION CARRIED UNANIMOUSLY**

**APPROVAL OF A FINAL RESOLUTION FOR SECOND FIVE-YEAR EXEMPTION FROM PROPERTY TAXES FOR GULF STATES CANNERS, INC. ON PROPERTY HAVING A FAIR VALUE OF $771,285.26 FOR THE PERIOD OF JANUARY 1, 2008 TO DECEMBER 31, 2012**

Upon presentation by Russell Wall, City Clerk, **MOTION** made by Alderman Hisaw and **SECONDED** by Alderman Greer the board approved a final resolution for second five-year exemption from property taxes for Gulf States Canners, Inc. on property having a fair value of $771,285.26 for the period of January 1, 2008 to December 31, 2012. The resolution is on file with the City Clerk. **MOTION CARRIED UNANIMOUSLY**

**APPROVAL OF A RESOLUTION FOR AN INITIAL FIVE-YEAR EXEMPTION FROM PROPERTY TAXES FOR DELPHI AUTOMOTIVE SYSTEMS, LLC, ON PROPERTY HAVING A TRUE VALUE OF $2,385,566.00 FOR THE PERIOD DECEMBER 31, 2007 TO DECEMBER 30, 2012**

Upon presentation by Russell Wall, City Clerk, **MOTION** made by Alderman Hisaw and **SECONDED** by Alderman Greer the board approved a resolution for an initial five-year exemption from property taxes for Delphi Automotive Systems, LLC on property having a true value of $2,385,566.00 for the period of December 31, 2007 to December 30, 2012. The resolution is on file with the City Clerk. **MOTION CARRIED UNANIMOUSLY**

**RESOLUTION TO APPROVE ONE ADDITIONAL PAYMENT (13TH CHECK) TO RETIREES OF THE CITY OF CLINTON FIRE AND POLICE DISABILITY RELIEF FUND FOR 2008**

Upon presentation by Russell Wall, City Clerk, **MOTION** made by Alderman Bishop and **SECONDED** by Alderwoman Peace the board approved a resolution to approve one additional payment (13th check) to retirees of the City of Clinton Fire and Police Disability Relief Fund for 2008. The resolution is on file with the City Clerk. **MOTION CARRIED UNANIMOUSLY**

**CONSIDERATION OF BIDS FOR TWO (2) RUBBER TIRE BACKHOES**

Upon presentation by Mike Parker, Director of Public Works, **MOTION** made by Alderman Brabham and **SECONDED** by Alderwoman Peace the board approved accepting the bid from Tubb Equipment for two (2) rubber tire backhoes at $69,160.00 each as being the lowest and best bid. **MOTION CARRIED UNANIMOUSLY**

**APPROVAL OF MEMORANDUM OF UNDERSTANDING BETWEEN THE MISSISSIPPI TRANSPORTATION COMMISSION AND THE CITY OF CLINTON, MISSISSIPPI RELATED TO A LITTER CONTROL GRANT**

Upon presentation by Mike Parker, Director of Public Works, **MOTION** made by Alderwoman Peace and **SECONDED** by Alderman Brabham the board approved a memorandum of understanding between the Mississippi Transportation Commission and the City of Clinton, Mississippi related to a Litter Control Grant. A copy of the Memorandum of Understanding is on file with the City Clerk. **MOTION CARRIED UNANIMOUSLY**

**APPROVAL OF LOCAL GOVERNMENTAL RESOLUTION RELATING TO THE ENGINEERING ASSISTANCE PROGRAM STREET SIGN COMPLIANCE UPGRADE**

Upon presentation by Richard Broome, City Engineer, **MOTION** made by Alderman Brabham and **SECONDED** by Alderwoman Peace the board approved a Local Governmental Resolution relating to the Engineering Assistance Program Street Sign Compliance Upgrade. A copy of the Local Governmental Resolution is on file with the City Clerk. **MOTION CARRIED UNANIMOUSLY**

**SET JULY 1, 2008 FOR PUBLIC HEARING ON SMOKING BAN ORDINANCE**

Upon presentation by Rosemary Aultman, Mayor, **MOTION** made by Alderman Greer and **SECONDED** by Alderman Bishop the board approved setting July 1, 2008 as the date for a Public Hearing on the Smoking Ban Ordinance. A copy of the advertisement for the Public hearing is on file with the City Clerk. **MOTION CARRIED UNANIMOUSLY**

**APPROVAL OF A LEASE BETWEEN THE CITY OF CLINTON AND TOWER VENTURE V FOR CELL TOWER AT CHERRY PARK**

Upon presentation by Ken Dreher, City Attorney, **MOTION** made by Alderman Greer and **SECONDED** by Alderwoman Peace the board approved a ground lease on city property located near Cherry Park Subdivision with Tower Venture V for construction and use of a telecommunications tower with the following conditions. Condition 1 – Construction of the project shall begin by August 1, 2009 and payment of the first year's rent shall be made by August 1, 2009 or the lease shall be void. Condition 2 – The first ten (10) years rental shall be as follows: Primary (5 yrs.) $12,000 for year 1 plus a 3% increase each year, 1st Option 5yrs $13,911 for year 1 plus a 3% increase each year. Condition 3 – Options to renew or cancel shall be on the same terms as the ground lease for the Springridge Road Lagoon cell tower. Condition 4 – All construction drawings and exhibits will be approved by the City Engineer and the Public Works Director prior to execution by the Mayor. A copy of the lease is on file with the City Clerk. **MOTION CARRIED UNANIMOUSLY**

**EXECUTIVE SESSION**

**MOTION** made by Alderman Brabham and **SECONDED** by Alderman Greer that the Mayor and Board of Aldermen consider entering into executive session to discuss a personnel matter. **MOTION CARRIED UNANIMOUSLY**

**MOTION** made by Alderman Brabham and **SECONDED** by Alderman Greer that the Mayor and Board of Aldermen enter executive session to discuss a personnel matter. **MOTION CARRIED UNANIMOUSLY**

The Mayor and Board of Aldermen entered executive session at 8:02 p.m. Also present in the executive session were City Attorney Ken Dreher and City Clerk Russell Wall. A discussion of a personnel matter occurred during the executive session. No action was taken during the executive session. **MOTION** was made by Alderman Brabham and **SECONDED** by Alderman Greer to exit executive session. **MOTION CARRIED UNANIMOUSLY**. The Mayor and Board of Aldermen exited executive session at 8:23 p.m.

