

**CITY OF CLINTON
REGULAR MEETING OF THE MAYOR AND BOARD OF ALDERMEN
TUESDAY, OCTOBER 3, 2006 7:00 P.M.
MUNICIPAL COURTROOM 305 MONROE STREET**

WELCOME AND CALL TO ORDER Mayor Rosemary 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
Mike Morgan -Alderman Ward 5

Absent: Phil Fisher -Alderman Ward 4
William Barnett - Alderman Ward 6

APPROVAL OF AGENDA ITEMS A-BB

MOTION made by Alderman Greer and **SECONDED** by Alderman Bishop to approve Consent Agenda Items A-BB. Item C will serve to advertise favorably the opportunities, possibilities and resources of the City of Clinton. **MOTION CARRIED UNANIMOUSLY**

PRELIMINARY SITE PLAN FOR BIEDENHARN COVE IN INDUSTRIAL COVE

Upon presentation by Gary Ward, Community Development Director, **MOTION** made by Alderman Hisaw and **SECONDED** by Alderman Greer to approve a preliminary site plan for Biedenharn Cove in Industrial Park for Bobby Waterbury. The Planning and Zoning Commission recommended approval. A copy of the site plan is on file with the Community Development Director. **MOTION CARRIED UNANIMOUSLY**

NEW RESIDENTIAL CONSTRUCTION AT 505 CAPITOL STREET IN OLDE TOWN CLINTON BY TREY BAXTER WITH THE HERRON COMPANY

Upon presentation by Gary Ward, Community Development Director, **MOTION** made by Alderman Brabham and **SECONDED** by Alderman Morgan to approve a new residential construction at 505 Capitol Street in Olde Towne Clinton by Trey Baxter with the Herron Company. The Planning and Zoning Commission recommended approval. **MOTION CARRIED UNANIMOUSLY**

RESOLUTION TO DENY CONDITIONAL USE TO OPERATE A BED AND BREAKFAST INN AT 715 OAKWOOD DRIVE

Upon presentation by Gary Ward, Community Development Director, **MOTION** made by Alderman Brabham and **SECONDED** by Alderman Morgan to approve a resolution denying a conditional use for Terri Cole to operate a bed and breakfast inn at 715 Oakwood Drive. The Planning and Zoning Commission recommended to deny. A copy of the resolution is attached. **MOTION CARRIED UNANIMOUSLY**

AMENDMENT TO ZONING ORDINANCE SECTION 2321-SIGN REGULATIONS FOR THE CLINTON PARKWAY CORRIDOR TO INCLUDE HAMPSTEAD BOULEVARD

Upon presentation by Gary Ward, Community Development Director, **MOTION** made by Alderman Brabham and **SECONDED** by Alderman Greer to approve the amendment to the Zoning Ordinance Section 2321-Sign Regulations for the Clinton Parkway Corridor to include Hampstead Boulevard. The Planning and Zoning Commission recommended approval. A copy of the amendment is attached. **MOTION CARRIED UNANIMOUSLY**

PROPERTY AND LIABILITY INSURANCE

Upon presentation by Sam Bryson of Bryson & Company of proposals from Travelers and Zurich insurance companies for fire, auto liability and worker's compensation insurance coverages for fiscal year 2006-2007, **MOTION** made by Alderman Greer and **SECONDED** by Alderman Bishop to accept the proposal of Travelers as the lowest and best, and furthermore to pay the additional premium of \$4,250.00 for terrorism coverage. **MOTION CARRIED UNANIMOUSLY**

MUNICIPAL COMPLIANCE QUESTIONNAIRE FOR YEAR ENDING 2005-2006

Upon presentation by Russell Wall, City Clerk, **MOTION** made by Alderman Brabham and **SECONDED** by Alderman Greer to accept the municipal compliance questionnaire for year ending 2005-2006. A copy of the questionnaire is attached. **MOTION CARRIED UNANIMOUSLY**

CHANGE ORDER #1 FOR TRACEWAY PARK

Upon presentation by Jerry Tullos from Alford Engineering, **MOTION** made by Alderman Brabham and **SECONDED** by Alderman Morgan to approve a change order #1 for Traceway Park for an increase of \$30,557.15, which increases the contract from \$986,700.00 to \$1,017,257.15. **MOTION CARRIED UNANIMOUSLY**

ADJOURN 7:33 P.M.

MOTION made by Alderman Brabham and **SECONDED** by Alderman Greer to adjourn.
MOTION CARRIED UNANIMOUSLY

APPROVED: Rosemary G. Aultman
Rosemary Aultman, Mayor

Oct. 13, 2006
Date

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

Oct. 13, 2006
Date



BOARD APPROVED

OCT 03 2006

CITY OF CLINTON

CITY OF CLINTON AGENDA ITEM FACT SHEET

BOARD MEETING DATE:

October 3, 2006

AGENDA ITEM NO.

7.a

CONSENT AGENDA:

TO:

FOR:

ACCT. NO.:

DISCUSSION/ACTION: Preliminary Site Plan – Biedenhorn Cove in Industrial Park
Bobby Waterbury

INTRODUCED BY: Gary Ward

TELEPHONE: 924-2256

EXHIBITS FOR REVIEW:

Minutes
Ordinance
Resolution

Invoice
Plans, Maps
Contract

Other: _____

RECOMMENDATION: Planning and Zoning Commission recommends to approve.

BOARD ACTION:

MOTION MADE BY: Hisaw

SECONDED BY: Greer

VOTE CAST:

"AYE"

"NAY"

ACTION TAKEN:

Brabham
Hisaw
Greer
Bishop
Fisher
Morgan
Barnett

✓
✓
✓
✓
A
✓
A

Mayor Aultman

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.

OCT 03 2006

CITY OF CLINTON AGENDA ITEM FACT SHEET

CITY OF CLINTON

BOARD MEETING DATE: October 3, 2006

AGENDA ITEM NO. 7.6

CONSENT AGENDA:

TO:

FOR:

ACCT. NO.:

DISCUSSION/ACTION: New residential construction at 505 Capitol Street in Olde Towne Clinton
Herron Company (Trey Baxter)

