

**CITY OF CLINTON
REGULAR MEETING OF THE MAYOR AND BOARD OF ALDERMEN
TUESDAY, JULY 20, 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 Lott followed by the Pledge of Allegiance to the Flag led by Alderman Brabham.

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
 Herb Touchton – Alderman Ward 5
 Sharbert Lott – Alderman Ward 6
 Ken Dreher - City Attorney

Absent: Phil Fisher – Alderman Ward 4

APPROVAL OF AGENDA ITEMS A-DD

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

PRELIMINARY SITE PLAN FOR MISSISSIPPI COLLEGE & BAPTIST HEALTHPLEX

Item was removed at the request of Mississippi College and will be resubmitted at a later time.

REZONING REQUEST FOR CAMP GARAYWA FROM R1 TO S1

Upon presentation by Gary Ward, Zoning Administrator, **MOTION** made by Alderman Touchton and **SECONDED** by Alderman Lott to approve an Ordinance amending the official Zoning Ordinance and Map of Clinton, from R1-Residential to S1-Special Use for Camp Garaywa. The Planning and Zoning Commission recommended approval. A copy of the Ordinance is attached. **MOTION CARRIED UNANIMOUSLY**

DIMENSIONAL VARIANCE FOR MARTIN AND RACINE NAIL AT 503 HOBBY FARMS ROAD

Upon presentation by Gary Ward, Zoning Administrator, **MOTION** made by Alderman Brantley and **SECONDED** by Alderman Brabham to approve a Resolution approving a dimensional variance for Martin and Racine Nail at 503 Hobby Farms Road. The variance granted is to permit a side-building setback of fourteen feet from the west side setback. The Planning and Zoning Commission recommended approval. A copy of the Resolution is attached. **MOTION CARRIED UNANIMOUSLY**

UNKEMPT PROPERTY LOCATED AT 111 ARBOR COVE

A public hearing was held regarding unkempt property located at 111 Arbor Cove. The property owner was not present. Upon presentation by Gary Ward, Zoning Administrator, **MOTION** made by Alderman Brabham and **SECONDED** by Alderman Greer to approve the attached Resolution regarding the property located at 111 Arbor Cove but instructed the Zoning Administration to wait 30 days for this date (July 20, 2004) to allow owner an opportunity to resolve these problems and clean up the property himself. **MOTION CARRIED UNANIMOUSLY**

UNKEMPT PROPERTY AT 1023 AND 1025 U.S. HIGHWAY 80

A public hearing was held regarding unkempt property located at 1023 and 1025 U.S. Highway 80. The property owner was not present. Upon presentation by Gary Ward, Zoning Administrator, **MOTION** made by Alderman Brabham and **SECONDED** by Alderman Greer to approve a Resolution determining the necessity for the cleaning of private property located at 1023 and 1025 U.S. Highway 80, under the authority granted to municipalities by Section 21-19-11, Mississippi Code of 1972 as amended, and other applicable statutes and ordinance. A copy of the Resolution is attached. **MOTION CARRIED UNANIMOUSLY**

UNKEMPT PROPERTY LOCATED ON LOT 332 MEADOW OAKS SUBDIVISION PT.3 ANGELIA LANE – HAMMERSMITH CONTRACTORS

A public hearing was held regarding unkempt property located on Lot 332 Meadow Oaks Subdivision Pt.3 Angelia Lane. The property owner was not present. Upon presentation by Gary Ward, Zoning Administrator, **MOTION** made by Alderman Brabham and **SECONDED** by Alderman Lott to approve a Resolution determining the necessity for the cleaning of private property located at Lot 332 Meadow Oaks Subdivision Part 3 on Angelia Lane, under the authority granted to municipalities by Section 21-19-11, Mississippi Code of 1972 as amended, and other applicable statutes and ordinance. A copy of the Resolution is attached. **MOTION CARRIED UNANIMOUSLY**

UNKEMPT PROPERTY LOT 336 MEADOW OAKS SUBDIVISION PT. 3 ANGELIA LANE DR. FAEZA JONES

Gary Ward, Zoning Administrator, reported that owner had cleaned this property.

BIDS RECEIVED ON THERMAL IMAGER CAMERAS

Upon presentation by Darrel McQuirter, Fire Chief, **MOTION** made by Alderman Brabham and **SECONDED** by Alderman Touchton to accept the bid of Sunbelt Fire, Inc. as the lowest and best bid for a thermal imager camera, the Board finding as a matter of fact that the bid submitted by NAFECO failed to meet Technology Item VI of the bid specifications and was therefore disqualified from the bid process. **MOTION CARRIED UNANIMOUSLY**

CHANGE ORDER #2 TO 2004 STREET IMPROVEMENTS IN THE AMOUNT OF \$55,472

Upon presentation by Richard Broome, City Engineer, **MOTION** made by Alderman Greer and **SECONDED** by Alderman Brantley to approve a Change Order #2 to 2004 Street Improvements in the amount of \$55,472 to pave Lake Forest Lane and parking areas at Parks and Recreation Department. **MOTION CARRIED UNANIMOUSLY**

TRACEWAY PARK LEASE AGREEMENT WITH CLINTON PUBLIC SCHOOL DISTRICT

Upon presentation by Mayor Aultman, **MOTION** made by Alderman Brabham and **SECONDED** by Aldermen Greer to authorize Mayor Aultman to enter into a lease agreement with Clinton Public School District revising Section 1 to allow the Clinton Public School District to be released from the agreement without penalty with a 90-day notice any time after January 1, 2006. A copy of the agreement is attached. **MOTION CARRIED UNANIMOUSLY**

EXECUTIVE SESSION

MOTION made by Alderman Brabham and **SECONDED** by Alderman Hisaw to consider entering executive session to discuss legal matters. **MOTION CARRIED UNANIMOUSLY**

MOTION made by Alderman Brabham and **SECONDED** by Alderman Hisaw at 8:03 p.m. to enter executive session for the stated matter. **MOTION CARRIED UNANIMOUSLY**

MOTION made by Alderman Brabham and **SECONDED** by Alderman Hisaw to exit executive session at 8:33 p.m. **MOTION CARRIED UNANIMOUSLY**

ADJOURN 8:34 P.M.

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

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

July 29, 2004
Date

ATTEST: W. Derrick
Wayne Derrick, City Clerk

07/29/2004
Date



CITY OF CLINTON AGENDA ITEM FACT SHEET

BOARD MEETING DATE: July 20, 2004

AGENDA ITEM NO. 7.a

CONSENT AGENDA:

TO:

FOR:

ACCT. NO:

Removed

DISCUSSION/ACTION: Preliminary Site Plan
Mississippi College & Baptist Healthplex

INTRODUCED BY: Gary Ward

TELEPHONE: 924-2256

EXHIBITS FOR REVIEW:

Minutes
Ordinance
Resolution

Invoice
Plans, Maps
Contract

Other: _____

RECOMMENDATION: Planning and Zoning Commission recommends approval.

BOARD ACTION:

MOTION MADE BY: _____

SECONDED BY: _____

VOTE CAST:

"AYE"

