

**CITY OF CLINTON
REGULAR MEETING OF THE MAYOR AND BOARD OF ALDERMEN
TUESDAY, MAY 15, 2007 – 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 Mayor Aultman followed by the Pledge of Allegiance to the Flag led by Alderman Fisher.

ROLL CALL – City Clerk, Russell Wall

Present: Jehu Brabham – Alderman-at-Large
 Tony Hisaw – Alderman Ward 1
 Tony Greer - Alderman Ward 2
 Phil Fisher – Alderman Ward 4
 Mike Morgan – Alderman Ward 5

Absent: Mike Bishop – Alderman Ward 3
 William Barnett – Alderman Ward 6

RECOGNITIONS:

Darren LaMarca addressed the Mayor and Board of Aldermen, thanking them for the opportunity to serve as the city's Municipal Judge.

Mayor Aultman recognized the Clinton Attaché Show Choir for Winning the National Championship.

APPROVAL OF AGENDA ITEMS A-P

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

UNKEMPT PROPERTY LOCATED AT 103 MCREE STREET

A public hearing was held with no opposition. Upon presentation by Gary Ward, Community Development Director, **MOTION** made by Alderman Brabham and **SECONDED** by Alderman Hisaw to approve a resolution determining the necessity for the cleaning of private property located at 103 McRee Street, under the authority granted to municipalities by section 21-19-11, Mississippi Code of 1972 as amended, and other applicable statutes and ordinances. **MOTION CARRIED UNANIMOUSLY**

ACCEPT FOUNTAIN CONSTRUCTION BID FOR TRACEWAY PARK FIELD #9 LIGHTING

Upon presentation by Ray Holloway, Parks & Recreation Director, **MOTION** made by Alderman Hisaw and **SECONDED** by Alderman Greer to accept the bid from Fountain Construction as being the lowest and best bid in the amount of \$43,461.00 for Traceway Parks Field #9 Lighting. **MOTON CARRIED UNANIMOUSLY**

AUTHORIZATION OF THE USE OF ELEVEN (11) SPECIFIC UNMARKED VEHICLES IN THE CLINTON POLICE DEPARTMENT

Upon presentation by Don Byington, Police Chief, **MOTION** made by Alderman Greer and **SECONDED** by Alderman Hisaw to authorize the use of eleven (11) specific unmarked vehicles in the Clinton Police Department. A copy of the listing of the eleven (11) vehicles is attached. **MOTION CARRIED UNANIMOUSLY**

ACCEPTANCE ADCAMP BID FOR THE 2007 STREET IMPROVEMENTS PROGRAM

Upon presentation by Derick Milner, Assistant City Engineer, **MOTION** made by Alderman Greer and **SECONDED** by Alderman Hisaw to accept the bid from Adcamp as being the lowest and best bid in the amount of \$391,399.84 for the 2007 street improvements program. **MOTION CARRIED UNANIMOUSLY**

PROPOSAL TO DEVELOP TECHNICAL JUSTIFICATION FOR A SITE-SPECIFIC CRITERION FOR COPPER FTN NO. P5960-07-01

Upon presentation by Derick Milner, Assistant City Engineer, **MOTION** made by Alderman Greer and **SECONDED** by Alderman Hisaw to authorize Mayor Aultman to enter into a proposal to develop technical justification for a site-specific criterion for copper FTN No. P59600701. A copy of the proposal is attached. **MOTION CARRIED UNANIMOUSLY**

RESOLUTION AUTHORIZING AND APPROVING MAYOR AULTMAN TO EXECUTE A LEASE-PURCHASE AGREEMENT WITH TRUSTMARK NATIONAL BANK FOR A BACKHOE WITH A LEASE RATE OF 4.26% FOR 5 YEARS

Upon presentation by Russell Wall, City Clerk, **MOTION** made by Alderman Brabham and **SECONDED** by Alderman Hisaw to approve a resolution authorizing and approving Mayor Aultman to execute a lease-purchase agreement with Trustmark National Bank for a backhoe with a lease rate of 4.26% for 5 years. **MOTION CARRIED UNANIMOUSLY**

APPOINTMENT OF W.O. "CHET" DILLARD AS INTERIM MUNICIPAL JUDGE

Upon presentation by Mayor Aultman, **MOTION** made by Alderman Greer and **SECONDED** by Alderman Brabham to approve the appointment of W.O. "Chet" Dillard as interim municipal judge. **MOTION CARRIED UNANIMOUSLY**

ORDINANCE REGULATING THE CLEANING OF GREASE INTERCEPTORS AND THE TRANSPORTATION AND DISPOSAL OF GREASE INTERCEPTOR WASTE IN THE CITY OF CLINTON, HINDS COUNTY, MISSISSIPPI

Upon presentation by Mayor Aultman, **MOTION** made by Alderman Hisaw and **SECONDED** by Alderman Greer to approve an ordinance regulating the cleaning of grease interceptors and the transportation and disposal of grease interceptor waste in the City of Clinton, Hinds County, Mississippi. A copy of the ordinance is attached. **MOTION CARRIED UNANIMOUSLY**

**POLICY FOR THE ACCOMMODATION OF THE UTILITY FACILITIES WITHIN THE
RIGHT-OF-WAY OF ALL PUBLIC ROADS IN THE CITY OF CLINTON, HINDS
COUNTY, MISSISSIPPI**

Upon presentation by Mayor Aultman, **MOTION** made by Alderman Greer and **SECONDED** by Alderman Brabham to approve an ordinance for the accommodation of the utility facilities within the right-of-way of all public roads in The City of Clinton, Hinds County, Mississippi. A copy of the ordinance is attached. **MOTION CARRIED UNANIMOUSLY**

ADJOURN 7:55 P.M.

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

APPROVED:

Rosemary G. Aultman
Rosemary Aultman, Mayor

May 23, 2007
Date

ATTEST:

Russell L. Wall
Russell L. Wall, City Clerk

May 23, 2007
Date

BOARD APPROVED

MAY 15 2007

CITY OF CLINTON AGENDA ITEM FACT SHEET

CITY OF CLINTON

BOARD MEETING DATE: May 15, 2007 AGENDA ITEM NO. 7.

CONSENT AGENDA:

TO:

FOR:

ACCT. NO :

DISCUSSION/ACTION: Unkempt Property
103 McRee Street
Kevin Ross

INTRODUCED BY: Gary Ward

TELEPHONE: 924-5472

EXHIBITS FOR REVIEW:

Minutes
Ordinance
Resolution

Invoice
Plans, Maps
Contract

Other: _____

RECOMMENDATION:

BOARD ACTION:

MOTION MADE BY: Brabham

SECONDED BY: H. Mann

VOTE CAST:

"AYE"

"NAY"

ACTION TAKEN:

Brabham

✓

Hisaw

✓

Greer

✓

Bishop

A

Fisher

✓

Morgan

✓

Barnett

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 PRECEEDING THE TUESDAY BOARD MEETING TO BE INCLUDED ON THE AGENDA. THIS DEADLINE WILL BE STRICTLY ENFORCED.

BOARD APPROVED

MAY 15 2007

RESOLUTION

CITY OF CLINTON

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 103 McRee Street, Clinton, Mississippi, and after full consideration of the matter, Alderman Brabham 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 103 MCREE STREET, 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 103 McRee Street, Clinton, Mississippi, may constitute a menace to the public health and safety of the community because of its present condition and state of uncleanness; 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., May 15, 2007, 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 uncleanness, 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 the Public Works 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 103 McRee Street, Clinton, Mississippi, in its present condition, constitutes a menace to the public health and safety of the community.
2. The Director of Public Works 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.

BOARD APPROVED

MAY 15 2007

CITY OF CLINTON

3. The Director of Public Works 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 Hisaw 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:	<u>yes</u>
Alderman Hisaw voted:	<u>yes</u>
Alderman Greer voted:	<u>yes</u>
Alderman Bishop voted:	<u>absent</u>
Alderman Fisher voted:	<u>yes</u>
Alderman Morgan voted:	<u>yes</u>
Alderman Barnett voted:	<u>absent</u>

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

The foregoing Resolution was approved this the 15th day of May 2007.

CITY OF CLINTON

BY: Rosemary G. Aultman
ROSEMARY AULTMAN, Mayor

ATTEST:

Russell Wall
RUSSELL WALL, City Clerk

(S E A L)



BOARD APPROVED

MAY 15 2007

CITY OF CLINTON AGENDA ITEM FACT SHEET

CITY OF CLINTON

BOARD MEETING DATE: 05/15/07

AGENDA ITEM NO. 8.

CONSENT AGENDA: _____ TO: _____

_____ FOR: _____

_____ ACCT. NO. _____

DISCUSSION/ACTION: To accept Fountain Construction as lowest and best bid \$43,461.00

Traceway Park Field #9 Lighting

INTRODUCED BY: _____ TELEPHONE: _____

EXHIBITS FOR REVIEW:

Minutes _____	Invoice _____	Other _____
Ordinance _____	Plans, Maps _____	_____
Resolution _____	Contract _____	_____

RECOMMENDATION: _____

BOARD ACTION: _____ MOTION MADE BY: Hisaw

SECONDED BY: Greer

VOTE CAST: "AYE" "NAY" ACTION TAKEN:

Brabham	<u>✓</u>	_____	_____
Hisaw	<u>✓</u>	_____	_____
Greer	<u>✓</u>	_____	_____
Bishop	<u>A</u>	_____	_____
Fisher	<u>✓</u>	_____	_____
Morgan	<u>✓</u>	_____	_____
Barnett	<u>A</u>	_____	_____

Mayor Aultman _____

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CERTIFIED BID TABULATION FORM

BOARD APPROVED Page 1 of 1

Project #: 06184

Bid Date: April 19, 2007

Time: 10:00 a.m.

MAY 15 2007

Project Title: Traceway Park Field #9 Lighting

Institution/Agency: City of Clinton, MS

CITY OF CLINTON

Professional: The Power Source, PLLC

Contractors

Base Bid

Alternates

(Base Bid + each Alter.) ±

FOUNTAIN CONSTRUCTION

JACKSON, MS

Certificate of Responsibility # 01484

5% Bid Security: Travelers Casualty /Surety

Addenda Received: (#) (#) (#) (#) (#)

Days: 90

\$ 37,263.00

CR Expires: 10-10-2007

Mechanical:

Electrical:

1. \$23,834.00 (\$61,097.00) (+)

2. \$ 6,198.00 (\$43,461.00) (+)

3. \$35,617.00 (\$72,880.00) (+)

4. ()

5. ()

B & B UTILITY

BRANDON, MS

Certificate of Responsibility # 06767

5% Bid Security: Travelers Casualty /Surety

Addenda Received: (#) (#) (#) (#) (#)

Days: 90

\$ 40,600.00

CR Expires: 01-09-2008

Mechanical:

Electrical:

1. \$14,700.00 (\$55,300.00) (+)

2. \$ 6,700.00 (\$47,300.00) (+)

3. \$21,900.00 (\$62,500.00) (+)

4. ()

5. ()

SOUTHERN ELECTRIC CORP. OF MS

FLOWOOD, MS

Certificate of Responsibility # 09269

5% Bid Security: Barksdale

Addenda Received: (#) (#) (#) (#) (#)

Days: 90

\$ 37,825.00

CR Expires: 07-11-2007

Mechanical:

Electrical:

1. \$20,060.00 (\$57,885.00) (+)

2. \$ 7,400.00 (\$45,225.00) (+)

3. \$26,720.00 (\$64,545.00) (+)

4. ()

5. ()

KILLEN CONTRACTORS, INC.

