

CITY OF CLINTON
REGULAR MEETING OF THE MAYOR AND BOARD OF ALDERMEN
TUESDAY, MAY 4, 2004 – 7:00 P.M.
MUNICIPAL COURTROOM - 305 MONROE STREET

WELCOME AND CALL TO ORDER - Mayor Rosemary Aultman

INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG

The invocation was led by Alderman Brantley followed by the Pledge of Allegiance to the Flag led by Boy Scout Troop 39, Holy Savior Catholic Church.

ROLL CALL – City Clerk, Wayne Derrick

Present: Jehu Brabham - Alderman-At-Large
 Tony Hisaw - Alderman Ward 1
 Tony Greer - Alderman Ward 2
 Clint Brantley - Alderman Ward 3
 Phil Fisher – Alderman Ward 4
 Herb Touchton – Alderman Ward 5
 Sharbert Lott – Alderman Ward 6
 Ken Dreher - City Attorney

APPROVAL OF AGENDA ITEMS A-Q

MOTION made by Alderman Brabham and **SECONDED** by Alderman Fisher to approve Consent Agenda Items A-Q. Items C, H and I will serve to advertise favorably the opportunities, possibilities and resources of the City of Clinton. **MOTION CARRIED UNANIMOUSLY**

EXTERIOR RENOVATIONS AT 201 CLINTON PARKWAY

Upon presentation by Gary Ward, Zoning Administrator, **MOTION** made by Alderman Touchton **SECONDED** by Alderman Brabham to approve the exterior renovations on property owned by Dave Riley located at 201 Clinton Parkway. Olde Towne Historical Preservation Commission and the Planning and Zoning Commission recommended approval. **MOTION CARRIED UNANIMOUSLY**

PRELIMINARY SITE PLAN FOR DATA MANAGEMENT SYSTEMS

Upon presentation by Gary Ward, Zoning Administrator, **MOTION** made by Alderman Hisaw and **SECONDED** by Alderman Lott to approve the preliminary site plan for Data Management Systems which will be located in the Clinton Business Park. The Planning and Zoning Commission recommended approval. A copy of the site plan is on file with the Zoning Administrator. **MOTION CARRIED UNANIMOUSLY**

AMENDMENT TO ZONING ORDINANCE SECTION 406.08 – PORTABLE STORAGE CONTAINERS

Upon presentation by Gary Ward, Zoning Administrator, **MOTION** made by Alderman Brantley and **SECONDED** by Alderman Brabham to approve an amendment to the Zoning Ordinance Section 406.08 – Portable Storage Containers (PODS), said amendment to take effect June 3, 2004. The Planning and Zoning Commission recommended approval. A copy of the amendment is attached. **MOTION CARRIED UNANIMOUSLY**

AMENDMENT TO ZONING ORDINANCE SECTION 406.09 – INCIDENTAL SALE OF VEHICLES

Upon presentation by Gary Ward, Zoning Administrator, **MOTION** made by Alderman Fisher and **SECONDED** by Alderman Brantley to approve an amendment to the Zoning Ordinance Section 406.09 – Incidental Sale of Vehicles, said amendment to take effect June 3, 2004. The Planning and Zoning Commission recommended approval. A copy of the amendment is attached. **MOTION CARRIED UNANIMOUSLY**

AMENDMENT TO ZONING ORDINANCE SECTION 2316.01(C), 2316.02(C), 2316.03(C) AND 2318.6 – TEMPORARY SIGNS

Upon presentation Gary Ward, Zoning Administrator, **MOTION** made by Alderman Brabham and **SECONDED** by Alderman Fisher to approve an amendment to Zoning Ordinance Section 2316.01(c), 2316.02(c), 2316.03(c) and 2318.6 – Temporary Signs, said amendment to take effect August 1, 2004. The Planning and Zoning Commission recommended approval. A copy of the amendment is attached. **MOTION CARRIED 6 – 1 WITH ALDERMAN TOUCHTON VOTING “NO”**

AMENDMENT TO ZONING ORDINANCE SECTION 2304.07 – POLITICAL SIGNS

Upon presentation by Gary Ward, Zoning Administrator, **MOTION** made by Alderman Fisher and **SECONDED** by Alderman Greer to approve an amendment to Zoning Ordinance Section 2304.07 – Political Sign, said amendment to take effect June 3, 2004. The Planning and Zoning Commission recommended approval. A copy of the amendment is attached. **MOTION CARRIED UNANIMOUSLY**

AGREEMENT WITH BANKPLUS CONCERNING CURBS AND STREETS IN OAKHURST SUBDIVISION

Upon presentation by Richard Broome, City Engineer, **MOTION** made by Alderman Brabham and **SECONDED** by Alderman Greer to authorize settlement of a disputed claim with BankPlus and Oakhurst Development, Inc. concerning the dedicated right-of-way within the Oakhurst Subdivision including the completion of the final surface course to the streets and certain repairs to curbs/gutters. Upon payment by BankPlus and Oakhurst Development, Inc. to the City of Clinton of the total sum of \$166,377.00, the City will assume all maintenance within the subdivision upon the dedicated rights-of-way in place of BankPlus and Oakhurst Development, Inc. and will accept final dedication of rights-of-way including streets, curbs, gutters and related infrastructure. The Mayor is authorized to execute the Mutual Release attached to these minutes to effect this settlement. **MOTION CARRIED UNANIMOUSLY**

CHANGE ORDER TO PAVING CONTRACT WITH ADCAMP, INC.

Upon presentation by Richard Broome, City Engineer, **MOTION** made by Alderman Touchton and **SECONDED** by Alderman Lott to approve Change Order No. 1 to the current paving contract with Adcamp, Inc. to do the final surface course on streets and repair designated curbs in Oakhurst Subdivision. The contract will increase by \$166,377.00. **MOTION CARRIED UNANIMOUSLY**

AUTHORIZATION FOR WILLIFORD, GEARHART AND KNIGHT, INC. TO UPDATE THE SEWER MASTER PLAN

Upon presentation by Richard Broome, City Engineer, **MOTION** made by Alderman Brabham and **SECONDED** by Alderman Greer to authorize Mayor Aultman to enter into an agreement with Williford, Gearhart and Knight, Inc. to update the City's Sewer Master Plan. **MOTION CARRIED UNANIMOUSLY**

APPOINTMENT OF TOM MCMAHON TO FILL AN UNEXPIRED TERM ON THE PARKS AND RECREATION COMMISSION

Presentation and **MOTION** made by Alderman Touchton and **SECONDED** by Alderman Brantley to approve the appointment of Tom McMahon to fill an unexpired term on the Parks and Recreation Committee from May 1, 2004 until June 30, 2004. **MOTION CARRIED UNANIMOUSLY**

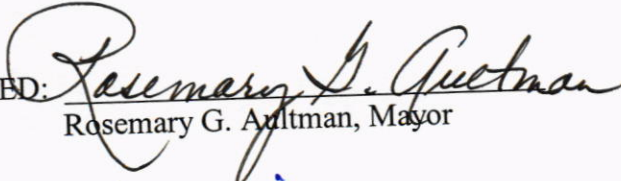
RESOLUTION TO APPROVE AMENDMENT NO.1 (ADDING HIPPA PRIVACY RULES) TO THE DOCUMENT AND SUMMARY PLAN DESCRIPTION FOR THE CITY'S HEALTH AND DENTAL PLAN

Upon presentation by Wayne Derrick, City Clerk, **MOTION** made by Alderman Fisher and **SECONDED** by Alderman Brantley to approve a Resolution approving Amendment No. 1 (adding HIPPA privacy rules to the Plan Document and Summary Plan Description for the City's group health and dental plan, with an effective date of April 24, 2004. **MOTION CARRIED UNANIMOUSLY**

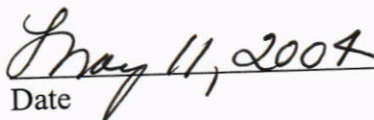
ADJOURN 7:30 P.M.

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

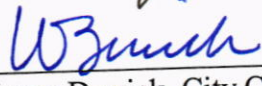
APPROVED:


Rosemary G. Aultman, Mayor

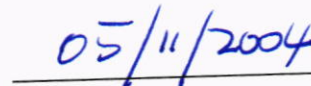
Date



ATTEST:


Wayne Derrick, City Clerk

Date





BOARD APPROVED

MAY 04 2004

CITY OF CLINTON AGENDA ITEM FACT SHEET

CITY OF CLINTON

BOARD MEETING DATE: May 4, 2004

AGENDA ITEM NO. 7. a

CONSENT AGENDA:

TO:

FOR:

ACCT. NO:

DISCUSSION/ACTION: 201 Clinton Parkway
Dave Riley
Exterior Renovations

INTRODUCED BY: Gary Ward

TELEPHONE: 924-2256

EXHIBITS FOR REVIEW:

Minutes
Ordinance
Resolution

Invoice
Plans, Maps
Contract

Other: _____

RECOMMENDATION: Olde Towne Historical Preservation Commission recommends approval.
Planning and Zoning recommends approval.

BOARD ACTION:

MOTION MADE BY:

Touchton

SECONDED BY:

Greer

VOTE CAST:

"AYE"

"NAY"

ACTION TAKEN:

Brabham
Hisaw
Greer
Brantley
Fisher
Touchton
Lott

Mayor Aultman

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

BOARD APPROVED

MAY 04 2004

CITY OF CLINTON AGENDA ITEM FACT SHEET

CITY OF CLINTON

BOARD MEETING DATE: May 4, 2004

AGENDA ITEM NO. 7.b

CONSENT AGENDA:

TO:

FOR:

ACCT. NO:

DISCUSSION/ACTION: Data Management Systems
Clinton Business Park
Preliminary Site Plan

6300 square feet

INTRODUCED BY: Gary Ward

TELEPHONE: 924-2256

EXHIBITS FOR REVIEW:

Minutes
Ordinance
Resolution

Invoice
Plans, Maps
Contract

Other: _____

RECOMMENDATION: Planning and Zoning recommends approval.