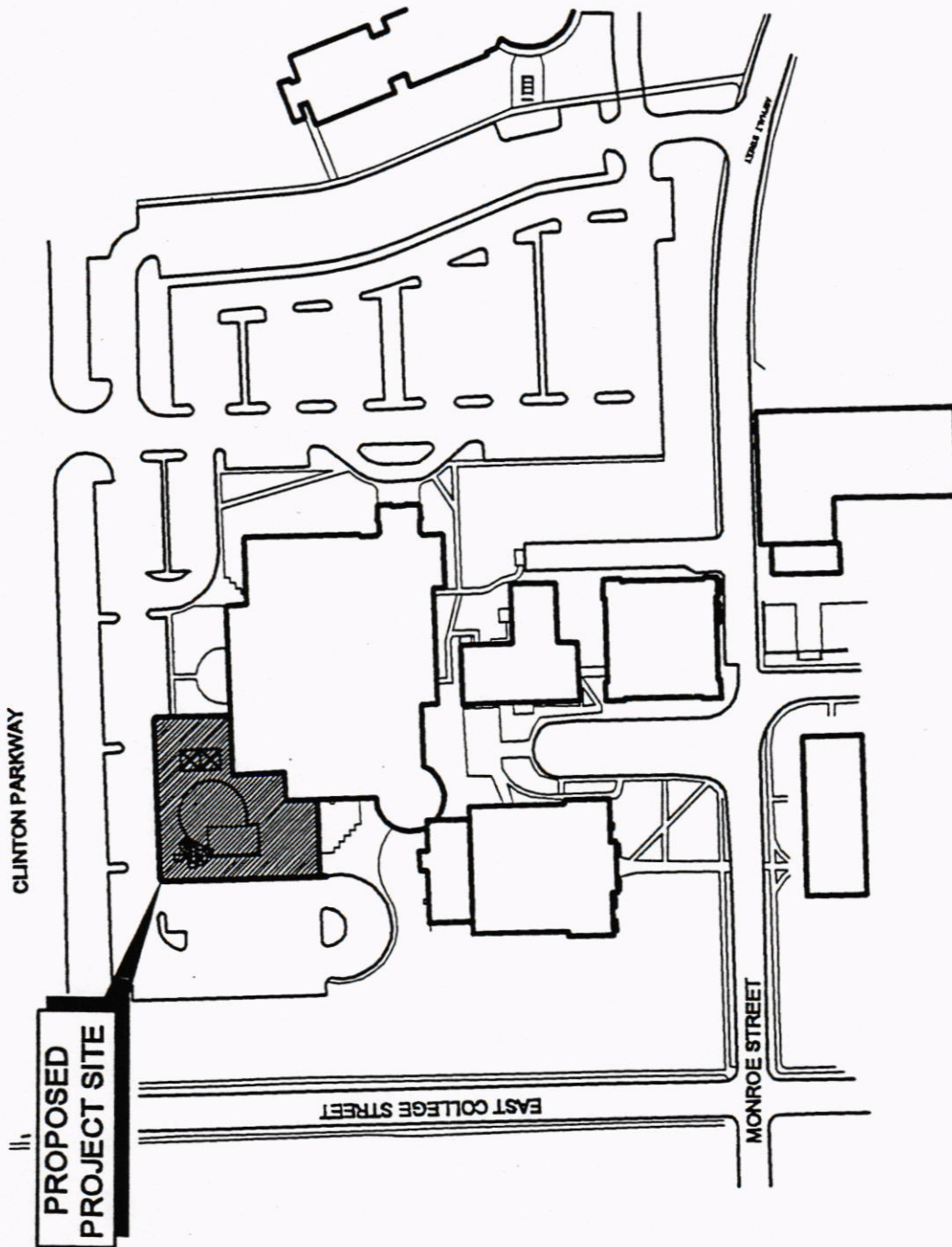
"NAY"

ACTION TAKEN:

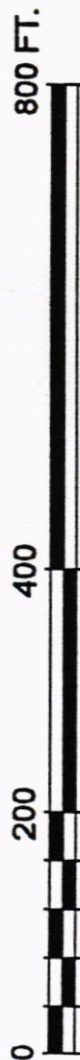
Brabham
Hisaw
Greer
Brantley
Fisher
Touchton
Lott

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.



CAMPUS LOCATION MAP



BOARD APPROVED

JUL 20 2004

CITY OF CLINTON AGENDA ITEM FACT SHEET

CITY OF CLINTON

BOARD MEETING DATE: July 20, 2004

AGENDA ITEM NO. 7.6

CONSENT AGENDA:

TO:

FOR:

ACCT. NO:

DISCUSSION/ACTION: Rezoning Request (R1 to S1)
Camp Garaywa

INTRODUCED BY: Gary Ward

TELEPHONE: 924-2256

EXHIBITS FOR REVIEW:

Minutes
Ordinance
Resolution x

Invoice
Plans, Maps
Contract

Other:

RECOMMENDATION: Planning and Zoning Commission recommends approval.

BOARD ACTION:

MOTION MADE BY:

SECONDED BY:

VOTE CAST:

Brabham
Hisaw
Greer
Brantley
Fisher
Touchton
Lott

"AYE"

"NAY"

ACTION TAKEN:

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.

JUL 20 2004

OFFICIAL FORM**CITY OF CLINTON**

AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CLINTON, HINDS COUNTY, MISSISSIPPI AMENDING THE OFFICIAL ZONING ORDINANCE AND ZONING MAP OF THE CITY OF CLINTON, MISSISSIPPI FOR THE PROPERTY LOCATED IN THE CITY OF CLINTON, MISSISSIPPI, AS DESCRIBED HEREIN AS "EXHIBIT A", FROM R1-RESIDENTIAL - SINGLE FAMILY TO S1 - SPECIAL USE

WHEREAS, Camp Garaywa (the "Applicant") did file a petition to rezone certain property from its present R1 use district classification to a S1 use district classification; and,

WHEREAS, a public hearing, pursuant to Section 2406.05 of the Zoning Ordinance of the City of Clinton, Mississippi, was set for the 22nd day of June 2004, at 7:00 o'clock P.M.; and,

WHEREAS, the City of Clinton did cause notice of said hearing to be published in the *Clarion Ledger*, a newspaper published in Hinds County, Mississippi, in the manner and for the time required by law, and did post notice upon the affected property in the manner and for the time required by law; and,

WHEREAS, at the time, date and place specified in the Notice, the Planning Commission of the City of Clinton, Mississippi, did conduct a full and complete hearing, and thereafter, did recommend the petition of the applicants be approved, pursuant to Section 2406 of the Zoning Ordinance; and,

WHEREAS, the matter was presented to the Mayor and Board of Aldermen of the City of Clinton, along with the recommendation of the Planning Commission, as shown in minutes of said minutes and exhibits attached thereto, and after discussion thereof, Alderman _____ offered the following ordinance and moved that it be adopted, to-wit;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Clinton, Hinds County, Mississippi as follows, to-wit:

Section 1. That the matters and facts stated in the preamble hereof are found to be true and correct.

Section 2. That this matter was presented as required by Section 2406 of the City of Clinton Zoning Ordinance and the Mayor and Board of Aldermen hereby find that this request meets the requirements of Section 2406.03 Criteria for Rezoning, the Mayor and Board of Aldermen specifically finding that a mistake was made in the original zoning map.

Section 3. That pursuant to Article XV of the Zoning Ordinance, the proposed facility shall be "Special Use".

Section 4. That the following described tract of real property be, and the same is, hereby rezoned from its present R1 use district classification to S1 use district classification and that said rezoning is consistent with the current Comprehensive Plan of the City of Clinton, to-wit:

A tract of land situated in the City of Clinton, the First Judicial District of Hinds County, Mississippi and more completely described in "Exhibit A".

Section 5. That the City of Clinton Zoning Ordinance be, and the Official Zoning Map be, and the same hereby are, amended to reflect the foregoing change in the zoning of the above-described real property.

Section 6. That this ordinance shall take effect thirty days from and after passage.

JUL 20 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 20th day of July 2004.

CITY OF CLINTON

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

Alderman Brabham voted: _____

Alderman Hisaw voted: _____

Alderman Greer voted: _____

Alderman Brantley voted: _____

Alderman Fisher voted: _____

Alderman Touchton voted: _____

Alderman Lott voted: _____

Whereupon the Mayor declared the Motion carried and the ordinance
approved and adopted. The foregoing ordinance was approved this the 20th day of
July 2004.

CITY OF CLINTON

ROSEMARY AULTMAN, Mayor

ATTEST:

WAYNE DERRICK, City Clerk

(S E A L)

JUL 20 2004

EXHIBIT "A"**CITY OF CLINTON**

Commence at the corner common to Section 5 & 6, T5N, R1W, and Section 32 & 32, T6N, R1W, Hinds County, Mississippi, run thence north 00 degrees 23 minutes east along the east line of said Section 31, for a distance of 2,653.0 feet to a point on an existing fence line running west; said point being further the point of beginning for the description of a parcel of property described as follows:

Run thence north 20 degrees 35 minutes east for a distance of 19.8 feet to an existing fence marking the east line of the Woman's Missionary Union Auxiliary to Mississippi Baptist Convention, Camp Garaywa, said point further being the southwest corner of Trailwood Subdivision, a subdivision in Section 32, T6N, R1W, Hinds County, Mississippi, according to a map or plat thereof on file and on record in the office of the Chancery Clerk of Hinds County, at Jackson, Mississippi, in Plat Book 25, Page 9; reference to which is hereby made in aid of and as part of this description; run thence north 00 degrees 18 minutes east, along said existing fence between Camp Garaywa and said Trailwood Subdivision for a distance of 128.0 feet to a point; run thence north 01 degrees 14 minutes east along said existing fence between Camp Garaywa and Trailwood Subdivision for a distance of 60.0 feet to the southwest corner of lot 12 of said Trailwood subdivision; run thence 88 degrees 57 minutes west for a distance of 191.4 feet to a point; run thence south 00 degrees 19 minutes west for a distance of 208.0 feet to a point on an existing fence line running east and west; run thence south 88 degrees 34 minutes east along said existing fence line for a distance of 183.6 feet to the point of beginning. The above-described parcel of land lying and being situated in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 31, T6N, R1W, Hinds County, Mississippi contains 0.9 acres, more or less.