BRANDON, MS

Certificate of Responsibility # 11266

5% Bid Security: First N'tl. Ins. of America

Addenda Received: (#) (#) (#) (#) (#)

Days: 90

\$ 42,249.00

CR Expires: 04-09-2008

Mechanical:

Electrical:

1. \$22,200.00 (\$64,449.00) (+)

2. \$ 7,001.00 (\$49,250.00) (+)

3. \$31,001.00 (\$73,250.00) (+)

4. ()

5. ()

DULANEY ELECTRIC

JACKSON, MS

Certificate of Responsibility # 11295

5% Bid Security: Travelers Casualty /Surety

Addenda Received: (#) (#) (#) (#) (#)

Days: 90

\$ 54,000.00

CR Expires:

Mechanical:

Electrical:

1. (\$72,600.00) (+)

2. (\$64,200.00) (+)

3. (\$85,700.00) (+)

4. ()

5. ()

Certificate of Responsibility #

5% Bid Security:

Addenda Received: (#) (#) (#) (#) (#)

Days:

\$

CR Expires:

Mechanical:

Electrical:

1. ()

2. ()

3. ()

4. ()

5. ()

I certify that this is a correct tabulation of all bids received for this Project on the date stated above. (having checked the Contractor's name and certificate number with the Contractor's Board at www.msdoc.state.ms.us)

Authorized Signature

(Date)

CITY OF CLINTON AGENDA ITEM FACT SHEET

BOARD MEETING DATE: May 15, 2007

AGENDA ITEM NO. 9.

BOARD APPROVED

CONSENT AGENDA:

TO:

MAY 15 2007

FOR:

CITY OF CLINTON

ACCOUNT NO:

INTRODUCED BY:

DISCUSSION/ACTION: Authorizing the use of eleven (11) specific unmarked vehicles
In the Clinton Police Department

INTRODUCED BY: Chief Don Byington

BOARD ACTION:

MOTION MADE BY: Greer

SECONDED BY: Hisaw

VOTE CAST:
TAKEN:

"AYE"

"NAY"

ACTION

Brabham

✓

Hisaw

✓

Greer

✓

Bishop

A

Fisher

✓

Morgan

✓

Barnett

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 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.

MAY 15 2007

ORDER: AUTHORIZING THE USE OF ELEVEN (11) SPECIFIC UNMARKED
VEHICLES IN THE CLINTON POLICE DEPARTMENT IN ACCORDANCE
WITH SECTION 25-1-87 OF THE MISSISSIPPI CODE OF 1972
ANNOTATED

CITY OF CLINTON

On motion made by Alderman Greer, seconded by Alderman
Husaw, Aldermen with all members present voting aye, the Board
adopted an Order authorizing the use of eleven (11) specific unmarked vehicles in the
Clinton Police Department in accordance with Section 25-1-87 of the Mississippi Code of
1972 Annotated.

Vehicle #1 – 2001 Crown Victoria
Assigned to Byington
VIN 2FAFP71W01X180137

Vehicle #2 – 2000 Crown Victoria
Assigned to Craft
VIN 2FAFP71W6YX112712

Vehicle #3 – 2005 Dodge Ram
Assigned to Gober
VIN 1D7HA18N45S233616

Vehicle #4 – 2000 Ford Taurus
Assigned to Gill
VIN 1FAFP5222YA242513

Vehicle #5 – 2000 Crown Victoria
Assigned to Herrington
VIN 2FAFP71W5YX112720

Vehicle #6 – 2005 Dodge Ram
Assigned to Ruffin
VIN 1D7HA18N25S233515

Vehicle #7 – 1999 Ford Taurus
Assigned to Warren
VIN 1FAFP52U3XA162038

Vehicle #8 – 1999 Ford Taurus
Assigned to Menotti
VIN 1FAFP52U5XA162039

Vehicle #9 – 2004 Chevy Impala
Assigned to Lewis
VIN 2G1WF52K149300607

BOARD APPROVED

MAY 15 2007

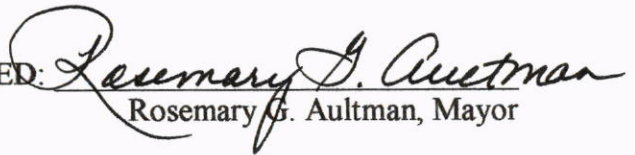
CITY OF CLINTON

Vehicle #10 – 2005 Dodge Ram
Assigned to Gunter
VIN 1D7HU18N75J576513

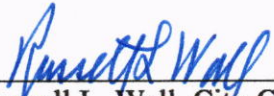
Vehicle #11 – 2002 Crown Victoria
Assigned to Mayor
VIN 2FAFP74W82X111211

Approved this the 15th day of May, 2007, at the regular meeting of the Mayor and Board of Aldermen, of the City of Clinton, Mississippi

APPROVED:


Rosemary G. Aultman, Mayor

ATTEST:


Russell L. Wall, City Clerk

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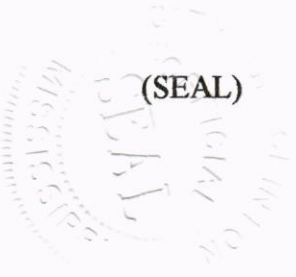
I, Russell L. Wall, City Clerk in and for the City of Clinton, Mississippi, do hereby certify that the above is a true and correct copy of a certain Order passed and adopted at the May 15, 2007 regular meeting of the Mayor and Board of Aldermen of said City.

Witness my hand and Official Seal of the City of Clinton, Mississippi.

This the 16th day of May, 2007.


Russell L. Wall, City Clerk

(SEAL)



MAY 15 2007

ORDER: AUTHORIZING THE USE OF ELEVEN (11) SPECIFIC UNMARKED
VEHICLES IN THE CLINTON POLICE DEPARTMENT IN ACCORDANCE
WITH SECTION 25-1-87 OF THE MISSISSIPPI CODE OF 1972
ANNOTATED

On motion made by Alderman Greer, seconded by Alderman Hissaw, Aldermen with all members present voting aye, the Board adopted an Order authorizing the use of eleven (11) specific unmarked vehicles in the Clinton Police Department in accordance with Section 25-1-87 of the Mississippi Code of 1972 Annotated.

Vehicle #1 – 2001 Crown Victoria
Assigned to Byington
VIN 2FAFP71W01X180137

Vehicle #2 – 2000 Crown Victoria
Assigned to Craft
VIN 2FAFP71W6YX112712

Vehicle #3 – 2005 Dodge Ram
Assigned to Gober
VIN 1D7HA18N45S233616

Vehicle #4 – 2000 Ford Taurus
Assigned to Gill
VIN 1FAFP5222YA242513

Vehicle #5 – 2000 Crown Victoria
Assigned to Herrington
VIN 2FAFP71W5YX112720

Vehicle #6 – 2005 Dodge Ram
Assigned to Ruffin
VIN 1D7HA18N25S233515

Vehicle #7 – 1999 Ford Taurus
Assigned to Warren
VIN 1FAFP52U3XA162038

Vehicle #8 – 1999 Ford Taurus
Assigned to Menotti
VIN 1FAFP52U5XA162039

Vehicle #9 – 2004 Chevy Impala
Assigned to Lewis
VIN 2G1WF52K149300607

BOARD APPROVED

MAY 15 2007

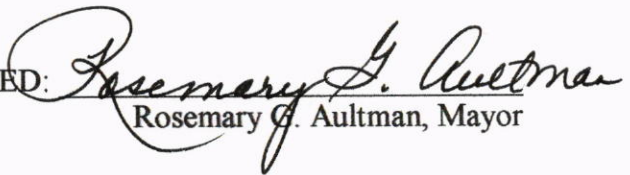
CITY OF CLINTON

Vehicle #10 – 2005 Dodge Ram
Assigned to Gunter
VIN 1D7HU18N75J576513

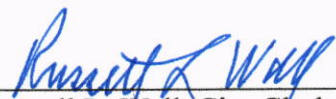
Vehicle #11 – 2002 Crown Victoria
Assigned to Mayor
VIN 2FAFP74W82X111211

Approved this the 15th day of May, 2007, at the regular meeting of the Mayor and Board of Aldermen, of the City of Clinton, Mississippi

APPROVED:


Rosemary G. Aultman, Mayor

ATTEST:


Russell L. Wall, City Clerk

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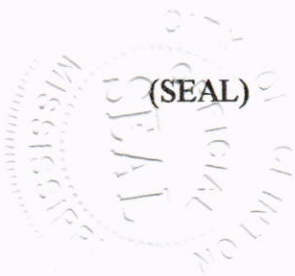
I, Russell L. Wall, City Clerk in and for the City of Clinton, Mississippi, do hereby certify that the above is a true and correct copy of a certain Order passed and adopted at the May 15, 2007 regular meeting of the Mayor and Board of Aldermen of said City.

Witness my hand and Official Seal of the City of Clinton, Mississippi.

This the 16th day of May, 2007.


Russell L. Wall, City Clerk

(SEAL)



MAY 15 2007

CITY OF CLINTON AGENDA ITEM FACT SHEET CITY OF CLINTON

BOARD MEETING DATE: May 15, 2007

AGENDA ITEM NO. 10.

CONSENT AGENDA: \$

TO:

FOR:

ACCOUNT NO.:

INTRODUCED BY:

DISCUSSION/ACTION: Consideration of bids for 2007 Street Improvements Program

INTRODUCED BY: Richard L. Broome, P.E.

*Danish Mubner*BOARD ACTION:MOTION MADE BY: *Greer*SECONDED BY: *Hisaw*VOTE CAST:"AYE" "NAY"ACTION TAKEN:

Brabham

✓

Hisaw

✓

Greer

✓

Bishop

A

Fisher

✓

Morgan

✓

Barnett

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 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.

**Bid Tabulation
2007 Street Improvements Program**

**City of Clinton, MS
May 4, 2007
10:00 A.M**

Item Number	Item Description	Proposal Quantity	Item Unit	Adcamp		APAC		Superior Asphalt		Dickerson-Bowen	
				Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
S-403-C	Hot Bituminous Pavement Surface Course, SC-1, TYPE 2	5,600	Tons	\$57.74	\$323,344.00	\$55.50	\$310,800.00	\$63.50	\$355,600.00	\$56.75	\$317,800.00
S-301-A	Base Failure Repair Dig out and Repair with BB-1	200	Tons	\$57.74	\$11,548.00	\$64.00	\$12,800.00	\$135.00	\$27,000.00	\$80.00	\$16,000.00
S-304	Granular Material Class 5, Group C (For Shoulder Work)	200	Tons	\$12.00	\$2,400.00	\$19.50	\$3,900.00	\$35.00	\$7,000.00	\$20.00	\$4,000.00
406-A	Cold Milling of Bituminous Pavement (all depths)	15,200	Square Yards	\$1.00	\$15,200.00	\$2.20	\$33,440.00	\$3.50	\$53,200.00	\$2.25	\$34,200.00
901-S-620-C	Traffic Stripe (Continuous White)	35,174	Feet	\$0.16	\$5,627.84	\$0.15	\$5,276.10	\$0.15	\$5,276.10	\$0.14	\$4,924.36
901-S-620-D	Traffic Stripe (Continuous Yellow)	39,900	Feet	\$0.16	\$6,384.00	\$0.15	\$5,985.00	\$0.15	\$5,985.00	\$0.14	\$5,586.00
	Brighton Park Walking Track SC-1, Type 2	400	Tons	\$57.74	\$23,096.00	\$60.60	\$24,240.00	\$80.00	\$32,000.00	\$59.00	\$23,600.00
	Subgrade Prep	1 Lump Sum			\$3,800.00		\$750.00		\$13,000.00		\$1,800.00
Total Bid Price					\$391,399.84		\$397,191.10		\$499,061.10		\$407,910.36

THIS IS TO CERTIFY THAT THE ABOVE BID AMOUNTS ARE A TRUE AND ACCURATE TABULATION OF THE CONSTRUCTION BIDS RECEIVED ON THIS PROJECT.

