CITY OF CLINTON
REGULAR MEETING OF THE MAYOR AND BOARD OF ALDERMEN
TUESDAY, SEPTEMBER 4, 2007 7:00 P.M.
MUNICIPAL COURTROOM 305 MONROE STREET

WELCOME AND CALL TO ORDER Mayor Rosemary Aultman

ROLL CALL City Clerk, Russell Wall

Present:
Jehu Brabham – Alderman-at-Large
Tony Hisaw – Alderman Ward 1
Tony Greer Alderman Ward 2
Mike Bishop – Alderman Ward 3
Phil Fisher – Alderman Ward 4
Mike Morgan – Alderman Ward 5
William Barnett – Alderman Ward 6

APPROVAL OF AGENDA ITEMS A-X

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

PRELIMINARY SITE PLAN FOR ZAXBY'S RESTAURANT

No action was taken on this item. Item was delayed until next board meeting.

CONDITIONAL USE FOR NEW BIRTH CHURCH

No action was taken on this item. Item was delayed until next board meeting.

UNKEMPT PROPERTY LOCATED AT 133 LAKE ESTATES

Upon presentation by Gary Ward, Community Development Director, **MOTION** made by Alderman Brabham and **SECONDED** by Alderman Fisher approve a resolution determining the necessity for the cleaning of private property located at 133 Lake Estates, under the authority granted to municipalities by Section 21-19-11, Mississippi Code of 1972, as amended, and other applicable statutes and ordinances. A copy of the resolution is attached. **MOTION CARRIED UNANIMOUSLY**

RE-APPOINTMENT OF GREG STARNES TO THE PARKS AND RECREATION ADVISORY BOARD

Upon presentation by Mayor Aultman, **MOTION** made by Alderman Bishop and **SECONDED** by Alderman Barnett to approve the re-appointment of Greg Starnes to the Parks and Recreation Advisory Board for a 3-year term. **MOTION CARRIED UNANIMOUSLY**

APPOINTMENT OF MICHAEL MCSPARRIN TO PARKS AND RECREATION ADVISORY BOARD

Upon presentation by Tony Greer, Alderman Ward 2, **MOTION** made by Alderman Brabham and **SECONDED** by Alderman Bishop to approve the appointment of Michael McSparrin to the Parks and Recreation Advisory Board for a 3-year term. **MOTION CARRIED UNANIMOUSLY**

2ND AMENDMENT TO THE LEASE FOR WATER TOWER SPACE SUBJECT TO AN INCREASE IN THE LEASE AMOUNT

Upon presentation by Ken Dreher, City Attorney, **MOTION** made by Alderman Brabham and **SECONDED** by Alderman Greer to accept the 2nd amendment to the lease for water tower space subject to an increase in the lease amount. A copy of the lease is attached. **MOTION CARRIED UNANIMOUSLY**

CONTRACT WITH CMPDD FOR NEW ZONING ORDINANCE

Upon presentation by Ken Dreher, City Attorney, **MOTION** made by Alderman Barnett and **SECONDED** by Alderman Brabham to authorize the Mayor to enter into a contract for professional services with CMPDD for new zoning ordinance. A copy of the contract is attached. **MOTION CARRIED UNANIMOUSLY**

RESOLUTION ON MATCHING FUNDING FOR THE QUISENBERRY LIBRARY GRANT

Upon presentation by Richard Broome, City Engineer, **MOTION** made by Alderman Hisaw and **SECONDED** by Alderman Greer to approve a resolution stating the intent of the City of Clinton to provide funding to support a community development block grant project to build the Quisenberry library. A copy of the resolution is attached. **MOTION CARRIED UNANIMOUSLY**

RESOLUTION AUTHORIZING PREPARATION AND SUBMITTAL OF A APPLICATION FOR DISASTER FUNDS FROM THE MISSISSIPPUI DEVLOPMENT AUTHORITY TO BUILD THE QUISENBERRY LIBRARY

Upon presentation by Richard Broome, City Engineer, **MOTION** made by Alderman Hisaw and **SECONDED** by Alderman Brabham to approve a resolution authorizing preparation and submittal of an application for disaster relief funds from the Mississippi Development Authority to build the Quisenberry library . A copy of the resolution is attached. **MOTION CARRIED UNANIMOUSLY**

PUBLIC HEARING 2007-2008 BUDGET

A public hearing was held as required by state statute to review the proposed budget and tax increase. A copy of the proposed budget is attached.