JUL 20 2004

CITY OF CLINTON

REQUEST FOR REZONING APPLICATIONSubject Property Address Camp Garaywa, 312 Camp Garaywa Road, ClintonOwner Woman's Missionary UnionAddress PO Box 530Jackson MS 39205Phone # (601) 968-3800, ext 316Current Zoning District R - 1 (Residential)Requested Change S - 1 (Special Use)Requirements of Applicant:

1. Letter stating reason for requested zoning change.
2. Copy of the written legal description.
3. Site plan of property.
4. Identification of property owners within 160 feet of subject property.
5. \$250.00 fee required for processing.

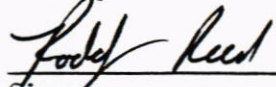
Criteria for Rezoning: (Section 2406.03 - Zoning Ordinance)

- (a). Show proof that a mistake was made in the original zoning.
"Mistake" in this context shall refer to a clerical or administrative error.
- (b). Show proof that the character of the neighborhood has changed to such an extent as to justify reclassification, AND that there is a public need for the rezoning.

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

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

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


Signature

04-12-04
Date

CAMP GARAYWA

A MINISTRY OF THE MISSISSIPPI WOMAN'S MISSIONARY UNION



BOARD APPROVED

JUL 20 2004

CITY OF CLINTON

April 12, 2004

Gary Ward
Zoning Administrator
P.O. Box 156
202 W. Leake Street
Clinton, MS 39060

Dear Mr. Ward:

Camp Garaywa has designed a long range plan in which, I presented to you around the first of March. After our conversation I understand that it would be in the best interest of Camp Garaywa's long range plan to have our property rezoned from R-1 (Residential Use) to S-1 (Special Use). Camp Garaywa has had and will continue to have a well-working relationship with the City of Clinton. We are requesting that the City Planning and Zoning Commission and the Mayor/Board of Aldermen rezone Camp Garaywa to S-1. We thank you for your support of Camp Garaywa's ministry not only to the City of Clinton but to the entire state of Mississippi. I am in the process of getting the names and addresses of all the adjoining homeowners. If you need any more information please let me know.

In Christ,

Rev. Roddy Reed
Manager, Camp Garaywa

312 Camp
Garaywa Road
Clinton MS 39056

601-924-7034
601-924-5062
601-924-1874 (fax)

garaywa@mbcb.org

For One Dollar (\$1.00), cash in hand paid, receipt of which is hereby acknowledged, together with other good and valuable considerations hereinafter mentioned, I, D. M. Nelson, President of Mississippi College, for and on behalf of said College, and pursuant to order of Board of Trustees of said institution, do hereby sell and convey to the Baptist Woman's Missionary Union of Mississippi, subject to certain reservations and provisions hereinafter stated, a certain tract or parcel of land located in the First Judicial District of Hinds County, Mississippi, described as follows:

[Southeast Quarter of Northeast Quarter of Section 31, Township 6 North, Range 1 West, and also a sixteen foot right-of-way (or roadway), beginning at the southeast corner of the above described land and running directly east along the southern boundary line of the Moss land to the Clinton-McRaven gravel road, said right-of-way being in Section 32, Township 6 North, Range 1 West.]

The purpose of this conveyance is the establishment of a camp site and recreational grounds for religious and other activities under the supervision of the said Woman's Missionary Union, or under such other supervision as may be designated by the said Woman's Missionary Union.

It is understood and agreed as a consideration of this conveyance that work will be begun on the camp within one years from date hereof; that should such work fail to be begun within the period stated, or, if, after the camp is established, it should cease to be used for the purposes provided, title to the property shall thereupon revert to the vendor hereof.

It is further understood, agreed and provided that should the Vendee herein ever attempt to use said land for any purpose other than that stated, or to pass title to a third party, this conveyance shall thereupon become null and void, and title to same shall revert and thereupon be reinvested in the Vendor thereof.

The Vendor herein reserves all oil, gas and mineral rights in and to said land, with full privilege of ingress or egress for the purpose of drilling, mining or otherwise obtaining such oil, gas, and/or minerals.

Witness my signature, this the 30 day of March 1946.

MISSISSIPPI COLLEGE

By D. M. Nelson
President

State of Mississippi

Hinds County

This day personally appeared before me, the undersigned authority in and for said county and state, the above and within named D. M. Nelson, President of Mississippi College, who acknowledged that he signed and delivered the above deed on the date therein named, for the purposes and consideration therein stated, and that said deed was executed pursuant to order of Board of Trustees of said institution.

Given under my hand and seal, this the 20 day of Mar, 1946.

Notary Public

My commission expires Feb. 11, 1950

I, the undersigned, certify that the within instrument was filed for record in Hinds County, Miss. this 20 day of Mar, 1946, at 8 o'clock A.M. and was duly recorded on the 5 day of Mar, 1946, at 8 o'clock A.M. in Book No. 434 Page No. 261.
 FRANK T. SCOTT, Chancery Clerk
 By Katharine Scott D.01

BOARD APPROVED

JUL 20 2004

CITY OF CLINTON AGENDA ITEM FACT SHEET

CITY OF CLINTON

BOARD MEETING DATE: July 20, 2004

AGENDA ITEM NO. 7.C

CONSENT AGENDA:

TO:

FOR:

ACCT. NO:

DISCUSSION/ACTION: Dimensional Variance
503 Hobby Farms Road

INTRODUCED BY: Gary Ward

TELEPHONE: 924-2256

EXHIBITS FOR REVIEW:

Minutes
Ordinance
Resolution x

Invoice
Plans, Maps
Contract

Other: _____

RECOMMENDATION: Planning and Zoning Commission recommends approval.

BOARD ACTION:

MOTION MADE BY:

Brantley

SECONDED BY:

Brubham

VOTE CAST:

"AYE"

"NAY"

ACTION TAKEN:

Brabham
Hisaw
Greer
Brantley
Fisher
Touchton
Lott

absent →

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.

JUL 20 2004

RESOLUTION**RESOLUTION APPROVING A DIMENSIONAL VARIANCE FOR MARTIN AND RACINE
NAIL AT 503 HOBBY FARMS ROAD, CLINTON MISSISSIPPI, AS DESCRIBED IN
EXHIBIT "A"**

WHEREAS, Martin and Racine Nail, has requested a dimensional variance on the side building setback requirements as set in Section 401.06 of the Zoning Ordinance of the City of Clinton, Mississippi; and,

WHEREAS, the Zoning Ordinance of the City of Clinton, Mississippi now require certain setback requirements as set forth therein; and,

WHEREAS, the Mayor and Board of Aldermen of the City of Clinton, Mississippi, find that the requested variance will be in harmony with the general purpose and intent of the Zoning Ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; and,

WHEREAS, the Owner has complied with the requirements of the Zoning Regulations regarding dimensional variance; and,

WHEREAS, the Planning and Zoning Board has recommended granting the dimensional variance request for the building setbacks as set out in its minutes.

BE IT RESOLVED by the Mayor and Board of Aldermen of the City of Clinton, Mississippi that the requested dimensional variance should be granted as follows:

1. A dimensional variance shall be granted to permit a side building setback of fourteen (14) feet from the west side setback.
2. The legal description of the subject property is shown in Exhibit "A" attached hereto.
3. Property owner agrees to demolish existing structure. (See attached letter)

Except as modified hereby, this property shall be subject to all applicable ordinances and regulations.

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

Alderman Brabham voted:	<u>yes</u>
Alderman Hisaw voted:	<u>yes</u>
Alderman Greer voted:	<u>yes</u>
Alderman Brantley voted:	<u>yes</u>
Alderman Fisher voted:	<u>absent</u>
Alderman Touchton voted:	<u>yes</u>
Alderman Lott voted:	<u>yes</u>

Whereupon the Mayor declared the Motion carried and the resolution approved and adopted.
The foregoing resolution was approved this the 20th day of July 2004.