BOARD ACTION:

MOTION MADE BY: *Hisaw*

SECONDED BY: *Lott*

VOTE CAST:

"AYE"

"NAY"

ACTION TAKEN:

Brabham
Hisaw
Greer
Brantley
Fisher
Touchton
Lott

[Handwritten marks in AYE column]

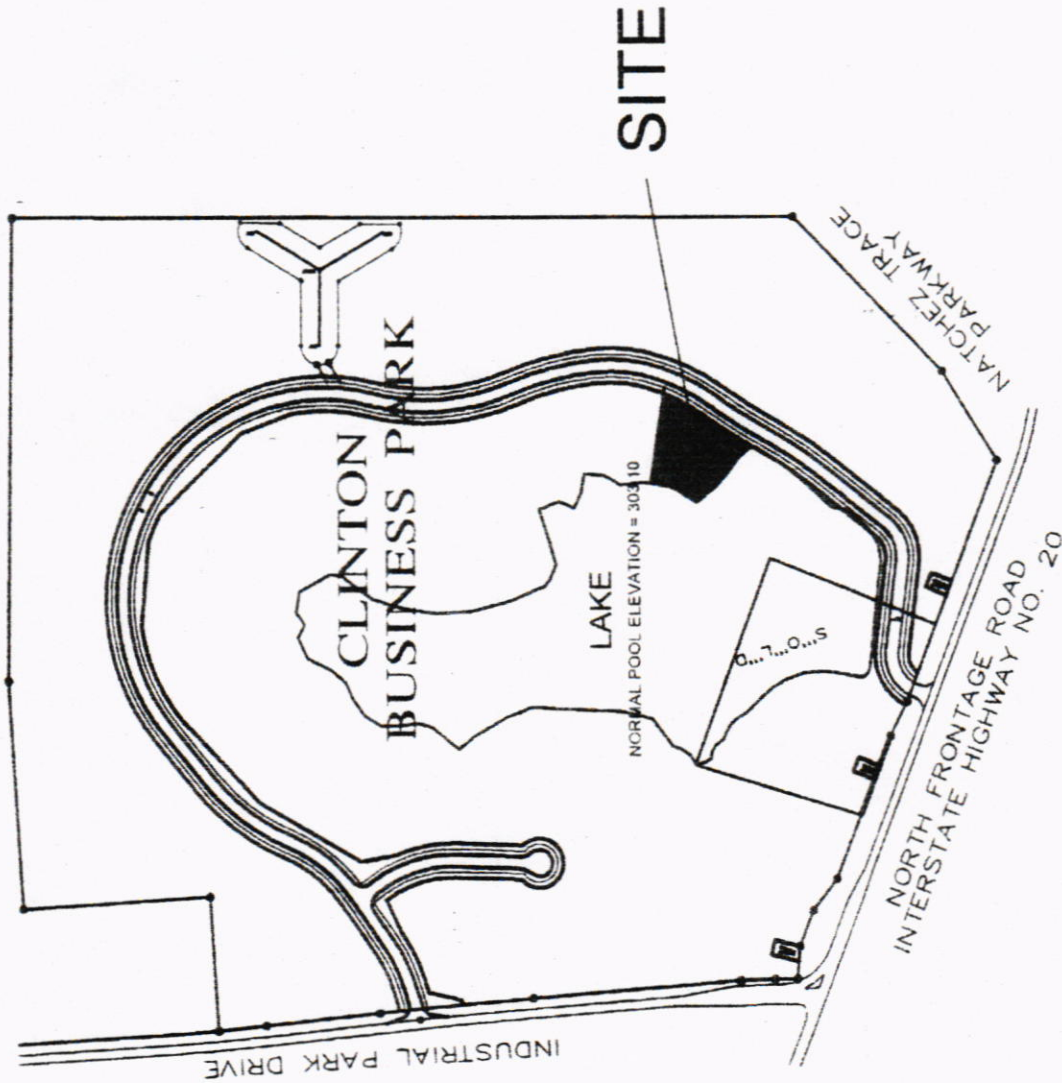
Mayor Aultman

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 04 2004

CITY OF CLINTON



NORTH

LOCALITY MAP

NOT TO SCALE

BOARD APPROVED

MAY 04 2004

CITY OF CLINTON AGENDA ITEM FACT SHEET

CITY OF CLINTON

BOARD MEETING DATE: May 4, 2004

AGENDA ITEM NO. 7.C

CONSENT AGENDA:

TO:

FOR:

ACCT. NO:

DISCUSSION/ACTION: Amendment to Zoning Ordinance
Section 406.08
Portable Storage Containers (PODS)

INTRODUCED BY: Gary Ward

TELEPHONE: 924-2256

EXHIBITS FOR REVIEW:

Minutes
Ordinance
Resolution x

Invoice
Plans, Maps
Contract

Other: _____

RECOMMENDATION: Planning and Zoning recommends approval.

BOARD ACTION:

MOTION MADE BY: Brantley

SECONDED BY: Brabham

VOTE CAST:

"AYE"

"NAY"

ACTION TAKEN:

Brabham
Hisaw
Greer
Brantley
Fisher
Touchton
Lott

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.

MAY 04 2004

7c

AN ORDINANCE AMENDING THE OFFICIAL ZONING ORDINANCE OF THE CITY OF
CLINTON, MISSISSIPPI BY AMENDING SECTION 406.08

WHEREAS, notice of a public hearing to amend Section 406.08 of the Zoning Ordinance of the City of Clinton was published in the Clarion-Ledger on April 12, 2004; and

WHEREAS, a public hearing on the proposed amendment was held on April 27, at 7:00 o'clock P.M.; and,

BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Clinton, Mississippi is amended as follows:

AMENDMENT TO ZONING ORDINANCE

Section 406.08 is hereby amended by adding this section as follows: *Portable storage containers may be placed in a residential district not to exceed thirty (30) days, provided that the unit meets a ten (10) foot front yard setback and a five (5) foot side yard setback from the property lines. Exception: The building official may permit the placement of a portable storage container in a residential district for up to ninety (90) days, provided that the property owner has a valid building permit or has demonstrated that extenuating circumstances exist to justify the extension. Extenuating circumstances shall include, but not limited to, disasters such as tornado, fire or flood.*

This Ordinance shall be effective 30 days from and after 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 4th day of May, 2004.

A Motion for adoption was made by Alderman Brantley and
seconded by Alderman Brabham. 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

MAY 04 2004

passage or rejection on roll call vote upon the vote being as follows, to-wit:

CITY OF CLINTON

Alderman Brabham voted: yes

Alderman Hisaw voted: yes

Alderman Greer voted: yes

Alderman Brantley voted: yes

Alderman Fisher voted: yes

Alderman Touchton voted: yes

Alderman Lott voted: yes

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

The foregoing ordinance was approved this the 4th of May, 2004

CITY OF CLINTON

BY: Rosemary G. Aultman
ROSEMARY AULTMAN, Mayor

ATTEST:

W. Derrick
WAYNE DERRICK, City Clerk



MAY 04 2004

CITY OF CLINTON

AGENDA ITEM NO.

TO:

ACCT. NO:

TELEPHONE: 924-2256

Other:

MOTION MADE BY:

SECONDED BY:

ACTION TAKEN:

1

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.

MAY 04 2004

CITY OF CLINTON

AN ORDINANCE AMENDING THE OFFICIAL ZONING ORDINANCE OF THE CITY OF
CLINTON, MISSISSIPPI BY AMENDING SECTION 406.09

WHEREAS, notice of a public hearing to amend Section 406.09 of the
Zoning Ordinance of the City of Clinton was published in the Clarion-Ledger on
April 12, 2004; and

WHEREAS, a public hearing on the proposed amendment was held on
April 27, at 7:00 o'clock P.M.; and,

BE IT ORDAINED by the Mayor and Board of Aldermen of the City of
Clinton, Mississippi is amended as follows:

AMENDMENT TO ZONING ORDINANCE

Section 406.09 is hereby amended by adding this section as follows: *No more than two (2) vehicles by any one (1) owner or seller may be offered for such incidental sale at any given time, provided the vehicle has been used for transportation by the owner. A pattern of offering vehicles for sale in this manner on a continuing basis shall be grounds for determining the sales to be non-incidental, and a violation of this Ordinance. Exception: Except for property zoned where such sale of vehicles is a permitted use.*

This Ordinance shall be effective 30 days from and after 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 4th day of May, 2004.

A Motion for adoption was made by Alderman Fisher and
seconded by Alderman Brantley. 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:

BOARD APPROVED

MAY 04 2004

CITY OF CLINTON

Alderman Brabham voted: yes

Alderman Hisaw voted: yes

Alderman Greer voted: yes

Alderman Brantley voted: yes

Alderman Fisher voted: yes

Alderman Touchton voted: yes

Alderman Lott voted: yes

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

The foregoing ordinance was approved this the 4th of May, 2004

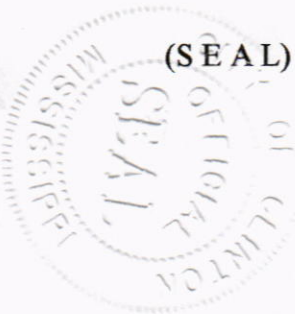
CITY OF CLINTON

BY: Rosemary G. Aultman
ROSEMARY AULTMAN, Mayor

ATTEST:

W. Derrick
WAYNE DERRICK, City Clerk

(SEAL)



BOARD APPROVED

MAY 04 2004

CITY OF CLINTON AGENDA ITEM FACT SHEET

CITY OF CLINTON

BOARD MEETING DATE: May 4, 2004

AGENDA ITEM NO. 7.e

CONSENT AGENDA:

TO:

FOR:

ACCT. NO:

DISCUSSION/ACTION: Amendment to Zoning Ordinance
Section 2316.01(c), 2316.02(c), 2316.03(c), 2318.6
Temporary Signs

*Effective day
on this
change is
August 1, 2004*

INTRODUCED BY: Gary Ward

TELEPHONE: 924-2256

EXHIBITS FOR REVIEW:

Minutes
Ordinance
Resolution x

Invoice
Plans, Maps
Contract

Other: _____

RECOMMENDATION: Planning and Zoning recommends approval.