INTRODUCED BY: Gary Ward

TELEPHONE: 924-2256

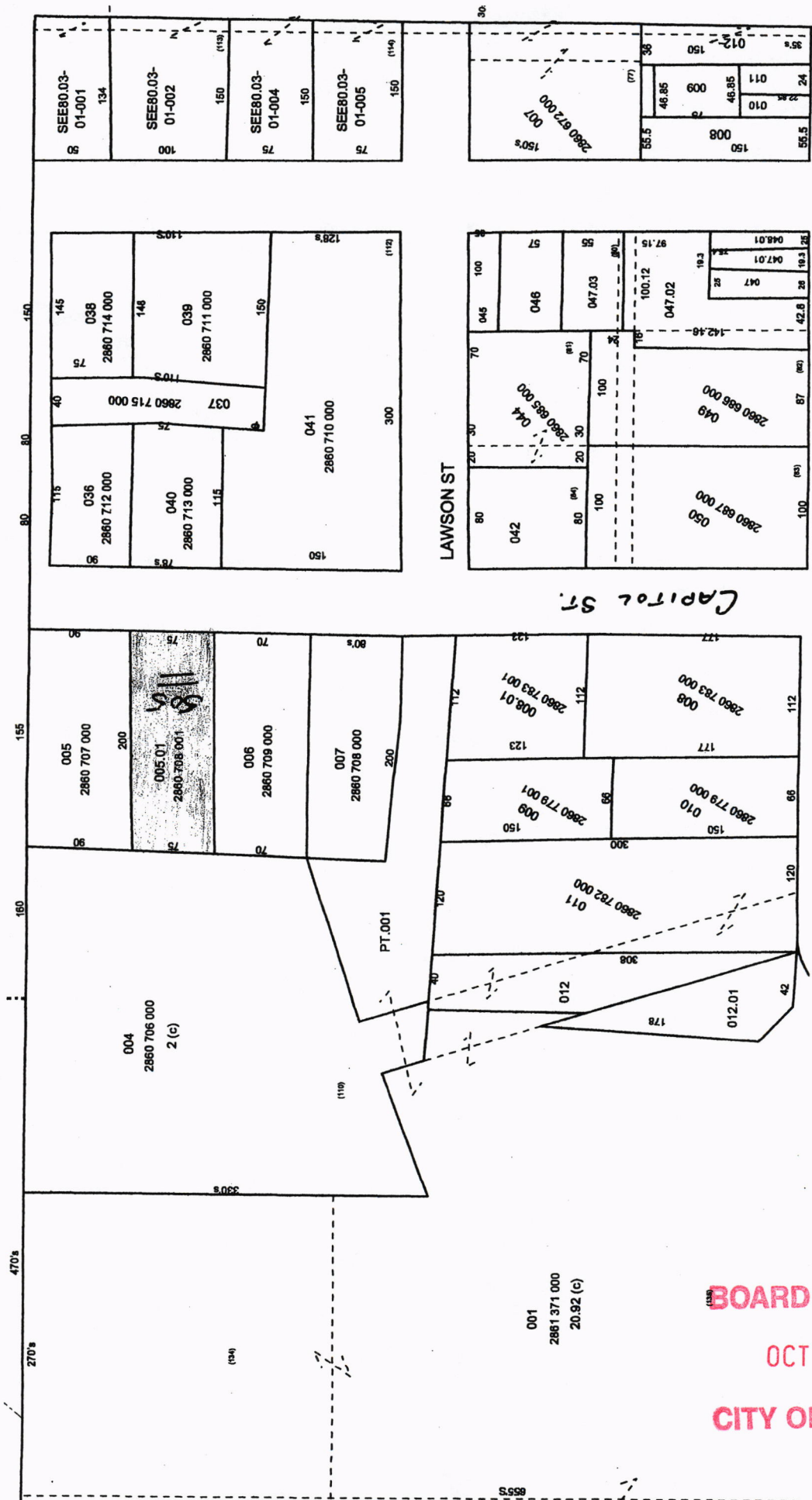
EXHIBITS FOR REVIEW:Minutes
Ordinance
ResolutionInvoice
Plans, Maps
ContractOther: _____

RECOMMENDATION: Planning and Zoning Commission recommends to approve.

BOARD ACTION:MOTION MADE BY: BrabhamSECONDED BY: MorganVOTE CAST:"AYE""NAY"ACTION TAKEN:Brabham
Hisaw
Greer
Bishop
Fisher
Morgan
Barnett✓
✓
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✓
A_____

Mayor Aultman

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BOARD APPROVED

OCT 03 2006

CITY OF CLINTON

BOARD APPROVED

OCT 03 2006

CITY OF CLINTON



CITY OF CLINTON AGENDA ITEM FACT SHEET

BOARD MEETING DATE:

October 3, 2006

AGENDA ITEM NO.

7.C

CONSENT AGENDA:

TO:

FOR:

ACCT. NO.:

Denied

DISCUSSION/ACTION: Conditional Use to operate a bed and breakfast inn at 715 Oakwood Drive
Terri Cole

INTRODUCED BY: Gary Ward

TELEPHONE: 924-2256

EXHIBITS FOR REVIEW:

Minutes
Ordinance
Resolution

Invoice
Plans, Maps
Contract

Other: _____

RECOMMENDATION: Planning and Zoning Commission recommends to deny.

BOARD ACTION:

MOTION MADE BY: Brabham

SECONDED BY: Morgan

VOTE CAST:

"AYE"

"NAY"

ACTION TAKEN:

Brabham
Hisaw
Greer
Bishop
Fisher
Morgan
Barnett

✓
✓
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A

Mayor Aultman

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REQUEST FOR CONDITIONAL USE
APPLICATION

Subject Property Address 715 OAKWOOD DR (See Attached
Owner TERRI F. COLE Property Descript.)
Address 715 OAKWOOD DR.
CLINTON, MS 39056
Phone # 601-925-9265 / CELL: 942-0803
Current Zoning District R-1

Requirements of Applicant:

1. Letter stating reason for requested conditional use.
2. Copy of the written legal description.
3. Site plan of property.
4. \$250.00 fee required for processing.

Requirements for Granting Conditional Uses: (Section 2405.01 – Zoning Ordinance)

A conditional use shall not be granted unless satisfactory provisions and arrangements have been met concerning all the following:

- (a). Ingress and egress to property and proposed structures.
- (b). Off-street parking and loading areas.
8. (c). Refuse and service areas.
- (d). Utilities, with reference locations, availability and compatibility.
- (e). Screening and buffering with reference to type, dimensions and character.
- (f). Required yards and other open space.
- (g). General compatibility with adjacent properties and other property in the district.
- (h). Any other provisions deemed applicable by the Mayor/Board of Aldermen.

Applicant shall be present at the Planning and Zoning Commission meeting and Mayor/Board of Aldermen meeting. Documents shall be submitted thirty (30) days prior to the Planning and Zoning Commission meeting.

Applicant is responsible for complying with all applicable requirements of the Zoning Ordinance.

By signing this application, it is understood and agreed that permission is given to the Zoning Administrator to have a sign erected on subject property, giving notice to the public that said property is being considered for a conditional use.

Terri F. Cole
Signature

August 14, 2006
Date



isha

Creative Consulting, Inc.

Cosmetics & Tools of the Trade • Talent/Artist Mgmt.
First Take Productions • Interiors & Exteriors • Themed Events

Mr. Gary Ward
P.O. Box 156
City of Clinton
Clinton, MS 39060

August 14, 2006

Re: Request for Conditional Use of Property at 715 Oakwood for Bed & Breakfast

Dear Gary,

Thanks so much for your help! Enclosed please find all the necessary paperwork and my check in the amount of \$250.00 to cover the expenses required—including advertising—to convert my home located on the corner of Wood and Oakwood Drive (715 Oakwood) into a B&B.

Also, I have noticed a lot of sewer lines being replaced in our area. Could you also please give me an update with any *good news* about replacing the sewer lines on my side of the street? I have been asking for over ten years. Now more than ever, I *really* need those old lines fixed.

I spoke with Theron, my new neighbor in Charlie Williams' old house, and, he *would* be willing to cooperate with any survey of the property by the sewer line people. He simply did *not* understand the problem before, nor the severity/import of its condition and need for repair.

Again, I appreciate your help so much. Like many of my other "hopes and dreams," *this* one has been a long time coming... hope *now* will be the beginning of its venture into reality. Please call me (601-925-9265 or 942-0803) if we need to discuss anything. I welcome any and all input that will help make my business successful.