ADJOURN 8:40 P.M.

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

APPROVED: Rosemary G. Aultman — September 13, 2007
Rosemary Aultman, Mayor — Date

ATTEST: Russell L. Wall — September 13, 2007
Russell L. Wall, City Clerk — Date

CITY OF CLINTON AGENDA ITEM FACT SHEET

BOARD MEETING DATE: September 4, 2007 AGENDA ITEM NO. 7. a

CONSENT AGENDA:

TO:

FOR:

delayed until next meeting

ACCT. NO :

DISCUSSION/ACTION: Preliminary Site Plan
61 Highway 80
Zaxby's Restaurant

INTRODUCED BY: Gary Ward GW TELEPHONE: 924-2256

EXHIBITS FOR REVIEW:

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

RECOMMENDATION: Planning and Zoning recommends approval.

BOARD ACTION: MOTION MADE BY: ______

SECONDED BY: ______

VOTE CAST:	"AYE"	"NAY"	ACTION TAKEN:
Brabham	______	______	______
Hisaw	______	______	______
Greer	______	______	______
Bishop	______	______	______
Fisher	______	______	______
Morgan	______	______	______
Barnett	______	______	______
Mayor Aultman	______	______	______

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

CITY OF CLINTON AGENDA ITEM FACT SHEET

BOARD MEETING DATE: September 4, 2007 AGENDA ITEM NO. 7.b.

CONSENT AGENDA:

TO:

FOR: delayed until next meeting

ACCT. NO :

DISCUSSION/ACTION: Conditional Use – Public/Public-Quasi
1501 Clinton Business Park Drive
New Birth Church

INTRODUCED BY: Gary Ward GW TELEPHONE: 924-2256

EXHIBITS FOR REVIEW:

Minutes	Invoice	Other: ______________
Ordinance	Plans, Maps	______________
Resolution	Contract	______________

RECOMMENDATION: Planning and Zoning recommends approval.

BOARD ACTION: MOTION MADE BY: ______________

SECONDED BY: ______________

VOTE CAST:	"AYE"	"NAY"	ACTION TAKEN:
Brabham	______	______	______________
Hisaw	______	______	______________
Greer	______	______	______________
Bishop	______	______	______________
Fisher	______	______	______________
Morgan	______	______	______________
Barnett	______	______	______________
Mayor Aultman	______	______	______________

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CITY OF CLINTON AGENDA ITEM FACT SHEET

BOARD MEETING DATE: September 4, 2007 AGENDA ITEM NO. 8.

CONSENT AGENDA:

TO:

FOR:

ACCT. NO :

DISCUSSION/ACTION: Unkempt Property
133 Lake Estates
Mary Barefoot

INTRODUCED BY: Gary Ward GW TELEPHONE: 924-2256

EXHIBITS FOR REVIEW:

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

RECOMMENDATION:

BOARD ACTION:

MOTION MADE BY: Brabham

SECONDED BY: Fisher

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

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RESOLUTION

There came on for public hearing before the Mayor and Board of Aldermen of the City of Clinton, Mississippi, the matter of unkempt property located at 133 Lake Estates, Clinton, Mississippi, and after full consideration of the matter, Alderman ____________ offered the following Resolution:

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CLINTON, MISSISSIPPI, DETERMINING THE NECESSITY FOR THE CLEANING OF PRIVATE PROPERTY LOCATED 133 LAKE ESTATES, 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 133 Lake Estates, Clinton, Mississippi, may constitute a menace to the public health and safety of the community because of its present condition and state of uncleanliness; and

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

WHEREAS, a public hearing was held at 7:00 p.m., September 4, 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 uncleanliness, constitutes a menace to the public health and safety of the community and does adjudicate said property in its present condition to be a menace to the public health and safety of the community. The Director of 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 133 Lake Estates, 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.

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

Alderman Brabham voted: _______

Alderman Hisaw voted: _______

Alderman Greer voted: _______

Alderman Bishop voted: _______

Alderman Fisher voted: _______

Alderman Morgan voted: _______

Alderman Barnett voted: _______

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

The foregoing Resolution was approved this the ______ day of ____________ 2007.