BOARD ACTION:

MOTION MADE BY:

Brabham

SECONDED BY:

Fisher

VOTE CAST:

"AYE"

"NAY"

ACTION TAKEN:

Brabham
Hisaw
Greer
Brantley
Fisher
Touchton
Lott

✓
✓
✓
✓
✓
✓
✓

✓

Mayor Aultman

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

BOARD APPROVED

MAY 04 2004

AN ORDINANCE AMENDING THE OFFICIAL ZONING ORDINANCE OF THE CITY OF
CLINTON, MISSISSIPPI BY AMENDING SECTIONS 2316.01(c), 2316.02(c), 2316.03(c),
2318.6

CITY OF CLINTON

WHEREAS, notice of a public hearing to amend Sections 2316.01(c), 2316.02(c),
2316.03 (c), 2318.6 of the Zoning Ordinance of the City of Clinton was published in the
Clarion-Ledger on April 12, 2004; and

WHEREAS, a public hearing on the proposed amendment was held on April 27,
at 7:00 o'clock P.M.; and,

BE IT ORDAINED by the Mayor and Board of Aldermen of the City of
Clinton, Mississippi is amended as follows:

AMENDMENT TO ZONING ORDINANCE

Sections 2316.01(c), 2316.02(c), 2316.03 (c), 2318.6 are hereby amended as follows:

Removing Section 2316.01c – *On-premise temporary signs relating to a sale or new product.*

Removing Section 2316.02c – *On-premise ground-mounted or wall sign relating to a sale or new product: In addition to the maximum aggregate square footage permitted under Section 2316.03(a) and (b), temporary signs relating to a sale or new product may be erected. Such temporary signs may be made of fabric, but cannot be a portable sign. Such temporary signs shall not exceed an aggregate area of thirty (30) square feet per lot. If ground mounted, a temporary sale/new product sign shall be at least five (5) feet from all street right-of-way and comply with maximum height regulations under Section 2306. No more than one sign shall be allowed per street frontage.*

Removing Section 2316.03c – *On-premise ground mounted or wall sign relating to a sale or new product: Such sale/new product signs may be erected for a period not to exceed thirty (30) days.*

Removing Section 2318.6 – *(except for allowed temporary signs)*

This Ordinance shall be effective on 1st of August, 2004.

MAY 04 2004

ORDAINED, ADOPTED AND APPROVED BY THE MAYOR AND
BOARD OF ALDERMEN OF THE CITY OF CLINTON, MISSISSIPPI, at a
meeting thereof held on the 4th day of May, 2004.

CITY OF CLINTON

A Motion for adoption was made by Alderman Braltham and
seconded by Alderman Fisher. 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 voted: yes
Alderman Hisaw voted: yes
Alderman Greer voted: yes
Alderman Brantley voted: yes
Alderman Fisher voted: yes
Alderman Touchton voted: no
Alderman Lott voted: yes

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

The foregoing ordinance was approved this the 4th of
May, 2004

CITY OF CLINTON

BY: Rosemary G. Aultman
ROSEMARY AULTMAN, Mayor

ATTEST:

W. Derrick
WAYNE DERRICK, City Clerk

BOARD APPROVED

MAY 04 2004

CITY OF CLINTON AGENDA ITEM FACT SHEET

CITY OF CLINTON

BOARD MEETING DATE: May 4, 2004

AGENDA ITEM NO. 7.2

CONSENT AGENDA:

TO:

FOR:

ACCT. NO:

DISCUSSION/ACTION: Amendment to Zoning Ordinance
Section 2304.07
Political Signs

INTRODUCED BY: Gary Ward

TELEPHONE: 924-2256

EXHIBITS FOR REVIEW:

Minutes
Ordinance
Resolution x

Invoice
Plans, Maps
Contract

Other: _____

RECOMMENDATION: Planning and Zoning recommends approval.

BOARD ACTION:

MOTION MADE BY:

SECONDED BY:

Fisher
Greer

VOTE CAST:

"AYE"

"NAY"

ACTION TAKEN:

Brabham
Hisaw
Greer
Brantley
Fisher
Touchton
Lott

[Handwritten marks in the "AYE" column]

Mayor Aultman

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

MAY 04 2004

CITY OF CLINTON

AN ORDINANCE AMENDING THE OFFICIAL ZONING ORDINANCE OF THE CITY OF
CLINTON, MISSISSIPPI BY AMENDING SECTION 2304.7

WHEREAS, notice of a public hearing to amend Section 2304.7 of the Zoning
Ordinance of the City of Clinton was published in the Clarion-Ledger on April 12, 2004;
and

WHEREAS, a public hearing on the proposed amendment was held on
April 27, at 7:00 o'clock P.M.; and,

BE IT ORDAINED by the Mayor and Board of Aldermen of the City of
Clinton, Mississippi is amended as follows:

AMENDMENT TO ZONING ORDINANCE

Section 2304.7 is hereby amended by modification as follows: Unilluminated, Ground-mounted Political Signs: Permitted in A-1, R-1, R-2, R-3, R-4 and PUD districts with a maximum area of six (6) square feet. A premise (lot) shall have not more than one (1) political sign per candidate. Such signs shall only be permitted on private property with the consent of the owner. All political signs shall be removed within seven (7) calendar days after the election in which the person's candidacy ends. Any person (candidate) who allows his/her signs to remain on any property for more that seven (7) days after the election shall be guilty of a violation of this Ordinance and subject to the penalties imposed herein. Political signs are not permitted in C-1, C-2, C-3, C-4, I-1, I-2, S-1 and R-5 districts and any property designated as a Public/Quasi-public facility. . Any political signs placed within C-1, C-2, C-3, C-4, I-1, I-2, S-1 and R-5 districts and any property designated as Public/Quasi-public facility will shall be removed. Exception: Political signs are permitted in the Olde Town District (OTC) on properties specifically used for residential use only. Political signs are not permitted on properties used for commercial use.

This Ordinance shall be effective 30 days from and after 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 4th day of May, 2004.

MAY 04 2004

CITY OF CLINTON

A Motion for adoption was made by Alderman Fisher and seconded by Alderman Greer. 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 voted: yesAlderman Hisaw voted: yesAlderman Greer voted: yesAlderman Brantley voted: yesAlderman Fisher voted: yesAlderman Touchton voted: yesAlderman Lott voted: yes

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

The foregoing ordinance was approved this the 4th of May, 2004

CITY OF CLINTON

BY: Rosemary J. Aultman
ROSEMARY AULTMAN, Mayor

ATTEST:

W. Derrick
WAYNE DERRICK, City Clerk

PLANNING AND ZONING COMMISSION

Clinton, Mississippi
Tuesday, April 27, 2004
Public Hearing – 7:00 P.M.
Municipal Courtroom
305 Monroe Street

Minutes

Present: Bill Campbell, Edward Taylor, Jim Martin, Dewayne Parker, Kathy Peace, Ken Dreher-City Attorney and Gary Ward-Zoning Administrator

I. Call to Order

Bill Campbell called the meeting to order at 7:00pm.

II. Consideration and approval of March 23, 2004 minutes

MOTION was made by Kathy Peace to approve the minutes of the March 23, 2004 commission meeting. SECOND by Edward Taylor. Motion carried, none opposed.

III. New Considerations

1. Data Management Systems – Clinton Business Park

a. Preliminary Site Plan

Representative present: Gary Hathorne

Data Management Systems, currently located in Flowood, MS, is seeking approval of the preliminary site plan for their new building to be located in Clinton Business Park.

Site Plan Review Committee and Architectural Review Board has reviewed and approved the preliminary site plan and renderings.

A public hearing was held and no opposition was expressed.

Motion to recommend to the Mayor and Board of Aldermen to approve the preliminary site plan for Data Management Systems was made by Dewayne Parker. Second by Jim Martin. Motion carried, none opposed.

2. Historical Preservation Commission

- a. 201 Clinton Parkway – Exterior Renovations (Dave Riley)
Representative present: Dave Riley

Dave Riley is proposing to add a second story to an existing building on the Clinton Parkway. The addition will compliment his house next door.

Historical Preservation Commission has reviewed this request and recommends approval.

A public hearing was held and no opposition was expressed.

Motion was made by Kathy Peace to recommend to the Mayor and Board of Aldermen to approve the request for exterior renovations at 201 Clinton Parkway. Second by Edward Taylor. Motion carried, none opposed.

3. Amendments to Zoning Ordinance

- a. Portable Storage Containers (Section 406.08)

Addition of the amendment would regulate “PODS” (portable storage units) as to placement on property and length of time. A \$25 permit would be required prior to delivery of unit.

Jim Martin suggested that backyard placement also be addressed in amendment.

A public hearing was held and no opposition was expressed.

Motion was made by Kathy Peace to recommend that the Mayor and Board of Aldermen approve the addition of Section 406.08 to the Zoning Ordinance. Second by Jim Martin. Motion carried, none opposed.