**ADJOURN 8: 24 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 June 17, 2008 at 7:00 pm. **MOTION CARRIED UNANIMOUSLY**

APPROVED: Rosemary G. Aultman
Rosemary G. Aultman, Mayor

June 9, 2008
Date

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

June 9, 2008
Date

CITY OF CLINTON OFFICIAL SEAL MISSISSIPPI

# CITY OF CLINTON AGENDA ITEM FACT SHEET

BOARD MEETING DATE: June 3, 2008 AGENDA ITEM NO. 7A

CONSENT AGENDA: TO:

FOR: Planning Commission recommends approval

ACCT. NO.

BOARD APPROVED

JUN 03 2008

CITY OF CLINTON

DISCUSSION/ACTION: Revel Hardware site plan

INTRODUCED BY: Richard L. Broome, City Engineer TELEPHONE: 601-925-6102

EXHIBITS FOR REVIEW:

| | | |
|---|---|---|
| Minutes | Invoice | Other: |
| Ordinance | Plans, Maps | |
| Resolution | Contract | |

RECOMMENDATION:

BOARD ACTION: MOTION MADE BY: Greer

SECONDED BY: Bishop

| VOTE CAST: | "AYE" | "NAY" | ACTION TAKEN: |
|---|---|---|---|
| Brabham | ✓ | | |
| Hisaw | ✓ | | |
| Greer | ✓ | | |
| Bishop | ✓ | | |
| Peace | ✓ | | |
| Morgan | ✓ | | |
| Barnett | ✓ | | |
| Mayor Aultman | | | |

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.

# CITY OF CLINTON AGENDA ITEM FACT SHEET

BOARD MEETING DATE: June 3, 2008 AGENDA ITEM NO. 7B

CONSENT AGENDA:

TO:
FOR:
ACCT. NO :

Planning Board approves

DISCUSSION/ACTION: Preliminary Site Plan
Clinton Square Shopping Center – 322 Highway 80

BOARD APPROVED
JUN 03 2008
CITY OF CLINTON

INTRODUCED BY: Gary Ward GW TELEPHONE: 924-2256

EXHIBITS FOR REVIEW:

| | | |
|---|---|---|
| Minutes | Invoice | Other: ______ |
| Ordinance | Plans, Maps | |
| Resolution | Contract | |

RECOMMENDATION: Planning and Zoning Commission recommends approval.

BOARD ACTION:

MOTION MADE BY: Brabham

SECONDED BY: Greer

| VOTE CAST: | "AYE" | "NAY" | ACTION TAKEN: |
|---|---|---|---|
| Brabham | ✓ | | |
| Hisaw | ✓ | | |
| Greer | ✓ | | |
| Bishop | ✓ | | |
| Peace | ✓ | | |
| Morgan | ✓ | | |
| Barnett | ✓ | | |
| Mayor Aultman | | | |

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.

**PLANNING AND ZONING COMMISSION**
**Clinton, Mississippi**
Tuesday, May 27, 2008
7:00 P.M.
Municipal Courtroom
305 Monroe Street

BOARD APPROVED
JUN 0 3 2008
CITY OF CLINTON

**Minutes**

Present: Jim Martin, Mark Williams, Ryan Tracy, Betty King, Pat Smith, Nancy Davis and Community Development Director Gary Ward.

## CALL TO ORDER

The Meeting was called to Order at 7:00pm. Chairman Jim Martin welcomed new Commission member Pat Smith, representative for Ward 4.

## CONSIDERATION AND APPROVAL OF APRIL 22, 2008 MINUTES.

Request to amend the name Maybelle Bankston to Maybel Bankston in paragraph five of page two was made by Bettye King. MOTION to approve the Minutes of the April 22, 2008 meeting as amended was made by Ryan Tracy. SECOND by Mark Williams. MOTION carried UNANIMOUSLY, none opposed.

## NEW CONSIDERATIONS

Preliminary Site Plan for Clinton Square Shopping Center at 322 Highway 80.
Representative present: Billy Causey, Developer and Josh Broome, Engineer

Billy Causey is proposing to add two buildings to his existing retail site on the south side of Highway 80 (Clinton Square Shopping Center). Phase I of the addition will have an additional 11,250 sq ft and Phase II will add 6,500 sq ft to the existing 7,500 sq ft. Renovations will be made to existing building that currently houses International Tours so that the buildings will match. The property is zoned C2 which allows this type of business. Architectural Review Committee has approved the preliminary site plan. The site plan committee has reviewed and issues regarding storm water, ingress/egress, and fire safety remain to be resolved.

Josh Broome submitted the site plan addressing storm water runoff and ingress/egress. He stated that he had discussed the fire safety issues with the Fire Chief. The Chief is researching options for the fire truck to reach the rear of the buildings as well as using fire walls and adding a fire hydrant as opposed to installing a sprinkler system. Access to the rear of the building would be made by looping the existing service drive around the new buildings, which may require a variance of the rear yard requirement as stated in Section 1503.04(c) of the Zoning Ordinance. The existing wood plank fence would be replaced by the developer and a small retaining wall built to assist with the service road.

Ryan Tracy asked if the dumpster would be enclosed. Gary Ward stated dumpsters are required to be enclosed.

Jim Martin asked if parking requirements are met. Gary stated they are close to the minimum required. Josh Broome added there would be an additional 72 spaces with the removal of Snow Biz.

Bettye King asked when the developer anticipated the construction would be completed. Billy Causey answered around the end of the summer.

Ryan Tracy asked if the signs would be consistent or would each tenant be allowed to install. Billy Causey replied the signs would all be consistent.

A public hearing was held and no opposition was present.

A MOTION was made by Bettye King to recommend to the Mayor and Board that approval be granted for the preliminary site plan of the addition to Clinton Square Shopping Center contingent upon meeting approval of all department heads, approval of the variance for the service drive, and Snow Biz be removed prior to the final inspection of the shell. SECOND by Ryan Tracy. None opposed. MOTION carried UNANIMOUSLY.

**OTHER BUSINESS**

Gary Ward announced to the Commission that he would be retiring on May 30, 2008. Commission members thanked him for all his hard work and wished him well.

**NEXT MEETING**

The next meeting will be held on Tuesday, June 24, 2008 beginning at 7:00pm.

**ADJOURNMENT**

MOTION to adjourn was made by Ryan Tracy. SECOND by Nancy Davis. None opposed. MOTION carried UNANIMOUSLY.