BY: Richard L. Broome DATE: 5/7/07
 RICHARD L. BROOME
 CITY ENGINEER



BOARD APPROVED

MAY 15 2007

CITY OF CLINTON

CITY OF CLINTON AGENDA ITEM FACT SHEET

BOARD MEETING DATE: May 15, 2007

AGENDA ITEM NO. 11.

CONSENT AGENDA: \$

TO: **BOARD APPROVED**

FOR:

MAY 15 2007

ACCOUNT NO.:

CITY OF CLINTON

INTRODUCED BY:

DISCUSSION/ACTION: Proposal to Develop Technical Justification for a Site-Specific Criterion for Copper FTN No. P5960-07-01

INTRODUCED BY: ~~Richard L. Broome, P.E.~~

Derrick Milner

BOARD ACTION:

MOTION MADE BY: *Greer*

SECONDED BY: *Hisaw*

VOTE CAST:

"AYE" "NAY"

ACTION TAKEN:

Brabham

☒

☐

Hisaw

☒

☐

Greer

☒

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Bishop

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Fisher

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Morgan

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☐

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 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.



BOARD APPROVED

MAY 15 2007

CITY OF CLINTON

April 3, 2007

Mr. Richard Broome, PE
City Engineer
City of Clinton
PO Box 156
Clinton, MS 39060

RE: Proposal to Develop Technical Justification for a Site-Specific Criterion for Copper
FTN No. P5960-07-01

↑
*Make a Dis/Act
Agenda sheet for
this*

Our preliminary evaluation that was just completed and, we have enclosed a proposal to develop a site-specific Southside Wastewater Treatment Plant discharge. In need that implementing the standards change will require rulemaking will require legal assistance for a number of years as part of this proposal. The legal assistance can be recommended a firm that has experience in the process. FTN's fees will depend on the choice of legal support. Therefore we will be developed depending on the City's choice for legal support implemented through the state's triennial review, then third year. This proposal also assumes that the required technical EPA's "streamlined" water effects ratio (WER) guidance regarding the use of third party rule making vs. the triennial guidance will rest with the Mississippi department of

At this time we think that the most likely approach will use the "streamlined" guidance and the City should assume, for budgeting purposes that the standards change would be implemented through a 3rd party rulemaking. Based on our experience with the State of Arkansas and Region 6, and FTN's technical support for a third-party rulemaking could be in the range of approximately \$20,000.

BOARD APPROVED

MAY 15 2007

CITY OF CLINTON

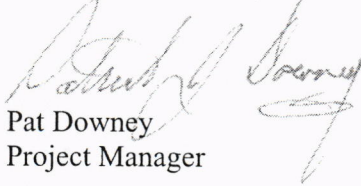
Mr. Richard Broome, PE
April 3, 2007
Page 2

The City should be aware that it is not a forgone conclusion that the laboratory testing will provide information that will support a standards change. Testing of the City's effluent may reveal that the actual WER is not sufficient to provide the relief sought by the City. However, if this is the case, it should become apparent relatively early in the testing, before substantial resources have been expended.

The proposal includes a review of existing data that the City might have or might be collecting at this time.

We welcome the opportunity to assist the City of Clinton in this project. Please feel free to call me at (501) 225-7779 or Randy Reed at (601) 987-9958 if you have any questions.

Kindest regards,
FTN ASSOCIATES, LTD.



Pat Downey
Project Manager

PJD/bls

Enclosure

R:\WP_FILES\PROPOSALS\5960 CLINTON MS\2007 PROPOSALS\59600701\P-R BROOME - 04-03-07.DOC



BOARD APPROVED

MAY 15 2007

CITY OF CLINTON

April 3, 2007

Mr. Richard Broome, PE
City Engineer
City of Clinton
PO Box 156
Clinton, MS 39060

RE: Proposal to Develop Technical Justification for a Site-Specific Criterion for Copper
FTN No. P5960-07-01

Dear Mr. Broome:

FTN Associates, Ltd. (FTN) is pleased to present this proposal to provide professional services for the City of Clinton, Mississippi (Client). The proposed services consist of developing the technical information and providing the appropriate reporting and agency coordination to justify a site-specific criterion for copper for the Clinton Southside Wastewater Treatment Plant. This work is further described in the printed Scope of Work for Basic Services (Exhibit A) and is subject to the Standard Terms and Conditions (Exhibit B).

This proposal assumes that implementing the standards change will require third party rulemaking, which will require technical support from FTN as well as legal assistance for a number of administrative tasks. Support for legal assistance and associated technical support from FTN for the third party rulemaking are not included as part of this proposal. This proposal also assumes that the technical information required will be developed under EPA's "streamlined" WER guidance (EPA-822-R-01-005).

We request that you furnish us with full information as to your requirements including any special or extraordinary considerations for the Project or special services needed and to make available all pertinent existing data. In addition, we request that you provide information concerning the potential health and/or physical hazards present at the facility to which FTN employees could be exposed. This information (i.e., Material Safety Data Sheets, etc.) is needed to ensure FTN's compliance with the OSHA Hazard Communication Standard.

Based on our discussions with you and our understanding of the work, we propose to perform the work described in the printed Scope of Work for Basic Services (Exhibit A) on a time and materials basis for a fee not to exceed \$30,900. This fee includes services rendered by FTN's

BOARD APPROVED

MAY 15 2007

CITY OF CLINTON

Mr. Richard Broome, PE
April 3, 2007
Page 2

principals and employees engaged directly on the Project on the basis of time and materials, using the rates included as Exhibit C, and will not be exceeded unless authorized by the Client. This fee includes associated analytical laboratory costs, which are expected to be approximately \$5,500.

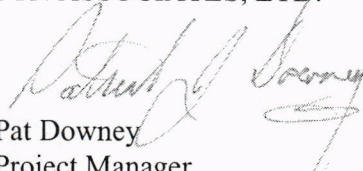
We will bill you monthly with invoices to be paid within 30 days. The above financial arrangements are on the basis of prompt payment of our bills and the orderly and continuous progress of the project.

We expect to start our services promptly after receipt of your acceptance of our proposal and to schedule work within 2 weeks of your notice to proceed. If there are protracted delays for reasons beyond our control, we would expect to negotiate with you an equitable adjustment of our compensation taking into consideration the impact of such delay including but not limited to changes in price indices and pay scales applicable to the period when services are in fact being rendered.

This proposal, which includes Exhibits A, B, and C consisting of 8 pages, represents the entire understanding between you and FTN with respect to this project and may only be modified in writing and signed by both parties. If it satisfactorily sets forth your understanding of our agreement, we would appreciate your printing and signing one copy of this letter in the space provided below and returning it to us. This proposal is open for acceptance until May 2, 2007 unless changed by FTN in writing.

We appreciate the opportunity to submit this proposal and look forward to working with you on this project. Please do not hesitate to call me at (501) 225-7779 or Randy Reed at (601) 987-9958 if you have any questions.

Respectfully submitted,
FTN ASSOCIATES, LTD.


Pat Downey
Project Manager

Accepted this _____ day
of _____, 2007

By _____
City of Clinton

PJD/bls

Enclosures

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BOARD APPROVED

MAY 15 2007

CITY OF CLINTON

EXHIBIT A

**Scope of Work for Basic Services
Proposal to Develop Technical Justification for a
Site-Specific Criterion for Copper**

This exhibit is attached to and made part of this Letter Agreement dated April 3, 2007 between the City of Clinton (Client) and FTN Associates, Ltd. (FTN). The tasks expected to be included in this project include:

TASK 1 AGENCY COORDINATION

FTN will establish a formal documented dialog with Region 4 EPA and MDEQ to apprise the agencies of the City's intention to develop a site-specific criterion. FTN will obtain guidance and agreement with the agencies on the appropriate technical and reporting requirements and the administrative approach for the standards change. FTN anticipates 2 face-to-face meetings with MDEQ and 1 such meeting with Region 4 EPA.

TASK 2 PREPARATION OF WORK PLAN

After consultation with the Agencies, FTN will prepare a Draft Work Plan that describes the type, quantity and quality of technical data required to support the standards change as well as the required information for the Justification Report. FTN will submit the Draft Work Plan to the Client for review and revise the draft per the Client's review and comment. It is assumed that the data collection and analysis will follow requirements in EPA's "streamlined" water effect ratio (WER) guidance (EPA-822-R-01-005). FTN will submit the revised draft to the Agencies for review and revise the plan according to Agency comments as necessary to produce a Final Work Plan.

**TASK 3 FINAL WORK PLAN IMPLEMENTATION: LABORATORY
COORDINATION, DATA ACQUISITION AND DATA ANALYSIS**

Laboratory testing will begin within 2 weeks of Agency approval of the Final Work Plan. FTN will coordinate sampling and laboratory testing as specified in the Final Work Plan. It is anticipated that laboratory testing will involve collection and testing of 3 sets of samples collected over approximately 10 weeks. Sampling and analysis may be terminated if initial test results indicate that the actual site-specific WER is insufficient to meet the Client's needs.

TASK 4 JUSTIFICATION REPORT PREPARATION

If the results of the laboratory testing and analysis indicate a WER that is favorable to the Client, FTN will prepare a draft Justification Report according to requirements specified in the Final Work Plan. The Justification Report will provide technical information and analysis to justify the standards change. The draft Justification Report will be submitted to the Client for review within 3 weeks of the completion of laboratory analyses. The revised draft Justification Report will then



BOARD APPROVED

MAY 15 2007

CITY OF CLINTON

Exhibit A
April 3, 2007
Page 2

be submitted to the Agencies for review and comment. FTN will revise the justification report as needed to comply with Agency review and comment.

TASK 5 EXISTING DATA REVIEW

The project budget includes up to 20 hrs for the review of the results of source evaluations or other special studies that might conduct or have conducted as part of its efforts to identify a means to achieve compliance with effluent limitations for copper.

BOARD APPROVED

MAY 15 2007

CITY OF CLINTON
September 30, 1993

EXHIBIT B

**Standard Terms and Conditions
For FTN Contracts**

1. Standard of Care The services provided by FTN shall be performed in accordance with generally accepted professional practice at the time when and the place where the services are rendered.
2. Independent Contractor FTN is an independent contractor and not an employee or agent of CLIENT. CLIENT is not responsible for any of its activities. Any taxes, licenses, permits, required filing of forms or any other conditions imposed upon or required to render FTN Services shall be satisfied by FTN at FTN's expense.
3. Insurance FTN shall procure and maintain insurance for protection from claims under workers' compensation acts. FTN shall procure and maintain liability insurance against claims based on FTN's negligence for damages because of bodily injury including personal injury, sickness or disease or death of any and all employees or of any person other than such employees, and from claims or damages based on FTN's negligence because of injury to or destruction of property including loss of use resulting therefrom.
4. Indemnification
 - a. FTN does hereby indemnify and save harmless CLIENT from and against any and all liability and claims of liability of any and every kind and nature, including without limitation bodily injury, death and property damage, arising out of any negligent act by FTN, and FTN, at FTN's sole expense, shall handle all such claims, defend all lawsuits filed against CLIENT therein, and reimburse CLIENT in cash for all reasonable expense incurred by CLIENT on account thereof, provided, that if CLIENT elects to retain independent counsel, FTN shall reimburse CLIENT for all costs reasonably incurred by CLIENT to defend itself through attorneys of CLIENT's choice. There is hereby excepted from the foregoing any and all liability and claims of liability solely attributable to acts of CLIENT's direct payroll employees, and there is hereby further excepted from the foregoing any and all liability and claims of liability for environmental pollution which are not the result of negligence on the part of FTN in FTN's performance of this contract.
 - b. CLIENT does hereby indemnify and save harmless FTN from and against any and all liability and claims of liability of any and every kind and nature including without limitation bodily injury, death, property damage and claims for environmental pollution which are not the result of negligence on the part of FTN in FTN's performance of this contract, and CLIENT, at CLIENT's sole expense, shall handle all such claims, defend all lawsuits filed against FTN on account thereof, pay all judgments rendered against FTN therein, and reimburse FTN in cash for all reasonable expense incurred by FTN on account thereof, provided, that if FTN elects

MAY 15 2007

CITY OF CLINTON

to retain independent counsel, CLIENT shall reimburse FTN for all costs reasonably incurred by FTN to defend itself through attorneys of FTN's choice.