Sincerely,


Terri Forbes Cole

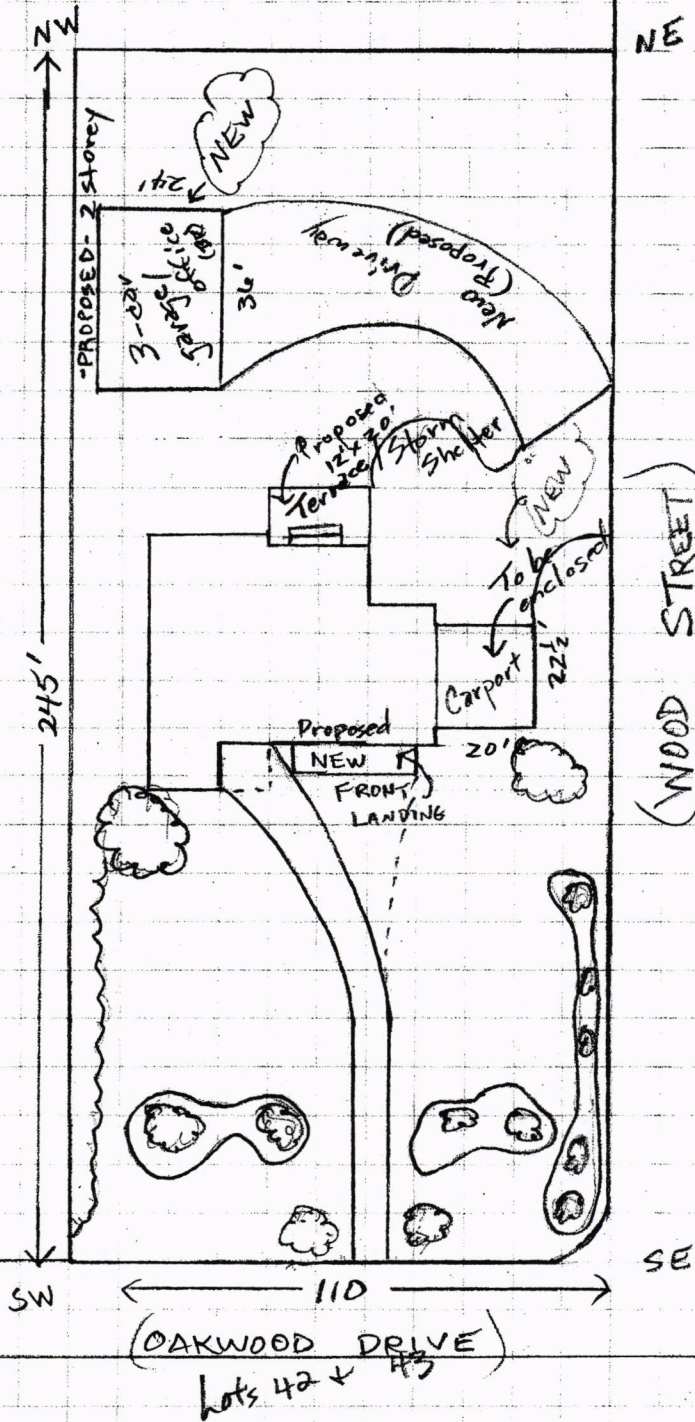
cc: Mayor; Aldermen
Enclos.

715 Oakwood Dr. • Clinton, MS 39056 • 601-925-9265 • Cell: 601-400-9619

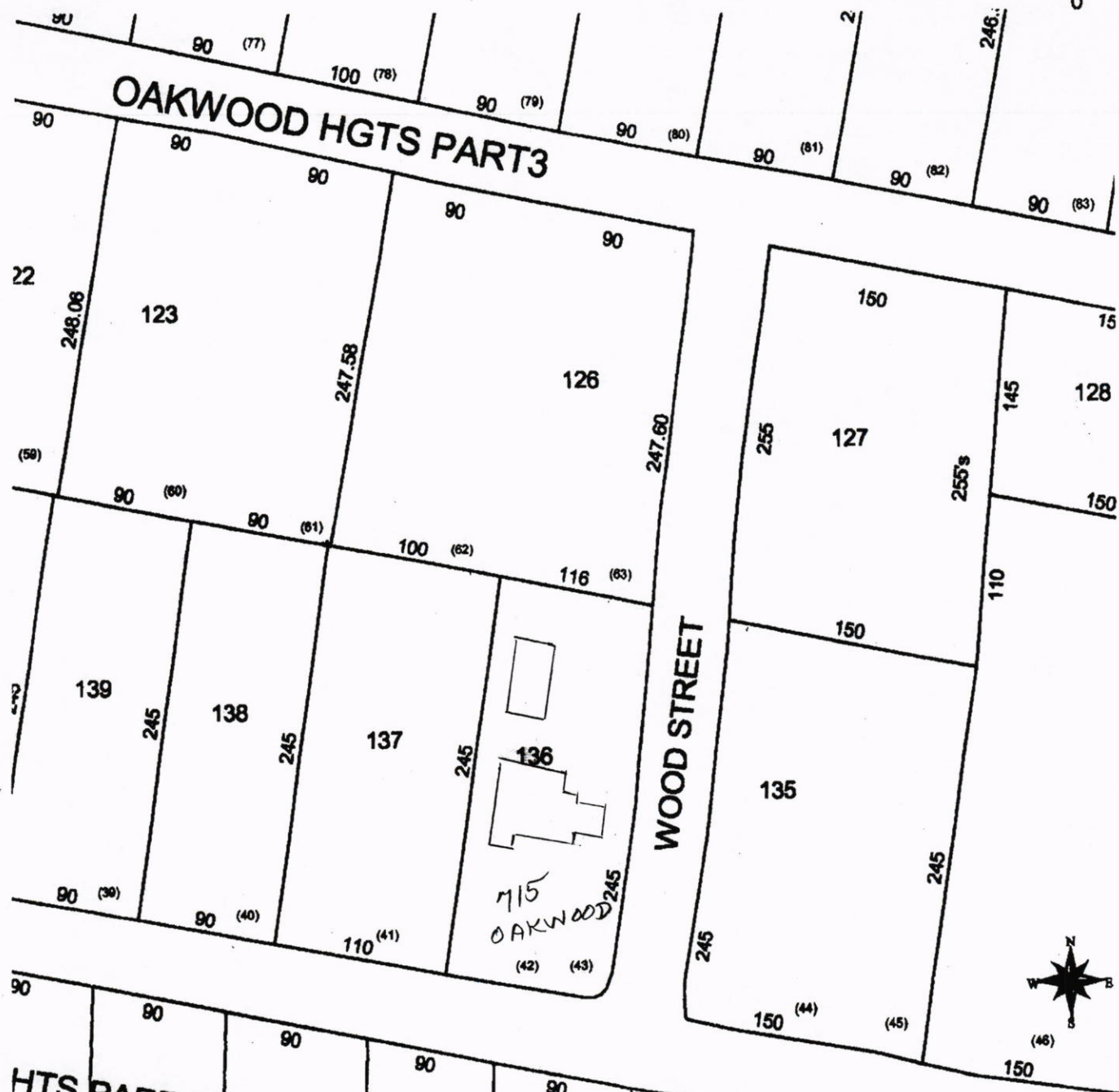
www.ishaCreative.com

(TOP)