BOARD APPROVED

JUN 03 2008

CITY OF CLINTON

# CITY OF CLINTON AGENDA ITEM FACT SHEET

BOARD MEETING DATE: June 3, 2008 AGENDA ITEM NO. 7C

CONSENT AGENDA:

TO:
FOR:
ACCT. NO :

minimum choices will be 16,000 sq ft and no modular units will be constructed.

DISCUSSION/ACTION: Preliminary Subdivision Plat
Choctaw Falls – Vernon Road
Platinum Development

Planning & Zoning approval

INTRODUCED BY: Gary Ward GW TELEPHONE: 924-2256

BOARD APPROVED
JUN 0 3 2008
CITY OF CLINTON

EXHIBITS FOR REVIEW:

| | | |
|---|---|---|
| Minutes | Invoice | Other: |
| Ordinance | Plans, Maps | |
| Resolution | Contract | |

RECOMMENDATION: Planning and Zoning recommends approval.

BOARD ACTION: MOTION MADE BY: Hisaw

SECONDED BY: Barnett

| VOTE CAST: | "AYE" | "NAY" | ACTION TAKEN: |
|---|---|---|---|
| Brabham | ✓ | | |
| Hisaw | ✓ | | |
| Greer | ✓ | | |
| Bishop | ✓ | | |
| Peace | ✓ | | |
| Morgan | ✓ | | |
| Barnett | ✓ | | |
| Mayor Aultman | | | |

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.

# CITY OF CLINTON AGENDA ITEM FACT SHEET

BOARD MEETING DATE: June 3, 2008 AGENDA ITEM NO. 8

CONSENT AGENDA:

Paul Cooper Cleaning for the owners

TO:
FOR:
ACCT. NO :

DISCUSSION/ACTION: Unkempt Property
Parcel 2861-238
Werner Property

allow a minimum of 4 week and review with possibility of an extension

INTRODUCED BY: Gary Ward GW TELEPHONE: 924-2256

BOARD APPROVED

JUN 03 2008

CITY OF CLINTON

EXHIBITS FOR REVIEW:

| | | |
|---|---|---|
| Minutes | Invoice | Other: ______ |
| Ordinance | Plans, Maps | |
| Resolution | Contract | |

RECOMMENDATION:

BOARD ACTION: MOTION MADE BY: Brabham

SECONDED BY: Greer

| VOTE CAST: | "AYE" | "NAY" | ACTION TAKEN: |
|---|---|---|---|
| Brabham | ✓ | | |
| Hisaw | ✓ | | |
| Greer | ✓ | | |
| Bishop | ✓ | | |
| Peace | ✓ | | |
| Morgan | ✓ | | |
| Barnett | ✓ | | |
| Mayor Aultman | | | |

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.

# RESOLUTION

There came on for public hearing before the Mayor and Board of Aldermen of the City of Clinton, Mississippi, the matter of unkempt property located at Parcel 2861-238, Clinton, Mississippi, and after full consideration of the matter, Alderman ____________ offered the following Resolution:

**RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CLINTON, MISSISSIPPI, DETERMINING THE NECESSITY FOR THE CLEANING OF PRIVATE PROPERTY LOCATED PARCEL 2861-238, CLINTON MISSISSIPPI, UNDER THE AUTHORITY GRANTED TO MUNICIPALITIES BY SECTION 21-19-11, MISSISSIPPI CODE OF 1972 AS AMENDED, AND OTHER APPLICABLE STATUTES AND ORDINANCES.**

**WHEREAS**, it has come to the attention of the Mayor and Board of Aldermen that the property located at Parcel 2861-238, Clinton, Mississippi, may constitute a menace to the public health and safety of the community because of its present condition and state of uncleanliness; and

**WHEREAS**, notice was given to the owner of said property as required Section 21-19-11 of the Miss. Code of 1972, as amended, of a public hearing on this matter; and

**WHEREAS**, a public hearing was held at 7:00 p.m., June 3, 2008, at the Municipal Room of the Public Safety Complex, 305 Monroe Street, Clinton, Mississippi; and

**WHEREAS**, based upon the information and evidence provided at said public hearing, the Mayor and Board of Aldermen of the City of Clinton, Mississippi, has determined that this property, in its present condition and state of uncleanliness, constitutes a menace to the public health and safety of the community and does adjudicate said property in its present condition to be a menace to the public health and safety of the community. The Director of Community Development Department is directed to take such action as appropriate under Section 21-19-11 of the Miss. Code of 1972, as amended, and other applicable statutes and ordinances, to use municipal employees or, by contract, clean the property by cutting weeds, removing rubbish and dilapidated buildings and other debris.

**NOW BE IT RESOLVED**, by the Mayor and Board of Aldermen of the City of Clinton, Mississippi, as follows:

1. It is hereby adjudicated that the property located at Parcel 2861-238, Clinton, Mississippi, in its present condition, constitutes a menace to the public health and safety of the community.

2. The Director of Community Development is hereby directed to take such action as appropriate under Section 21-19-11, Miss. Code of 1972, as amended, and other applicable statutes and ordinances, to clean the property by cutting weeds, removing rubbish and dilapidated buildings and debris.

3. The Director of Community Development is hereby directed that upon completion of this cleaning that he advise the Mayor and Board of Aldermen of the City of Clinton, Mississippi, of the actual costs incurred in cleaning the property so that the Mayor and Board of Aldermen for the city of Clinton, Mississippi may adjudicate the costs of such action and impose such penalty as it adjudicates, all as provided by under Section 21-19-11, Miss. Code of 1972, as amended, and other applicable statutes and ordinances.

A Motion for adoption was seconded by Alderman _______________ and the foregoing having been first reduced to writing, and no request by the Mayor or any member of the Board of Aldermen that it be read by the City Clerk, before the vote was taken, it was submitted to the Board of Alderman for the passage or rejection on roll call vote upon the vote being as follows, to-wit:

Alderman Brabham voted: _______

Alderman Hisaw voted: _______

Alderman Greer voted: _______

Alderman Bishop voted: _______

Alderwoman Peace voted: _______

Alderman Morgan voted: _______

Alderman Barnett voted: _______

Whereupon the Mayor declared the Motion carried and the Resolution approved and adopted.

The foregoing Resolution was approved this the ______ day of ____________

2008.