5. Electronic Deliverables Any use or reuse of original or altered computer files by CLIENT or others without written verification by FTN for purposes other than for the specific purpose intended will be at CLIENT's risk and full legal responsibility. Furthermore, CLIENT will, to the fullest extent permitted by law, indemnify and hold FTN harmless from any and all claims, suits, liability, demands, or costs arising out of or resulting therefrom. Any verification of such adaptation by CLIENT will entitle FTN to additional compensation at the then current rate.

The submitted data files are intended to work only as described. The files are compatible only with the software and operating platform described. FTN makes no warranty as to the compatibility of these files for versions of the software other than for those stated. FTN is not responsible for uses of the data outside of or beyond the scope of the Agreement.

Because data stored on electronic media can deteriorate undetected or can be modified without FTN's knowledge, CLIENT agrees that FTN will not be held liable for the completeness or correctness of the electronic media, with respect to its originally intended use as defined in the agreement, after an acceptance period of 30 days after delivery of the electronic files. FTN stands by the accuracy of sealed drawings that accompany submittals.

The electronic files are submitted to CLIENT for a 30-day Acceptance Period. During this period, CLIENT may review and examine these files; any errors, relative to the intended use of the files, detected during this time will be corrected by FTN as part of the basic agreement. Any changes requested after the Acceptance Period will be considered additional services to be performed on a time and materials basis, at the then current rates plus terms and conditions.

6. Termination This agreement may be terminated at any time, for any cause by either party upon thirty days written notice to the other party. In such event, CLIENT shall forthwith pay FTN in full for all work previously authorized and performed prior to effective date of termination. If no notice of termination is given, relationships and obligations created by this Agreement shall be terminated upon completion of all applicable requirements of this Agreement.
7. Assignment This Agreement shall not be assigned by FTN to any other party unless prior written approval is obtained from CLIENT. This Agreement shall be binding upon all parties hereto and their respective heirs, executors, administrators, successors, and assigns.
8. Limit of Liability It is understood that any and all professional liabilities incurred by FTN throughout the course of rendering professional services on this Project shall be limited to a maximum of the net fee received by FTN, not including reimbursable expenses and subconsultants, for all services rendered on the Project.

MAY 15 2007

CITY OF CLINTON

9. Confidentiality of Information No information concerning this Project shall be released by FTN.
10. Precedence These Standard Terms and Conditions shall take precedence over any inconsistent or contradictory provisions contained in any proposal, contract, purchase order, requisition notice to proceed, or like document regarding FTN's services.
11. Severability If any of these Standard Terms and Conditions shall be finally determined to be invalid or unenforceable in whole or part, the remaining provisions hereof shall remain in full force and effect, and be binding upon the parties hereto. The parties agree to reform this Agreement to replace any such invalid or unenforceable provision with a valid and enforceable provision that comes as close as possible to the intention of the stricken provision.
12. Survival These Standard Terms and Conditions shall survive the completion of the services under this Agreement and the termination of this Agreement for any cause.
13. Controlling Law This Agreement is to be governed by and construed in accordance with the laws of the State of Arkansas.

BOARD APPROVED

MAY 15 2007

CITY OF CLINTON

EXHIBIT C

**2007 Fee Schedule¹
FTN Associates, Ltd.**

<u>Labor Category</u>	<u>Hourly Rate</u>
Professional 7	\$ 150.00
Professional 6	140.00
Professional 5	120.00
Professional 4	108.00
Professional 3	98.00
Professional 2	87.00
Professional 1	76.00
Technician 4	78.00
Technician 3	65.00
Technician 2	58.00
Technician 1	42.00
Word Processing	49.00

Direct Expenses

All direct project expenses will be invoiced at cost plus 10 percent. Direct project expenses include such items as travel, meals, lodging, shipping, supplies, consultants, subcontractors, etc. Vehicle mileage will be charged at standard IRS rates.

A charge of 2 percent is applied to the total labor amount to cover communication charges and computer expenses associated with computer applications, data storage and backup.

Should back-up data be requested for reimbursable expenses, it will be provided for an administrative fee.

Payment Terms

Unless other arrangements are made in writing invoicing will be monthly for services completed. Payment is due in full within 30 days of invoice. A service charge of 1½ percent per month will be charged on all balances over 30 days.

¹Effective January 1, 2007 - December 31, 2007

Richard Broome

From: "Pat Downey" <pjd@ftn-assoc.com>
To: <engineering@clintonms.org>
Cc: "Randy Reed" <rcr@ftn-assoc.com>
Sent: Tuesday, April 03, 2007 2:12 PM
Attach: P-R Broome - 04-03-07.pdf
Subject: Water effects ratio proposal

BOARD APPROVED

MAY 15 2007

CITY OF CLINTON

Richard,

Per your request, we have provided the attached proposal for conducting a water effects ratio study to support a site specific copper criterion for the City of Clinton's Southside plant. Please feel free to call me (501-225-7779) or Randy Reed (601-987-9958) if you have any questions.

Pat Downey

FTN Associates, Ltd.
3 Innwood Circle
Suite 220
Little Rock, AR 72211
tel 501-225-7779
fax 501-225-6738
Email: pjd@ftn-assoc.com
<http://www.ftn-assoc.com>

4/26/2007

MAY 15 2007

CITY OF CLINTON AGENDA ITEM FACT SHEET

CITY OF CLINTON

BOARD MEETING DATE: May 15, 2007

AGENDA ITEM NO. 12.

CONSENT AGENDA:

TO:

FOR:

ACCOUNT NO:

INTRODUCED BY:

DISCUSSION/ACTION: Resolution authorizing and approving Mayor Aultman to execute a lease-purchase agreement with Trustmark National Bank for a backhoe with a lease rate of 4.26% for 5 years.

INTRODUCED BY: Russell L. Wall, City Clerk

BOARD ACTION:

MOTION MADE BY: Brabham

SECONDED BY: Hisaw

VOTE CAST:
TAKEN:

"AYE"

"NAY"

ACTION

Brabham

✓

Hisaw

✓

Greer

✓

Bishop

A

Fisher

✓

Morgan

✓

Barnett

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 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.

MAY 15 2007

**RESOLUTION AUTHORIZING AND APPROVING EXECUTION
OF AN EQUIPMENT LEASE-PURCHASE AGREEMENT WITH
TRUSTMARK NATIONAL BANK
FOR THE PURPOSE OF LEASE-PURCHASING CERTAIN EQUIPMENT**

CITY OF CLINTON

WHEREAS, the Mayor and the Board of Aldermen, the Governing Body (the "Governing Body") of the City of Clinton, Mississippi (the "Lessee"), acting for and on the behalf of the Lessee hereby finds, determines and adjudicates as follows:

1. The Lessee desires to enter into an Equipment Lease-Purchase Agreement with the Exhibits attached thereto in substantially the same form as attached hereto as Exhibit "A" (the "Agreement") with Trustmark National Bank (the "Lessor") for the purpose of presently purchasing the equipment as described therein for the total cost specified therein (collectively the "Equipment") and to purchase such other equipment from time to time in the future upon appropriate approval;
2. The Lessee is authorized pursuant to Section 31-7-13(e) of the Mississippi Code of 1972, as amended, to acquire equipment and furniture by Lease-Purchase agreement and pay interest thereon by contract for a term not to exceed 5 years;
3. It is in the best interest of the residents served by Lessee that the Lessee acquire the Equipment pursuant to and in accordance with the terms of the Agreement; and
4. It is necessary for the Lessee to approve and authorize the Agreement.
5. The Lessee desires to designate the Agreement as a qualified tax-exempt obligation of Lessee for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986 (the "Code").

NOW, THEREFORE, BE IT RESOLVED by this Governing Body for and on behalf of the Lessee as follows:

Section 1. The Agreement and Exhibits attached thereto in substantially the same form as attached hereto as Exhibit "A" by and between the Lessor and the Lessee is hereby approved and Rosemary G. Aultman (the "Authorized Officer") is hereby authorized and directed to execute said Agreement on behalf of the Lessee.

Section 2. The Agreement is being issued in calendar year 2007.

Section 3. Neither any portion of the gross proceeds of the Agreement nor the Equipment identified to the Agreement shall be used (directly or indirectly) in a trade or business carried on by any person other than a governmental unit, except for such use as a member of the general public.

Section 4. No portion of the rental payments identified in the Agreement (a) is secured, directly or indirectly, by property used or to be used in a trade or business carried on by a

MAY 15 2007

person other than a governmental unit, except for such use as a member of the general public, or by payments in respect of such property; or (b) is to be derived from payments (whether or not to Lessee) in respect of property or borrowed money used or to be used for a trade or business carried on by any person other than a governmental unit.

Section 5. No portion of the gross proceeds of the Agreement are used (directly or indirectly) to make or finance loans to persons other than governmental units.

Section 6. Lessee hereby designates the Agreement as a qualified tax-exempt obligation for purposes of Section 265(b) of the Code.

Section 7. The Authorized Officer is further authorized for and on behalf of the Governing Body and the Lessee to do all things necessary in furtherance of the obligations of the Lessee pursuant to the Agreement, including execution and delivery of all other documents necessary or appropriate to carry out the transactions contemplated thereby in accordance with the terms and provisions thereof.

Following the reading of the foregoing resolution Alderman Brabham moved that the foregoing resolution be adopted; Alderman Hisaw seconded the motion for its adoption. The Mayor put the question to a roll call vote and the result was as follows:

Alderman Brabham voted yes
Alderman Hisaw voted yes
Alderman Greer voted yes
Alderman Bishop voted absent
Alderman Fisher voted yes
Alderman Morgan voted yes
Alderman Barnett voted absent

The motion having received the affirmative vote of all members present, the Mayor declared the motion carried and the resolution adopted this the 15th day of May 2007.

Rosemary G. Aultman
Rosemary G. Aultman, Mayor

ATTEST:

Russell L. Wall
Russell L. Wall, City Clerk

(SEAL)

BOARD APPROVED

MAY 15 2007

CITY OF CLINTON AGENDA ITEM FACT SHEET

CITY OF CLINTON

BOARD MEETING DATE: May 15, 2007

AGENDA ITEM NO. 13.

CONSENT AGENDA:

TO:

FOR:

ACCT. NO.

DISCUSSION/ACTION: Appointment of Chet Dillard as Interim Municipal Judge

INTRODUCED BY: Rosemary G. Aultman, Mayor

TELEPHONE:

EXHIBITS FOR REVIEW:

Minutes
Ordinance
Resolution

Invoice
Plans, Maps
Contract

Other:

RECOMMENDATION:

BOARD ACTION:

MOTION MADE BY: Greer

SECONDED BY: Brabham

VOTE CAST:

"AYE"

"NAY"

ACTION TAKEN:

Brabham
Hisaw
Greer
Bishop
Fisher
Morgan
Barnett

✓
✓
✓
A
✓
✓
A

Mayor Aultman

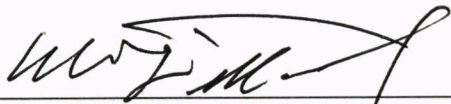
AGENDA ITEMS MUST BE TURNED IN TO THE CITY CLERK WITH ALL ATTACHMENTS NO LATER THAN 5 P.M. ON THE WEDNESDAY PRECEEDING THE TUESDAY BOARD MEETING TO BE INCLUDED ON THE AGENDA. THIS DEADLINE WILL BE STRICTLY ENFORCED.