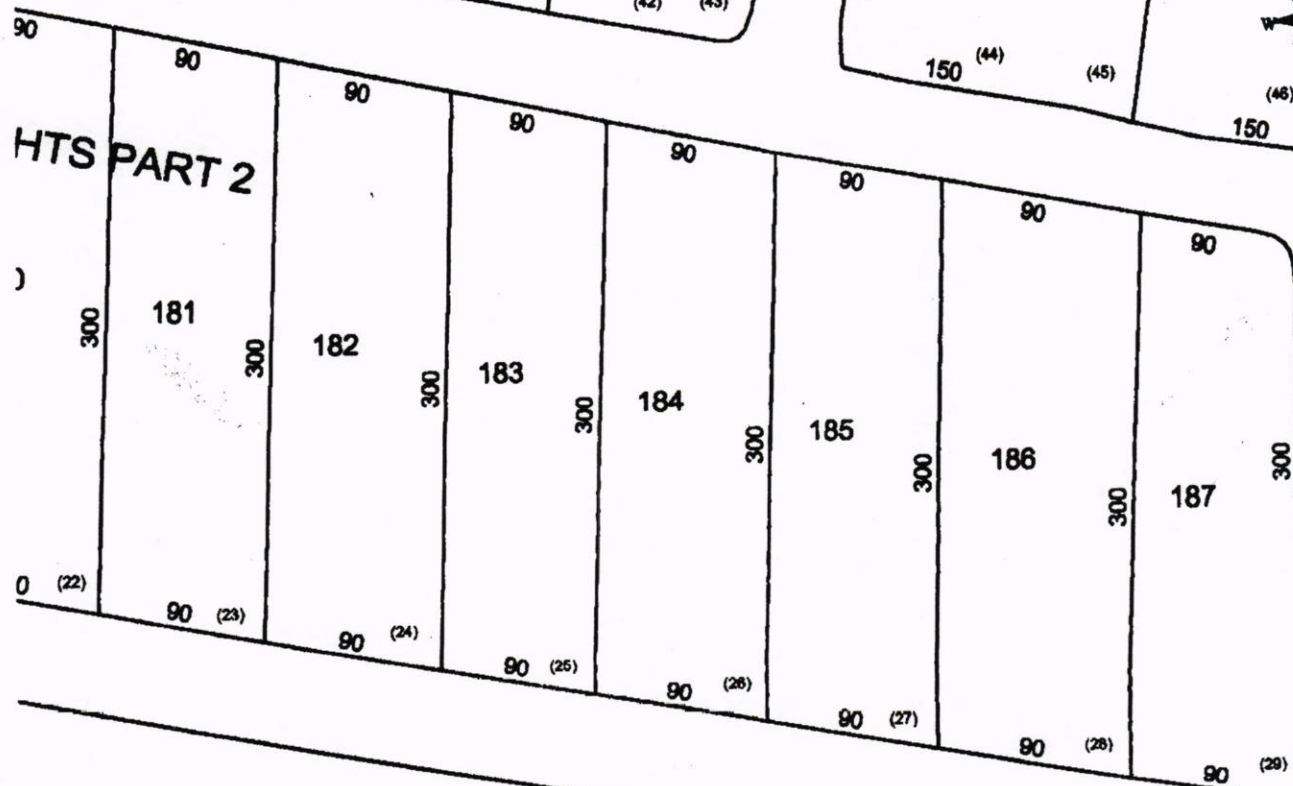
715
Oakwood Drive
The Amber Dragon Inn
(B+B)



OAKWOOD HGTS PART3



HTS PART 2



**RESOLUTION DENYING A CONDITIONAL USE FOR TERRI COLE TO OPERATE A
BED & BREAKFAST AT 715 OAKWOOD DRIVE, CLINTON, MISSISSIPPI**

WHEREAS, Terri Cole, did file a request for a conditional use for the property located at 715 Oakwood Drive to operate a bed and breakfast inn; and

WHEREAS, all notice requirements of the Zoning Ordinance of the City of Clinton were accomplished and a public hearing was held on September 26, 2006, as required; and,

WHEREAS, the Planning and Zoning Commission upon conclusion of the public hearing on September 26, 2006, adopted a motion to deny the request for a conditional use and that the motion be forwarded to the next meeting of the Mayor and Board of Aldermen for their consideration.

WHEREAS, the Mayor and Board of Aldermen of the City of Clinton, Mississippi, have the final authority with regard to all matters involving the Zoning Ordinances; and

WHEREAS, the Mayor and Board of Aldermen are fully familiar with the request and the area involved in the request; and

BE IT RESOLVED by the Mayor and Board of Aldermen of the City of Clinton, Mississippi that the request of Terri Cole for a Conditional Use of the property located at 715 Oakwood Drive to operate a bed and breakfast inn and is hereby denied and such action is taken pursuant to the findings of fact set out as follows:

1. The Mayor and Board of Aldermen of the City of Clinton, Mississippi, have the final authority with regard to all matters involving the Zoning Ordinance.
2. The recommendation of the Planning and Zoning Commission is advisory in nature.
3. The Mayor and Board of Aldermen have knowledge of the area involved and are aware of the need for the conditional use.
4. The requested designation does not meet the definitions of a Conditional Use of the Zoning Ordinance.
5. The Conditional-Use will not promote the general welfare of the City of Clinton and will adversely affect adjacent property. Future projects within the designation area will remain subject to the Zoning Ordinance and approval of site plans or other matter will allow the City to continue to monitor the area.

6. The Mayor and Board of Aldermen find that Section 601 of the Zoning Ordinances has not been complied with and that the requirements of Section 2405.01 of the Zoning Ordinances have not been satisfied based upon the presentation of the applicants and the site plan presented to the Planning Commission and to the Mayor and Board of Aldermen.

The foregoing Resolution, having been reduced to writing, Alderman Brabham moved that said Resolution be adopted. Alderman Morgan seconded. The vote was as follows:

Alderman Brabham voted:	<u>yes</u>
Alderman Hisaw voted:	<u>yes</u>
Alderman Greer voted:	<u>yes</u>
Alderman Bishop voted:	<u>yes</u>
Alderman Fisher voted:	<u>absent</u>
Alderman Morgan voted:	<u>yes</u>
Alderman Barnett voted:	<u>absent</u>

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

The foregoing ordinance was approved this the 3rd day of October 2006.

CITY OF CLINTON

BY: Rosemary G. Aultman
Rosemary Aultman, Mayor

ATTEST: Russell Wall
Russell Wall, City Clerk



CITY OF CLINTON AGENDA ITEM FACT SHEET

BOARD MEETING DATE:

October 3, 2006

AGENDA ITEM NO.

7.d.

CONSENT AGENDA:

TO:

FOR:

ACCT. NO :

BOARD APPROVED

OCT 03 2006

CITY OF CLINTON

DISCUSSION/ACTION: Amendment to Zoning Ordinance Section 2321 – Sign Regulations for the Clinton Parkway Corridor

INTRODUCED BY: Gary Ward

TELEPHONE: 924-2256

EXHIBITS FOR REVIEW:

Minutes
Ordinance
Resolution

Invoice
Plans, Maps
Contract

Other: _____

RECOMMENDATION: Planning and Zoning Commission recommends to approve.

BOARD ACTION:

MOTION MADE BY:

Brabham

SECONDED BY:

Greer

VOTE CAST:

"AYE"

"NAY"

ACTION TAKEN:

Brabham
Hisaw
Greer
Bishop
Fisher
Morgan
Barnett

✓
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Mayor Aultman

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.

NOTICE OF ZONING HEARING

NOTICE IS HEREBY GIVEN TO THOSE PARTIES IN INTEREST THAT THERE WILL BE A PUBLIC HEARING ON SEPTEMBER 26, 2006 AT 7:00 P.M. IN THE MUNICIPAL ROOM AT THE POLICE BUILDING, 305 MONROE STREET, CLINTON, MISSISSIPPI, FOR THE PURPOSE OF DETERMINING WHETHER OR NOT THE FOLLOWING AMENDMENTS SHALL BE MADE TO THE ZONING ORDINANCE OF THE CITY OF CLINTON, MISSISSIPPI;

AMENDMENT TO ZONING ORDINANCE

BOARD APPROVED

OCT 03 2006

AMEND Section 2321 of the Zoning Ordinance by adding:

CITY OF CLINTON

... ***AND HAMPSTEAD BOULEVARD*** to the section title

and

... ***AND HAMPSTEAD BOULEVARD (BROADWAY DRIVE TO HIGHWAY 80)*** to the first sentence of this section.

PLANNING AND ZONING COMMISSION

Clinton, Mississippi
Tuesday, September 26, 2006
7:00 P.M.
Municipal Courtroom
305 Monroe Street

BOARD APPROVED

OCT 03 2006

CITY OF CLINTON

Minutes

Present: Jim Martin, Bettye King, Mark Williams, Dr. Ryan Tracy, Kathy Peace, Nancy Davis, and city officials Gary Ward-Director of Community Development and Ken Dreher-City Attorney.