- b. Incidental Sale of Vehicles

This amendment would limit the number of vehicles a vehicle owner could sell and would disallow placing these vehicles being placed in parking lots of commercial districts.

Jim Martin suggested limiting the number of vehicles to one instead of two and clarifying that the owner of the vehicle and property owner are one in the same.

Public hearing was held and no opposition was expressed.

Motion was made by Jim Martin to recommend that the Mayor and Board of Aldermen approve the addition of this amendment to the Zoning Ordinance. Second by Kathy Peace. Motion carried, none opposed.

c. Temporary Signs

This zoning ordinance amendment would prohibit the erection of temporary signs to advertise the sale of a new product or a new business.

Jim Martin inquired as to any problems with the current ordinance. Gary replied that some business leave banners out indefinitely.

Jim stated this seemed somewhat harsh and another option may be to set time limits and the number of sales per year.

Public hearing was held and no opposition was expressed. Motion was made by Kathy Peace to recommend that the Mayor and Board of Aldermen approve this amendment. Second by Edward Taylor. Motion carried, none opposed.

d. Political Signs

This amendment would eliminate the placement of political signs in any district except residential and those would be limited to one per candidate per yard.

A public hearing was held and no opposition was expressed.

Motion was made by Edward Taylor to recommend that the Mayor and board of Aldermen approve this amendment. Second by Kathy Peace. Motion carried, none opposed.

IV. Other Business

There was no other business to be discussed.

V. Next Meeting

The next meeting will be held on Tuesday, May 25, 2004 beginning at 7:00pm.

VI. Adjournment

Motion to adjourn was made by Kathy Peace. Second by Edward Taylor. Motion carried, none opposed.

BOARD APPROVED

CITY OF CLINTON AGENDA ITEM FACT SHEET

MAY 04 2004

Board Meeting Date: May 4, 2004

Agenda Item No. 8

CITY OF CLINTON

Consent Agenda: \$	To:
For:	
	Account No.

Discussion/Action: Agreement with Bank Plus to accept payment and repairs of curbs and to apply surface course to streets in Oakhurst Subdivision

Introduced by: Richard L. Broome, City Engineer Telephone No. 924-5462

Exhibits for Review:

Minutes: _____
Ordinance: _____
Resolution: _____

Invoice: _____
Plans/Maps: _____
Contract: _____

Other: Bid _____

Recommendation: _____

Board Action:

Motion made by: Brubham

Seconded by: Greer

Vote Cast:

"Aye":

"Nay":

Action Taken:

Brubham
Hisaw
Greer
Brantley
Fisher
Touchton
Lott

Mayor Aultman

Agenda items must be turned in to the City Clerk with all attachments no later than 5 P.M. on the Wednesday preceding the Tuesday Board Meeting to be included on the Agenda. This deadline will be strictly enforced.



ASPHALT CONSTRUCTION
P. O. BOX 54246
JACKSON, MISSISSIPPI 39268-4246

BOARD APPROVED

MAY 04 2004

CITY OF CLINTON

PROPOSAL & CONTRACT

City of Clinton
P. O. Box 156
Clinton, MS 39060

April 8, 2004

Attention: Mr. Richard Broome

Adcamp, Inc. hereinafter called the Company, offers to furnish all labor, materials and equipment required for the performance of the following described work in connection with construction or improvements at Oakhurst Subdivision in Clinton, MS.

Description of work & price:

433 LF - Curb Repair @ \$34.00/LF	\$14,722.00
43,330 SY - 1 1/2" Asphalt Surface Course Overlay @ \$3.50/SY	<u>151,655.00</u>
TOTAL ESTIMATED AMOUNT	\$166,377.00

Unless a lump sum price is to be paid for the foregoing work and is clearly so stated it is understood and agreed that the quantities referred to above are estimates only and that payment shall be made at the stated unit prices on the actual quantities of work performed by the Company as determined upon completion of the work.

If the foregoing meets with your acceptance, kindly sign and return the attached copy of our proposal. Upon its receipt it is understood the foregoing; including the terms and conditions set forth on the reverse side, hereof, will constitute the full and complete agreement between us. NO SCHEDULING CAN BEGIN WITHOUT A SIGNED CONTRACT RETURNED TO OUR OFFICE. This proposal expires **SIXTY (60)** days from the date hereof, but may be accepted at any later date at the sole option of the Company.

Yours very truly,

Adcamp, Inc.


Ralph Barnes
President

MPC#

(WHERE APPLICABLE)

Accepted:

Firm Name

By: _____
Name & Title

Date: _____

Telephone: _____



BOARD APPROVED

MAY 04 2004

CITY OF CLINTON

Motion by Alderman _____

Seconded by Alderman _____

To authorize settlement of a disputed claim with BankPlus and Oakhurst Development, Inc. concerning the dedicated right-of-way within the Oakhurst Subdivision including the completion of the final surface course to the streets and certain repairs to curbs/gutters. Upon payment by BankPlus and Oakhurst Development, Inc. to the City of Clinton of the total sum of \$166,377.00, the City will assume all maintenance within the subdivision upon the dedicated rights-of-way in place of BankPlus and Oakhurst Development, Inc. and will accept final dedication of rights-of-way including streets, curbs, gutters and related infrastructure. The Mayor is authorized to execute the Mutual Release attached to these minutes to effect this settlement.

MAY 04 2004

MUTUAL RELEASE**CITY OF CLINTON**

This mutual release, executed on _____, 2004, among BankPlus, a Mississippi Banking Corporation; Oakhurst Development, Inc.; and the City of Clinton, Mississippi, is intended to effect the extinguishment of obligations as hereinafter designated.

Disputes and differences have arisen among the parties with respect to the responsibility for the final surface course to the streets of Oakhurst Subdivision (the "subdivision") and certain repairs to curb/gutters within the subdivision. The parties have agreed to execute this mutual release in settlement of such disputes and differences.

In consideration of the mutual relinquishment of their respective legal rights with reference to the above-mentioned disputes and differences, in consideration of the execution of this mutual release, and in consideration of the total payment by BankPlus or Oakhurst Development, Inc., to the City of Clinton of One Hundred Sixty-Six Thousand Three Hundred Seventy-Seven Dollars (\$166,377.00), receipt of which by the City of Clinton is acknowledged, each party, for itself and its successors and/or assigns and legal representatives, expressly releases the others, and its successors and/or assigns and legal representatives, from all liability for claims and demands arising out of this disputed claim.

Upon receipt of the payment referred to above from either BankPlus or Oakhurst Development, Inc., to the City of Clinton, neither BankPlus or Oakhurst Development, Inc., will have any further obligations for the dedicated right-of-way within the subdivision and the parties mutually release each other for any existing or potential claims arising on account of the dedicated right-of-way within the subdivision. Upon payment to the City of Clinton, the City of Clinton assumes responsibility for maintenance and repair of the streets, curbs, gutters and other infrastructure located in the dedicated right-of-way of the subdivision. The City acknowledges that the final surface course will be applied prior to September 30, 2004.

Both BankPlus and Oakhurst Development, Inc., expressly deny any responsibility for maintenance of streets and rights of way within the subdivision. The City of Clinton acknowledges that, upon payment of the amount set out above, all letters of credit issued by BankPlus related to this subdivision are terminated.

In witness whereof the parties have executed this mutual release in Clinton, Hinds County, Mississippi, on the day and year first above written.

WITNESS OUR SIGNATURES, on this the ____ day of _____, 2004.

BANKPLUS

By: _____

Vice President

STATE OF _____

COUNTY OF _____

PERSONALLY appeared before me, the undersigned authority, in and for the said county and state, on this ____ day of _____, 2004, within my jurisdiction, the within named _____, Vice President, who acknowledged that he/she signed and delivered the above and foregoing instrument on behalf of BankPlus having been authorized to do so.

NOTARY PUBLIC

My Commission Expires:

CITY OF CLINTON

By: _____
Mayor Rosemary Aultman

STATE OF MISSISSIPPI

COUNTY OF HINDS

Personally appeared before me, the undersigned authority in and for the said county and state, on this ____ day of _____, 2004, within my jurisdiction, the within named Rosemary Aultman, who acknowledged that she is Mayor of the CITY OF CLINTON, a Mississippi Municipal Corporation, and that for and on behalf of the CITY OF CLINTON, and as its act and deed she executed the above and foregoing instrument, after first having been duly authorized by CITY OF CLINTON so to do.

NOTARY PUBLIC

My Commission Expires:

OAKHURST DEVELOPMENT, INC.

By: _____
Its President

STATE OF MISSISSIPPI

COUNTY OF _____

Personally appeared before me, the undersigned authority in and for the said county and state, on this _____ day of _____, 2004, within my jurisdiction, the within named _____, who acknowledged that he/she is President of Oakhurst Development, Inc., and that for and on behalf of Oakhurst Development, Inc., and as its act and deed he/she executed the above and foregoing instrument, after first having been duly authorized by Oakhurst Development, Inc., so to do.

NOTARY PUBLIC

My Commission Expires:

PLANT: FLOWOOD, MISS.

Page 1 of 2
TELEPHONE 939-4493
FAX 939-4676ASPHALT CONSTRUCTION
P. O. BOX 54246
JACKSON, MISSISSIPPI 39288-4246**PROPOSAL & CONTRACT**City of Clinton
P. O. Box 156
Clinton, MS 39060April 8, 2004

Attention: Mr. Richard Broome

Adcamp, Inc. hereinafter called the Company, offers to furnish all labor, materials and equipment required for the performance of the following described work in connection with construction or improvements at Oakhurst Subdivision In Clinton, MS.