OATH OF OFFICE

STATE OF MISSISSIPPI

COUNTY OF HINDS

I, W.O. DILLARD, do solemnly swear that I will faithfully support the Constitution of the United States and the laws of the State of Mississippi; that I am not disqualified from holding the office of INTERIM MUNICIPAL JUDGE, City of Clinton, Mississippi; that I will faithfully discharge the duties of the office upon which I am about to enter. So help me God.



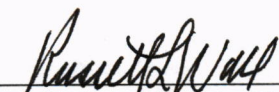
W.O. DILLARD

SWORN TO AND SUBSCRIBED BEFORE ME, this the 16th day of May, 2007.



ROSEMARY G. AULTMAN, MAYOR

ATTEST:



RUSSELL WALL, CITY CLERK

May 16, 2007

DATE

SEAL



MAY 15 2007

CITY OF CLINTON AGENDA ITEM FACT SHEET **CITY OF CLINTON**

BOARD MEETING DATE: May 15, 2007

AGENDA ITEM NO. 14,

Discussion/Action/Recommendation:

Ordinance regulating the cleaning of grease interceptors and the transportation and disposal of grease interceptor waste in the City of Clinton, Hinds County, MississippiINTRODUCED BY: TR Tim Rogers, Director of Public Works TELEPHONE: 924-2239*Mayor Aultman*

EXHIBITS FOR REVIEW

Minutes
Ordinance
ResolutionInvoice
Plans, Maps
Contract

Other : Ordinance

RECOMMENDATION:

BOARD ACTION:MOTION MADE BY: HisawSECONDED BY: GreerVOTE CAST:"AYE" "NAY"ACTION TAKEN:

Brabham	<u>✓</u>	<u> </u>	<u> </u>
Hisaw	<u>✓</u>	<u> </u>	<u> </u>
Greer	<u>✓</u>	<u> </u>	<u> </u>
Bishop	<u>A</u>	<u> </u>	<u> </u>
Fisher	<u>✓</u>	<u> </u>	<u> </u>
Morgan	<u>✓</u>	<u> </u>	<u> </u>
Barnett	<u>A</u>	<u> </u>	<u> </u>
Mayor Aultman	<u> </u>	<u> </u>	<u> </u>

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.

**AN ORDINANCE OF THE CITY OF CLINTON, MISSISSIPPI, REGULATING
THE CLEANING OF GREASE INTERCEPTORS, REGULATING THE
TRANSPORTATION AND DISPOSAL OF GREASE INTERCEPTOR WASTE,
PROVIDING FOR PENALTIES FOR VIOLATIONS AND FOR RELATED
MATTERS**

WHEREAS, it is the desire of the City of Clinton, Hinds County, Mississippi, to prevent commercial food cooking and serving operations from allowing grease to be deposited into the municipal sanitary sewer system, because of the potential for health hazards and the additional cost of cleaning and removal both to the City and its Citizens, and

WHEREAS, the adoption of this ordinance will facilitate proper inspection activities and regulate cleaning and waste transportation of grease interceptors in the City of Clinton, Hinds County, Mississippi, and to benefit the public health, safety, and general welfare of the City and its citizens:

NOW, THEREFORE, BE IT ORDAINED BY the Mayor and Board of Aldermen of the City of Clinton, Hinds County, Mississippi, that the following ordinance be adopted:

Section 1: Definitions

Building Official shall mean the Building Official or a duly appointed representative.

Clean shall mean to remove the contents of the entire grease interceptor, scrape the walls, wash down the walls with high pressure water, and pump out the contents a second time.

Commercial Food Preparation shall mean cooking and/or serving food at any location not zoned residential by the City of Clinton Zoning Ordinance and which produces waste fat in a liquid form.

Disposer shall mean an enterprise that accepts grease waste for final disposal.

City shall mean the City of Clinton, Mississippi.

Generator shall mean any operation engaged in commercial food preparation.

Grease Interceptor shall mean any device or fixture that is designed and installed to separate grease from a sanitary sewer discharge and hold said grease until it can be collected by a grease waste hauler.

Grease Waste shall mean any waste, which consists of fat in a liquid form, which would be deposited into the City sewer system.

Grease Waste Hauler shall mean any person registered with the City of Clinton to collect, transport and dispose of grease waste from generators in the City.

Grease Waste Manifest shall mean a document that shows a Grease Interceptor was cleaned. It shall contain the name of the Grease Waste Hauler, date and time of cleaning, name, and location of the Disposer.

Section 2: General Provisions

All commercial food preparation establishments in the City of Clinton, Mississippi shall have, operate, and maintain a grease interceptor pursuant to the following:

- A. All new generators within the City of Clinton, Mississippi opened after the effective date of this Ordinance shall be required to install and maintain a grease interceptor pursuant to Section 1003 of the 2006 International Plumbing Code before operations commence.
- B. Generators existing at the effective date of the Ordinance within the City of Clinton, Mississippi shall be required to install and maintain a grease interceptor pursuant to Section 1003 of the 2006 International Plumbing Code within ninety days of the effective date of this Ordinance.
- C. All generators shall clean their grease interceptor at an interval necessary to prevent grease from entering the City of Clinton sanitary sewer system. Under no circumstances shall this interval exceed every ninety days.
- D. Cleaning of grease interceptors shall be performed by a Grease Waste Hauler registered with the City of Clinton.
- E. After each cleaning, the Generator shall submit to the Building Official a copy of the Grease Waste Manifest, prepared by the Grease Waste Hauler.
- F. The Building Official of the City of Clinton, Mississippi is hereby authorized to promulgate such rules, regulations, procedures, standards or criteria as are necessary to effectuate the intent of this Ordinance.

Section 3: Penalties

Upon notification of any violation of this Ordinance, the violator shall have 14 days to correct such violations. If the violations are not corrected within the time frame, the violator may be subjected to a fine of up to \$1000 per day thereafter for each day the violation continues. In addition, if the violation is not having an interceptor, the property owner shall have ninety days to correct the violation. If the violation is not properly cleaning the interceptor, the property owner shall have four days to have it properly cleaned. If, after the notice period, the violation is not corrected, the Building Official shall disconnect the water service from the building. The Generator shall be responsible for any and all re-connection fees and procedures.

Section 4: Severability

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 5:

This ordinance shall take effect and be in force thirty (30) days from and after its passage.

ORDAINED, ADOPTED AND APPROVED BY THE MAYOR AND BOARD
OF ALDERMEN OF THE CITY OF CLINTON, MISSISSIPPI, at a meeting thereof
held on the 15th day of May 2007.

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

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

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

The foregoing Ordinance was approved this the 15th day of May
2007.

CITY OF CLINTON, MISSISSIPPI

BY: Rosemary G. Aultman
Rosemary G. Aultman, Mayor

ATTEST:

Russell Wall
Russell Wall, City Clerk



MAY 15 2007

CITY OF CLINTON AGENDA ITEM FACT SHEET**CITY OF CLINTON**

BOARD MEETING DATE: May 15, 2007

AGENDA ITEM NO. 15.

Discussion/Action/Recommendation:

Policy for the accommodation of the utility facilities within the right-of-way of all public roads in the City of Clinton, Hinds County, Mississippi

INTRODUCED BY: TR Tim Rogers, Director of Public Works TELEPHONE: 924-2239

Mayor Aultman

EXHIBITS FOR REVIEW

Minutes

Ordinance

Resolution

Invoice

Plans, Maps

Contract

Other : Ordinance

RECOMMENDATION:

BOARD ACTION:MOTION MADE BY: GreerSECONDED BY: BrabhamVOTE CAST:"AYE""NAY"ACTION TAKEN:

Brabham

✓

Hisaw

✓

Greer

✓

Bishop

A

Fisher

✓

Morgan

✓

Barnett

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 PRECEEDING THE TUESDAY BOARD MEETING TO BE INCLUDED ON THE AGENDA. THIS DEADLINE WILL BE STRICTLY ENFORCED.

**AN ORDINANCE OF THE CITY OF CLINTON, MISSISSIPPI,
REGULATING THE INSTALLATION OF UTILITY FACILITIES WITHIN
THE RIGHT-OF-WAY OF PUBLIC STREETS IN THE CITY LIMITS,
PROVIDING FOR PROCEDURES AND CONSTRUCTION DETAILS
OF SUCH INSTALLATION, PROVIDING FOR PENALTIES FOR
VIOLATIONS AND FOR RELATED MATTERS**

NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND BOARD OF
ALDERMEN OF THE CITY OF CLINTON, MISSISSIPPI, that the following Ordinance be
adopted:

This ordinance shall take effect and be in force thirty (30) days from and after its passage.

ORDAINED, ADOPTED AND APPROVED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CLINTON, MISSISSIPPI, at a meeting thereof held on the 15th day of June 2007.

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

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

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

The foregoing Ordinance was approved this the 15th day of May
2007.

CITY OF CLINTON, MISSISSIPPI

BY: Rosemary G. Aultman
Rosemary G. Aultman, Mayor

ATTEST:

Russell Wall
Russell Wall, City Clerk

BOARD APPROVED

MAY 15 2007

CITY OF CLINTON

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DIVISION I
SECTION 1
GENERAL PROVISIONS

1.1 PURPOSE:

The purpose of this Policy is to regulate the installation of utility facilities within the right-of-way of the City-Federal Aid, State Aid Systems roads, and other public roads of the City of Clinton, Mississippi. The city has the responsibility to maintain its highway rights-of-way in such a manner as will preserve the integrity, safety and function of the highway facilities. Since the manner in which utilities cross or otherwise occupy highway rights-of-way can affect the appearance, safety, and maintenance of the highway, it is necessary that such use and occupancy be authorized and reasonably regulated.

1.2 APPLICATION:

This Policy applies to all public and private utilities, including but not limited to electric power, telephone, telegraph, water, gas, oil, petroleum products, steam, chemicals, sewage, drainage, irrigation, and similar lines, that are to be accommodated, adjusted, or relocated within the rights-of-way on the City Federal Aid and State Aid Systems roads. The City of Clinton will also apply this Policy to those city roads not on the Federal Aid and State Aid Systems. Such utilities may involve underground or overhead facilities, either singularly or in combination.

1.3 SCOPE:

This Policy provides for regulating the future location, design and method of installing, adjusting, and maintaining utilities within the rights-of-way of the City Federal Aid and State Aid Systems roads, as well as all other city roads rights-of-way. It does not alter those regulations governing the location, relocation and/or adjustment of utility facilities previously authorized by the City of Clinton. It is limited to matters, which are the responsibility of the highway authorities of the City and State for preserving the integrity of the highways and their safe operation.

Where state laws or the orders of the City of Clinton or other public authorities or industry codes prescribe a higher degree of protection than provided by this Policy, then the higher degree of protection shall prevail.

SECTION 2
DEFINITION OF TERMS

- 2.1 The following terms contained in this Policy or in related and supplemental documents, instruments, and/or permits shall be interpreted as follows:

APPLICANT: Any utility company, association or individual receiving a permit from the City of Clinton to locate, relocate, adjust and maintain its utility facilities within the City highway rights-of-way.

BACKFILL: The replacement of soil around and over a pipe or conduit.

BEDDING: The organization of soil to support a pipe.

BOARD: The City of Clinton of Hinds County.