CALL TO ORDER

The meeting was called to order at 7:00pm by Jim Martin, Chairman.

CONSIDERATION AND APPROVAL OF AUGUST 22, 2006 MINUTES.

Jim Martin asked that the minutes of the August 22, 2006 be amended as follows. In the third paragraph, last sentence, the word individual should be independent. MOTION to approve Minutes as amended was made by Bettye King, Second by Mark Williams. MOTION carried unanimously, none opposed.

NEW CONSIDERATIONS

1. Conditional Use to operate a bed and breakfast inn at 715 Oakwood Drive (Terri Cole)
Representative present: Terri Cole

This property is located on the Northwest corner of Oakwood Drive and Wood Street. It is in an R1-Single Family zoned area. The zoning ordinance allows a bed and breakfast inn in this zoning district as a conditional use.

Teri Cole added that the renovations and upgrades to her home would be made in stages; beginning with renovations, followed by turning her carport into a commercial grade kitchen, landscaping and finally a three-car garage with an apartment. Parking would be in the rear of the house. Financing has not been secured, but she has spoken with financial institutions. Their recommendation was to get the conditional use first, then proceed with securing financing. Once this has been done, Ms. Cole stated it would take approximately six months for renovations to be completed. Current repairs are dependent upon this venture. She would be forced to sell her house as is if she is not granted this conditional use.

A public hearing was held.

Speaking in opposition were Hugh and Jane Hogue, 710 E. Leake Steet, Beverly Oliver, 501 Oakwood Drive and Ann Simms, 708 Oakwood Drive. They stated a bed and breakfast is out of character of this old residential neighborhood.

Jim Martin stated that the purpose of the zoning ordinance is to protect the neighborhoods, surrounding areas and the City. When neighbors oppose a request, it causes concern.

MOTION was made by Jim Martin to recommend to the Mayor and Board of Aldermen that they deny the request of Terri Cole for a conditional use to operate a bed and breakfast inn at 715 Oakwood Drive due to the general compatibility with adjacent properties and other property in the district. SECOND by Mark Williams. MOTION carried by a vote of 5-1. Jim Martin, Mark Williams, Dr. Ryan Tracy, Betty King, Kathy Peace in favor, Nancy Davis opposed.

BOARD APPROVED

OCT 03 2006

2. Preliminary site plan for Bobby Waterbury on Biedenhorn Cove in Industrial Park.

CITY OF CLINTON

Representatives present: Bobby Waterbury, Ronnie Torrance

Bobby Waterbury is proposing to build a 12,000 +/- square foot building in Industrial Park for the use of training girls in fast pitch softball. This project would be in an I-1 zoned district. This type of business is an allowable use within this district.

Mr. Waterbury added this would be a fully enclosed building. He currently is located on Lakeland Drive. He has six instructors that teach approximately 130 girls from all over the state of Mississippi.

Architectural Review Committee has reviewed the site plan and made suggestions that have been addressed with the contractor. Also, the site plan has been reviewed by the department heads and there is one issue that needs to be addressed.

A public hearing was held and no opposition was voiced.

MOTION was made by Dr. Ryan Tracy to recommend to the Mayor and Board of Aldermen that the preliminary site plan for Bobby Waterbury in Industrial Park be approved contingent upon meeting all department heads requirements. SECOND by Kathy Peace. MOTION carried, none opposed.

3. New residential construction at 505 Capitol Street in the Olde Towne District

Representative present: Trey Baxter

Herron Company is proposing to build two single-family dwellings with rear parking. Historic Preservation Commission and Architectural Review Commission have reviewed the project. Both Commissions approved the buildings.

A public hearing was held and no opposition was voiced.

MOTION was made by Kathy Peace to recommend to the Mayor and Board of Aldermen that the request for new residential construction at 505 Capitol Street in Olde Towne be granted. SECOND by Nancy Davis. MOTION carried, none opposed.

4. Zoning Ordinance Amendment – Article XXIII-Sign Regulations - Amendment to Section 2321 – Sign Regulations for the Clinton Parkway Corridor

Representative present: Gary Ward

Proposal to amend Section 2321-Sign Regulations for the Clinton Parkway Corridor of the Zoning Ordinance by adding AND HAMPSTEAD BOULEVARD to the section title and ...AND HAMPSTEAD BOULEVARD (BROADWAY DRIVE TO HIGHWAY 80) to the first sentence of this section.

A public hearing was held and no opposition was voiced.

OCT 03 2006

CITY OF CLINTON

MOTION was made by Betty King to recommend to the Mayor and Board of Aldermen to grant approval to amend Section 2321 of the Zoning Ordinance. SECOND by Dr. Ryan Tracy. MOTION carried unanimously, none opposed.

OTHER BUSINESS

There was no other business to be discussed.

NEXT MEETING

The next meeting will be held on Tuesday, October 24, 2006 beginning at 7:00pm.

ADJOURNMENT

MOTION was made by Kathy Peace at 8:00pm to adjourn the meeting. SECOND by Mark Williams. MOTION carried unanimously, none opposed.

CITY OF CLINTON AGENDA ITEM FACT SHEET

BOARD MEETING DATE: OCTOBER 3, 2006

AGENDA ITEM NO. 8

BOARD APPROVED

CONSENT AGENDA

TO:.

OCT 03 2006

FOR:

CITY OF CLINTON

ACCOUNT NO:

INTRODUCED BY:

DISCUSSION/ACTION: PROPERTY & LIABILITY INSURANCE

*includes Terrorism
\$4,250*

INTRODUCED BY: SAM BRYSON, BRYSON & CO.

BOARD ACTION:

MOTION MADE BY: Greer

SECONDED BY: Bishop

VOTE CAST:

"AYE"

"NAY"

ACTION TAKEN:

Brabham

✓

Hisaw

✓

Greer

✓

Bishop

✓

Fisher

A

Morgan

✓

Barnett

A

Mayor Aultman

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Upon presentation by Sam Bryson of Bryson's Company of proposals from
Travelers and Zurich insurance companies for fire, auto, and liability, and
Workers compensation insurance coverage for fiscal year 2006-2007,
MOTION made by ^{alderman} XXXX and SECONDED by ^{alderman} XXXX to accept the
proposal of Travelers as the lowest and best, and furthermore
to pay the additional premium of \$4,250 for Terrorism coverage.

CITY OF CLINTON AGENDA ITEM FACT SHEET

BOARD MEETING DATE: OCTOBER 3, 2006

AGENDA ITEM NO. 9.

CONSENT AGENDA

TO:.

BOARD APPROVED

FOR:

OCT 03 2006

ACCOUNT NO:

CITY OF CLINTON

INTRODUCED BY:

DISCUSSION/ACTION: MUNICIPAL COMPLIANCE QUESTIONNAIRE FOR
YEAR ENDING 2005-2006

INTRODUCED BY: RUSSELL WALL, CITY CLERK

BOARD ACTION:

MOTION MADE BY: Brabham

SECONDED BY: Kren

VOTE CAST:

"AYE" "NAY"

ACTION TAKEN:

Brabham

✓

Hisaw

✓

Greer

✓

Bishop

✓

Fisher

A

Morgan

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Barnett

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Mayor Aultman

**AGENDA ITEMS MUST BE TURNED IN TO THE CITY CLERK WITH ALL
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AGENDA AND ALSO TO COPY THE AGENDA. PLEASE REMEMBER ALL OF
THIS TAKES SOME TIME AND THIS IS WHY WE HAVE THIS DEADLINE.
THANKS.**

OCT 03 2006

MUNICIPAL COMPLIANCE QUESTIONNAIRE
Year Ended September 30, 20__**CITY OF CLINTON**Answer All Questions: Y - YES, N - NO, N/A - NOT APPLICABLE**PART I - General**