CITY OF CLINTON

BY: Rosemary J. Aultman
ROSEMARY AULTMAN, MAYOR

ATTEST:

W. Derrick
WAYNE DERRICK, CITY CLERK

CLINTON
JUL 20 2004
CITY CLERK

BOARD APPROVED

EXHIBIT "A"

JUL 20 2004

CITY OF CLINTON

E ½ Lot 59 & W ½ Lot 60, Hobby Farms, according to the plat on file in the office of the
Chancery Clerk at Jackson, Hinds County, Mississippi, as now recorded in Plat Book 7,
at Page 1.

May 17, 2004

Dear Mr. Edwards,

This letter is in regards to us ---

Martin & Racine Nail

503 Hobby Farms Road

Clinton, Miss. 39056 --- having our old house
torn down, at the same address, after we move
into our new house which is being built by
Duran Homes.

We are now in the process of
getting more estimates on taking the old house
down and will call and let you know who will
be removing it.

Thank you.

Sincerely,

Martin & Racine Nail

Copy to: City of Clinton

DURAN Homes

JUL 20 2004

CITY OF CLINTON

REQUEST FOR DIMENSIONAL VARIANCE
APPLICATION

Subject Property Address 503 Hobby Farms Rd
Owner MARTIN L. Nail
Address 503 Hobby Farms Rd.
CLINTON, MS.
Phone # 601-922-3071
Current Zoning District A-1

Requirements of Applicant:

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

Requirements for Granting Variances: (Section 2404.01 – Zoning Ordinance)

- (a). Applicant shall demonstrate that special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district.
- (b). Applicant shall demonstrate that literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under terms of this Ordinance.
- (c). Applicant shall demonstrate that granting the variance will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures or buildings in the same district.

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

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

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

Martin L. Nail
Signature

5-21-04
Date

BOARD APPROVED

JUL 20 2004

CITY OF CLINTON

May 19, 2004

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

Mr. Ward,

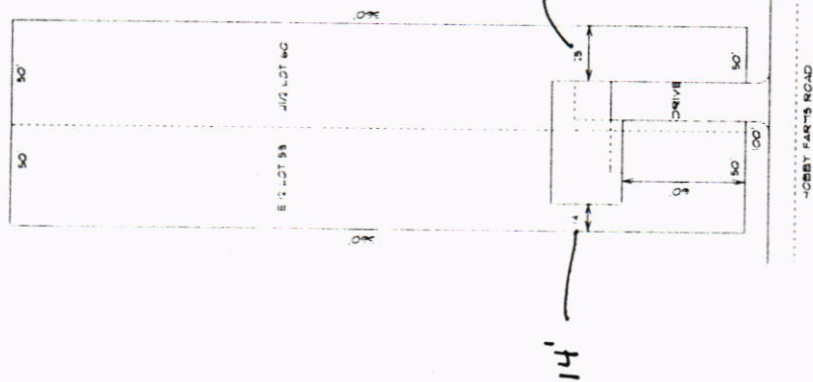
We have contracted with Duran Homes to build us a home on property we own at 503 Hobby Farms Road in Clinton. When Mr. Duran came in to get permits, he was advised that we have to have twenty-five feet on each side of the house. Our lot is one hundred feet wide and our home is going to be 61 feet wide; leaving us eleven feet short of the zoning requirement. Please make an exception so we can build our home. Thank you in advance.

Sincerely,

Martin and Racine Nail

Martin Nail
Racine Nail

Pls. Lot 29 and W/ of Lot 60, HOBBS FARMS.
 A subdivision according to a map or plat which
 is on file and of record in the office of the County
 clerk of Florida County in Plat Book 7 at Page 1.
 Reference to which is hereby made in aid of and
 as a part of this description.



PLOT PLAN
 1"=60'

DURAN HOMES

BOARD APPROVED

JUL 20 2004

CITY OF CLINTON

NEULIN SPENCER DESIGNER/PLANS

SCALE	DATE	APPROVED	DRAWN BY
DATE: 07/20/2004			NEULIN
PLAN #3-1375-RP			
PLOT			DRAWING NUMBER 0402

NAIL

Proposed House Location

BOARD APPROVED

JUL 20 2004

CITY OF CLINTON

Existing
Location

22.8'
21.8'
45.8'

HOBBY FARMS RD 50'

REYNOLDS ENGINEERING, INC.

JACKSON, MISS
CIVIL ENGINEER & SURVEYORS

SCALE 1" = 50'-5" 3'-6.5"

CONFEDERATE STATES SAVINGS & LOAN ASSN.
MEMPHIS, TENN.
KANSAS CITY TITLE INS. CO.
NEAL, HOUSTON & ELLIOTT, ATTORNS.

PLANNING AND ZONING COMMISSION

Clinton, Mississippi

Tuesday, June 22, 2004

Public Hearing – 7:00 P.M.

Municipal Courtroom

305 Monroe Street

Present: Bettye King, Edward Taylor, Jim Martin, Dewayne Parker, Kathy Peace, Alice Nettles, Gary Ward-Zoning Administrator, Ken Dreher-City Attorney, Mayor Aultman, Aldermen Clint Brantley, Jehu Brabham,

MINUTES

I. Call to Order

Bettye King called the meeting to order at 7:00pm.

II. Consideration and approval of May 25, 2004 minutes

Minutes of the May 25, 2004 meeting were amended to reflect that Dewayne Parker was present at that meeting. Motion to approve the minutes of the May 25, 2004 meeting as amended was made by Edward Taylor. Second by Alice Nettles. Motion carried unanimously, none opposed.

III. New Considerations

1. Dimensional variance request for 503 Hobby Farms Road - Representatives present: Mr. and Mrs. Martin Nail

The property is located within an A1-Agricultural zoned district. This district requires 25 ft side setbacks. The Nails will be building a new house and due to the narrowness of the lot, a dimensional variance is required. The Nails are requesting a 14 ft side setback, a dimensional variance of 11 ft, on the west side of the property due to the odd shape of the lot.

Jim Martin asked if the neighbor on the west side had been contacted. Mr. Nail replied that he had not discussed it with her but didn't think she was opposed.

Bettye King asked if the current house would be removed prior to construction of the new house. The Nails replied it would be removed after completion.

A public hearing was held and no opposition was expressed.

MOTION was made by Dewayne Parker to recommend to the Mayor and Board of Aldermen to approve the dimensional variance request for 503 Hobby Farms Road. SECOND by Kathy Peace. MOTION carried unanimously, none opposed.

2. Rezoning of 312 Camp Garaywa Road from R1-Residential Single Family to S1-Special Use. Representative present: Roddy Reed, Kay Cassibry, and Bari Shirley

Camp Garaywa is a camp that is affiliated with the Baptist Convention Board and should be in a S1- Special Use district instead of and R1-Residential district.

Roddy Reed added that Camp Garaywa has been in Clinton since 1947 and renovations are necessary. A long-range plan was presented to Gary Ward. After reviewing, Gary Ward recommended a rezoning to S1.

The renovations will include replacing the existing cabins with lodges, additional parking, and a service road.

Kathy Peace asked how many lodges would be built. Roddy Reed replied that would be determined by space.

A public hearing was held.

Joy Reed asked what does the zoning S1 allow? Ken Dreher replied the zoning ordinance states that institutional facilities encompassing more than 50 acres should be zoned S1.

Bettye King added that any construction would require submission of a site plan for approval.

Kay Cassibry, Baptist Convention Board, stated that everything would be done to protect the privacy that is currently there.

Henry Black said he is not opposed to the Camp, but asked if the change from cabins to lodges will affect the traffic flow. Roddy replied there should be no increase in the traffic.

James Ray asked about the height of the buildings. Gary Ward answered the zoning ordinance limits buildings to 35 feet tall.

Joy Reed asked the width of the current buffer. Roddy replied approximately 100 feet.

A MOTION was made by Kathy Peace to recommend to the Mayor and Board that the rezoning request for Camp Garaywa be approved. SECOND by Jim Martin. MOTION carried unanimously, none opposed.

3. Rezoning request by Heritage Properties of property on Northside Drive from C2-General Commercial to R5 Residential-High Density. Representatives present: Wayne Pierce, Jim Carney, Jay Carney, Dr. Irwin Cronin

Jim Martin recused himself from this consideration.