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BOND: The approved form of security furnished by the applicant and its surety, if required, as a guaranty of good faith and ability on the part of the applicant to execute the work and maintenance in accordance with the terms of the permit and the specifications included in this Policy.

BURY: Depth of the top of pipe below the grade of roadway or ditch.

CAP: Rigid structural element surmounting a pipe.

CARRIER: A pipe directly enclosing a transmittal fluid (liquid or gas).

CASING: A larger pipe enclosing a carrier pipe.

CITY: That area of land, designated by law, under the jurisdiction of the City of Clinton

CLEAR ROADSIDE POLICY: The policy employed by highway authorities to increase safety, improve traffic operations, and enhance the appearance of highways by designing, constructing, and maintaining highway roadsides as wide, flat, and rounded as practicable and to eliminate physical obstructions above the ground, such as trees, drainage structures, sign supports, utility poles, and other ground mounted obstructions.

COATING: Material applied to or wrapped around a pipe.

CONVENTIONAL HIGHWAY: an arterial highway without access control.

CONDUIT OR DUCT: an enclosed tubular runway for protecting wires or cables.

CRADLE: Rigid structural element below and supporting a pipe.

CROWN: The vertical rise between the edge of the road (shoulder line) and the center of the road.

CROWN WIDTH: The horizontal distance between the shoulder lines of the road.

DIRECT BURIAL: Installing a utility facility underground without encasement.

DRAIN: Appurtenance to discharge liquid contaminants from casings.

ENCASEMENTS: Structural element surrounding a pipe.

ENCROACHMENT: Authorized or unauthorized use of highway rights-of-way or easements, as for signs, fences, building, etc.

ENGINEER: the City engineer employed by the City of Clinton accordance with law and acting under the rules and regulations of this Policy and the approval of the Stat Aid Engineer.

FLEXIBLE PIPE: A plastic, fiberglass or metallic pipe having a large ratio of diameter to wall thickness which can be deformed without undue stress.

GALLERY: An underpass for two or more pipelines.

GROUNDING: Connected to earth or to some extended conducting body, which serves instead of the earth, whether the connection is intentional or accidental.

GROUT: A cement mortar or a slurry of fine sand or clay, as conditions govern.

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HIGHWAY, STREET OR ROAD: A general term denoting a public way for the purpose of the vehicular travel, including the entire area within the right-of-way.

JACKET: Encasement by concrete poured around a pipe.

MANHOLE: An opening in an underground system which workman or others may enter for the purpose of making installations, inspections, repairs, connections and tests.

MEDIAN: The portion of a divided highway separating the traveled way for traffic in opposite directions.

MATERIALS: Any specified substance, manufactured items or raw materials used in the utility facility construction.

NORMAL: Crossing at a right angle.

OBLIQUE: Crossing at an acute angle.

OVERFILL: Backfill above a drainage structure above natural ground.

PAVEMENT STRUCTURE: The combination of subbase, base course, and surface course placed on the subgrade to support the traffic load and distribute it to the roadbed.

PERMIT: The permission, in written form, issued by the City of Clinton through its authorized representative to the applicant to proceed with the utility facility location, relocation, and/or adjustment within the highway rights-of-way under the provisions of this Policy.

PLANS: The proposal of the applicant to do certain utility work within a highway right-of-way, including working drawings showing the location, character of work, dimensions, and details of the work proposed.

PIPE: A tubular product made as a production item for sale as such. Cylinders formed from plate in the course of the fabrication of auxiliary equipment are not pipe as defined here.

PRESSURE: Relative internal pressure in PSIG (pounds per square inch gauge).

PROJECT: Specific construction within a highway right-of-way for which a permit is sought by the applicant.

RIGHT-OF-WAY: The land conveyed, reserved, secured, dedicated, acquired, or used for highway or street purposes.

RIGID PIPE: A welded or bolted metallic pipe or reinforced, prestressed, or pretensioned concrete pressure pipe designed for diametric deflection of less than 1.0 percent.

ROADBED: The graded portion of a road, between the intersection of top and side slopes, upon which the pavement structure and shoulders are constructed.

ROADSIDE: A general term denoting the area adjoining the outer edge of the roadway.

ROADWAY: The portion of a highway, including shoulders, for vehicular use.

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SEMI-RIGID PIPE: A large diameter, metallic pipe designed to tolerate diametric deflection up to 3.0 percent.

SIDEFILL: Backfill alongside a pipe.

SHOULDERS: That portion of roadway contiguous with the traveled way for accommodating stopped vehicles and for lateral support of the base and surface courses.

SLEEVE: A short casing through a pier or abutment of a highway structure.

SPECIAL PROVISIONS: Specific directions and provisions additional to the specifications included in this Policy and made a part of the permit, setting forth conditions or requirements peculiar to the permit or project and which govern over said specifications.

STATE AID ENGINEER: The Engineer who is responsible for administering the State Aid Road Program as provided for in Section 8035-02, Mississippi Code of 1942, Recompiled, as amended.

SUBGRADE: That portion of the roadway prepared as foundation for the subbase, base, and pavement structure. The subgrade may be considered as part of the subbase structure when treated with appropriate additives.

SURETY: That corporate body, qualified under the laws of Mississippi, which is bound with and for the applicant for acceptable performance of the project construction and maintenance.

TRAVELED WAY: That portion of the roadway for the movement of vehicles, exclusive of shoulders and auxiliary lanes.

TRENCHED: Installed in a narrow open excavation.

UNTRENCHED: Installed without breaking ground or pavement surface, such as by jacking or boring.

USE AND OCCUPANCY AGREEMENT: The document by which the City of Clinton regulates and gives approval of the use and occupancy of City highway right-of-way for utility facilities.

UTILITY: Any public or private company, whether owned by a person, partnership, district, association or corporation, including, but not limited to, operating an electric, telephone, radio, cable, telegraph, gas, oil, water, or sewer transmission or distribution, proposing to construct or adjust its lines within the right-of-way of a city highway street. A utility shall include any contractor or subcontractor, or other person proposing to perform work for applicant within a city highway right-of-way. The words "Applicant" and "Utility" mean the same in the Policy.

VENT: An appurtenance to discharge gaseous contaminants from casings.

WALLED: Partially encased by concrete poured alongside the pipe.

**SECTION 3
GENERAL CONSIDERATIONS**

3.1 LOCATION AND TRAFFIC CONTROL:

A. Utility lines shall be located in such manner as to minimize the need for later adjustments, to accommodate future highway improvements and to permit access for servicing such lines with minimum interference to highway traffic.

B. Longitudinal installations shall be located on reasonably Uniform alignment and as near as practical to the right-of-way line so as to provide a safe environment for a traffic operation and to preserve space for future highway improvements or other utility installations.

C. Utility line crossings of the highway shall cross on a line generally perpendicular to highway alignment to the maximum practical extent.

D. The proposed horizontal and vertical dimensions and clearances for the various types of utilities must be clearly shown on the plans or stated in the agreement between the City of Clinton and the Utility.

E. Utility lines shall be installed within the rights-of-way in such manner and at such locations as will provide the maximum roadside clearance from the edge of the traveled way. Normally the installations will be at or near the backside of the right-of-way and shall be minimum of thirty (30) feet from the edge of the traveled way where the right-of-way width and typical cross section will permit.

F. No part of the utility (fire hydrants, valve boxes, poles, etc.) shall be placed in the right-of-way, which adversely affect the maintenance and function of the roadway, shoulders, ditches, or back slopes.

G. All trenches and disturbed areas of construction shall be backfilled and thoroughly tamped in lifts not to exceed six inches (6"). Disturbed areas of construction will be dressed and resodded to restore the area to original condition of natural growth. When buried utilities are located less than five (5) feet outside of the shoulder of the roadway the utility must provide certified compaction reports that confirm that a trench compaction of 95% standard proctor density has been achieved or must install flowable fill as directed by the Engineer or Public Works Director.

H. At no time shall the utility or its agents place any material in the roadway. In addition, the utility shall take the appropriate measures to protect the roadway from any damage or contamination during its operations.

I. Existing City facilities (traffic control devices, riprap, culverts, geotextiles, roadways, shoulders, ditches, etc.) shall not be removed, relocated, disturbed, or damaged, by the utility without prior written permission. In the event traffic control devices are compromised in any way, the Public Works Director shall be notified immediately in order to protect the traveling public. In those cases where city facilities are compromised by the utility or its agents, the City of Clinton may at its discretion perform the necessary repairs and replacements and bill the Utility for personnel and equipment time, material cost, and administrative fees.

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J. Control of Traffic: Traffic controls for Utility construction and maintenance operations should conform with the latest edition of the Manual on Uniform Traffic Control Devices for streets and highways. All construction and maintenance operations should be planned with full regard to safety and to keep traffic interference to an absolute minimum. Prior to performing any maintenance or construction work in the right-of-way the Utility shall certify by letter that they will adhere to the guidelines of the latest edition of the Manual on Uniform Traffic Control Devices for Streets and Highways.

K. Servicing, Maintenance and Repairs: All Utility facilities shall be kept in a good state of repair both structurally and from a standpoint of appearance. The Utility use and occupancy agreement shall identify maintenance operations, which are permitted and indicate situations where prior notification to the City of Clinton is required.

L. Utilities will be required to place on deposit with the City of Clinton funds sufficient to reasonably repair the damage their work could cause. The Engineer, or representative, shall be responsible for determining the amount of funds to be placed on deposit and shall make this recommendation to the City of Clinton as part of the permit application approval process. Those utilities, which are based in the City of Clinton and/or have a continual significant business office in operation in the City of Clinton, may request that this requirement be waived. In the event that the utility does not perform work necessary to restore the City right-of-way in a proper and timely manner the city may perform the work and bill the utility personnel and equipment time, materials and administration fees, necessary to properly restore the site. The required deposit shall be retained by the City until the statement rendered for such force account work is paid in full. If the statement for such work is not paid in full within (30) days' receipt thereof, the full deposit shall be forfeited to the City of Clinton. Further, failure to perform the work necessary to restore the City right-of-way in a proper and timely manner may result in unfavorable consideration of future permit requests by the utility.

M. The Utility must maintain a complete copy of the approved permit on site while any work is being performed. Any violation or nonconformance with the City of Clinton Policy For The Accommodation Of Facilities Within The Rights-Of-Way Of All Public City Roads may result in the voiding of the permit at which time the utility will be responsible for ceasing its construction efforts and returning the affected areas to a safe and functional condition.

N. The Utility shall warrant its work for a period of not less than one year from day of completion as documented by the Utility in letterform to the Engineer. On projects of a significant nature, as determined by the Engineer, a certificate from a licensed professional engineer stating that the work is complete and is in accordance with the approve permit and plans will be required.

O. Any Utility or individual performing work within the City right-of-way limits without the proper City permit having been acquired or without the City permit number on site will be subject to a fine of not less that \$500 (five hundred dollars) and not more than \$5000 (five thousand dollars). Any utility or individual violating this Policy in any way will be subject to a fine of not less than \$500 (five hundred dollars) and not more than \$5000 (five thousand dollars).

3.2 PLANS AND DESIGN:

The Utility and its Engineer shall be responsible for the design and development of the plans for the proposed installations and/or adjustments.

The Engineer or designee, acting as the duly authorized representative of the City of Clinton, shall be responsible for the review of plans and design of utility installation to determine if they meet the requirements set out in this Policy and shall approve or disapprove the permit based on the information presented.

All utility installations shall meet the following minimum requirements:

A. Electrical power and communication lines shall conform to the National Electrical Safety Code.

B. Water lines shall conform to the specifications of the American Water Works Associations.

C. Pressure pipelines shall conform with current applicable sections of the appropriate codes in Standard Codes for Pressure Piping and applicable industry codes.

D. Sewer lines shall conform with the appropriate ASTM specifications. They shall be pressure tested and certified that they are properly constructed to insure the integrity of the system to the satisfaction of the Engineer.