Description of work & price:

433 LF - Curb Repair @ \$34.00/LF	\$14,722.00
43,330 SY - 1 1/2" Asphalt Surface Course Overlay @ \$3.50/SY	<u>151,655.00</u>

TOTAL ESTIMATED AMOUNT	\$166,377.00
------------------------	--------------

Unless a lump sum price is to be paid for the foregoing work and is clearly so stated it is understood and agreed that the quantities referred to above are estimates only and that payment shall be made at the stated unit prices on the actual quantities of work performed by the Company as determined upon completion of the work.

If the foregoing meets with your acceptance, kindly sign and return the attached copy of our proposal. Upon its receipt it is understood the foregoing; Including the terms and conditions set forth on the reverse side, hereof, will constitute the full and complete agreement between us. NO SCHEDULING CAN BEGIN WITHOUT A SIGNED CONTRACT RETURNED TO OUR OFFICE. This proposal expires **SIXTY (60)** days from the date hereof, but may be accepted at any later date at the sole option of the Company.

Yours very truly,

Adcamp, Inc.


Ralph Barnes
President

MPC#

(WHERE APPLICABLE)

Accepted:

Firm NameBy: _____
Name & Title

Date: _____

Telephone: _____



CONTRACT CHANGE ORDER

OWNER: City of Clinton

CONTRACTOR: Adcamp Inc.

LOAN NUMBER: N/A

PROJECT NAME: 2004 Street Improvements

CHANGE ORDER NUMBER: 1 CONTRACT NUMBER: 1 REASON FOR

CHANGE: See Attached

(you are hereby requested to comply with the following changes from the contract plans, specifications, and contract documents (use additional sheets if necessary))

Item Number	Description of changes	Original Cost		Revised Contract Cost	
		Total	Eligible	Total	Eligible

TOTAL CONTRACT CHANGE

\$166,377 \$166,377

ORIGINAL CONTRACT AMOUNT:	\$439,801.00	\$439,801.00
CURRENT CONTRACT AMOUNT:	\$439,801.00	\$439,801.00
THIS CONTRACT CHANGE:	\$166,377.00	\$166,377.00
REVISED CONTRACT AMOUNT:	\$606,178.00	\$606,178.00
CURRENT CONTRACT COMPLETION DATE:	08/30/04	08/30/04
TIME EXTENSION REQUIRED BY CHANGE:	0 days	0 days
REVISED CONTRACT COMPLETION:	08/30/04	08/30/04

THIS DOCUMENT SHALL BE AN AMMENDMENT TO THE CONTRACT AND ALL PROVISIONS OF THE CONTRACT SHALL APPLY.

REVIEWED BY:

R. Broome
(ENGINEER)

5/10/04
(DATE)

ACCEPTED BY:

Deane Garner
(CONTRACTOR)

5/10/04
(DATE)

APPROVED BY:

Rosemary L. Quetman
(OWNER)

5/11/04
(DATE)

Kenneth R. Dreher, P.A.

ATTORNEY AT LAW
761 CLINTON PARKWAY
CLINTON, MISSISSIPPI 39056

KENNETH R. DREHER
ATTORNEY AT LAW

TELEPHONE: (601) 924-1966
TELECOPIER: (601) 924-1123

JANINE BELL
PARALEGAL

May 21, 2004

VIA HAND DELIVERY

Wayne Derrick
City Clerk, City of Clinton
Clinton, Mississippi

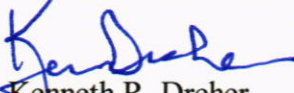
RE: Oakhurst Subdivision Street Paving Matter

Dear Wayne:

Enclosed is the original Mutual Release executed by the City, BankPlus and Oakhurst Development, Inc. to resolve the Oakhurst Subdivision paving issue. I understand Richard has already given you the settlement check in the amount of \$166,377.00.

Sincerely,

KENNETH R. DREHER, P.A.


Kenneth R. Dreher

KRD/jb
Enclosure

Cc: Mayor Rosemary Aultman (w/o encl)
Richard Broome (w/o encl)

MUTUAL RELEASE

This mutual release, executed on May 13, 2004, among BankPlus, a Mississippi Banking Corporation; Oakhurst Development, Inc.; and the City of Clinton, Mississippi, is intended to effect the extinguishment of obligations as hereinafter designated.

Disputes and differences have arisen among the parties with respect to the responsibility for the final surface course to the streets of Oakhurst Subdivision (the "subdivision") and certain repairs to curb/gutters within the subdivision. The parties have agreed to execute this mutual release in settlement of such disputes and differences.

In consideration of the mutual relinquishment of their respective legal rights with reference to the above-mentioned disputes and differences, in consideration of the execution of this mutual release, and in consideration of the total payment by BankPlus or Oakhurst Development, Inc., to the City of Clinton of One Hundred Sixty-Six Thousand Three Hundred Seventy-Seven Dollars (\$166,377.00), receipt of which by the City of Clinton is acknowledged, each party, for itself and its successors and/or assigns and legal representatives, expressly releases the others, and its successors and/or assigns and legal representatives, from all liability for claims and demands arising out of this disputed claim.

Upon receipt of the payment referred to above from either BankPlus or Oakhurst Development, Inc., to the City of Clinton, neither BankPlus or Oakhurst Development, Inc., will have any further obligations for the dedicated right-of-way within the subdivision and the parties mutually release each other for any existing or potential claims arising on account of the dedicated right-of-way within the subdivision. Upon payment to the City of Clinton, the City of Clinton assumes responsibility for maintenance and repair of the streets, curbs, gutters and other infrastructure located in the dedicated right-of-way of the subdivision. The City acknowledges that the final surface course will be applied prior to September 30, 2004.

Both BankPlus and Oakhurst Development, Inc., expressly deny any responsibility for maintenance of streets and rights of way within the subdivision. The City of Clinton acknowledges that, upon payment of the amount set out above, all letters of credit issued by BankPlus related to this subdivision are terminated.

In witness whereof the parties have executed this mutual release in Clinton, Hinds County, Mississippi, on the day and year first above written.

WITNESS OUR SIGNATURES, on this the 13 day of MAY, 2004.

BANKPLUS

J. Fountain Barksdale
By: J. FOUNTAIN BARKSDALE
EXECUTIVE Vice President

STATE OF MISSISSIPPI

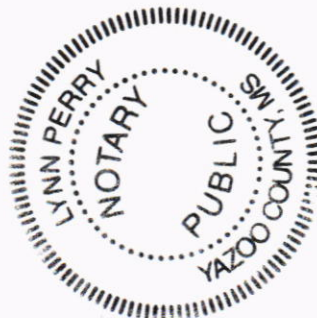
COUNTY OF MADISON

PERSONALLY appeared before me, the undersigned authority, in and for the said county and state, on this 13TH day of MAY, 2004, within my jurisdiction, the within named J. FOUNTAIN BARKSDALE Vice President, who acknowledged that he/she signed and delivered the above and foregoing instrument on behalf of BankPlus having been authorized to do so.

Lynn Perry
NOTARY PUBLIC

My Commission Expires:

State of Mississippi at Large
My Commission Expires October 15, 2007



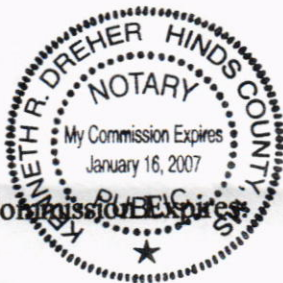
CITY OF CLINTON

By: Rosemary J. Aultman
Mayor Rosemary Aultman

STATE OF MISSISSIPPI

COUNTY OF HINDS

Personally appeared before me, the undersigned authority in and for the said county and state, on this 17th day of May, 2004, within my jurisdiction, the within named Rosemary Aultman, who acknowledged that she is Mayor of the CITY OF CLINTON, a Mississippi Municipal Corporation, and that for and on behalf of the CITY OF CLINTON, and as its act and deed she executed the above and foregoing instrument, after first having been duly authorized by CITY OF CLINTON so to do.



My Commission Expires

Kenneth R. Dreher
NOTARY PUBLIC

OAKHURST DEVELOPMENT, INC.

By: William A. Ray
Its President

STATE OF MISSISSIPPI

COUNTY OF MAADISON

Personally appeared before me, the undersigned authority in and for the said county and state, on this 13TH day of MAY, 2004, within my jurisdiction, the within named William A. Ray, who acknowledged that he/she is President of Oakhurst Development, Inc., and that for and on behalf of Oakhurst Development, Inc., and as its act and deed he/she executed the above and foregoing instrument, after first having been duly authorized by Oakhurst Development, Inc., so to do.

Lynn Perry
NOTARY PUBLIC

My Commission Expires:

State of Mississippi at Large
My Commission Expires October 15, 2007



BOARD APPROVED

CITY OF CLINTON AGENDA ITEM FACT SHEET

MAY 04 2004

Board Meeting Date: May 4, 2004__

Agenda Item No. 9

CITY OF CLINTON

Consent Agenda: \$	To:
For:	
	Account No.

Discussion/Action: Authorization for WGK to update the Sewer Master Plan

Introduced by: Richard L. Broome, City Engineer Telephone No. 924-5462

Exhibits for Review:

Minutes: _____

Invoice: _____

Other: Bid

Ordinance: _____

Plans, Maps: _____

Resolution: _____

Contract: _____

Recommendation:

Board Action:

Motion made by: Brabham

Seconded by: Greer

Vote Cast:

"Aye":

"Nay":

Action Taken:

Brabham

Hisaw

Greer

Brantley

Fisher

Touchton

Lott

Mayor Aultman

Agenda items must be turned in to the City Clerk with all attachments no later than 5 P.M. on the Wednesday preceding the Tuesday Board Meeting to be included on the Agenda. This deadline will be strictly enforced.