Heritage Properties is seeking to rezone the property behind the old Clinton Rehabilitation on Northside Drive from C2-General Commercial to R5-Residential-high Density to build an apartment complex.

Jim Carney presented site plan drawing of the proposed construction. The drawings showed the apartment complex, the retail area with a grocery store and restaurant. The apartments would rent for \$750-1400 monthly.

Heritage Properties built the Reserve Apartments in Clinton. This complex is full.

Dewayne Parker asked how many units would the complex have. Carney replied approximately 180.

Edward Taylor asked how many bedrooms the units would have. Carney replied there would be 1,2,3 and townhouse units.

Kathy Peace asked the location of the entrance. Carney replied the gated entrance would line up with Monroe Street.

Bettye King asked if there would be an entrance on Pinehaven Road. Carney replied there would be no entrance to the apartment complex on Pinehaven.

A public hearing was held and opposition was present

Don Reed, Charles Gentry, Rodney Walker, Don Wheat, Jesse Martin, Cooper DeLoach, and Gary Taylor all voiced concerns about increased traffic flow, potential rise in crime, and the type of residents that live in rental property.

John Mosely stated that a public need and a change in the character of the neighborhood must be established before a rezoning can be granted and this criteria has not been presented.

A MOTION was made by Kathy Peace to recommend to the Mayor and Board of Aldermen to deny the request of rezoning the property from C2-General Commercial to R5-Residential, High Density because the criteria to grant a rezoning, as stated in Section 2406.03 of the City of Clinton's Zoning Ordinance, was not met. SECOND by Alice Nettles. MOTION carried unanimously, none opposed.

**4. Preliminary site plan for an outdoor swimming pool at the Baptist Healthplex.
Representatives present: Ron Morgan, Dr. Lloyd Roberts**

The Healthplex is proposing to build an outdoor pool. The project would be a joint venture between Baptist Health Systems and Mississippi College. The pool would be built in the northeast parking lot across the street from First Baptist church.

Dr. Roberts added the pool would be an outdoor family pool which will have three fountains and will mainly be a shallow pool.

There are a couple of issues (ie water and sewer line relocation) that would need to be addressed prior to construction.

Kathy Peace asked if the pool would be heated. Dr. Roberts replied it would not be a heated pool.

Ms. Peace asked about the actual size of the pool. Dr. Roberts replied it would approximately 4500 sq. ft.

Jim Martin asked about the eliminated parking places and how if any would this impact the current parking. Dr. Roberts replied that the staff uses this parking lot and they would be relocated to another lot.

Jim Martin asked if there were any other issues other than the water/sewer lines that need to be addressed. Dr. Roberts replied the fencing around the pool area is being addressed.

A public hearing was held and no opposition was voiced.

A MOTION was made by Kathy Peace to recommend t the Mayor and Board of Aldermen to approve the preliminary site plan for an outdoor swimming pool at the Baptist Healthplex contingent on the approval of the Public Works Department. SECOND by Jim Martin. MOTION carried unanimously, none opposed.

IV. Other Business

There was no other business to be discussed.

V. Next Meeting

The next meeting will be held on Tuesday, July 27, 2004 beginning at 7:00pm.

VI. Adjournment

A MOTION to adjourn was made by Edward Taylor. SECOND by Dewayne Parker. MOTION carried unanimously, none opposed.

JUL 20 2004

CITY OF CLINTON AGENDA ITEM FACT SHEET

CITY OF CLINTON

BOARD MEETING DATE: July 20, 2004

AGENDA ITEM NO. 8

CONSENT AGENDA:

TO:

FOR:

ACCT. NO:

DISCUSSION/ACTION: Unkempt Property
111 Arbor Cove

30 day extension. if
improvement not
made, resolution be
enforced.

INTRODUCED BY: Gary Ward

TELEPHONE: 924-2256

EXHIBITS FOR REVIEW:

Minutes
Ordinance
Resolution xInvoice
Plans, Maps
Contract

Other:

RECOMMENDATION:

BOARD ACTION:MOTION MADE BY:

Brabham

SECONDED BY:

Greer

VOTE CAST:Brabham
Hisaw
Greer
Brantley
Fisher
Touchton
Lott"AYE"

absent

"NAY"ACTION TAKEN:

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.

JUL 20 2004

RESOLUTION

CITY OF CLINTON

There came on for public hearing before the Mayor and Board of Aldermen of the City of Clinton, Mississippi, the matter of unkempt property located at 111 Arbor Cove, 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 AT 111 ARBOR COVE, 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 111 Arbor Cove, Clinton, Mississippi, may constitute a menace to the public health and safety of the community because of its present condition and state of uncleanness; and

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

WHEREAS, a public hearing was held at 7:00 p.m., July 20, 2004, at the Municipal Room of the Public Safety Complex, 305 Monroe Street, Clinton, Mississippi; and

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

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

1. It is hereby adjudicated that the property located at 111 Arbor Cove, Clinton, Mississippi, in its present condition, constitutes 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 Brantley voted: _____
Alderman Fisher voted: _____
Alderman Touchton voted: _____
Alderman Lott voted: _____

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

The foregoing Resolution was approved this the _____ day of _____ 2004.

CITY OF CLINTON

BY: _____
ROSEMARY AULTMAN, Mayor

ATTEST:

WAYNE DERRICK, City Clerk

(S E A L)

JUL 20 2004

CITY OF CLINTON AGENDA ITEM FACT SHEET CITY OF CLINTON

BOARD MEETING DATE: July 20, 2004

AGENDA ITEM NO. 9

CONSENT AGENDA:

TO:

FOR:

ACCT. NO:

DISCUSSION/ACTION: Unkempt Property
1023 & 1025 U S Highway 80

INTRODUCED BY: Gary Ward

TELEPHONE: 924-2256

EXHIBITS FOR REVIEW:

Minutes
Ordinance
Resolution xInvoice
Plans, Maps
ContractOther: _____

RECOMMENDATION:

BOARD ACTION:MOTION MADE BY: BrabhamSECONDED BY: GreerVOTE CAST:Brabham
Hisaw
Greer
Brantley
Fisher
Touchton
Lott"AYE"_____

absent →

_____"NAY"_____

_____ACTION TAKEN:_____

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.

JUL 20 2004

RESOLUTION

CITY OF CLINTON

There came on for public hearing before the Mayor and Board of Aldermen of the City of Clinton, Mississippi, the matter of unkempt property located at 1023 & 1025 U S Highway 80, Clinton, Mississippi, and after full consideration of the matter, Alderman Baltham 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 AT 1023 & 1025 U S Highway 80, 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 1023 & 1025 U S Highway 80 , Clinton, Mississippi, may constitute a menace to the public health and safety of the community because of its present condition and state of uncleanness; and

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

WHEREAS, a public hearing was held at 7:00 p.m., July 20, 2004, at the Municipal Room of the Public Safety Complex, 305 Monroe Street, Clinton, Mississippi; and

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

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

1. It is hereby adjudicated that the property located at 1023 & 1025 U S Highway 80, Clinton, Mississippi, in its present condition, constitutes 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 Greer and the foregoing having been first reduced to writing, and no request by the Mayor or any member of the Board of Aldermen that it be read by the City Clerk, before the vote was taken, it was submitted to the Board of Alderman for the passage or rejection on roll call vote upon the vote being as follows, to-wit:

Alderman Brabham voted:	<u>yes</u>
Alderman Hisaw voted:	<u>yes</u>
Alderman Greer voted:	<u>yes</u>
Alderman Brantley voted:	<u>yes</u>
Alderman Fisher voted:	<u>absent</u>
Alderman Touchton voted:	<u>yes</u>
Alderman Lott voted:	<u>yes</u>

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

The foregoing Resolution was approved this the 20th day of July 2004.