CITY OF CLINTON

BY:________________________
ROSEMARY AULTMAN, Mayor

ATTEST:

________________________________ (S E A L)
RUSSELL WALL, City Clerk

# CITY OF CLINTON AGENDA ITEM FACT SHEET

BOARD MEETING DATE: June 3, 2008 AGENDA ITEM NO. 9

CONSENT AGENDA: TO:

**BOARD APPROVED**

JUN 03 2008

**CITY OF CLINTON**

FOR:

ACCOUNT NO:

INTRODUCED BY:

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DISCUSSION/ACTION: Approval of a resolution of the Mayor and Aldermen of the City of Clinton, Mississippi, declaring the intention of the City to authorize the borrowing of an amount not to exceed eight million dollars ($8,000,000) pursuant to Sections 31-25-1 ET. SEQ. and/or Section 21-33-301 ET SEQ., Mississippi Code of 1972, as amended, by entering into a loan agreement with the Mississippi Development Bank and/or issuing General Obligation Bonds of the City for the purpose of providing funds necessary to design, erect, equip and furnish municipal buildings, to purchase land therefore, if any; to design and erect a public library and purchase land, if any, equipment and books therefore; and for related purposes.

INTRODUCED BY:

BOARD ACTION: MOTION MADE BY: Greer

SECONDED BY: Brabham

| VOTE CAST: TAKEN: | "AYE" | "NAY" | ACTION |
|---|---|---|---|
| Brabham | ✓ | | |
| Hisaw | ✓ | | |
| Greer | ✓ | | |
| Bishop | ✓ | | |
| Peace | ✓ | | |
| Morgan | ✓ | | |
| Barnett | ✓ | | |
| Mayor Aultman | | | |

**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.**

There came on for consideration before the Mayor and Aldermen of the City of Clinton, Mississippi, the following Resolution:

**A RESOLUTION OF THE MAYOR AND ALDERMEN OF THE CITY OF CLINTON, MISSISSIPPI, DECLARING THE INTENTION OF THE CITY TO AUTHORIZE THE BORROWING OF AN AMOUNT NOT TO EXCEED EIGHT MILLION DOLLARS ($8,000,000) PURSUANT TO SECTIONS 31-25-1 *ET. SEQ.* AND/OR SECTION 21-33-301 *ET SEQ.*, MISSISSIPPI CODE OF 1972, AS AMENDED, BY ENTERING INTO A LOAN AGREEMENT WITH THE MISSISSIPPI DEVELOPMENT BANK AND/OR ISSUING GENERAL OBLIGATION BONDS OF THE CITY FOR THE PURPOSE OF PROVIDING FUNDS NECESSARY TO DESIGN, ERECT, EQUIP AND FURNISH MUNICIPAL BUILDINGS, TO PURCHASE LAND THEREFOR, IF ANY; TO DESIGN AND ERECT A PUBLIC LIBRARY AND PURCHASE LAND, IF ANY, EQUIPMENT AND BOOKS THEREFOR; AND FOR RELATED PURPOSES.**

**WHEREAS,** the City of Clinton, Mississippi (the "City") is authorized under the provisions of Mississippi Code Annotated (the "Code"), Section 31-25-1 *et seq.*, as amended, and Section 21-33-301 *et seq.*, as amended (together, the "Act"), to borrow such amounts as it may find necessary and proper in order to provide funds necessary to design, erect, equip and furnish municipal buildings, to purchase land therefor, if any; to design and erect a public library and purchase land, if any, equipment and books therefor; and for related purposes (the "Project");

**WHEREAS,** the Mayor and Aldermen of the City of Clinton, Mississippi (the "Governing Body"), find and determine that it is necessary and proper to provide funds for the Project;

**WHEREAS,** the Governing Body has caused an estimate to be made of the cost of such Project and finds that the contemplated costs thereof will not exceed Eight Million Dollars ($8,000,000);

**WHEREAS,** it is necessary, proper and economically feasible that the City borrow money by entering into a loan agreement with the Mississippi Development Bank and/or issuing general obligation bonds of the City, all pursuant to the Act, for the purposes herein stated and under the procedures hereinafter set forth as provided by law.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND ALDERMEN OF THE CITY OF CLINTON, MISSISSIPPI:**

**Section 1.** That the Mayor and Aldermen of the City of Clinton, Mississippi, do hereby declare their intention to authorize one or more loans with the Mississippi Development Bank pursuant to the Act and borrow money in a total amount not to exceed Eight Million Dollars ($8,000,000) to provide the funds necessary to design, erect, equip and furnish municipal buildings, to purchase land therefor, if any; to design and erect a public library and purchase land, if any, equipment and books therefor; to provide for a debt service reserve fund, if necessary; and for related purposes; and to pay the costs of entering into the loan with the Mississippi Development Bank and/or issuing general obligation bonds of the City.

**Section 2.** The principal of and interest on said loans shall be payable over a period not to exceed twenty-five (25) years solely from legally available revenues of the City, including, but not limited to, the pledge of certain revenues authorized under the Act. Said loans shall not constitute an indebtedness of the City within the meaning of any statutory restriction or limitation but shall be secured as provided by the Act, except for Bonds issued and secured pursuant to Section 21-33-301, *et seq.*, as amended, of the Code. The taxing power of the City may be pledged to the payments of said loans, and the loans, together with the interest thereon, shall be limited general obligations of the City, and shall be payable solely from legally available revenues of the City as set forth and provided for in the Act, including levying ad valorem tax with respect to bonds issued and secured pursuant to Section 21-33-301, *et seq.*, as amended, of the Code.

**Section 3.** The Governing Body proposes to authorize the loan in the amount and for the aforesaid purposes at a meeting of the Governing Body to be held at its regular meeting place at the Municipal Court Room, 305 Monroe Street, Clinton, Mississippi 39056, at 7:00 o'clock p.m. on the 1st day of July, 2008, or at some meeting held subsequent thereto. If fifteen percent (15%) or fifteen hundred (1,500), whichever is less, of the qualified electors in the City shall file a written protest with the Clerk of the City against the authorization of the loans on or before the aforesaid date and hour, then the loan shall not be approved unless authorized at an election on the question of authorizing and approving the loans. Such election shall be called and held as provided by law. If no protest is filed, then the loans may be authorized, approved and entered into without an election on the question of the approval thereof at any time within a period of two (2) years after the date above specified.