WILLIFORD, GEARHART & KNIGHT, INC.
ENGINEERS & SURVEYORS

BOARD APPROVED

MAY 04 2004

CITY OF CLINTON

PRINCIPALS
Charles H. Williford, P.E., P.L.S.
Gregory A. Gearhart, P.E.
Jeffery T. Knight, P.E.
Billy W. Owen, P.E.
Michael K. McKenzie, P.E.

April 6, 2004

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

RECEIVED
APR 14 2004
CITY OF CLINTON
ENGINEERING DEPARTMENT

RE: Sewer Master Plan Update - 2004
WGK #04-137

Dear Richard:

The most recent update to the City of Clinton Water and Sewer Master Plan was completed in November 1996. This document has been used successfully to guide the planning, budgeting, design, and construction of water and sewer improvements to upgrade the level of service and capacity of these systems. The Phase 1 plan focused on the 23 square miles within the current city limits. A long-range plan was also developed for potential annexation areas encompassing an additional 28 square miles.

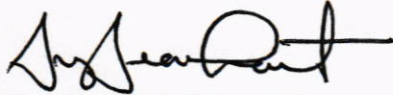
Since the completion of the 1996 master plan, the Mississippi Department of Environmental Quality (MDEQ) and the EPA have determined that the major streams in the north annexation area, Bogue Chitto Creek and Straight Fence Creek, have impaired water quality. MDEQ has restricted additional discharges into these streams. **Since the long-range solution for treatment of wastewater generated in the north annexation area involved construction of a new treatment plant at Straight Fence Creek, MDEQ's restriction on this discharge effects the whole plan for wastewater collection and treatment in this area.**

An update of the sewer master plan in this area would include developing new options for discharge points in the basin, as well as options for transporting flows out of the impaired basin for discharge elsewhere. MDEQ would have an opportunity to comment and provide draft Waste Load Allocations for each option. Construction and operating budgets for facilities to meet these waste load allocations for each option would then be developed and a comprehensive solution devised. The result of the planning process would be a prioritized list of improvements, with budgeted costs, which would guide development in the basin.

We have reviewed the tasks required to develop an updated plan, and estimate the initial phase will cost from \$15,000 to \$20,000 to complete. At this point, we (and MDEQ!) do not have a clear picture of how many scenarios will be viable, and therefore how many options will have to be evaluated and budgeted in detail. Regardless, the total hourly cost should not exceed \$40,000.

Thank you for this opportunity to be of assistance. Please contact me if you need any additional information.

Sincerely,
WILLIFORD, GEARHART & KNIGHT, INC.

A handwritten signature in black ink, appearing to read 'Greg Gearhart', with a stylized flourish at the end.

Greg Gearhart, P.E., DEE
Principal

BOARD APPROVED

MAY 04 2004

CITY OF CLINTON AGENDA ITEM FACT SHEET

CITY OF CLINTON

BOARD MEETING DATE: May 4, 2004

AGENDA ITEM NO. 10

CONSENT AGENDA: _____ TO: _____

_____ FOR: _____

_____ ACCT. _____

INTRODUCED BY: _____

EXHIBITS FOR REVIEW:

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

DISCUSSION/ACTION: Appointment of Tom McMahon to Fill an Unexpired Term on the Parks and Recreation

Commission _____

Introduced by: Alderman Touchton

BOARD ACTION:

MOTION MADE BY: Touchton

SECONDED BY: Brantley

<u>VOTE CAST:</u>	<u>"AYE"</u>	<u>"NAY"</u>	<u>ACTION TAKEN:</u>
Brabham	_____	_____	_____
Hisaw	_____	_____	_____
Greer	_____	_____	_____
Brantley	_____	_____	_____
Fisher	_____	_____	_____
Touchton	_____	_____	_____
Lott	_____	_____	_____
Mayor Aultman	_____	_____	_____

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



WILLIFORD, GEARHART & KNIGHT, INC.
ENGINEERS & SURVEYORS

BOARD APPROVED

MAY 04 2004

CITY OF CLINTON

PRINCIPALS

Charles H. Williford, P.E., P.L.S.
Gregory A. Gearhart, P.E.
Jeffery T. Knight, P.E.
Billy W. Owen, P.E.
Michael K. McKenzie, P.E.

April 22, 2004

Mr. Herb Touchton, Alderman Ward 5
City of Clinton
530 Belle Place
Clinton, MS 39056

RE: Parks and Recreation Advisory Board
WGK #E92-257

Dear Herb:

Thank you for giving me the opportunity to serve on the Parks and Recreation Board over the last seven or eight years. Each of the Directors I have had the privilege of working with has been excellent, and Ray Holloway is doing a great job as he continues to move the City programs forward.

Unfortunately, I have overextended myself and have become involved in too many great causes, and must resign from the Board effective April 30, 2004. I have thoroughly enjoyed serving with the other Board members and know the Board will continue in good hands.

Sincerely,

WILLIFORD, GEARHART & KNIGHT, INC.

Greg Gearhart, P.E., DEE
Principal

Herb - Tom McMAHON will be a great member!

BOARD APPROVED

MAY 04 2004

CITY OF CLINTON

William T. McMahon (Tom)

Age 72 Retired

Lived in Clinton since 1940 Except for 20 years in the Army.

Wife Margot One daughter and grand daughter living in Hattiesburg

Member of the 4'CS board

Current President of Olde Town Historic Preservation & Property Owners Association.

Avid bike rider

Residence 104 E. Leake St.

BOARD APPROVED

MAY 04 2004

CITY OF CLINTON AGENDA ITEM FACT SHEET

CITY OF CLINTON

BOARD MEETING DATE: May 4, 2004

AGENDA ITEM NO. _____

CONSENT AGENDA: _____ TO: _____

_____ FOR: _____

_____ ACCT. _____

INTRODUCED BY: _____

EXHIBITS FOR REVIEW:

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

DISCUSSION/ACTION: Resolution to Approve Amendment No. 1 (adding HIPAA privacy rules) to the Plan _____

Document & Summary Plan Description for the City's Group Health and Dental Plan _____

Introduced by: Wayne Derrick, City Clerk _____

BOARD ACTION: _____ MOTION MADE BY: Fisher

SECONDED BY: Brantley

<u>VOTE CAST:</u>	<u>"AYE"</u>	<u>"NAY"</u>	<u>ACTION TAKEN:</u>
Brabham	1	_____	_____
Hisaw	_____	_____	_____
Greer	_____	_____	_____
Brantley	_____	_____	_____
Fisher	_____	_____	_____
Touchton	_____	_____	_____
Lott	_____	_____	_____
Mayor Aultman	_____	_____	_____

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

Resolution to approve Amendment Number 1 (adding HIPAA privacy rules) to the Plan Document and Summary Plan Description for the City's group health and dental plan, with an effective date of April 14, 2004.

COPY

May 10, 2004

Fox Everett
Attn: Lance Nations
P.O. Box 188
Jackson, MS 39205

Dear Lance:

Enclosed are the 2 copies of the preliminary application for group insurance which have been signed by the Mayor. 2 signed copies of the Amendment No. 1 to Plan Document and Summary Plan are enclosed. Please forward a copy of the Amendment No. 1 back to me once you have signed it. Also enclosed is the check to Reliance Standard for June Premiums and a certification by plan sponsor to group health plan which has also been signed by the Mayor. If you need anything further, give me a call.

Sincerely,

Carol Warren
Deputy City Clerk

Enclosures

**Reliance Standard Life
Insurance Company**

PRELIMINARY APPLICATION FOR GROUP INSURANCE

1. Prospective Policyholder: City of Clinton (Exact Legal Name)
2. Federal Employer Identification Number: 64-6000260
3. Complete address: _____
 (Street Address) (City and State) (County) (Zip Code)
- Executive Correspondent Wayne Derrick Title City Clerk CFO Phone 924-5462
 Routine Correspondent Robin Cornelius Title HR Phone 924-5462
 Mailing Address (If different) _____
4. Nature of business: (If Association: purpose, when formed) Municipality
5. The prospective policyholder is a _____ corporation, _____ partnership, _____ proprietorship, _____ union, _____ association, _____ other (specify) _____
6. INDICATE AFFILIATES OR SUBSIDIARIES TO BE COVERED, IF ANY:
 (Include divisions only if all are not to be included)

Name and Location	Nature of Relationship	Nature of Business	No. of Employees by Coverage						
			Life	AD&D	WI	LTD	VAR	STOP LOSS	Other

7. POLICY TO BE ISSUED IN THE STATE OF: MS 8. Requested Effective Date: 6-1-04
 (If other than state of Applicant's main office, explain in REMARKS) (Month) (Day) (Year)
9. COVERAGES APPLIED FOR: ☒ Life, ☒ AD&D, ☐ WI, ☐ LTD, ☐ VAR, ☐ STOP LOSS, ☐ Other _____
10. Is any group insurance now in force or currently being applied for on the Proposed Insureds? ☒ yes ☐ no
 If yes, (A) Indicate in Remarks: name of carrier; type of coverage; effective date; brief benefit description; eligibility; etc.
 (B) Provide prior experience, including premiums and incurred claims (or paid claims and claim reserves at start and end of period.)
11. Is it proposed to terminate or change any existing group insurance coverage? ☒ yes ☐ no
 If yes, indicate in REMARKS: name of carrier; type of coverage, and date of termination, or date and type of change.
12. Are all Proposed Insureds actively at work? ☒ yes ☐ no If not, please list the following for employees not actively at work:
- | NAME | DATE OF BIRTH | LAST DAY WORKED | FACE AMOUNT | REASON FOR ABSENCE |
|------|---------------|-----------------|-------------|--------------------|
|------|---------------|-----------------|-------------|--------------------|

REMARKS: Group Life + AD&D with Canada Life

This Preliminary Application is subject to the acceptance and approval in writing by Reliance Standard Life Insurance Company at the Administrative Offices in Philadelphia, Pennsylvania; and nothing contained herein shall be binding upon said Company until this Preliminary Application is so approved. \$_____ has been paid herewith. It will be applied toward the first premium due on the policy or policies if any be issued. Such issuance is subject to the: terms; conditions; limitations; and exceptions of the policy or policies if any be issued.