E. Traffic controls for Utility construction and maintenance operations shall conform with the latest edition of the Manual on Uniform Traffic Control Devices for streets and Highways. All construction and maintenance operations should be planned with full regard to safety and to keep traffic interference to an absolute minimum. The traffic control plan shall be submitted with the permit application.

3.3 APPLICATION FOR PERMIT:

The Utility shall request a permit to make a specific installation of its facilities within the public road rights-of-way. The request must be submitted on forms obtained from the City of Clinton Public Works Office, together with detailed sketches and drawings showing the proposed installation. The completed permit forms shall be submitted to the Clinton Public Works Office.

The Engineer or designee will review the permit application and if found to meet the requirements of this Policy, and sound engineering practice, will approve the permit application for the Utility construction, or proposed adjustment. When approved, a copy of the approved permit will be furnished to the Utility and one copy retained by the Engineer and the Public Works Director.

3.4 CITY OF CLINTON'S JURISDICTION OVER CITY ROADS

The City of Clinton has legal jurisdiction of all city roads, and nothing in this Policy is intended to limit that authority

The City of Clinton has authorized its duly appointed Engineer, or other designee, to regulate the manner in which utility facilities are located within the public road right-of-way, subject to the rules and regulations of this Policy.

3.5 PROSECUTION AND PROGRESS OF THE WORK:

The City of Clinton will not recognize any contractor, subcontractor, agent, or employee on the project except as a direct representative of the Utility named in the application. The Utility shall be fully responsible for the work performed under the specifications included in this Policy.

The control of proposed work to be done on the city highway public road rights of way, especially underground installations, will be staked or painted by the utility engineering personnel to facilitate inspection by the Engineer prior to installation. Horizontal clearance for the new underground installations shall be sufficient to avoid a conflict with a previously installed utility to prevent interruption of service.

No work on installations and/or adjustments of utility facilities shall be performed until the permit has been approved and executed by the City of Clinton and until the Engineer has been given at least a 24-hour advanced notice. When there is a break in the work effort the Utility shall give notice to the Engineer 24 hours before resuming work. During the prosecution of the permitted work the Utility shall be responsible for regular inspection of the site to insure that the work is being performed in a safe manner in compliance with the permit and the associated plans, sketches and specifications.

The City and Engineer or other designee may require certain phases of the work to be completed first and shall at all times have authority to regulate the progress of the work within the rights-of-way when deemed to be in the public interest, welfare, or safety. Neither the City of Clinton, the Engineer, nor their representatives, is responsible in any way for the safety of Utility workers. The Utility shall have its own safety procedures and rules in place to properly protect its employees, contractors, subcontractors, agents, and the public.

3.6 UTILITY'S RESPONSIBILITY TO THE PUBLIC:

The utility shall observe and comply with all ordinances and regulations affecting those engaged or employed in the work. The Utility shall also conduct its operations so as to offer the least possible obstruction and inconvenience to the traveling public. The Utility shall provide and maintain, as far as practicable, convenient access to driveways, houses and buildings along the right-of-way under construction, and shall keep the road open, provide barricades, warning signs, lights, flagmen and other safety devices as needed to warn the traveling public that construction is in progress.

The Utility shall take into consideration other Utilities having facilities within the right-of-way and shall take precautions not to damage or interfere with such property or the use thereof.

3.7 EXCEPTIONS:

- A. **EMERGENCY REPAIRS:** Whenever breaks, leaks or other abnormal occurrences interrupt Utility services, the Utility may restore such services without securing a permit but shall perform such work in such a manner as will do the least possible damage to the highway facility and as will create the least possible safety hazard to the traveling public. The Utility shall notify the City of Clinton Public Works Director of such emergency repairs immediately or notify 911 dispatch if the repair takes place before 8:00 A.M. or later than 5:00 P.M. Monday through Friday or on the weekend. After the Utility repairs are completed The City of Clinton will then repair the city facilities and bill the Utility for personnel and equipment time, materials, and administrative fees required to properly perform the repair work. Where new installations are to be made across a paved highway such new installations shall be made by a jacking or boring process and shall be encased as provided in Sections 4.2 and 5.3 of this Policy. All work involving city rights-of-way, including emergency work, shall be performed in accordance with the most recent edition of the Manual on Uniform Traffic Control Devices.
- B. **OVERHEAD SERVICE AND SUPPLY LINES:** Work on overhead facilities and supply lines which do not require trenching, excavating or erecting poles or structures within the right-of-way may be installed by the Utility without a permit, provided such installation does not conflict with the provisions of this Policy, interfere with traffic in any way, or endanger the public.
- C. **UNDERGROUND SERVICE LINES (drop wires):** Connections from pedestals or poles located along the right-of-way line to customer's businesses or homes may be made without a permit form, providing the cables are not installed under a paved road.
- D. **THE REPLACEMENT OF EXISTING POLES:** Prior to replacing existing poles located within the right-of-way the Utility shall notify the Engineer by letter or face five (5) working days prior to the relocation so that the pole can be evaluated with consideration to sight-distance. If a different location is more suitable the Engineer will notify the Utility so that the adjustment can be made.

**DIVISION II
CONSTRUCTION DETAILS**

**SECTION 4
POWER AND COMMUNICATION LINES:**

4.1

OVERHEAD POWER AND COMMUNICATION LINES:

A. Location and Alignment:

- (1) All overhead or aboveground facilities, including poles, meters, entrance boxes, connectors, and other devices should be located as near the right-of-way line as is practicable. When the right-of-way is of sufficient width to accommodate same, poles for overhead lines should not be less than thirty feet (30') from the edge of the traveled way.
- (2) Where irregular shaped areas of the rights-of-way extend beyond the normal right-of-ways limits. The location of the utility facility should be such as will provide a reasonably uniform alignment.
- (3) Guy wires and cables to ground anchors are not to be placed between the pole and traveled way where they will encroach upon clear roadside or maintenance areas.
- (4) Longitudinal installations of overhead facilities should be limited to single-pole type construction. Where more than one type of overhead facility is to be accommodated, joint use of single pole construction should be encouraged.

B. Vertical Clearances:

- (1) The minimum vertical clearance of overhead lines shall be adequate to fully insure the safety of the public, and shall conform to all applicable codes, standards and specifications.

4.2

UNDERGROUND POWER AND COMMUNICATION LINES:

Underground facilities shall be installed by accepted methods and practices and shall conform to all applicable codes, standards, and specifications.

A. Location and Alignment:

(1) Longitudinal Installations:

The underground facilities shall be located parallel to and adjacent to the right-of-way line so as to minimize interference with drainage and maintenance of the roadside area.

In special cases where it is not feasible to locate the facility adjacent to the right-of-way line, The City of Clinton and Engineer may approve an alternate location. When this location is less than five feet outside of the shoulder of the roadway the utility must provide compaction reports that confirm trench compaction of 95% standard proctor density has been achieved or must install flowable fill to within six inches (6") of the top of the trench.

- (2) Pedestals or other underground utility appurtenances installed as a part of the buried cable facility shall be located outside the highway maintenance area.
- (3) Road crossing installations should be located at right angles to the roadway.
- (4) Roadway structures (culverts, boxes, etc.) are not to be used for road crossing installation.
- (5) Unsuitable locations for underground road crossing installations such as in deep cuts, near bridge footings, across intersections at grade, at cross drains, and in rocky terrain should be avoided.
- (6) All installations crossing hard surfaced or paved must be accomplished by jacking or boring. The cutting of the base and pavement structures by the open trench method will not be permitted.

B. Depth of Bury

- (1) Longitudinal lines should be installed at a depth of bury of not less than 24 inches below the ground surface where such installations are made outside of cut, ditch, or fill slope areas.
- (2) Where longitudinal lines are placed within cut, ditch or fill slope areas, the depth of bury shall be not less than 36 inches below the ground surface.
- (3) Underground installations of road crossings should have a depth of bury of at least four feet (4') below the road surface, and/or three feet (3') below ditch bottom.

C. Encased and Unencased Construction:

- (1) Electric power or telephone cables must be encased when required by applicable codes and standards governing that particular Utility. Encasement of all lines is encouraged for maintenance reasons, since the cutting of the pavement, base and subbase for maintaining or replacing the cables will not be permitted.
- (2) Unencased cable crossings should be limited to small bores where soil conditions permit boring a hole about the same size of the cable and pulling the cable through.
- (3) Where underground road crossing lines are encased in protective conduit, the encasement should extend a minimum of five feet (5') beyond the toe of slope or to the ditch line. Where appropriate, the encasement should extend to a point outside of construction limits to allow for future widening of the highway facility.

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- (3) Where unencased bored installations are proposed, the Utility shall furnish information as to controls and construction methods to be employed before the proposed installations are considered by the City of Clinton.

4.3

ATTACHMENT OF UTILITY FACILITIES TO BRIDGES:

General: The attachment of the utility lines to bridges should be avoided where it is feasible and reasonable to locate the utility lines elsewhere. However, where other locations prove to be extremely difficult and unreasonable costly, consideration will be given to allowing the utility line to be attached to a bridge structure by a method acceptable to the City of Clinton, the Engineer and the State Aid Division of the Mississippi Department of Transportation if applicable. Such consideration shall conform to logical and sound engineering principles for preserving the highway structure, its safe operation, maintenance, and appearance. Permission for utilities to be attached to bridges will be obtained through the normal permit process. The following provisions should be adhered to:

- A. Each proposed bridge attachment shall be considered on its merits and shall be separately designed. Such attachment will not be considered unless the structure in question is of a design that is adequate to support the utility facility without compromise of highway features, including reasonable ease of bridge maintenance.
- B. Utility facility mountings must be of a type that will prevent rattling of the lines under traffic vibrations.
- C. Utility installations that would reduce the vertical clearance- otherwise available – above streams, pavements, or rails will not be permitted.
- D. On pipelines carrying liquids, gases, and other Petroleum products, the utility company shall be responsible for designing the lines so as to eliminate the need for encasement. The lines shall also be designed and attached in such a manner as will prevent corrosion to the concrete and steel members of the bridge.
- E. Proposed bridges may be designed over and above normal standards to carry the additional loading of utility lines provided the additional costs involved are borne by the Utility.
- F. At no time shall the Utilities run temporary or permanent pipes or cables on any part of a bridge without prior written approval.

SECTION 5**PRESSURE PIPELINES CARRYING GASSES OR LIQUIDS**5.1 **DESIGN:**

The Utility is responsible for the design of its facilities in accordance with all applicable codes, standards, and laws. The Engineer, or the authorized agent of the City of Clinton, is responsible for the manner in which the facilities are located on the city public road right-of-way, including measures to be taken to preserve the safe and free flow of traffic, structural integrity of the highway, and ease of maintenance.

5.2 LOCATION AND ALIGNMENT:

- A. Pipeline crossings of the highway should be located at right angles to the center line unless practicality and economics warrant and dictate angles of less than ninety degrees (90).
- B. Unsuitable pipeline crossings – such as in deep cuts, near bridge or retaining wall footings, across intersections at grade, or near cross-drains- should be avoided.
- C. Longitudinal installations should be located generally parallel to and as near the right-of-way line as is practicable so as to minimize interference with drainage and to preserve the integrity of the pavement, shoulders, and slopes, and to promote safety for the traveling public.
- D. Plastic (or vinyl) type pipe used for the mains and service connections of water distribution systems and sanitary sewer force mains shall be taped or wrapped with a single strand of No. 12 plastic coated wire to serve as a means of locating the lines in the future by means of electrical devices.