**Section 4.** This resolution shall be published once a week for at least three (3) consecutive weeks in *The Clarion-Ledger*, a newspaper having general circulation in the City and qualified under the provisions of the laws of the State of Mississippi, and the first publication for such resolution shall be made not less than twenty-one (21) days before the date fixed in such resolution for the authorization of the loan and the last publication of this resolution shall be not more than seven (7) days prior to the date hereinabove set forth as the deadline for filing of any objection, said publication being made on or about June 11, 18, and 25, 2008.

**Section 5.** This resolution is being published to satisfy the publication and public notice requirements set forth in Section 31-25-28(6) and Section 21-33-307, Mississippi Code of 1972, as amended.

**Section 6.** The Clerk is hereby directed to procure from the publisher of the aforesaid newspaper the customary proof of publication of this resolution and have the same before the Governing Body on the day and hour hereinabove specified.

Alderman GREER made a motion to approve the foregoing Resolution, Alderman Brabham seconded the motion to adopt the foregoing Resolution, and the vote thereupon was as follows:

| | |
|---|---|
| Alderman Jehu W. Brabham | voted: AYE |
| Alderman Tony Hisaw | voted: AYE |
| Alderman Tony Greer | voted: AYE |
| Alderman Mike Bishop | voted: AYE |
| Alderman Kathy Peace | voted: AYE |
| Alderman Mike Morgan | voted: AYE |
| Alderman Bill Barnett | voted: AYE |

The motion having received the foregoing vote of the Governing Body, the Mayor declared the motion carried and the resolution adopted this the 3rd day of June, 2008.

**CITY OF CLINTON, MISSISSIPPI**

**By:** Rosemary G. Aultman

**Rosemary G Aultman, Mayor**

**ATTEST:**

Russell L Wall

**Russell L Wall, City Clerk**

Please publish in *The Clarion-Ledger* on or about June 11, 18, and 25, 2008.

CITY OF CLINTON OFFICIAL SEAL MISSISSIPPI

# CITY OF CLINTON AGENDA ITEM FACT SHEET

BOARD MEETING DATE: June 3, 2008 AGENDA ITEM NO. 13

CONSENT AGENDA: TO:

BOARD APPROVED
JUN 0 3 2008
CITY OF CLINTON

FOR:

ACCOUNT NO:

INTRODUCED BY:

---

DISCUSSION/ACTION: Resolution to approve one additional payment (13th check) to retirees of the City of Clinton Fire and Police Disability Relief Fund for 2008.

INTRODUCED BY: Russell Wall, City Clerk

BOARD ACTION:

MOTION MADE BY: Bishop

SECONDED BY: Peace

| VOTE CAST: TAKEN: | "AYE" | "NAY" | ACTION |
|---|---|---|---|
| Brabham | ✓ | | |
| Hisaw | ✓ | | |
| Greer | ✓ | | |
| Bishop | ✓ | | |
| Peace | ✓ | | |
| Morgan | ✓ | | |
| Barnett | ✓ | | |
| Mayor Aultman | | | |

**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.**

# City of Clinton
## Mississippi
**Rosemary Aultman, Mayor**



June 11, 2008

Ms Pat Robertson, Executive Director
Mississippi Public Employees' Retirement System
429 Mississippi Street
Jackson, MS 39201-1005

Dear Ms Robertson:

Enclosed is a certified resolution passed by the Mayor and Board of Aldermen of the City of Clinton, Mississippi in a regular meeting held on June 3, 2008 approving a cost of living adjustment (COLA) for the members of the Municipal Fire and Police Disability and Relief Fund. This resolution is being submitted to the PERS Board of Trustees for their approval.

If you need further information regarding this request, you may contact me by telephone at 601-924-5474 or by e-mail at rwall@clintonms.org.

Sincerely,

Russell L Wall

Russell L. Wall
City Clerk/CFO
City of Clinton, Mississippi

**RESOLUTION TO APPROVE ONE ADDITIONAL PAYMENT ($13^{TH}$ CHECK) TO RETIREES OF THE CITY OF CLINTON FIRE AND POLICE DISABILITY RELIEF FUND FOR 2008**

WHEREAS, on October 16, 1990, a Resolution was adopted by the City of Clinton requesting the Mississippi Legislature to enact legislation to authorize the City of Clinton to establish the payment of one (1) additional payment per year from the monies accumulated in the Clinton Fire and Police Disability and Relief Fund to be paid directly to retired members of said Fund, or the beneficiaries thereof, who on December 1 of each year are receiving retirement allowance under Section 21-29-39 of the Mississippi Code of 1972. The amount shall be equal to the annual percentage change in each fiscal year of the consumer price index set by the United States government, not to exceed two and one-half percent (2 ½) of the annual retirement allowance for each full fiscal year that the retired member or beneficiary has actually drawn retirement payments from the date of retirement or the passage of the Act, whichever is the later date: and

WHEREAS, the Mississippi Legislature approved such request in the form of House Bill 1542, approved by the Governor on April 9, 1991, authorizing the governing authorities of the City of Clinton to establish the payment of an additional payment each year to retired members of the Clinton Fire and Police Disability and Relief Fund based on the change in the consumer price index; to provide that payment of the additional payments shall not be established unless the disability and relief fund currently is actuarially sound and will remain actuarially sound if the additional payments are made; and for related purposes; and

WHEREAS, on March 4, 1997, a Resolution was adopted by the City of Clinton requesting the Mississippi Legislature to set the maximum amount of additional benefit payment (COLA) to retirees of the Clinton Fire and Police Disability and Relief Fund at a maximum of ten percent (10%) of the recipients' annual retirement allowance; and

WHEREAS, the Mississippi Legislature approved such request in the form of House Bill No. 1919, approved by the Governor on April 10, 1997, setting the maximum amount of additional benefit payment (COLA) to retirees of the Clinton Fire and Police Disability and Relief Fund at a maximum of ten percent (10%) of the recipient's annual retirement allowance to provide that payment of the additional payments shall not be established unless the disability and relief fund currently is actuarially sound and will remain actuarially sound if the additional payments are made; and for related purposes; and

WHEREAS, the governing authorities wish to establish the additional payments authorized in House Bill no. 1542, as limited by House Bill No. 1919 and request the Board of Trustees of the Public Employees' Retirement System to make payments directly to the person authorized and entitled to receive the payments.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Aldermen of the City of Clinton, Mississippi, that the City hereby authorize the payment of one (1) additional payment from the monies accumulated in the Clinton Fire and Police Disability and Relief Fund to retired members of such disability and relief fund or beneficiaries thereof who on December 1, 2008, are receiving a retirement allowance under section 21-29-139, Mississippi Code of 1972. The amount of such payment shall be equal to the annual percentage change in each fiscal year of the consumer price index set by the United States government, not to exceed two and one-half percent (2 ½) of the annual retirement allowance for each full fiscal year after June 30, 1990, that the retired member or beneficiary has actually drawn retirement payments from the date of retirement and further limited to a maximum of ten percent (10%) of the annual retirement allowance for any year.