CITY OF CLINTON
BY: Rosemary J. Aultman
ROSEMARY AULTMAN, Mayor

ATTEST:
W. Derrick
WAYNE DERRICK, City Clerk

(SEAL)



BOARD APPROVED

JUL 20 2004

CITY OF CLINTON AGENDA ITEM FACT SHEET

CITY OF CLINTON

BOARD MEETING DATE: July 20, 2004

AGENDA ITEM NO. 10

CONSENT AGENDA:

TO:

FOR:

ACCT. NO:

DISCUSSION/ACTION: Unkempt Property
Lot 332 Meadow Oaks Subdivision Pt. 3
Angelia Lane - Hammersmith Contractors

INTRODUCED BY: Gary Ward

TELEPHONE: 924-2256

EXHIBITS FOR REVIEW:

Minutes
Ordinance
Resolution x

Invoice
Plans, Maps
Contract

Other:

RECOMMENDATION:

BOARD ACTION:

MOTION MADE BY:

Brabham

SECONDED BY:

Lott

VOTE CAST:

"AYE"

"NAY"

ACTION TAKEN:

Brabham
Hisaw
Greer
Brantley
Fisher
Touchton
Lott

absent →

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.

JUL 20 2004

RESOLUTION

CITY OF CLINTON

There came on for public hearing before the Mayor and Board of Aldermen of the City of Clinton, Mississippi, the matter of unkempt property located at Lot 332, Meadow Oaks Subdivision Part 3 on Angelia Lane, Clinton, Mississippi, and after full consideration of the matter, Alderman Baltam 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 AT LOT 332 MEADOW OAKS SUBDIVISION PART 3 ON ANGELIA LANE, 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 Lot 332 Meadow Oaks Subdivision Part 3 on Angelia Lane, Clinton, Mississippi, may constitute a menace to the public health and safety of the community because of its present condition and state of uncleanness; and

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

WHEREAS, a public hearing was held at 7:00 p.m., July 20, 2004, at the Municipal Room of the Public Safety Complex, 305 Monroe Street, Clinton, Mississippi; and

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

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

1. It is hereby adjudicated that the property located at Lot 332 Meadow Oaks Subdivision Part 3 on Angelia Lane, Clinton, Mississippi, in its present condition, constitutes 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 Lott and the foregoing having been first reduced to writing, and no request by the Mayor or any member of the Board of Aldermen that it be read by the City Clerk, before the vote was taken, it was submitted to the Board of Alderman for the passage or rejection on roll call vote upon the vote being as follows, to-wit:

Alderman Brabham voted:	<u>yes</u>
Alderman Hisaw voted:	<u>yes</u>
Alderman Greer voted:	<u>yes</u>
Alderman Brantley voted:	<u>yes</u>
Alderman Fisher voted:	<u>absent</u>
Alderman Touchton voted:	<u>yes</u>
Alderman Lott voted:	<u>yes</u>

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

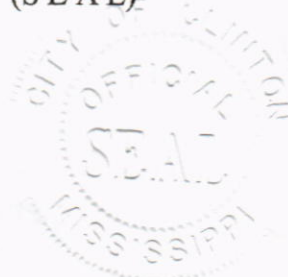
The foregoing Resolution was approved this the 20th day of July 2004.

CITY OF CLINTON
BY Rosemary G. Aultman
ROSEMARY AULTMAN, Mayor

ATTEST:

W. Derrick
WAYNE DERRICK, City Clerk

(SEAL)



CITY OF CLINTON AGENDA ITEM FACT SHEET

BOARD MEETING DATE: July 20, 2004

AGENDA ITEM NO. 11

CONSENT AGENDA:

TO:

FOR:

ACCT. NO:

DISCUSSION/ACTION: Unkempt Property
Lot 336 Meadow Oaks Subdivision Pt. 3
Angelia Lane - Dr. Faeza Jones

*no action
Lot cent*

INTRODUCED BY: Gary Ward

TELEPHONE: 924-2256

EXHIBITS FOR REVIEW:

Minutes
Ordinance
Resolution x

Invoice
Plans, Maps
Contract

Other:

RECOMMENDATION:

BOARD ACTION:

MOTION MADE BY:

SECONDED BY:

VOTE CAST:

"AYE"

"NAY"

ACTION TAKEN:

Brabham
Hisaw
Greer
Brantley
Fisher
Touchton
Lott

absent →

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

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 Lot 336, Meadow Oaks Subdivision Part 3 on Angelia Lane, 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 AT LOT 336 MEADOW OAKS SUBDIVISION PART 3 ON ANGELIA LANE, 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 Lot 336 Meadow Oaks Subdivision Part 3 on Angelia Lane, Clinton, Mississippi, may constitute a menace to the public health and safety of the community because of its present condition and state of uncleanness; and

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

WHEREAS, a public hearing was held at 7:00 p.m., July 20, 2004, at the Municipal Room of the Public Safety Complex, 305 Monroe Street, Clinton, Mississippi; and

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

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

1. It is hereby adjudicated that the property located at Lot 336 Meadow Oaks Subdivision Part 3 on Angelia Lane, Clinton, Mississippi, in its present condition, constitutes 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 Brantley voted: _____

Alderman Fisher voted: _____

Alderman Touchton voted: _____

Alderman Lott voted: _____

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

The foregoing Resolution was approved this the _____ day of _____ 2004.

CITY OF CLINTON

BY: _____
ROSEMARY AULTMAN, Mayor

ATTEST:

WAYNE DERRICK, City Clerk

(S E A L)

JUL 20 2004

CITY OF CLINTON AGENDA ITEM FACT SHEET

CITY OF CLINTON

Board Meeting Date: July 20, 2004

Agenda Item No. 12

Consent Agenda:

To:

For:

Account:

Circle: Low quote, Sole Source, Emergency, etc. if applicable.

Discussion/Action: Discussion of bids received on Thermal Imager cameras.

Introduced by:

Chief Darrel McQuirterTelephone: 925-1010

Exhibits for Review:

Minutes: _____

Invoice: _____

Other: _____

Ordinance: _____

Plans, Maps: _____

Resolution: _____

Contract: _____

Recommendation:

Board Action:

Motion made by:

Seconded by:

Vote Cast:"Aye":"Nay":Action Taken:

Brabham

Hisaw

Greer

Brantley

Fisher

Touchton

Lott

Mayor Aultman

90% present
10% city

absent →

Imbelyt due to meeting
specifications. Quality
image.

Brabham
Touchton

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.

BID OPENING

Project: Thermal Imaging

REPORT

JUL 20 2004

Bid Date: 7-13-04 at 10:00 a.m.

CITY OF CLINTON

Location: City Hall
300 Jefferson Street
Clinton, MS 39056

Owner: City of Clinton

Fire Dept.

Pre Bid Estimate: _____

BIDDER	CORR #	BID BOND	BASE BID	ALTERNATIVE #1	ALTERNATIVE #2	TOTAL BASE BID & ALTERNATIVES
<u>Flaco</u>		<u>2,145.00</u>	<u>option 1</u> <u>(Did not meet specs.)</u>			
<u>Sundelt Fire</u>		<u>10,400.00</u>				

The above bid amounts have not been checked. The bid totals are subject to correction after the bids have been completely reviewed.

Signed: Carol W. Lanan

Date: 7-13-04

Official Bid Form

BOARD APPROVED

Name:
Address:

Date:

Time

JUL 20 2004

CITY OF CLINTON

We are pleased to submit the following bid for one (1) or more

Base Bid	\$ 10,400.00	each	T3MAX
Option 1	\$ 3,060.00	XVI - Wireless Transmission	T3TRANS
Option 2	\$ 539.00	XVII - Truck Mount system	T3POWERHOUSE

The following questionnaire shall be completed by the bidder with the understanding that false or misleading information will be grounds for rejection of your bid.

It is not the intent of these specifications to eliminate any qualified bidder. Exceptions will be allowed if they are equal to or superior to that specified and provided they are listed and fully explained on a separate page entitled "EXCEPTIONS TO SPECIFICATIONS". The buyer cannot determine the acceptability of an exception without detailed information supporting the equivalence of the item proposed. The exception list shall refer to specification page number and paragraph heading. If there are no exceptions to the specifications listed, then it shall be assumed that the buyer will find no deviations between the advertised specifications and the proposal submitted.

Terms of Payment:

Net 30

	YES	NO
Has the bidder taken any exceptions to the specifications?		X
Are all deviations from specifications explained as required by these specifications?		X
Has the bidder complied with all specified warranties?	X	

Selling Company Name:

Sunbelt Fine, Inc.

Manufacturer:

E. D. Bullard

Address:

8050 McGowin Dr.

City, State, Zip Code

Fairhope, AL 36532

Signature:

Kent Braddock

Title:

Sales Manager

BOARD APPROVED**JUL 20 2004****CITY OF CLINTON**

Thermal Imager Bid Specifications

I. Warranty

The manufacturer shall warrant the thermal imager free of defects in material and workmanship, under normal use and service, for a period of one year effective upon delivery. In addition, the imager's outer shell or housing shall carry a limited lifetime warranty.