CITY OF CLINTON

BY:________________________
ROSEMARY AULTMAN, Mayor

ATTEST:

____
RUSSELL WALL, City Clerk

(S E A L)

CITY OF CLINTON AGENDA ITEM FACT SHEET

BOARD MEETING DATE: September 4, 2007 AGENDA ITEM NO. 9.

CONSENT AGENDA: TO:

FOR:

ACCT. NO.

DISCUSSION/ACTION: Greg Starnes re- appointment to P&R Advisory Board

INTRODUCED BY: Rosemary G. Aultman, Mayor TELEPHONE:

EXHIBITS FOR REVIEW:

Minutes	Invoice	Other:
Ordinance	Plans, Maps	
Resolution	Contract	

RECOMMENDATION:

BOARD ACTION:

MOTION MADE BY: Bishop

SECONDED BY: Barnett

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

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

CITY OF CLINTON AGENDA ITEM FACT SHEET

BOARD MEETING DATE: September 4, 2007 AGENDA ITEM NO. 10

CONSENT AGENDA: TO:

FOR:

ACCT. NO.

DISCUSSION/ACTION: Michael McSparrin appointment to P&R Advisory Committee

INTRODUCED BY: Tony Greer, Alderman Ward 2 TELEPHONE:

EXHIBITS FOR REVIEW:

Minutes	Invoice	Other:
Ordinance	Plans, Maps	
Resolution	Contract	

RECOMMENDATION:

BOARD ACTION:

MOTION MADE BY: ~~Greer~~ Brabham

SECONDED BY: Bishop

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

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MICHAEL E. McSPARRIN
1334 NORTH McRAVEN
CLINTON, MS. 39056
H-(601)924-4599
W-(601)933-2600

FORMAL EDUCATION

INSTITUTION: UNIVERSITY of SOUTHERN MISSISSIPPI
HATTIESBURG,MS.
DEGREE: BACHELOR of SCIENCE, COMMUNICATIONS
G.P.A.: 3.4 ON A 4.0 SCALE
HONORS: BROADCAST SCHOLARSHIP SPRING and FALL, 1980
DEAN'S LIST

WORK HISTORY

EMPLOYER: DEPT. OF PUBLIC SAFETY, CRIMINAL INFORMATION CENTER
PEARL, MS.(OCTOBER 1996 TO PRESENT)
TITLE: DIRECTOR, AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM, FORENSIC SCIENTIST FIVE
DUTIES: MANAGE THE DATA ENTRY AND AFIS SECTIONS OF THE MISSISSIPPI COMPUTERIZED CRIMINAL HISTORY SYSTEM
STATEWIDE COORDINATOR OF LIVESCAN CONNECTIONS TO THE STATE'S CRIMINAL REPOSITORY THIS INCLUDES BOTH CRIMINAL JUSTICE AND NON-CRIMINAL JUSTICE AGENCIES
TESTIFY AS AN EXPERT WITNESS IN COURTS OF LAW
PROVIDE INSTRUCTION TO THE LAW ENFORCEMENT COMMUNITY

EMPLOYER: DEPT. of PUBLIC SAFETY, MISSISSIPPI CRIME LABORATORY JACKSON, MS.(OCTOBER 1991 TO OCTOBER 1996)
TITLE: FINGERPRINT EXAMINER II, CLPE
DUTIES: EXAMINED FORENSIC EVIDENCE FOR THE PRESENCE OR ABSENCE OF LATENT PRINTS/FINGERPRINTS, COMPARED UNKNOWN LATENT PRINTS WITH KNOWN INKED PRINTS PREPARED OFFICIAL LABORATORY REPORTS PERTAINING TO ANALYTICAL CONCLUSIONS, TESTIFIED AS AN EXPERT WITNESS IN COURTS OF LAW, INSTRUCTED LAW ENFORCEMENT PERSONNEL IN ALL AREAS OF FINGERPRINTS AND LATENT PRINTS

EMPLOYER: DEPT. of PUBLIC SAFETY, MISSISSIPPI CRIME LABORATORY
JACKSON, MS.(SEPTEMBER 1984 TO OCTOBER 1991)
TITLE: FORENSIC PHOTOGRAPHER
DUTIES: PERFORMED SCIENTIFIC TECHNICAL PHOTOGRAPHY ASSIGN-
MENTS TO INCLUDE HIGHLY SPECIALIZED DARKROOM TECH-
NIQUES INVOLVING FORENSIC EVIDENCE, PREPARED ITEMS
FOR VISUAL PRESENTATION IN COURTS OF LAW, SUPPLIED
PHOTOGRAPHIC SUPPORT FOR ALL SECTIONS WITHIN A
FORENSIC LABORATORY, MAINTAINED A/V EQUIPMENT, IN-
STRUCTED LAW ENFORCEMENT PERSONNEL IN ASSORTED
PHOTOGRAPHIC SEMINARS