BE IT FURTHER RESOLVED that the governing authorities of the City of Clinton hereby request the Board of Trustees of the Public Employees' Retirement System to make payments directly to the person authorized and entitled to receive the payment in accordance with House Bill No. 1542 and House Bill No. 1919 for the calendar year 2008.

Alderman Bishop moved that the foregoing Resolution be adopted. Alderwoman Peace seconded the motion. The vote was as follows:

| | | | |
|---|---|---|---|
| Alderman Brabham | AYE | Alderman Hisaw | AYE |
| Alderman Greer | AYE | Alderman Bishop | AYE |
| Alderwoman Peace | AYE | Alderman Morgan | AYE |
| Alderman Barnett | AYE | | |

Approved on the 3rd day of June, 2008.

Rosemary G. Aultman

Rosemary G. Aultman, Mayor

ATTEST:

Russell L. Wall

Russell L. Wall, City Clerk

SEAL

CITY OF CLINTON OFFICIAL SEAL MISSISSIPPI

I, RUSSELL L. WALL, City Clerk in and for the City of Clinton, Mississippi, do hereby certify that the attached resolution is a true and correct copy of a resolution passed at the regular meeting of the Mayor and Board of Aldermen held on Tuesday June 3, 2008 in the City of Clinton, Mississippi.

Witness my hand and Official Seal of the City of Clinton, Mississippi,
This the 11th day of June, 2007.

Signed: ______________________
Russell L. Wall, City Clerk

(SEAL)

CITY OF CLINTON
OFFICIAL
SEAL
MISSISSIPPI

14

# CITY OF CLINTON AGENDA ITEM FACT SHEET

BOARD MEETING DATE: 6-03-2008 AGENDA ITEM NO. ________

BOARD APPROVED

JUN 0 3 2008

CITY OF CLINTON

CONSENT AGENDA: TO:

FOR:

ACCT. NO. Case backhoe 5 year lury

DISCUSSION/ACTION: Rubber Tire Backhoe Bid 2 backhoe's

INTRODUCED BY: Mike Parker, Public Works Director TELEPHONE: 924-2239

EXHIBITS FOR REVIEW:

| | | |
|---|---|---|
| Minutes | Invoice | Other: |
| Ordinance | Plans, Maps | ________ |
| Resolution | Contract | ________ |

RECOMMENDATION:

BOARD ACTION: MOTION MADE BY: Brabham

SECONDED BY: Peace

| VOTE CAST: | "AYE" | "NAY" | ACTION TAKEN: |
|---|---|---|---|
| Brabham | ✓ | | |
| Hisaw | ✓ | | |
| Greer | ✓ | | |
| Bishop | ✓ | | |
| Peace | ✓ | | |
| Morgan | ✓ | | |
| Barnett | ✓ | | |
| Mayor Aultman | | | |

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.

# BID TAB TION FORM

**City Personnel Present:**

Mike Parker
Linda White
Rob Ritchey

**Bid Date:** Thursday, May 29, 2008

10:00 am

**Location:** City Hall, Clinton, MS

**PROJECT:** Rubber Tire Backhoe

| BIDDER | Cash Price | 3 year by back | 4 year by back | 5 year by back |
|---|---|---|---|---|
| Puckett Machinery Company | 79,294.00 | 40,000.00 | 36,000.00 | 28,000.00 |
| ~~Scott Equipment~~ | | | | |
| Tubb Equipment (x) | 69,160.00 | 40,100.00 | 35,500.00 | 30,900.00 |
| ~~O & M of Mississippi~~ | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

BOARD APPROVED
JUN 03 2008
CITY OF CLINTON

The above bid amounts have been checked. The bid totals are subject to correction after the bids have been completely reviewed.

Signed: Linda White

Date: 5/29/08

# CITY OF CLINTON AGENDA ITEM FACT SHEET

BOARD MEETING DATE: 6-03-2008 AGENDA ITEM NO. 15

CONSENT AGENDA: TO: BOARD APPROVED

JUN 03 2008

FOR:

CITY OF CLINTON

ACCT. NO.

DISCUSSION/ACTION: MOU/MDOT Litter Control Grant

INTRODUCED BY: Mike Parker, Director of Public Works TELEPHONE: 924-2239

EXHIBITS FOR REVIEW:

| | | |
|---|---|---|
| Minutes | Invoice | Other: |
| Ordinance | Plans, Maps | |
| Resolution | Contract | |

RECOMMENDATION:

BOARD ACTION: MOTION MADE BY: Peace

SECONDED BY: Brabham

| VOTE CAST: | "AYE" | "NAY" | ACTION TAKEN: |
|---|---|---|---|
| Brabham | ✓ | | |
| Hisaw | ✓ | | |
| Greer | ✓ | | |
| Bishop | ✓ | | |
| Peace | ✓ | | |
| Morgan | ✓ | | |
| Barnett | ✓ | | |
| Mayor Aultman | | | |

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.

**MEMORANDUM OF UNDERSTANDING BETWEEN THE MISSISSIPPI TRANSPORTATION COMMISSION AND THE CITY OF CLINTON, MISSISSIPPI**

**This Memorandum of Understanding is made and entered into by and between the Mississippi Transportation Commission, a body corporate of the State of Mississippi ("MTC"), acting by and through the duly-authorized Executive Director of the Mississippi Department of Transportation ("MDOT"), and the City of Clinton, Mississippi ("City"), effective as of the date of latest execution below.**

**WITNESSTH:**

**WHEREAS**, The Mississippi Transportation Commission, through the Mississippi Department of Transportation, is charged with the construction and maintenance of the State Highway System; and

**WHEREAS**, The Chief of Police is a duly-appointed, chief peace officer for the above-named City and consequently is charged with the custody and attendant care of those persons incarcerated in the city jail; and

**WHEREAS**, The Chief of Police is authorized by the City to provide and the MTC may accept inmate laborers for work on the State Highway System; and

**WHEREAS**, The City and MTC desire to adopt guidelines under which the Chief of Police for the above-named City can provide guarded inmates to the MTC.