Name of Agent or Broker of Record (print or type) Lance Nations Share _____ %
 _____ %
 _____ %

Print or type name of Broker's firm, if applicable

Fox Everett
 by [Signature] Exec. (Title)
 (authorized signature)

LRS-8209-1088

by [Signature] (authorized signature)
Mayor
 Title or position with Applicant)
 Dated at Clinton, Mississippi
 Date 5/4/04
 Agency _____ Group Office _____

- ☐ **Preliminary Application for Group Insurance** -Original, signed & dated by effective date by Employer and Broker
(State specific for: AR, CO, DC, FL, KY, LA, ME, MN, NJ, NM, NY, OH, PA, VA)
- ☐ **Deposit check** equal to approximately 1st month's premium (not required for Voluntary AD&D, Voluntary Life or Voluntary LTD)
- ☐ **Copy of Sold Proposal**
- ☐ For takeover groups, prior carrier's **Booklet and Bill**
- ☐ **Updated Census List** in lieu of cards with applicable info (for contributory cases, employer holds enrollment cards with waiver info.)
- Name, DOB, Gender, Hire Date, Job Title, Salary & Mode, State & Zip, Class, Coverage elected & SS # (Voluntary & list billing)

If Applicable:

- ☐ **Questionnaire(s):** ☐ Life ☐ LTD ☐ Bonus (if bonuses included in Earnings Definition)
Special Risk: ☐ Travel Accident (SR) ☐ Aircraft &/or Crew Member (Aircraft SR/VAR)
- ☐ For state mandated disability plans, NY DBL application: DBL-APP-0103 or NJ TDB application TDB-APP-0801 & state form DP-1
- ☐ **Telephonic Claim Intake Client Notification Form** (option for STD/TDB/DBL 250+ lives)
- ☐ **Evidence of Insurability Forms** for ee's/dependents applying for amounts greater than non-medical maximum or late enrollees
(ee's not on prior contributory plan who did not enroll within 31 days of eligibility) (State specific forms for ee's with work sites
in: AR, CA, CO, DC, FL, GA, IL, KY, ME, MD, MI, MN, MO, NJ, NY, NC, ND, OH, OK, PA, RI, TN, VT, VA or WI)
- ☐ **WorldNet Assistance Program Service Agreement** for groups electing this service
- ☐ **Unions.** If union employees are to be covered, please provide all applicable pages of the Collective Bargaining Agreement(s).

Employer Information (to supplement Preliminary Application)	Full Legal Name of Group: <u>City of Clinton</u> (exactly as to be shown in contract with exact abbreviations, punctuation, or capitalization)		Website Address:
	Executive Contact Fax #: <u>Wayne Derrick</u> E-mail address: _____	Routine Contact Fax #: <u>Robin Cornelius</u> E-mail address: _____	
	Location: ☐ Main ☐ Other:		
	When did Company Operations begin? Month _____/Year _____ 100+ lives: Should we use Policy Anniversary as reporting date for 5500? ☐ Yes (standard) ☐ No, use _____		

Sold Coverages:	Basic		Dependent	Supplemental		Voluntary		Disability				Travel Accident (SR) ☐
	Life ☒	AD&D ☒		Life ☐	AD&D ☐	Life ☐	AD&D ☐	STD ☐	ASO ☐	DBL ☐ TDB ☐	LTD ☐ Vol. ☐	
Employer Contributions:	100%	100%										100%
Sold Rates/ Premium:	17.5 /\$1,000	.05 /\$1,000	/unit	☐ Step rates attached		☐ Step rates attached		/\$10	/ee		/\$100	/year

For any coverages where employees pay a portion of the premium, please provide:

Total # of eligible employees: _____ Total # of participating employees: _____

Is any coverage applied for part of a Flex/ Section 125 plan? ☐ No ☐ Yes - for: ☐ Life ☐ STD ☐ LTD
Is Employee Contribution for LTD and/or STD deducted before or after taxes? ☐ Pre-Tax ☐ Post-Tax

Is other group coverage(s) in force with Reliance Standard? ☒ Yes ☐ No If yes, provide coverage(s) & Group #: Group LTD

Form completed by (print name):

Lance Nations

☐ Employer ☒ Broker
☐ G.A. /T.P.A. ☐ Other: _____

To allow sufficient processing time, please return all submissions materials prior to requested effective date.

Billing

☒ Self Administered (**mandatory** 100+ lives) ☐ TPA billing:
We will remit premiums by ☒ Check ☐ ACH Debit ☐ Wire Transfer

Were you previously self-administered with your prior carrier? ☐ No ☐ Yes, & I will use Reliance Standard's billing format
If you would prefer to use your own billing format, please attach a copy for our approval & check here: ☐ Yes, review my format

☐ List Bill (by exception for <100 Lives only) (census parameters on p. 1) ☐ VGTL Online Presentment (special census format)

1st Bill Group: ☐ Routine Correspondent listed on Preliminary Application **OR** Angela Richburg

Billing Group Name (optional): _____

Location: ☐ Main ☐ Other/Address : _____

Correspondent : _____ Title: _____

Phone: 924-5462 Fax: 925-4605 Email: _____

2nd Bill Group: Billing Group Name (optional): _____

Location: ☐ Main ☐ Other/Address : _____

Correspondent : _____ Title: _____

Phone: _____ Fax : _____ Email: _____

3rd Bill Group: Billing Group Name (optional): _____

Location: ☐ Main ☐ Other/Address : _____

Correspondent : _____ Title: _____

Phone: _____ Fax : _____ Email: _____

If more than 3 bill groups, please supply this information on an attached sheet.

Booklets/ Certificates (n/a for DBL)

☒ Booklets (standard) * ☐ 8 1/2 X 11 Flat Certificates (no cover)* Include: ☐ Company Logo ☐ Agent Name
☐ electronic (.pdf) booklets (a Hold Harmless Agreement must be completed & signed) (\$10,000 min. annual premium per line)

Booklet Proofs are available by request for groups with 500+ lives.

*For Travel Accident (SR) coverage, booklets are not available; flat certificates are produced.

☐ Same for Entire Group, combine multiple coverages (if applicable) (standard)
Note: there is a maximum of 2 coverages combined per booklet; coverages cannot be combined in certificates

☐ by Class ☐ by Coverage ☐ by Affiliate

Mail to:

☒ Policyholder's Routine Correspondent (standard) ☐ Broker ☐ Other: _____

Please provide booklet mailing instructions for multiple locations, if applicable:

Administration Kit will be mailed per above instructions unless otherwise noted.

ERISA/SPD
(100+ employees)

Include Summary Plan Description (SPD) in addition to ERISA wording? ☒ Yes ☐ No **If yes, please provide:**

ERISA plan number(s): Life _____ STD _____ LTD _____

Plan Administrator: ☒ Employer (standard) ☐ Union Maintaining Plan ☐ Other - Administrator Name & Address:

How are Plan Records kept?: ☐ Calendar Year ☐ Fiscal Year _____ ☐ Policy Year (Anniv.)

Family Medical Leave Act
(50+ ee's)

Include FMLA coverage continuance provision?: ☐ Yes ☐ No (n/a for SR, STD, DBL, & TDB)

Employee Eligibility, Service Waiting Period & Earning Definition(s)

Please select an eligibility description either for all employees or for each class as appropriate:

All Ee's	☒ Standard Full-Time: Active, full-time employees working 30+ hours per week, excluding temporary & seasonal ee's.		
	☐ Active employees working minimum hours per week of: <u>38</u> Full-Time & _____ Part-Time (if applicable) (excluding temporary & seasonal ee's)		
Class 1	Includes Only: ☐ Exempt ☐ Union ☐ Salaried ☐ Non-Exempt ☐ Non-Union ☐ Hourly	minimum hours: ☐ Full-Time: _____ ☐ Part-Time: _____ (if applicable)	
	Description:		
Class 2	Includes Only: ☐ Exempt ☐ Union ☐ Salaried ☐ Non-Exempt ☐ Non-Union ☐ Hourly	minimum hours: ☐ Full-Time: _____ ☐ Part-Time: _____ (if applicable)	
	Description:		
Class 3	Includes Only: ☐ Exempt ☐ Union ☐ Salaried ☐ Non-Exempt ☐ Non-Union ☐ Hourly	minimum hours: ☐ Full-Time: _____ ☐ Part-Time: _____ (if applicable)	
	Description:		

Other: (Attach page listing other eligibility categories or classes, if applicable)

Employee Service Waiting Period: (How long after eligibility date is employee's wait before coverage begins?)* (n/a Special Risk)

☐ None** ☐ 30 Days ☐ 60 Days ☒ 90 Days ☐ 1 Month ☐ 3 Months ☐ Other:	Coverage begins: ☐ Date Eligible** ☐ 1 st of Month After service waiting period (SWP), coverage begins: ☐ On Date SWP is Completed ☒ 1 st of Month coinciding with or next following SWP ☐ Other	Coverage ends on termination date Coverage ends: ☐ Employee Termination Date ☐ Last Day of Month following Termination Date ☐ Other
--	--	--

Class Specific Waiting Periods(if applicable): Class 1: _____ Class 2: _____ Class 3: _____

Must employee returning from a leave of absence/lay-off **re-satisfy** Service Waiting Period?