2

EMPLOYER: DEPT. of PUBLIC SAFETY, MISSISSIPPI HIGHWAY PATROL
JACKSON, MS.(AUGUST 1983 TO SEPTEMBER 1984)
TITLE: MHP PHOTOGRAPHER
DUTIES: RESPONSIBLE FOR SHOOTING, PROCESSING AND PRINTING
FILMS RELATED TO THE FUNCTION OF A LARGE MULTI-FACETED
STATE AGENCY, CREATED VISUAL DISPLAYS FOR MEDIA
RELEASES AND FOR HISTORICAL PRESENTATIONS, PREPARED
PHOTOGRAPHIC MATERIALS FOR COURTROOM PRESENTATIONS
MAINTAINED CATALOG AND FILING SYSTEM FOR VEHICULAR
ACCIDENT PHOTOGRAPHS, ORGANIZED ANNUAL DARKROOM
BUDGET

EMPLOYER: WAPT CHANNEL 16, TELEVISION STATION, JACKSON, MS.
(JULY 1982 TO AUGUST 1983)
TITLE: NEWS VIDEO CINEMATOGRAPHER
DUTIES: VIDEO CINEMATOGRAPHER AND EDITOR OF BROADCAST
QUALITY NEWS STORIES, PERFORMED COPYWRITING ASSIGN-
MENTS, OPERATED VIDEOTAPE MACHINES DURING LIVE
BROADCAST, OPERATED MICROWAVE TRANSMISSION TRUCK
FOR LIVE IN THE FIELD BROADCAST

EMPLOYER: HALE AND JONES SPORTING GOODS, JACKSON, MS.(PARTIME
AND FULL TIME, APRIL 1978 TO AUGUST 1982)
TITLE: RETAIL SALESMAN / ASSISTANT MANAGER
DUTIES: RETAIL STORE MANAGEMENT, SCHEDULED SALES FORCE WORK
SHIFTS, PERFORMED DAILY ACCOUNTING PROCEDURES OF SALES
SUPERVISED THE RE-ORDERING AND RE-STOCKING OF MERCHAN-
DISE, COORDINATED MEDIA ADVERTISEMENT

REFERENCES UPON REQUEST

COMMUNITY INVOLVEMENT

Clinton Community Tennis Association-Vice President-2004/2005

Worked on one of the Citizen Crews that helped build Kids Towne

Coached Youth Basketball, Soccer, Softball and Tennis

First United Methodist Church Administrative Board Member-2003/2005

Elementary, Junior High ,High School and Adult Sunday School Class teacher

PTA Member since 1994

Chaperoned Junior High and High School Dances since 2001

Science Fair Judge

Arts Council Volunteer

Junior Auxiliary Volunteer

CITY OF CLINTON AGENDA ITEM FACT SHEET

BOARD MEETING DATE: 9.4.07 AGENDA ITEM NO. 11.

CONSENT AGENDA: TO:

FOR:

BOARD APPROVED

SEP 04 2007

CITY OF CLINTON

ACCT. NO.

DISCUSSION/ACTION: 2ND AMENDMENT TO LEASE FOR WATER TOWER SPACE

INTRODUCED BY: KEN DRESHER TELEPHONE: 601.924.1966

EXHIBITS FOR REVIEW:

Minutes	Invoice	Other:
Ordinance	Plans, Maps	
Resolution	Contract	

RECOMMENDATION:

BOARD ACTION: MOTION MADE BY: Brabham

SECONDED BY: Greer

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

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Cingular Site I.D. J125 Clinton Downtown
FA#10024310

SECOND AMENDMENT TO
LEASE FOR WATER TOWER SPACE AGREEMENT

THIS SECOND AMENDMENT TO LEASE FOR WATER TOWER SPACE AGREEMENT ("Second Amendment") is made this 4th day of September, 2007 by the City of Clinton, a Mississippi municipal corporation, with a mailing address of: Post Office Box 156, Clinton, Mississippi 39060 ("Lessor"), and New Cingular Wireless PCS, LLC, a Delaware limited liability company with an address of 6100 Atlantic Boulevard, Norcross, Georgia 30071 ("Lessee"), successor in interest to BellSouth Mobility LLC ("BellSouth").