**NOW, THEREFORE,** for and in consideration of the mutual promises contained herein, the City and MTC do agree as follows:

**I. DEFINITIONS**:

**Chief of Police** - the individual occupying the office of Chief of Police in the above-named city.

**Inmates** - persons: a) who are incarcerated in a facility operated by the Chief of Police, b) who are on probation or some form of restricted movement monitored by the Chief of Police, or c) who have been ordered to provide community service under the Chief of Police's supervision.

**Communication Between the Chief of Police and MTC** – The Chief of Police personnel and MTC shall communicate directly with each other and not through inmates.

**THE MTC WILL:**

1. furnish the highway routes and instructions on where inmates will pick up litter;

2. furnish trash bags, safety vests, gloves, and advisory signs; and

3. reimburse the City for costs associated with the execution of this agreement, including reimbursement to the City for the Chief of Police personnel's salary assigned to this duty, not to exceed $10.00 per hour, and reimbursement to the City for travel expenses calculated at the State of Mississippi current mileage rate for transporting inmates to and from the work site.

**THE CITY WILL:**

1. furnish a minimum of five (5) inmates to pick up litter on MTC's maintained highway systems;

2. furnish supervision of all inmates;

3. furnish transportation for transporting inmates to and from the work site;

4. furnish lunch for the supervisor and all inmates;

5. furnish inmate work crews for a minimum of four (4) days per week;

6. furnish inmate work crews for a minimum of a seven (7) hour work day which includes all breaks and lunch;

7. place MTC-furnished advisory traffic signs in advance of the work sites pursuant to the MUTCD;

8. be responsible for all MTC-furnished equipment, signs, etc.;

9. place filled litter bags along the shoulder of the highway to be picked up by the MTC; and

10. provide invoices to the District Engineer covering the services outlined in this MOU for review.

The undersigned hereby execute this MOU and assure that the authority to execute this agreement has been granted by the appropriate governing bodies.

**II. TERMINATION OF AGREEMENT:**

This agreement may be immediately terminated upon the written notification by the Executive Director of the MDOT to the individual serving as mayor of the above-named City, or vice-versa.

**III. LIABILITY:**

It is further understood and agreed by both parties that the City shall maintain full custody and control of all inmates involved in the above-mentioned maintenance and shall be responsible for all inmate conduct and/or actions. The MTC shall in no way whatsoever be responsible for any such inmate conduct and/or actions.

**MISSISSIPPI TRANSPORTATION COMMISSION**
**BY AND THROUGH THE EXECUTIVE DIRECTOR**
**OF THE MISSISSIPPI DEPARTMENT OF TRANSPORTATION**

______________________________
LARRY L. "BUTCH" BROWN , EXECUTIVE DIRECTOR

______________
DATE

MAYOR, CITY OF CLINTON, MISSISSIPPI

Rosemary G. Aultman
Mayor Rosemary Aultman

6-9-04
DATE

**AGREEMENT FOR USE OF LITTER TRAILER**

**This Agreement is made and entered into by and between the Mississippi Transportation Commission, a body corporate of the State of Mississippi ("MTC") acting by and through the duly-authorized Executive Director of the Mississippi Department of Transportation ("MDOT"), and the City of Clinton, Mississippi ("City"), effective as of the date of latest execution below.**

**WITNESSTH:**

**WHEREAS**, The City ("participating party") has previously entered into a Memorandum of Understanding ("MOU") with the Mississippi Transportation Commission, through the Mississippi Department of Transportation, to furnish, transport, and fully supervise inmates to pick up litter on MTC's maintained highway system; and

**WHEREAS**, The City has fully demonstrated the willingness and ability to perform work required under the MOU; and

**WHEREAS**, The MTC would benefit from the participating party collecting, removing, and disposing of bagged litter from the state maintained highway system; and

**WHEREAS**, The participating party does not have the equipment necessary to collect, remove, or dispose of the bagged litter; and

**NOW, THEREFORE,** for and in consideration of the mutual promises contained herein, the City and the MTC do agree as follows:

**THE MTC WILL:**

1. loan to the participating party a trailer to be towed by the participating party's vehicle for the sole purpose of collecting, removing, and disposing of bagged litter from the right of way.

**THE CITY WILL:**

1. collect, remove, and dispose of filled litter bags placed along the shoulder of the highway pursuant to the MOU;

2. report the number of bags of litter collected and removed from the right of way weekly to the MTC's Area Maintenance Superintendent for MTC's records; and

3. be responsible for all routine care, maintenance, and preventative care of the trailer;

4. be responsible for any damages to the trailer; and

5. use the trailer for the sole purpose of collecting, removing, and disposing of bagged litter pursuant to the MOU and this Agreement;

It is further agreed that, if the MOU for litter pickup for the state maintained highway system or this Agreement is terminated, said trailer will be returned to the MTC in at least the same condition as initially loaned, reasonable wear and tear accepted.

The undersigned hereby execute this Agreement and assure that the authority to execute it has been granted by the appropriate governing bodies.

**TERMINATION OF AGREEMENT:**

This agreement may be immediately terminated upon the written notification by the Executive Director of the MDOT to the individual serving as Mayor, or vice-versa, of the participating city.

**LIABILITY:**

It is understood and agreed by both parties to this Agreement that the City shall maintain full custody and control of all employees and inmates involved in litter collection, removal, and disposal pursuant to this Agreement and shall be responsible at all times for all employee and inmate conduct or actions. It is understood and agreed by both parties that the City has total and sole liability for the support, maintenance, and security of any workers assigned to this project. Liability includes, but is not limited to, any claims for damages by third parties alleged to have resulted from employee or inmate actions. It is understood and agreed by both parties that the City shall assume all liability for their respective department personnel and inmates and for any accidents, damages, or injuries resulting from or relating to performance of work using said trailer.

It is understood and agreed by both parties that the City shall indemnify, defend, and hold the MTC and MDOT harmless as to any and all claims, damages, losses, costs and expenses resulting from or arising out of any claim of bodily injury or death to persons or damages of any kind to real or tangible personal property caused by the City and/or by either the City's agents, employees, or inmates in the performance of work and the use of said trailer under this Agreement.