II. Service:

The manufacturer must be located in the U.S.A. and provide a full-service repair center in the U.S.A. to ensure timely and efficient processing of any service related issues concerning the imager. Warranty repairs must carry a guaranteed 48-hour turnaround (2 full business days) from the time of receipt at the service center to the time that the manufacturer ships the imager. Non-warranty repairs must carry a guaranteed 48-hour (2 full business days) turnaround from the time the manufacturer receives purchase order authorization to complete the repairs to the time the manufacturer ships the imager. Upon request, the manufacturer must provide the names and contact information for three (3) fire departments that can serve as references, verifying that the manufacturer complies with this requirement.

III. Quality:

The manufacturer must ensure quality, design and manufacturing methods through third party certification to ISO 9001, or its equivalent. To ensure that the product is of the highest quality, documentation must be presented upon request illustrating a battery of tests that have been conducted to verify water resistance, heat resistance and shock/impact resistance.

IV. Physical Configuration:

The imager shall be a hand-held design, having a 3.5-inch LCD display screen and two side straps (one on each side of the imager). A combination wrist/gear strap shall accompany the imager. Total weight of the imager shall not exceed 3 lbs. with the standard battery installed. The imager shall ship in a padded, re-usable delivery case. The imager shall ship standard with two rechargeable batteries, a battery charger with AC and DC adapters and an interactive multimedia orientation/training CD-ROM. The imager's physical dimensions shall be no more than five (5) inches tall, four (4) inches wide and seven (7) inches long. The imager must contain an integral threaded connector to mount on a standard tripod.

V. Durability:

The imager shall remain operational after being submerged under 3 feet of water for 30 minutes. The Thermal Imager shall withstand a 6-foot drop in any orientation and sustain no operational damage. The manufacturer must perform these tests in front of designated department representatives at a mutually determined time and location. Failure to perform these tests in front of designated department representatives shall constitute non-compliance with this portion of the specification.

VI. Technology:

The imaging technology shall be 160x120 pixel un-cooled vanadium oxide microbolometer detector. To ensure reliability, the detector must be designed and manufactured by a company that has provided, for at least three (3) years, detectors used in the fire service. A vanadium oxide detector from a company without three (3) years experience in the fire service is not acceptable. The Noise Equivalent Temperature Difference (NETD) shall be less than 50 mK. The imager shall exhibit an ability to evade whiteout when pointed directly at flames. The detector shall operate with core temperature ranges of -40°C to 85°C. The dynamic range of the detector and associated electronics shall be 600°C ($\pm 25^\circ\text{C}$). The

imager shall provide surface temperature measurement taken directly from the detector. To ensure safety, temperatures shall be displayed in a graphical form rather than numerically. Preference will be given to bar graph-type graphics on the right side of the display screen. The temperature display must indicate temperatures as high as 1200°F. The imager shall have a colorization mode, active only in its low gain setting, that colors all items over 900°F red.

VII. Outer Housing:

The imager shall be ergonomically designed and the outer shell or housing must be manufactured from heat resistant Ultem thermoplastic. Due to the likelihood of rigorous use, the Ultem must be molded with color pigment throughout to mask small surface scratches. Outer shells or housings that are painted or otherwise lack consistent color through their entire thickness are not acceptable. The interior surfaces of the outer shell or housing shall be coated with a conductive electromagnetic interference (EMI) shielding material.

VIII. Colors:

The imager should be available in no less than seven scratch resistant colors to allow for color-coding as needed by the department. Colors shall include, at a minimum: Red, Yellow, Black, White, Orange, Blue, and Lime-Yellow.

IX. Monitor/Screen:

The imager shall have a 3.5" diagonal fluorescent backlit Liquid Crystal Display (LCD) screen. It shall have a minimum pixel range of 89,856 and a dot format of 234 x 384 dots for high quality resolution. The screen must be visible in thick smoke to both the operator and nearby firefighters from a variety of distances from the face, including arms length. In addition, the display screen must be protected by a clear polycarbonate cover. This cover must be field replaceable and watertight.

X. Lens:

The imager shall possess an f/1.0 lens fabricated of germanium and have no less than a 40° x 50° field of view. The lens shall be protected with a watertight, sealed 2 mm thick germanium cover window.

XI. Visual Indicators:

The imager shall have only one LED-indicator system to promote maximum ease-of-use. This indicator shall display battery life via three green, one yellow and one red LEDs.

XII. Switches:

To ensure maximum ease-of-use, the imager must have only one switch, which is used to activate the unit. The switch must be recessed and protected to avoid accidental shut-off.

XIII. Strap Systems:

The strap system must be field replaceable and shall be constructed with the following: The side straps, one on each side of the imager, shall be made primarily of Kevlar. The side straps must be adjustable and must include a metal D-ring. To improve safety, the side straps must have reflective trim. The combination wrist and gear strap shall be made primarily of Kevlar. This strap shall include two metal carabineers and a quick-release buckle that frees the imager from the strap. An optional self-retracting strap must also be available for the imager. The self-retracting strap must retract fully with the full weight of the imager (with battery) hanging unsupported from the strap.

XIV. Power Supply:

A minimum of two (2) rechargeable batteries shall accompany each imager. Each battery shall be a 10-volt nickel metal hydride (NiMH) cell, providing a minimum of 2 hours of continuous use with all standard functions and features. Each battery must be capable of a minimum of 1,000 charges. The battery shall have an Ultem outer shell. The battery shall

eject from the imager only when two opposing battery release buttons are pressed simultaneously. The battery must be capable of being loaded into the housing only one way and must be easily inserted and removed by a person wearing standard firefighting gloves. A lithium ion battery is an unacceptable substitute for NiMH due to lithium's higher risk of explosion when exposed to high heat. An optional AA alkaline battery case must also be available for the imager. The case must load and secure into the imager in the same manner as the standard NiMH battery. The alkaline case must also be constructed from Ultem.

XV. Operation:

The imager must be fully operational no more than 10 seconds after activating the power switch. The imager must not have a standby switch or mode.

XVI. Wireless Transmission:

The manufacturer shall offer an optional wireless remote transmitter compliant with FCC part 90 while operating at a range of 2.4 GHz. The wireless transmitter must come as a two (2) or four (4) channel unit at the department's option. The transmitter and a dipole antenna shall be housed inside an attachable handle, protecting the transmitter and antenna from possible damage while giving the department the option to disengage the transmitter. Attaching the transmitter handle must not increase the width of the imager by more than one (1) inch. Each wireless unit must have a receiver and antenna able to receive a signal from at least 300 feet through common Type V construction. The manufacturer must have available with the wireless transmitter a 9" AC/DC TV/VCR with internally mounted receiver to simplify the operation of remote video transmitter.

XVII. Truck Mount:

The manufacturer must offer a truck mounted charging system to mount the imager and internal charging system in a vehicle or fire apparatus or on the wall of a fire station. The charging system shall come standard with all necessary mounting hardware, a direct charge system, and power cords that enable the use of a DC power supply. The system must charge the battery in the imager at the same time it charges a spare battery. The battery in the imager must be charged through contacts on the imager. No cables or wires connecting the imager to the charging system are acceptable. The system must be compliant to NFPA 1901 when properly mounted in a vehicle or fire apparatus. The truck mount charger system must include a separate storage compartment large enough to hold a spare battery or AA alkaline battery case.

XVIII. Training:

A product familiarization class will be available through the manufacturer's authorized distributor. Each imager must ship with an interactive multimedia orientation CD-ROM covering the technology, product uses, and applications. The CD-ROM must have interactive testing of each main section covered in the program. To ensure the highest quality training materials, the manufacturer must have at least two full-time employees dedicated to developing and delivering thermal imaging training. To qualify, the employee must have at least ten years of active firefighting experience and must be certified as a thermal imaging instructor by an internationally recognized organization that specializes in thermal imaging for public safety organizations. The employee must also spend at least 75% of his/her time on thermal imaging training programs.

XIV. Delivery:

The manufacturer shall deliver the thermal imager in 30 days or less after receiving the purchase order.

BOARD APPROVED

JUL 20 2004

CITY OF CLINTON AGENDA ITEM FACT SHEET

CITY OF CLINTON

Board Meeting Date: July 20, 2004

Agenda Item No. 13

Consent Agenda:

To:

For:

*

Account No.