WITNESSETH:

THAT WHEREAS, Lessor and BellSouth are parties to that certain Lease for Water Tower Space Agreement dated November 27, 2000, as amended by that certain First Amendment to Lease for Water Tower Space Agreement dated January 8, 2004 (collectively, the "Agreement"), the terms of which are incorporated herein by reference, whereby BellSouth leased certain real property located at 910 Old Vicksburg Road, City of Clinton, State of Mississippi (the "Site"); and

WHEREAS, BellSouth merged with and into Lessee on December 31, 2004, with Lessee as the surviving entity.

WHEREAS, the parties wish to modify certain terms and conditions of the Agreement and confirm and clarify others, as provided herein.

WHEREAS, Lessor hereby approves the Lessee's plans, specifications and intended contractor for the planned installation and replacement of antennas as described herein.

NOW, THEREFORE, for and in consideration of the mutual covenants and agreements herein contained and the sum of Ten and 00/100 Dollars ($10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby mutually acknowledged, the undersigned parties, intending to be bound, hereby agree as follows:

1. Status of Parties. The parties each acknowledge that, to the best of its knowledge, the other party has complied in all material respects with the obligations under the Agreement accruing on or prior to the date hereof and that, to the best of its knowledge, the other party is not in default under the terms of the Agreement.

2. Change in Lease Premises:

(a) The Agreement is hereby amended to allow Lessee to remove nine (9) existing antennas and replace them with six (6) new antennas and to add associated coaxial cables on the Tower and Lessor hereby approves Lessee's placement thereof to facilitate Lessee's transmission of communications.

(b) To evidence the replacement of the existing antennas and the additional associated coaxial cables, Exhibit "D" to this Second Amendment is attached hereto as replacement of the existing Exhibit D.

3. Rent: The rent shall remain in accordance with Section 3 of the Agreement.

4. Notice Address. Lessee's address for notice is hereby amended as follows:

To Lessee:	New Cingular Wireless PCS, LLC Mail Code GAN02 6100 Atlantic Blvd. Norcross, GA 30071 Attn: Network Real Estate Administration Site: J125 Clinton Downtown FA# 10024310
With a copy to:	New Cingular Wireless PCS, LLC 5565 Glenridge Connector Atlanta, GA 30342 Attn: Legal Department Site: J125 Clinton Downtown FA# 10024310

5. Capitalized Terms. Capitalized terms not otherwise defined herein shall have the meanings set forth in the Agreement.

6. Construction of Document. Each party hereto acknowledges that this Amendment shall not be construed in favor of or against the drafter and that this Amendment shall not be binding until executed by both parties.

7. No Other Amendments. Except as expressly modified by this Second Amendment, the Agreement remains unchanged and in full force and effect.

8. Inconsistencies. Any sections of the Agreement containing language inconsistent with the foregoing shall be deemed amended to reflect the intent of the parties as expressed herein. All other terms and conditions of the Agreement shall remain in full force and effect. The validity of any provision hereof shall in no way affect or invalidate the remainder of the Agreement or this Amendment.

9. Effectiveness. This Amendment shall be effective only upon execution and delivery by Lessor and Lessee of this Amendment.

Signed, sealed and delivered in the presence of:

____
Print Name: __________________

____
Print Name: __________________

LESSEE:

NEW CINGULAR WIRELESS PCS, LLC,
a Delaware limited liability company

By: ______________________________
Print Name: Karen Manfre Roth
Title: Manager of Real Estate and Construction

STATE OF ________________________

COUNTY OF ______________________

I, undersigned authority, a Notary Public in and for said County, in said State, hereby certify this ____ day of ____________, 2007 that Karen Manfre Roth, as Manager of Real Estate and Construction of New Cingular Wireless PCS, LLC has signed the foregoing instrument and, acknowledged before me on this date that, being informed of the contents of the foregoing instrument, she, with full authority, executed the same voluntarily for and as the act of the limited liability company. She is ( ) personally known to me OR ( ) has produced ________________________ as identification.