**MISSISSIPPI TRANSPORTATION COMMISSION**
**BY AND THROUGH THE EXECUTIVE DIRECTOR**
**OF THE MISSISSIPPI DEPARTMENT OF TRANSPORTATION**

______________________________ ______________
**LARRY L. "BUTCH" BROWN** **DATE**
**EXECUTIVE DIRECTOR**

**MAYOR OF CLINTON, MISSISSIPPI**

Rosemary G. Aultman June 9, 2008
Mayor Rosemary Aultman DATE

# CITY OF CLINTON AGENDA ITEM FACT SHEET

BOARD MEETING DATE: June 3, 2008 AGENDA ITEM NO. 16

CONSENT AGENDA: TO:

BOARD APPROVED
JUN 03 2008
CITY OF CLINTON

FOR:

ACCT. NO.

DISCUSSION/ACTION: Local Governmental Resolution/Engineering Assistance Program
Street Sign Compliance Upgrade

INTRODUCED BY: Richard L. Broome, City Engineer TELEPHONE: 601-925-6102

EXHIBITS FOR REVIEW:

| | | |
|---|---|---|
| Minutes | Invoice | Other: |
| Ordinance | Plans, Maps | |
| Resolution | Contract | |

RECOMMENDATION:

BOARD ACTION: MOTION MADE BY: Brabham

SECONDED BY: Peace

| VOTE CAST: | "AYE" | "NAY" | ACTION TAKEN: |
|---|---|---|---|
| Brabham | ✓ | | |
| Hisaw | ✓ | | |
| Greer | ✓ | | |
| Bishop | ✓ | | |
| Peace | ✓ | | |
| Morgan | ✓ | | |
| Barnett | ✓ | | |
| Mayor Aultman | | | |

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.

ATTACHMENT 1

## LOCAL GOVERNMENTAL RESOLUTION

(To be completed and attached
to SCHEDULE D, "Agreement of
Understanding and Compliance.")

WHEREAS, the City of Clinton, herein called the "Applicant" has thoroughly considered the problem addressed in the application entitled Engineering Assistance Program Street Sign Compliance Upgrade and has reviewed the project described in the application; and

WHEREAS, under the terms of Public Law 89-564 as amended, the United States of America has authorized the Department of Transportation, through the Mississippi Office of Highway Safety to make federal contracts to assist local governments in the improvement of highway safety,

NOW THEREFORE BE IT RESOLVED BY THE Board of Alderman IN OPEN MEETING ASSEMBLED IN THE City of Clinton, MISSISSIPPI, THIS 3rd DAY OF JUNE, 2008, AS FOLLOWS:

1. That the project referenced above is in the best interest of the Applicant and the general public.
2. That Richard Broome, City Engineer, be authorized to file, in behalf of the Applicant an application in the form prescribed by the Office of Highway Safety for federal funding in the amount of $49,500 to be made to the Applicant to assist in defraying the cost of the project described in the application.
3. That the Applicant has formally agreed to provide a cash and/or in-kind contribution of $5,500 as required by the project.
4. That the Project Director designated in the application form shall furnish or make arrangements for other appropriate persons to furnish such information data, documents and reports pertaining to the project, if approved, as may be required by the Office of Highway Safety.
5. That certified copies of this resolution be included as part of the application referenced above.
6. That this resolution shall take effect immediately upon its adoption.

DONE AND ORDERED in open meeting. By: Rosemary G. Aultman, Mayor

Alderman BRABHAM offered the foregoing resolution and moved its adoption, which was seconded by ~~Alderman~~ PEALE and was duly adopted.
ALDERWOMAN

Date: JUNE 3, 2008

ATTEST: Russell L Wall

BY: RUSSELL L. WALL
City Clerk

SEAL

# CITY OF CLINTON AGENDA ITEM FACT SHEET

BOARD MEETING DATE: June 3, 2008 AGENDA ITEM NO. 17

CONSENT AGENDA: TO:

BOARD APPROVED

JUN 0 3 2008

CITY OF CLINTON

FOR:

ACCOUNT NO:

INTRODUCED BY:

---

DISCUSSION/ACTION: Set July 1, 2008 for Public Hearing on Smoking Ban Ordinance

INTRODUCED BY: Rosemary Aultman, Mayor

BOARD ACTION: MOTION MADE BY: Greer

SECONDED BY: Bishop

| VOTE CAST: TAKEN: | "AYE" | "NAY" | ACTION |
|---|---|---|---|
| Brabham | ✓ | | |
| Hisaw | ✓ | | |
| Greer | ✓ | | |
| Bishop | ✓ | | |
| Peace | ✓ | | |
| Morgan | ✓ | | |
| Barnett | ✓ | | |
| Mayor Aultman | | | |

**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.**

# CITY OF CLINTON AGENDA ITEM FACT SHEET

BOARD MEETING DATE: June 3, 2008 AGENDA ITEM NO. 18

CONSENT AGENDA: TO:

BOARD APPROVED

JUN 0 3 2008

CITY OF CLINTON

FOR:

ACCOUNT NO:

INTRODUCED BY:

---

DISCUSSION/ACTION: Approval of a lease between the City of Clinton and Tower Venture V for cell tower at Cherry Park

INTRODUCED BY: Ken Dreher, City Attorney

BOARD ACTION: MOTION MADE BY: Greer

SECONDED BY: Peace

| VOTE CAST: TAKEN: | "AYE" | "NAY" | ACTION |
|---|---|---|---|
| Brabham | ✓ | | |
| Hisaw | ✓ | | |
| Greer | ✓ | | |
| Bishop | ✓ | | |
| Peace | ✓ | | |
| Morgan | ✓ | | |
| Barnett | ✓ | | |
| Mayor Aultman | | | |

**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.**

Cherry Park Cell Tower

Motion by Alderman GREER, seconded by Alder~~man~~ WOMAN PERLE to authorize a ground lease on city property located near Cherry Park Subdivision with Tower Venture V for the construction and use of a telecommunications tower. Construction of the project shall begin by 8-1-09 and payment of the first year's rent shall be made by 8-1-09 or the lease shall be void.

The first 10 years rental shall be as follow:

| | |
|---|---|
| Primary (5 yrs.) | $12,000 for year 1 plus a 3% increase each year |
| 1st Option 5 yrs. | $13,911 for year 1 plus a 3% increase each year |

Options to renew or cancel shall be on the same terms as the ground lease for the Springridge Road Lagoon cell tower. All construction drawings and exhibits will be approved by the City Engineer and the Public Works Director prior to execution by the Mayor.

BOARD APPROVED

JUN 03 2008

CITY OF CLINTON