1. Have all ordinances been entered into the ordinance book and included in the minutes? (Section 21-13-13)
2. Do all municipal vehicles have public license plates and proper markings? (Sections 25-1-87 and 27-19-27)
3. Are municipal records open to the public? (Section 25-61-5)
4. Are meetings of the board open to the public? (Section 25-41-5)
5. Are notices of special or recess meetings posted? (Section 25-41-13)
6. Are all required personnel covered by appropriate surety bonds?
 - Board or council members (Sec. 21-17-5)
 - Appointed officers and those handling money, see statutes governing the form of government (i.e., Section 21-3-5 for Code Charter)
 - Municipal clerk (Section 21-15-38)
 - Deputy clerk (Section 21-15-23)
 - Chief of police (Section 21-21-1)
 - Deputy police (Section 45-5-9) (if hired under this law)
7. Are minutes of board meetings prepared to properly reflect the actions of the board? (Sections 21-15-17 and 21-15-19)
8. Are minutes of board meetings signed by the mayor or majority of the board within 30 days of the meeting? (Section 21-15-33)
9. Has the municipality complied with the nepotism law in its employment practices? (Section 25-1-53)
10. Did all officers, employees of the municipality, or their relatives avoid any personal interest in any contracts with the municipality during their term or within one year after their terms of office or employment? (Section 25-4-105)

YYYYYYYYYYYYY

OCT 03 2006

CITY OF CLINTON

11. Does the municipality contract with a Certified Public Accountant or an auditor approved by the State Auditor for its annual audit within twelve months of the end of each fiscal year? (Section 21-35-31)
12. Has the municipality published a synopsis or notice of the annual audit within 30 days of acceptance? (Section 21-35-31 or 21-17-19)

YY**PART II - Cash and Related Records**

1. Where required, is a claims docket maintained? (Section 21-39-7)
2. Are all claims paid in the order of their entry in the claims docket? (Section 21-39-9)
3. Does the claims docket identify the claimant, claim number, amount and fund from which each warrant will be issued? (Section 21-39-7)
4. Are all warrants approved by the board, signed by the mayor or majority of the board, attested to by the clerk, and bearing the municipal seal? (Section 21-39-13)
5. Are warrants for approved claims held until sufficient cash is available in the fund from which it is drawn? (Section 21-39-13)
6. Has the municipality adopted and entered on its minutes a budget in the format prescribed by the Office of the State Auditor? (Sections 21-35-5, 21-35-7 and 21-35-9)
7. Does the municipality operate on a cash basis budget, except for expenditures paid within 30 days of fiscal year end or for construction in progress? (Section 21-35-23)
8. Has the municipality held a public hearing and published its adopted budget? (Sections 21-35-5, 27-39-203, & 27-39-205)
9. Has the municipality complied with legal publication requirements when budgetary changes of 10% or more are made to a department's budget? (Section 21-35-25)
10. If revenues are less than estimated and a deficit is anticipated, did the board revise the budget by its regular July meeting? (Section 21-35-25)

YYYYYYYYYN/A

OCT 03 2006

CITY OF CLINTON

11. Have financial records been maintained in accordance with the chart of accounts prescribed by the State Auditor? (Section 21-35-11) Y
12. Does the municipal clerk submit to the board a monthly report of expenditures against each budget item for the preceding month and fiscal year to date and the unexpended balances of each budget item? (Section 21-35-13) Y
13. Does the board avoid approving claims and the city clerk not issue any warrants which would be in excess of budgeted amounts, except for court-ordered or emergency expenditures? (Section 21-35-17) Y
14. Has the municipality commissioned municipal depositories? (Sections 27-105-353 and 27-105-363) Y
15. Have investments of funds been restricted to those instruments authorized by law? (Section 21-33-323) Y
16. Are donations restricted to those specifically authorized by law? [Section 21-17-5 (Section 66, Miss. Constitution) -- Sections 21-19-45 through 21-19-59, etc.] Y
17. Are fixed assets properly tagged and accounted for? (Section II - Municipal Audit and Accounting Guide) Y
18. Is all travel authorized in advance and reimbursements made in accordance with Section 25-3-41? Y
19. Are all travel advances made in accordance with the State Auditor's regulations? (Section 25-3-41) Y

PART III - Purchasing and Receiving

1. Are bids solicited for purchases, when required by law (written bids and advertising)? [Section 31-7-13(b) and (c)] Y
2. Are all lowest and best bid decisions properly documented? [Section 31-7-13(d)] Y
3. Are all one-source item and emergency purchases documented on the board's minutes? [Section 31-7-13(m) and (k)] Y
4. Do all officers and employees understand and refrain from accepting gifts or kickbacks from suppliers? (Section 31-7-23) Y

PART IV - Bonds and Other Debt

1. Has the municipality complied with the percentage of taxable property limitation on bonds and other debt issued during the year? (Section 21-33-303)
2. Has the municipality levied and collected taxes, in a sufficient amount for the retirement of general obligation debt principal and interest? (Section 21-33-87)
3. Have the required trust funds been established for utility revenue bonds? (Section 21-27-65)
4. Have expenditures of bond proceeds been strictly limited to the purposes for which the bonds were issued? (Section 21-33-317)
5. Has the municipality refrained from borrowing, except where it had specific authority? (Section 21-17-5)

YYYYY**PART V - Taxes and Other Receipts**

1. Has the municipality adopted the county ad valorem tax rolls? (Section 27-35-167)
2. Are interest and penalties being collected on delinquent ad valorem taxes? (Section 21-33-53)
3. Has the municipality conducted an annual land sale for delinquent ad valorem taxes? (Section 21-33-63)
4. Have the various ad valorem tax collections been deposited into the appropriate funds? (Separate Funds for Each Tax Levy) (Section 21-33-53)
5. Has the increase in ad valorem taxes, if any, been limited to amounts allowed by law? (Sections 27-39-320 and 27-39-321)
6. Are local privilege taxes collected from all businesses located within the municipality, except those exempted? (Section 27-17-5)
7. Are transient vendor taxes collected from all transient vendors within the municipality, except those exempted? (Section 75-85-1)
8. Is money received from the state's "Municipal Fire Protection Fund" spent only to improve municipal fire departments? (Section 83-1-37)

YYYYYYYY

BOARD APPROVED

OCT 03 2006

CITY OF CLINTON

9. Has the municipality levied or appropriated not less than 1/4 mill for fire protection and certified to the county it provides its own fire protection or allowed the county to levy such tax? (Sections 83-1-37 and 83-1-39)
10. Are state-imposed court assessments collected and settled monthly? (Section 99-19-73, 83-39-31, etc.)
11. Are all fines and forfeitures collected when due and settled immediately to the municipal treasury? (Section 21-15-21)
12. Are bids solicited by advertisement or, under special circumstances, three appraisals obtained when real property is sold? (Section 21-17-1)

N/A

Y

Y

Y

BOARD APPROVED

OCT 03 2006

CITY OF CLINTON

(MUNICIPAL NAME)

Certification to Municipal Compliance Questionnaire

Year Ended September 30, 20 06

We have reviewed all questions and responses as contained in this Municipal Compliance Questionnaire for the Municipality of Clinton, and, to the best of our knowledge and belief, all responses are accurate.

Russell Wall
(City Clerk's Signature)

Oct. 11, 2006
(Date)

Rosemary G. Ardman
(Mayor's Signature)

Oct. 11, 2006
(Date)



CITY OF CLINTON AGENDA ITEM FACT SHEET

BOARD MEETING DATE: October 3, 2006

AGENDA ITEM NO. 10.