☐ No, if returning within 6 months (standard) ☐ No ☐ Yes ☐ Other: _____

*For present employees (on policy effective date), time employed is credited towards service wait. ** Only options for Travel Accident.

Benefit Change Date	☒ 1 st of Month: Age, Class & Earnings changes will be effective the 1 st of month coinciding with or next following change date ☒ The Date: Age, Class & Earnings changes will be effective on the date of change ☐ Other:
	The salary of the ee at the anniversary date of 6-1-

Earnings Definition	Applicable to Class(es) or Coverage(s): ☐ All ☐ Other:
☒ Basic Earnings Only - (standard) "Earnings": basic salary prior to any deductions for a 401k plan. Excluding: commissions, overtime, bonuses or any other special compensation not received as basic salary.	
☐ Basic Earnings including: ☐ Commissions ☐ Bonuses ☐ Overtime Averaged over: ☐ 3 years (standard) ☐ 2 years ☐ 1 year	
Applies to: ☐ All Employees ☐ Salespeople ☐ Commissioned Employees ☐ Officers ☐ Other:	
☐ W2 earnings including: ☐ 401k/403b deductions ☐ Bonuses ☐ Commissions ☐ Overtime ☐ Prior Year or ☐ W2 earnings Averaged over: ☐ 3 years (standard) ☐ 2 years	
☐ Use K1 Earnings for Partners: Averaged over: ☐ 3 years (standard) ☐ 2 years ☐ 1 year ☐ Prior Year	
☐ Include Section 125 (earnings prior to deductions) ☐ Include S Corp wording ☐ Include 403b wording (non-profit organizations)	

LTD, STD, DBL & TDB only	Claim checks to be issued to: ☐ Claimant, copy Policyholder (<i>standard</i>) ☐ Claimant ☐ Policyholder
	W-2's: LTD: automatically produced STD: ☐ by request for contributory coverage DBL & TDB: not available (automatic for non-contributory STD – including Employer FICA match)
	Cumulative Monthly Case Summaries are automatically distributed for all STD & LTD claims. Quarterly Reports are distributed for DBL & TDB; employer is responsible for FICA & Medicare match.
	250 + lives: Include STD/TDB/DBL telephonic claim intake? ☐ No ☐ Yes - will you supply eligibility feed? ☐ No ☐ Yes

Voluntary Coverages only	Completion of this form confirms agreement to implement the following Reliance Standard insurance program:	
	☐ Voluntary Group Term Life ☐ Voluntary AD&D ☐ Voluntary LTD	
	Eligible employees will be solicited starting on _____ through _____. Enrollment will be effective _____; thereafter, future employees will become effective: ☐ 1 st of month following Individual Effective Date* ☐ 1 st of the 2 nd month following Individual Effective Date*	
	* Individual Effective Date: latter of date application was signed or date medical evidence is approved by Medical Underwriting.	
	Payroll Deduction Mode: ☐ Weekly ☐ Bi-weekly ☐ Semi-monthly ☐ Monthly Brochure rates will match this mode unless otherwise noted. All bills will reflect monthly rates.	Payroll Cycle: Start date of first pay period: _____ End date of first pay period: _____
	Rate Types: ☐ Tobacco Use/Non-Tobacco ☐ Undifferentiated	Starting Age Band: ☐ < Age 20 ☐ < Age 30

We will prepare brochures and employee enrollment applications with the Employer's name and policy number.
Please note, payroll deductions should start immediately for all requested amounts.

Broker Information

Primary Broker Name (as shown on license) <u>Lance E. Nations</u>		Share % : _____
Full Address: <u>P.O. Box 188 Jackson, Ms 39205</u>		
Contact for ?s: _____ Phone: <u>601-718-5210</u> Fax: <u>601-981-9243</u> E-mail: <u>lance.nations@foxeverett.com</u>		
☐ Individual	Individual SS #: _____	DOB: _____
☒ Corporation	Corporate Tax ID #: _____ Broker Name (as shown on license) <u>Fox Everett</u> SS#: _____	
Please enter information for individual signing preliminary application for corporation: Currently appointed with Reliance Standard in situs state? ☐ No ☒ Yes, Agent # _____ (if available) If no, please attach license copy. Our Licensing Dept. will provide appointment package for completion.		
Additional Broker Name (as shown on license) _____		Share % : _____
Full Address: _____		
Contact for ?s: _____ Phone: _____ Fax: _____ E-mail: _____		
Currently appointed with Reliance Standard in situs state? ☐ No ☐ Yes, Agent # _____ (if available)		
If no, please attach license copy. Our Licensing Dept. will provide appointment package for completion.		
(if applicable) ☐ G.A. ☐ T.P.A. _____		Tax ID #: _____
Agreement already on file with Reliance Standard? ☐ Yes ☐ No		
Contact for questions: _____		Phone: _____
Additional Comments or Special Instructions: _____		

CERTIFICATION BY PLAN SPONSOR TO GROUP HEALTH PLAN

City of Clinton (the "Plan Sponsor") maintains the City of Clinton Medical and Dental Benefit Plan (the "Plan") for the purpose of providing health benefits to its employees. In conjunction with the provision of health benefits, the Plan Sponsor from time to time needs to receive "Protected Health Information" from the Plan in order to carry out its duties, functions, and/or responsibilities as the Plan Sponsor. "Protected Health Information" means health information that identifies an individual or that can reasonably be used to ascertain the identity of an individual. The Plan Sponsor, in accordance with the Privacy Standards of the Health Insurance Portability and Accountability Act of 1996 ("HIPAA Privacy Standards"), hereby certifies that the Plan document includes or has been amended to include the following provisions and agrees to the following standards with regard to the uses and disclosures of Protected Health Information received from the Plan.

1. The Plan Sponsor will not use or further disclose the Protected Health Information other than as permitted or required by the Plan documents or by law.
2. The Plan Sponsor will ensure that any of its agents, including subcontractors, to whom the Plan Sponsor provides Protected Health Information, received from the Plan, agree to the same restrictions and conditions as those that apply to the Plan Sponsor with regard to the Protected Health Information.
3. The Plan Sponsor will not use or disclose the Protected Health Information for employment-related actions and/or decisions or in connection with any other benefit or employee benefit plan of the Plan Sponsor.
4. The Plan Sponsor will report to the Plan any use or disclosure of the Protected Health Information of which the Plan Sponsor becomes aware that is inconsistent with the terms of the Plan documents.
5. The Plan Sponsor will make Protected Health Information available for access in accordance with the HIPAA Privacy Standards regarding an individual's right to access his/her Protected Health Information.
6. The Plan Sponsor will make Protected Health Information available for amendment and incorporate any amendment made to the Protected Health Information in accordance with the HIPAA Privacy Standards, regarding an individual's right to have his/her Protected Health Information amended.
7. The Plan Sponsor will make available information necessary to provide an accounting to an individual in accordance with the HIPAA Privacy Standards regarding an individual's right to receive an accounting of disclosures of his/her Protected Health Information.
8. The Plan Sponsor will make internal practices, books, and records relating to the use and disclosure of Protected Health Information available to the Secretary of Health

and Human Services for purposes of determining compliance with the HIPAA Privacy Standards;

9. The Plan Sponsor will, if feasible, return or destroy all Protected Health Information received from the Plan that the Plan Sponsor still maintains in any form and will retain no copies of such information when no longer needed for the purpose for which disclosure was made, except that, if such return or destruction is not feasible, the Plan Sponsor will limit further uses and disclosures to those purposes that make the return or destruction not feasible.
10. The Plan Sponsor will ensure adequate separation between itself and the Plan by:
 - a. Describing those employees or classes of employees or other persons under the control of the Plan Sponsor that will be given access to the Protected Health Information (any employee who receives Protected Health Information related to payment, health care operations, or other matters pertaining to the Plan in the ordinary course of business must be included in the description);
 - b. Restricting access to and use of Protected Health Information by employees, classes of employees, or other persons described in (a) above to the plan administration functions that the Plan Sponsor provides for the Plan; and
 - c. Providing an effective mechanism for resolving any issues of noncompliance with the provisions of the Plan document by persons described in paragraph (a) above.

Executed this 04th of May, 2004

CITY OF CLINTON

By:

Title:

Rosemary A. Quetman
Mayor



... an Assurex Partner

3780 I-55 North • Jackson, MS 39211-6365
P.O. Box 188 • Jackson, MS 39205-0188
Telephone 601/ 718-6000
Fax 601/981-9234
<http://www.foxeverett.com>

Writer's Direct Number
601/718-5234

E-Mail Address
jcook@foxeverett.com

April 2, 2004

City of Clinton
Attn: Angela Richburg
PO Box 156
Clinton, MS 39060

Dear Angela,

Attached you will find two copies of Amendment #1 to the **CITY OF CLINTON MEDICAL AND DENTAL BENEFIT PLAN RESTATED: OCTOBER 1, 2003.**

This Amendment outlines all HIPAA Privacy Practices effective April 14, 2004. Please give this information to Wayne and ask that he have both copies of the Amendment signed. Please return to me in the enclosed envelope. I will have Lance Nations sign and will return one copy for your records and keep one copy on file with the Summary Plan Document.

It is very important that we have the documents returned to our office prior to April 14th. I want to make sure the City of Clinton Medical and Dental Benefit Plan is in compliance. I have enclosed an envelope for you to return the documents to me.

Please call me if you have any questions. Thanks in advance for your assistance with this matter.

Sincerely,

Jonee F. Cook

Jonee F. Cook
Fox-Everett, Inc.