____
(Signature of Notary Public)

____
(Typed name of Notary Public)

State of ___________________________

My Commission Expires ______________

EXHIBIT D

AMENDMENT TWO

Antenna

Antenna Manufacturer:	Kathrein
Antenna Model Number:	800 10121
Total Number of Antennas:	6
Coax Size:	1-5/8"
Coax Model:	LDF6-50
Coax Quantity:	2 Lines per antenna; 12 @ 149'
Antenna RAD Center:	124'
Transmit Frequency:	865.00 – 895.00 & 1945.00 - 1990
Receive Frequency:	820.00 – 860.00 1865.00 – 1910.00

Tower Mounted Amplifier

Antenna Manufacturer:	Powerwave
Antenna Model Number:	LGP 17201
Total Number of TMA's:	6

Equipment Cabinet

Cabinet Manufacturer:	Nokia
Cabinet Model:	Ultrasite EDGE
Transmit Output Power:	45.35dBm

CITY OF CLINTON AGENDA ITEM FACT SHEET

BOARD MEETING DATE: 9.4.07 AGENDA ITEM NO. 12.

CONSENT AGENDA: TO:

FOR:

ACCT. NO.

DISCUSSION/ACTION: CONTRACT WITH CMPDD FOR NEW ZONING ORDINANCE

INTRODUCED BY: KEN DREHER TELEPHONE: 601.924.1966

EXHIBITS FOR REVIEW:

Minutes	Invoice	Other:
Ordinance	Plans, Maps	
Resolution	Contract	

RECOMMENDATION:

BOARD ACTION:

MOTION MADE BY: Barnett

SECONDED BY: Brabham

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

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CONTRACT FOR PROFESSIONAL SERVICES

THIS AGREEMENT, entered into as of the ______ day of _______, 2007, by and between the CITY OF CLINTON, MISSISSIPPI, hereinafter called the "CITY" and the CENTRAL MISSISSIPPI PLANNING AND DEVELOPMENT DISTRICT, hereinafter called "CMPDD," WITNESSETH THAT:

WHEREAS, CMPDD has been requested by the Mayor and Aldermen to perform certain urban planning tasks for the CITY of CLINTON; and

WHEREAS, the CITY desires to engage CMPDD to render certain technical and professional urban planning services, hereinafter described.

NOW, THEREFORE, the parties hereto do mutually agree as follows:

1. Employment of CMPDD

   The CITY hereby agrees to engage CMPDD; and CMPDD hereby agrees to provide the services hereinafter set forth.

2. Scope of Services

   CMPDD shall provide the services described in the "Scope of Services," which is attached hereto and made a part hereof by reference.

3. Payment for Services Rendered

   The CITY agrees to pay to the CMPDD a total of **$28,000** for services rendered under this contract. CMPDD shall bill the CITY for costs incurred in connection with the services provided under the Scope of Services, and the CITY agrees to pay the CMPDD within thirty (30) days of receipt of an invoice from CMPDD.

5. Project Schedule

The CMPDD shall begin work described in the Scope of Services during Fiscal Year 2007 (October 1, 2006-September 30, 2007). All services shall be completed by or before September 30, 2008.

6. Changes

This Contract may be altered from time to time with the approval of both parties. Such changes shall incorporated into written amendments to this Contract.

7. Interest of Members of the CITY

No officer, member, or employee of the CITY who exercises any function or responsibilities in the review or approval of the undertaking or carrying out of this Contract shall participate in any decision that affects his personal interest or the interest of any corporation, partnership, or association in which he is directly or indirectly involved.

8. Cooperation of the CITY

The CITY hereby agrees that its officials and employees will cooperate with CMPDD in the discharge of CMPDD's responsibilities under this Contract and will be available for consultation at such times as may be mutually agreeable to all parties. The CITY shall make available to CMPDD or its designated agents all data, reports, records, maps or other information as are existing, available, and necessary for carrying out this Contract.

IN WITNESS WHEREOF, the CITY and CMPDD have executed this Agreement as of the _______ day of ___________, 2007.

ATTEST:

CITY OF CLINTON, MISSISSIPPI

____

Russell Wall
City Clerk/ Chief Financial Officer

____

Rosemary Aultman
Mayor

ATTEST:

CENTRAL MISSISSIPPI PLANNING AND DEVELOPMENT DISTRICT

____

Dan L. Thompson
Director of Finance

____

F. Clarke Holmes
Chief Executive Officer

STATE OF MISSISSIPPI
COUNTY OF HINDS

Personally appeared before me, the undersigned individual in and for said County and State, the within named **F. CLARKE HOLMES** and **DAN L. THOMPSON,** who acknowledged to me that they are the Chief Executive Officer and Director of Finance of Central Mississippi Planning and Development District, Incorporated, respectively, and that as such they did sign and deliver the above and forgoing instrument, having affixed the corporate seal thereto, for the purposes therein stated, in the name of, for and on behalf of said corporation, they being first duly authorized so to do.