CONSENT AGENDA: \$

TO: **BOARD APPROVED**

FOR:

OCT 03 2006

ACCOUNT NO.:

CITY OF CLINTON

INTRODUCED BY:

DISCUSSION/ACTION: Change Order #1 for Traceway Park

INTRODUCED BY: Ray Eaton

Ray Tuller

Holloway

BOARD ACTION:

MOTION MADE BY:

Brabham

SECONDED BY:

Morgan

VOTE CAST:

"AYE"

"NAY"

ACTION TAKEN:

Brabham

☒

Hisaw

☒

Greer

☒

Bishop

☒

Fisher

☒

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.

ALFORD ENGINEERING, INC.

CONSULTING ENGINEERS

P.O. BOX 16621
JACKSON, MISSISSIPPI 39236-6621

5135 GALAXIE DRIVE, SUITE 401-D
JACKSON, MISSISSIPPI 39206

TELEPHONE: (601) 362-7450

FAX: (601) 366-5948

BOARD APPROVED

September 20, 2006

OCT 03 2006

CITY OF CLINTON

Mr. Richard L. Broome, P.E.
City Engineer
City of Clinton
P.O. Box 156
Clinton, MS 39060

RECEIVED
SEP 21 2006

CITY OF CLINTON
ENGINEERING DEPARTMENT

**RE: Traceway Park
McMillian Pitts Construction Company**

Dear Mr. Broome:

Three copies of Change Order No. 1 are enclosed for review and approval. The Architect has approved this change order for an increase of \$30,557.15, which increases the contract from \$986,700.00 to \$1,017,257.15.

These costs and changes conform to the preliminary submissions made during construction. The major items included addition of underground electrical service to the concession-restroom-pavilion buildings at baseball and soccer, removal of unsuitable soil and replacement with borrow material for the maintenance and baseball building foundations, and removal of additional trees at the baseball building.

We also recommend approval of this Change Order No. 1.

Please contact me if you have any questions.

Sincerely,
ALFORD ENGINEERING, INC.



Jerry L. Tullios, P.E.

JLT/ss

Enclosure

pc: Ray Holloway
John Murray
Brian H. Pitts



AIA® Document G701™ – 2001

BOARD APPROVED

OCT 03 2006

CITY OF CLINTON

Change Order

PROJECT (Name and address):	CHANGE ORDER NUMBER: 001	OWNER: ☐
Alterations and Additions to Traceway Park	DATE: July 25, 2006	ARCHITECT: ☐
200 Soccer Row		CONTRACTOR: ☐
Clinton, MS 39056		FIELD: ☐
TO CONTRACTOR (Name and address):	ARCHITECT'S PROJECT NUMBER:	OTHER: ☐
McMillan-Pitts Construction Company, LLC	CONTRACT DATE:	
695 Pearl Park Plaza	CONTRACT FOR: General Construction	
Pearl, MS 39208		

THE CONTRACT IS CHANGED AS FOLLOWS:

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

Baseball and soccer fields underground service	13,049.44
Demo of trees and undercutting of bad soil	16,607.71
Convert handsinks to battery operated valves	900.00

The original Contract Sum was	\$	986,700.00
The net change by previously authorized Change Orders	\$	0.00
The Contract Sum prior to this Change Order was	\$	986,700.00
The Contract Sum will be increased by this Change Order in the amount of	\$	30,557.15
The new Contract Sum including this Change Order will be	\$	1,017,257.15

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

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.

Larry Sones Architects

McMillan-Pitts Construction Company, LLC

City of Clinton

ARCHITECT (Firm name)

CONTRACTOR (Firm name)

OWNER (Firm name)

P.O. Box 279, Brandon, MS 39043

695 Pearl Park Plaza, Pearl, MS 39208

300 Jefferson Street, Clinton, MS 39056

ADDRESS

ADDRESS

ADDRESS

BY (Signature)

BY (Signature)

BY (Signature)

(Typed name)

(Typed name)

(Typed name)

DATE

DATE

DATE

Please approve the above amounts and descriptions by signing above and returning to me. (Fax 939-5242)

PROPOSAL

ESTIMATE # 253

BOARD APPROVED

OCT 03 2006

CITY OF CLINTON

12/19/2005

Larry Sones Architects
 Mr. John Murray
 P.O. Box 279
 Brandon, MS 39043

We propose to furnish the following construction for the amount/s listed below:

Traceway Park, Clinton, MS	
Building #3: Demolition - Trees (4 @ \$500.00) =	2,000.00
Building #3: Undercut & Export (unstable soil) 345 yds @ \$4.00 =	1,380.00
Building #3: Import & Compaction to Backfill Undercut 750 yds @ \$8.15 =	6,112.00
Building #3: Undercutting & Spreading onsite (wasting in tree holes & around pad) 465 yds @ \$1.80 =	837.00
Building #3: Demo for Bathhouse - CREDIT	-1,200.00
Building #4: Undercut & Export of (unstable soil) 340 yds @ \$4.00 =	1,360.00
Building #4: Import & Compaction to Backfill Undercut 340 yds @ \$8.15 =	2,771.00
Testing Company (observing undercut)	420.00
SUBTOTAL	13,680.00
Profit 7.5%	1,026.00
Overhead 7.5%	1,102.95
Taxes 3.5%	553.32
Bond 1.5%	245.44
TOTAL	\$16,607.71

Thank you for the opportunity to bid on this project. If you have questions please do not hesitate to contact me.

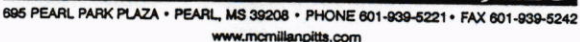
Sincerely,

McMillan-Pitts Construction Company, LLC

Brian H. Pitts, AIA
 Chief Executive Officer

CUSTOMER SIGNATURE

Please approve the above amounts and descriptions by signing above and returning to me. (Fax 939-5242)



PROPOSAL

ESTIMATE # 305

BOARD APPROVED

OCT 03 2006

CITY OF CLINTON

12/19/2005

Larry Sones Architects
Mr. John Murray
P.O. Box 279
Brandon, MS 39043

We propose to furnish the following construction for the amount/s listed below:

Traceway Park, Clinton, MS	
Convert handsinks to battery operated valves	900.00
TOTAL	\$900.00

Thank you for the opportunity to bid on this project. If you have questions please do not hesitate to contact me.

Sincerely,

McMillan-Pitts Construction Company, LLC

Brian H. Pitts, AIA
Chief Executive Officer

CUSTOMER SIGNATURE

Please approve the above amounts and descriptions by signing above and returning to me. (Fax 939-5242)

McMillan-Pitts **CONSTRUCTION COMPANY, LLC**

695 PEARL PARK PLAZA • PEARL, MS 39208 • PHONE 601-939-5221 • FAX 601-939-5242
www.mcmillanpitts.com

Tuesday, April 05, 2005

Mr. John Murray
Larry Sones / Architects, PA
P. O. Box 279
Brandon, MS 39043

Re: Additions and Alterations to Traceway Park
Clinton, Mississippi

Dear John:

Below is the price proposal for unit prices to undercut and remove the unstable soil from under the building pads and the price to install select fill.

- | | |
|--|---------------|
| 1. Per yard unit price of excavating soil and disposing on site | \$ 8.49 yd |
| 2. Per yard unit price of compacted fill in 6" lifts | \$ 16.58 yd |
| 3. Ladner testing verifying cut & fill quantities and installation | \$ 45.00 hr. |
| 4. Cost per tree and stump disposed on site | \$500.00 each |

The prices above reflect work done in small quantities and at different locations requiring mobilization. Additional items that will be added to the total amount will be profit and overhead, tax, additional bonding. Extra compaction test will also be necessary.

Please provide a change directive for this work immediately to prevent further cost overruns of idle equipment and manpower. Let this letter also document the change to reorient the maintenance building parallel with the privacy fence, with the parking being in the front. The Owner also stated he would have the pavilion and foundation removed one week from yesterday. We are also waiting on another concession building pad due to needing permission from the school board to cut diseased trees that interfere with the new buildings roof line.