5.3 ENCASEMENT FOR CARRIER PIPE PROTECTION:

The City of Clinton's responsibility pertains primarily to the safety and convenience of the traveling public. The Utility is responsible for the quality and safety of the installation, including non-encased construction, when permitted. The following provisions shall govern:

A. Encased Pipe for Road Crossings:

- (1) Encasement is recommended for all pipe installations across paved or hard-surfaced roads, where feasible, as a means of avoiding open trench construction and as a protection of carrier pipe from external loads or shocks.
- (2) All coated carrier pipes are to be encased.
- (3) All lines carrying gasses or liquids shall be encased.
- (4) Lines with less than minimum bury, near footings of bridges and structures, across unstable or subsiding ground, or near other hazards must be encased. All encasements shall be of such design as will support the loads to which they are subjected and shall be of such materials as will be durable under conditions to which they may be exposed.
- (5) Encasement pipe shall be of sufficient thicknesses as to withstand both external and internal pressures, with minimum as follows:
 - 4 through 10 inches.... 0.083 to 0.164 inches wall thickness
 - 12 through 18 inches.... 0.104 to 0.188 inches wall thickness
 - 24 through 36 inches.... 0.164 to 0.250 inches wall thickness
- (6) Encasement pipe should extend seven feet (7') from the normal shoulder line of the roadway or a minimum of five feet (5') from the toe of the embankment slope. In curb and gutter sections, the encasement shall extend at least to the back of the curbs.
- (7) Encasements shall be sealed at the ends to prevent debris, soil, and moisture from entering the space between the carrier pipe and the casing.

B. Unencased Pipeline Crossings:

Under certain conditions, proposed pipeline crossings may be installed, or existing installations may remain in place, without encasement. The following conditions shall govern in such instances:

- (1) The carrier pipe should conform to the material design requirements of the utility facility and to all governmental codes, specifications, and regulations.
- (2) Carrier pipes shall provide for a higher factor of safety than would normally be required outside of the highway area.
- (3) Existing unencased lines may remain in place without further protection if they were installed at such depth that will not conflict with future highway construction and maintenance and provided that both the City of Clinton and the Utility are satisfied that the lines are structurally sound.
- (4) In the event it is necessary to replace unencased lines under the roadway, new lines will be installed by jacking and boring since the cutting of the pavement and base will not be permitted.
- (5) When encasement under a road crossing is not provided or when an existing installation is to remain in place without encasement, the Utility shall furnish the City of Clinton with a Certificate as follows:

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CITY OF CLINTON

CERTIFICATE OF _____ UTILITY COMPANY FOR THE
UNENCASED PIPELINE CROSSING

PROJECT NO. _____

NAME OF ROAD _____

CITY OF _____

STATION NO. _____

_____ do hereby certify that
(Applicant)

the line at the location noted above carrying _____
(gas, oil, or fuels)

shown in this application will not need encasement and that the operating pressure will be
_____ pounds per square inch. This line will be regularly inspected and
adequately maintained. Extra yield strength (will be or was) used in this installation as shown on
the sketch or plans for this pipe crossing.

Adequate cover for the pipe is provided.

Certified Correct _____

Title _____

Date _____

5.4 DEPTH OF BURY

The depth of bury established for these pipeline installations should take into consideration a potential increase in ditch depth, resulting from scour, ditch maintenance operations, or the need to increase the capacity of the ditch. Minimum depths are set out below:

- A. Transmission pipeline shall have a depth of bury of three (3) feet or more below the surface of normal ground outside of cut, ditch, or fill slope areas. Distribution mains may be placed with a depth of bury of three (3) feet or more below the normal ground line in open or rocky terrain, outside of cut, ditch, or fill slope areas.
- B. Lines installed in cut ditches on fairly steep grades shall have a minimum depth of bury of three (3) feet below ditch bottom.
- C. The depth of bury below the proposed pavement or riding surface of the road shall be a minimum of four (4) feet.
- D. Bury of pipelines carrying transmittants which are flammable, corrosive, explosive, energized, or unstable, particularly if the transmittants are carried at high pressure, must not be reduced below safety requirements recommended by the utility industry involved.

5.5 APPURTENANCES:

Pipeline installation appurtenance such as vents, drains, markers, manholes, and shut-off-valves must comply with governing specifications, regulations, and codes of the particular utility industry involved. The additional following provisions must be adhered to:

- A. The utility shall place readily identifiable markers at right-of-way lines where crossed by pipelines carrying transmittants under pressure.
- B. All appurtenances shall be located and constructed in such manner so as not to interfere with the proper maintenance of the highway facility.
- C. No appurtenances shall be placed within the pavement area or on the shoulders of the highway. Exceptions may be made on streets in urban areas where manholes, as essential parts of existing lines are permitted to remain in place.

**SECTION 6
MISCELLANEOUS**

6.1 CLEANING UP CONSTRUCTION SITE:

The Utility shall remove all temporary construction, rubbish, trash, surplus materials, and equipment within the right-of-way area and shall restore such area to a satisfactory condition. In the event the Utility does not adequately restore the site, the City of Clinton may at its discretion perform the necessary work and bill the Utility for personnel and equipment time, materials, and administrative fees.

6.2 RESTORATION AND MAINTENANCE OF VARIOUS ELEMENTS OF THE HIGHWAY FACILITY:

- A. Where the City of Clinton permits the installation of utility facilities by the open trench method across dirt or gravel surfaced road prior to construction of the base and pavement structure, the embankment, surface and sodding must be repaired and/or replaced to a condition satisfactory to the Engineer.
- B. The Utility will maintain the highway facility for such length of time as is set out in the Utility Permit.

6.3 COMPLIANCE WITH UTILITY INDUSTRY CODES AND SPECIFICATIONS:

The specifications and standards set out in this Policy are recommended minimums. Utility industry standards and specifications are higher than those set out herein shall govern in all cases.

6.4 SCENIC ENHANCEMENT:

The type and size of utility facilities and the manner and extent to which they are permitted along or within highway rights-of way can materially alter the scenic quality, appearance and view of highway roadsides and adjacent areas. For these reasons additional controls are applicable in certain areas that have been acquired or set aside for their scenic quality. Such areas include scenic strips, overlooks, rest areas, the rights-of-way of adjacent highways thereto and the rights-of-way of sections of highways which pass through public parks and historic sites.

New underground utility installations may be permitted within such lands where they do not require extensive removal or alteration of trees or other natural features visible to the highway user or do not impair the visual quality of the lands being traversed.

New aerial installations should be avoided at such locations where there is a feasible and prudent alternative to the use of such lands by the aerial facility. Where this is not the case, they should be considered only where:

- A. Other locations are unusually difficult and unreasonably costly, or are more undesirable from the standpoint of visual quality.
- B. Undergrounding is not technically feasible or is unreasonably costly
- C. The proposed installation can be made at a location and will employ suitable designs and materials, which give adequate attention to the visual qualities of the area being traversed.

These controls should also be followed in the location and design of the utility installations that are needed for a highway purpose, such as continuous highway lighting, or to serve weigh station, rest or recreational area.

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PERMIT APPLICATION FOR USE AND OCCUPANCY AGREEMENT FOR
THE CONSTRUCTION OR ADJUSTMENT OF A UTILITY
WITHIN ROAD OR HIGHWAY RIGHT - OF - WAY

CITY OF CLINTON

Work Performed For:

Work Performed By:

Company Name: _____

Company Name: _____

- herein called APPLICANT,

Company Address: _____

Contact Person: _____

Contact Person: _____

Phone # () _____

Phone# () _____

Fax# () _____

Fax# () _____

Type of Excavation: _____

Duration: _____

APPLICANT purposes to construct a _____ Utility Facility along or across _____ City Road, said facility to be installed between _____ and _____ Of Project No. _____ and within road or highway right-of-way, and hereby makes application to the City of Clinton for the construction permit.

Attached hereto are drawings or plans for the construction, which will not be changed or altered without approval of the City of Clinton, or its authorized representative.

WHEREAS, the Legislature of Mississippi has heretofore granted to the APPLICANT the right to locate its facilities upon, across, under, over and along public highways and streets within the State of Mississippi; APPLICANT agrees to comply with applicable provisions of S.O.P. No. SAD 11-2-8, Policy for the Accommodation of Utility Facilities within the Rights-of-Way of the County Federal Aid and State Aid Highways (hereinafter referred to as the "Policy"), promulgated by the State Aid Engineer and dated January 1, 1983, and The City of Clinton's Policy For The Accommodation Of Utility Facilities Within The Rights -Of- Way Of All Public City Roads, and which is hereby made a part of the Application Agreement, and agrees to perform the construction according to the applicable code and according to the plans and specification for the Project.

The APPLICANT shall be responsible for the future maintenance and repair of the facilities. Further, any maintenance, repair, or construction shall be done in such manner as to occasion no unreasonable interference with the normal flow and safety of traffic. The Utility warrants all work associated with this permit for a period of one year.

The APPLICANT shall be responsible for providing adequate traffic control (signs, flagman, warning devices, etc. in order to assure the public safety as outlined in the latest edition of the Manual on Uniform Traffic Control Devices.

THE COMPLETED PERMIT APPLICATION MUST BE RETURNED TO THE OFFICE OF
CITY OF CLINTON, PUBLIC WORKS

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A general description of the size, type, nature, and extent of the utility work to be done is as follows.

The APPLICANT understands and agrees that, except as herein granted, no right, title, claim, or easement to said road right-of-way is granted by the issuance of the Permit and that if this Utility Facility is not placed within allowable horizontal and vertical limits as listed in the general provisions of the Policy, it shall be adjusted to comply with the same without cost to the City of Clinton, unless the variance from the policy has been approved by granting of a Permit pursuant to the Application. Also, any future relocation or adjustment of the utility required to accommodate improvements to the city roadways, drainage facilities, etc. will be performed by the Utility in a timely manner without cost to the City of Clinton. The approved permit or a legible copy of the approved permit must be on site while work is being performed, as required in the City of Clinton Policy For The Accommodation Of Utility Facilities Within The Rights-Of-Way Of All Public City Roads.

The APPLICANT further understands that the Utility's engineering, plant, or other personnel will be responsible for the staking and the construction supervision of the work set out above and as shown on the attached plans.

The City of Clinton agrees to the following stipulations:

- (1) To pursue any and all legal means to see that all policy standards, except to the extent of any variance shown on the plans filed herewith and approved, are complied with in the facility installation.
- (2) If the Engineer or the other authorized representative of the City of Clinton approved the drawings, sketches, and plans submitted by the APPLICANT, he shall so indicate by signing and dating the Permit Approval at the end of this Application, and the Applicant may proceed with the installation; if the drawings, sketches, and the plans are not approved, he shall promptly notify the APPLICANT, and advise it of the reason or reasons. He will also act as the duly appointed representative of the City of Clinton and will give his approval to the completed work as being in compliance with the location and standards shown in the Policy and in the Agreement for the installation.
- (3) That all joint highway construction and utility adjustment or relocation operations will comply with the requirements of Section 2-105.06 and Section S-107.18, Mississippi Standard Specifications for the State Aid Road and Bridge Construction, 1989 Edition (or current edition).
- (4) Should any term or provision of the APPLICANT Agreement conflict with the laws of the State of Mississippi, the Mississippi Constitution, the laws of the United States, or the United States Constitution, or impair or deny to the APPLICANT or the City of Clinton any right protected thereby, it shall be deemed amended to conform to said laws or Constitutions.

BOARD APPROVED

MAY 15 2007

CITY OF CLINTON

WITNESS the signature of the APPLICANT this the _____ day of

_____, 20 ____.

BY: _____

TITLE _____

Received By _____ Date _____

APPROVED BY:

City Engineer (Month) (Day) (Year)

Public Works Director (Month) (Day) (Year)

The permit for the installation or the adjustment of the utility applied for above is granted under
Permit Number _____.