Given under my hand and official seal, this the ______ day of ______________________ 2005.

____
Debbie Johnson
Notary Public

My Commission Expires:

____

STATE OF MISSISSIPPI
COUNTY OF HINDS

Personally appeared before me, the undersigned individual in and for said City and State, the within named **ROSEMARY AULTMAN** and **RUSSELL WALL** who acknowledged to me that they are the Mayor and City Clerk/ Chief Financial Officer of the City of Clinton, Mississippi, respectively, and that, as such, they did sign, execute and deliver the above and foregoing instrument, having affixed the City seal thereto, for the purposes therein stated, in the name of, for and on behalf of said City, they being first duly authorized to do so.

Given under my hand and official, this the _______ day of ______________________, 2005.

____
Notary Public

My Commission Expires:

____

SCOPE OF SERVICES

PREPARATION OF NEW ZONING ORDINANCE:

The CMPDD prepare a new ***Zoning Ordinance*** for the CITY be based upon all four elements of the Clinton **Comprehensive Plan** adopted on June 5, 2007. The following is an outline of work to be accomplished; however, the Mayor and Board of Aldermen may decide to deviate from this outline of tasks:

1. PREAMBLE: A new preamble will be drafted incorporating the new definition of "comprehensive plan" under Title 17 of the Mississippi Code of 1972.

2. DEFINITIONS: The definitions article is one of the most important parts of the Zoning Ordinance. The CMPDD shall draft definitions to reflect the current meanings of land development related-terms.

3. GENERAL REGULATIONS: This section shall incorporate general provisions commonly found in zoning ordinances, such as: a "grandfather clause" which excludes buildings built prior to the effective date that do not comply with the new regulations in the new ordinance; home occupation regulations; regulations concerning accessory uses (to be revised from the 1997 Zoning Ordinance); and numerous other requirements not addressed in other sections of the ordinance.

4. ZONING DISTRICT REGULATIONS: These regulations shall be based upon the **Comprehensive Plan** adopted June 5, 2007, and tailored to respective areas of the CITY. The district regulations shall include requirements for agricultural, residential, commercial, industrial and other districts in accordance with the **Comprehensive Plan.**

   In accordance with the **Comprehensive Plan** adopted on June 5, 2007, the boundaries of the Olde Towne Clinton district will be expanded, and a new "Sarah Dickey District" will be established. The CMPDD shall consider incorporating some of the ***Smart Code Manual*** concepts into the new Zoning Ordinance regulations for Olde Towne Clinton and make appropriate recommendations to the CITY for such incorporation.

5. OFF-STREET PARKING, LOADING SPACE AND ACCESS REQUIREMENTS: This section shall include new requirements for off-street parking according to proposed land uses, loading space regulations, and controls regarding access onto arterial streets, etc.

6. REGULATIONS REGARDING NONCONFORMING LOTS, STRUCTURES AND USES: This section is intended to "grandfather" certain lots, structures and land uses which do not comply with the new regulations, but to establish controls over such lots, structures and uses.

7. SIGN REGULATIONS: This article will include new regulations for all types of outdoor signs, including permitted signs by zoning district, placement of signs on lots, maximum size, lighting, etc.

8. PROCEDURES, SPECIFICATIONS AND APPROVAL CRITERIAL FOR SITE PLANS: This section will establish new, modern regulations regarding specifications, procedures for processing of "sketch" site plans and final site plans, and *specific criteria for approval or disapproval of site plans.*

9. ADMINISTRATION AND ENFORCEMENT: This section will be updated to include: the duties of the Building Inspector, CITY Engineer, the Zoning Administrator, the Planning Commission, the Mayor and Board of Aldermen; regulations regarding dimensional variances, conditional use permits, and amendments including zoning map amendments and amendments to the text of the Zoning Ordinance; public hearing notices and procedures; and ordinance enforcement provisions.