Sincerely,

McMillan-Pitts Construction Co., LLC

Brian H. Pitts, AIA
Chief Executive Officer

Via Facsimile & Confirmed USPS

601 824-0027 fax

601 824-0025 ph

BOARD APPROVED

OCT 03 2006

CITY OF CLINTON

BOARD APPROVED

OCT 03 2006

CITY OF CLINTON



Ladner Testing Laboratories, Inc.

2832 UTICA AVENUE / POST OFFICE BOX 10778 / JACKSON, MISSISSIPPI 39289-0778 / (601) 362-5421

2123 GLENDALE AVENUE/HATTIESBURG, MS 39401 (601) 544-5782

P.O. BOX 2363/GULFPORT, MS 39505 (228) 604-2527

PROJECT: TRACEWAY PARK
ADDITIONS & ALTERATIONS
CLINTON, MS

DATE: 4/5/2005

LAB NO.: 187-05-C

ANALYSIS OF DAILY REPORT

RECEIVED FROM JOBSITE

CONTRACTOR McMILLAN-PITTS CONSTRUCTION COMPANY

PRODUCER

INSPECTOR JEFF ROBERTSON

REPORTED TO McMILLAN-PITTS CONST. CO. (1)

22 LOADS WERE EXCAVATED FROM BUILDING #4 AREA. 8 LOADS WERE HAULED IN.

JEFF ROBERTSON
TECHNICIAN

BOARD APPROVED

OCT 03 2006

CITY OF CLINTON



Ladner testing laboratories, inc.

2832 UTICA AVENUE / POST OFFICE BOX 10778 / JACKSON, MISSISSIPPI 39289-0778 / (601) 362-5421

2123 GLENDALE AVENUE/HATTIESBURG, MS 39401 (601) 544-5782

P.O. BOX 2363/GULFPORT, MS 39505 (228) 604-2527

PROJECT: TRACEWAY PARK
ADDITIONS & ALTERATIONS
CLINTON, MS

DATE: 4/19/2005

LAB NO.: 187-05-E

ANALYSIS OF DAILY REPORT

RECEIVED FROM JOBSITE

CONTRACTOR McMILLAN-PITTS CONSTRUCTION COMPANY

PRODUCER

INSPECTOR JEFF ROBERTSON

REPORTED TO McMILLAN-PITTS CONST. CO. (1)

THE SITE WORK CONTRACTOR SAID THEY WORKED ON SUNDAY, APRIL 17, 2005 TO REMOVE WET MATERIAL FROM THE LAST RAIN. ON TUESDAY, APRIL 19, 2005 THE SITE WORK CONTRACTOR PLACED (5) 21 YARD LOADS AND (3) 15 YARD LOADS IN BUILDING #4.

JEFF ROBERTSON
TECHNICIAN

BOARD APPROVED

OCT 03 2006

CITY OF CLINTON



Ladner testing laboratories, inc.

2832 UTICA AVENUE / POST OFFICE BOX 10778 / JACKSON, MISSISSIPPI 39289-0778 / (601) 362-5421

2123 GLENDALE AVENUE/HATTIESBURG, MS 39401 (601) 544-5782

P.O. BOX 2363/GULFPORT, MS 39505 (228) 604-2527

PROJECT: TRACEWAY PARK
ADDITIONS & ALTERATIONS
CLINTON, MS

DATE: 4/20/2005

LAB NO.: 187-05-G

ANALYSIS OF DAILY REPORT

RECEIVED FROM JOBSITE

CONTRACTOR McMILLAN-PITTS CONSTRUCTION COMPANY

PRODUCER

INSPECTOR JEFF ROBERTSON

REPORTED TO McMILLAN-PITTS CONST. CO. (1)

THE SITE WORK CONTRACTOR PLACED (7) 15 YARD LOADS AND (3) 21 YARD LOADS IN BUILDING #4.

JEFF ROBERTSON
TECHNICIAN

BOARD APPROVED

OCT 03 2006

CITY OF CLINTON



Ladner testing laboratories, inc.

2832 UTICA AVENUE / POST OFFICE BOX 10778 / JACKSON, MISSISSIPPI 39289-0778 / (601) 362-5421

2123 GLENDALE AVENUE/HATTIESBURG, MS 39401 (601) 544-5782

P.O. BOX 2363/GULFPORT, MS 39505 (228) 604-2527

PROJECT: TRACEWAY PARK
ADDITIONS & ALTERATIONS
CLINTON, MS

DATE: 4/28/2005

LAB NO.: 187-05-1

ANALYSIS OF DAILY REPORT

RECEIVED FROM JOBSITE

CONTRACTOR MCMILLAN-PITTS CONSTRUCTION COMPANY

PRODUCER

INSPECTOR JEFF ROBERTSON

REPORTED TO MCMILLAN-PITTS CONST. CO. (1)

ON THIS DATE THE SITEWORK CONTRACTOR REMOVED FOUR TREES FROM BUILDING AREA.

JEFF ROBERTSON
TECHNICIAN

BOARD APPROVED

UCL 03 2006

CITY OF CLINTON



Ladner testing laboratories, inc.

2832 UTICA AVENUE / POST OFFICE BOX 10778 / JACKSON, MISSISSIPPI 39289-0778 / (601) 362-5421

2123 GLENDALE AVENUE/HATTIESBURG, MS 39401 (601) 544-5782

P.O. BOX 2363/GULFPORT, MS 39505 (228) 604-2527

PROJECT: TRACEWAY PARK
ADDITIONS & ALTERATIONS
CLINTON, MS

DATE: 5/5/2005

LAB NO.: 187-05-M

ANALYSIS OF DAILY REPORT

RECEIVED FROM JOBSITE

CONTRACTOR MCMILLAN-PITTS CONSTRUCTION COMPANY

PRODUCER

INSPECTOR JEFF ROBERTSON

REPORTED TO McMILLAN-PITTS CONST. CO. (1)

ON THIS DATE THE SITEWORK CONTRACTOR PLACED FIFTY 15 YARD LOADS OF SELECT FILL IN THE UNDERCUT AREA AT BUILDING #3. THIS FILL WAS PLACED IN LIFTS AND COMPACTED TO 95% STANDARD DENSITY.

JEFF ROBERTSON
TECHNICIAN

BOARD APPROVED

OCT 03 2006

CITY OF CLINTON



Ladner Testing Laboratories, Inc.

2832 UTICA AVENUE / POST OFFICE BOX 10778 / JACKSON, MISSISSIPPI 39289-0778 / (601) 362-5421

2123 GLENDALE AVENUE/HATTIESBURG, MS. 39401 (601) 544-5782

P.O. BOX 2363/GULFPORT, MS 39505 (228) 604-2527

PROJECT: TRACEWAY PARK
ADDITIONS & ALTERATIONS
CLINTON, MS

DATE: 5/9/2005

LAB NO.: 187-05-0

ANALYSIS OF DAILY REPORT
RECEIVED FROM JOBSITE
CONTRACTOR McMILLAN-PITTS CONSTRUCTION COMPANY
PRODUCER
INSPECTOR JEFF ROBERTSON
REPORTED TO McMILLAN-PITTS CONST. CO. (1)

ON THIS DATE I VISITED THE JOBSITE TO WITNESS THE REMOVAL OF EXCESS MATERIAL WHICH WAS NOT ABLE TO BE USED IN THE SLOPES OR GRASSED AREA. THIS EXCESS MATERIAL ORIGINALLY CAME FROM THE UNDERCUT OF BUILDING #3. TWENTY-SIX 15 YARD LOADS WERE REMOVED FROM THE SITE.

JEFF ROBERTSON
TECHNICIAN