10. OTHER DEVELOPMENT-RELATED REGULATIONS: Other land development regulations, including those presently adopted, shall be incorporated, added or amended as desired by the CITY. These regulations may include the following:.

- Cellular towers;
- Landscaping for multiple family (apartments and condominiums) commercial, industrial, and public/ quasi-public land uses (churches, schools, etc.);
- Architectural regulations controlling the outside appearance of future buildings to prevent a decline in property values caused by the construction of structures that are not in character with existing neighborhoods; and
- Entryway regulations controlling land uses, landscaping, signs and architectural appearance along the arterial routes into the CITY.

PREPARATION OF A NEW COMPUTERIZED ZONING MAP:

The CMPDD shall prepare a new *digital* Official Zoning Map for the CITY based upon the **Comprehensive Plan** adopted June 5, 2007.. The CMPDD shall use its Geographic Information System to prepare the Official Zoning Map, including:

1. *Small scale* computer plotter-drawn reproducible Official Zoning Map that can be provided to persons desiring a copies of the present zoning map.

2. A full color DISPLAY MAP version of the Official Zoning Map at an appropriate scale for display in the Zoning Administrator's office for public inspection, as required by State law.

PUBLIC HEARINGS ON THE PROPOSED ZONING ORDINANCE AND PROPOSED ZONING MAP

CMPDD personnel shall review each section of the proposed Zoning Ordinance with the Planning Commission and the Mayor and Board of Aldermen and revise each section in accordance with their comments. CMPDD personnel shall present the proposed Zoning Ordinance at public hearings (as many as necessary).

COPIES OF THE TEXT OF THE ADOPTED ZONING ORDINANCE

The final Zoning Ordinance shall be revised to incorporate any changes resulting public hearings. One hundred (100) copies of the adopted ordinance shall be printed and delivered to the CITY. Digital files containing the text of the adopted ordinance and the Zoning Map shall also be provided to the CITY by CMPDD.

RESOLUTION STATING THE INTENT OF THE CITY OF CLINTON TO PROVIDE FUNDING TO SUPPORT A COMMUNITY DEVELOPMENT BLOCK GRANT PROJECT TO BUILD A LIBRARY

WHEREAS, due to Hurricane Katrina, an influx of people in the Hinds County area has increased the use of the existing library in the City of Clinton; and

WHEREAS, the need for a new library is critical to the health, safety and welfare and the overall quality of life of residents of the City of Clinton to allow for programs to provide information to alleviate the concerns of residents during times of disasters; and

WHEREAS, the Mississippi Development Authority has funds available through the Katrina Supplemental CDBG Program for addressing problems created as a result of the impact of Hurricane Katrina on cities and counties in the Presidentially Declared Disaster area and to aid said communities in the rebuilding and recovery process; and

WHEREAS, the City of Clinton did receive damage from Hurricane Katrina; and

WHEREAS, the City of Clinton is seeking $3,110,000 in CDBG funds to assist in the cost of constructing a library to serve the residents of not only Clinton but the surrounding Hinds County area, which is estimated to cost $6,110,000; and

WHEREAS, the library is needed for the benefit of the health, safety and welfare and quality of life of the residents of the City of Clinton and will offer education disaster awareness programs to the elderly and the entire community.

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

Section One: The Mayor and Aldermen by virtue of this Resolution commits to provide up to $3,000,000 of the cost to construct a new Library from the City of Clinton funds or other funding sources available to the City or any combination thereof.

Resolved this the ______ day of _______, 2007 by the Mayor and Aldermen of the City of Clinton.

BOARD APPROVED

SEP 04 2007

CITY OF CLINTON

RESOLUTION STATING THE INTENT OF THE CITY OF CLINTON TO PROVIDE FUNDING TO SUPPORT A COMMUNITY DEVELOPMENT BLOCK GRANT PROJECT TO BUILD A LIBRARY

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BOARD APPROVED

SEP 04 2007

CITY OF CLINTON

A MOTION for adoption was made by Alderman Hisaw and Seconded by Alderman Greer and the foregoing having been first reduced to writing and not 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 Aldermen for the passage or rejection on roll call vote upon the vote being as follows, to-wit:

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

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

The foregoing Resolution was approved this 4th day of September 2007.

CITY OF CLINTON

BY: Rosemary G. Aultman

Rosemary Aultman, Mayor

ATTEST:

Russell L. Wall

Russell L. Wall, City Clerk