Discussion/Action: Change Order #2 to 2004 Street Improvements in the Amount of \$55,472.00

Introduced by: Richard Broome

Telephone No. 924-5462

Exhibits for Review:

Lake Forest Lane

Minutes: _____

Invoice: X

Other: _____

Ordinance: _____

Plans, Maps: _____

Resolution: _____

Contract: _____

Recommendation:

Board Action:

Motion made by: _____

Seconded by: _____

Greer
Brantley

Vote Cast:

"Aye":

"Nay":

Action Taken:

Brabham

Hisaw

Greer

Brantley

Fisher

Touchton

Lott

Absent →

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 39288-4246

BOARD APPROVED

JUL 20 2004

CITY OF CLINTON**PROPOSAL & CONTRACT**

City of Clinton
P. O. Box 156
Clinton, MS 39056

June 4, 2004

Attention: Mr. Richard L. 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 parking areas at Clinton Parks and Recreation Department - Lot #1 is on the North side of the road and Lot #2 & 3 are on the South side of the road

Description of work & price:

Lot #1 (200' x 160') - 3,556 SY	
500 +/- Tons - 2 1/2" Asphalt Surface Course @ \$33.20/Ton	- \$16,600.00
3,556 SY - Sub-Grade Preparation @ \$1.00/SY	- 3,556.00
TOTAL ESTIMATED AMOUNT	\$20,156.00
Lot #2 (225' x 20') - 500 SY	
80 Tons - 2 1/2" Asphalt Surface Course @ \$33.20/Ton	- \$ 2,656.00
500 SY - Sub-Grade Preparation @ \$1.00/SY	- 500.00
Lot #3 (5,600 SY)	
800 +/- Tons - 2 1/2" Asphalt Surface Course @ \$33.20	- \$26,560.00
5,600 SY - Sub-Grade Preparation @ \$1.00/SY	- 5,600.00
TOTAL ESTIMATED AMOUNT	\$35,316.00

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.

Accepted:

Firm Name

By:

Name & Title

Date:

Telephone:

Yours very truly,
Adcamp, Inc.

Ralph Barnes
Ralph Barnes
President

MPC#
(WHERE APPLICABLE)



CITY OF CLINTON**Terms and Conditions**

Payment in full for all performed hereunder during any month shall be made no later than the tenth of the next following month. Final and complete payment for all work performed hereunder shall be made no later than fifteen (15) days after the completion of such work. Interest at the highest legal rate allowable under the laws of the jurisdiction in which the contract is executed or one percent (1%) per month, which ever is less, shall be charges and paid on all unpaid balances from the due date to the date we receive payment.

In the event of default in the payment or other terms of this contract, you agree to pay reasonable attorney fees and any other costs of collection.

We shall not become obligated to perform the work called for under this contract until your credit has been checked and approved by our Credit Department or means of satisfactory financing for the project has been presented and accepted by Adcamp. If credit conditions become unsatisfactory at any time prior to completion of the work hereunder, we shall be furnished with adequate security upon request.

Any deviations from the specifications or modification of the terms of this contract and any extra or incidental work, or reductions in work, shall be set forth in writing and signed by both parties prior to the performance of any such change. Any increase or decrease in the contract price resulting from such change shall be included in these change orders.

We will provide Workmen's Compensation Insurance covering our employees and Public Liability and Property Damage Insurance protecting ourselves. We will also assume responsibility for the collection and payment of Social Security and State Unemployment Taxes applicable to our employees.

We shall be provided with suitable access to the work area. If our work is dependent upon or must be taken in conjunction with the work of others, such work shall be so performed and completed as to permit us to perform our work hereunder in a normal uninterrupted single-shift operation.

Unless a time for the performance of our work is specified, we shall undertake it in the course of our normal operating schedule. We shall not be liable for any failure to undertake or complete the work for causes beyond our control, including but not limited to fire, flood or other casualty; labor disputed or other disagreements; and accidents or other mishaps, whether affecting this work or other operations in which we are involved, directly or indirectly.

If for causes beyond our control our work is not complete within twelve (12) months after the date of our acceptance of this proposal, we may cancel this agreement at any time thereafter with ten (10) days notice. In such event (i) we shall be relieved of any further obligations with respect to the balance of the work and (ii) we shall be entitled to receive final and complete payment for all work performed by us to the date of cancellation within fifteen (15) days thereafter.

We shall not be responsible for, and you agree to hold us harmless from any liability resulting from, damages to utilities or other objects buried underneath, or to sidewalks, driveways or other improvements located within, our work area or designated areas of access. It is further understood that we shall not be responsible for any damage to or deterioration of any of our work, whether completed or in process, resulting from any cause or causes beyond our control, but not limited and installed by use, whether or not such failure or inadequacy was or could have been known at the time our work was undertaken.

Accepted By:

Name and Title:

CITY OF CLINTON AGENDA ITEM FACT SHEET

BOARD MEETING DATE: July 20, 2004

AGENDA ITEM NO. 14

CONSENT AGENDA:

TO:

FOR:

ACCT. NO.

DISCUSSION/ACTION: Traceway Park Lease Agreement with Clinton Public School District

INTRODUCED BY: Rosemary G. Aultman, Mayor

TELEPHONE: 924-5462

EXHIBITS FOR REVIEW:

Minutes
Ordinance
Resolution

Invoice
Plans, Maps
Contract

Other:

RECOMMENDATION:

BOARD ACTION:

MOTION MADE BY: Brabham

SECONDED BY: Greer

VOTE CAST:

"AYE"

"NAY"

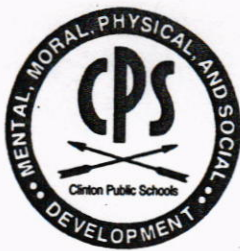
ACTION TAKEN:

Brabham
Hisaw
Greer
Brantley
Fisher
Touchton
Lott

absent →

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.



Tommye C. Henderson, Ph.D.
Superintendent of Education

Clinton Public School District

P. O. Box 300
Clinton, Mississippi 39060

BOARD APPROVED

JUL 20 2004

CITY OF CLINTON

MAY 18 2004

CITY OF CLINTON

May 14, 2004

Mayor Rosemary Aultman
City of Clinton
P. O. Box 156
Clinton, MS 39060-0156

Dear Mayor Aultman:

Enclosed is the Traceway Park lease agreement that was approved by the Board of Trustees of the Clinton Public School District on May 11, 2004 with a Letter Agreement revising Section 1 to allow the Clinton Public School District to be released from the agreement without penalty with a 90-day notice any time after January 1, 2006.

If you are in agreement with this, please sign the letter agreement and send me a copy for our records. I have also attached a check for the first year rent.

Please call me if you have any questions.

Sincerely,

Sandy Halliwell
Sandy Halliwell, CPA
Finance Director

COPY

**TRACEWAY PARK
LEASE AGREEMENT**

STATE OF MISSISSIPPI
COUNTY OF HINDS

THIS LEASE AGREEMENT, (hereinafter "Lease Agreement"), made and entered into as of the 1st day of January, 2004, by and between THE CITY OF CLINTON (hereinafter called "LESSOR"), whose address is P.O. Box 156, Clinton, Mississippi 39060-0156, telephone number (601)924-5462 and, the BOARD OF TRUSTEES OF THE CLINTON PUBLIC SCHOOL DISTRICT (hereinafter called "LESSEE") whose address is P.O. Box 300, Clinton, Mississippi 39060-0300, telephone number (601)924-7533.

WITNESSETH:

For the term and in consideration of the rentals hereinafter set forth, and the covenants, conditions, and by the authority and under the direction of the LESSOR, LESSOR does hereby lease and rent unto LESSEE the following described land (hereinafter "subject property"), for the purposes and conditions set out below:

Section 16, Township 6 North, Range 1 West
A parcel of land 66 acres, more or less, lying North of Cynthia Road and South of the Natchez Trace R.O.W.

1. Term. Subject to the other provisions herein contained, the term of this Lease Agreement shall be for eight (8) years, beginning the 1st day of January 2004, and ending on the 31st day of December, 2012. *** (see attached)
2. Annual Rent. LESSEE covenants and agrees to pay as rent to LESSOR the sum of \$24,312.61 per annum, on or before January 1st of each year; provided, however, that the payment of rent for the first year of this lease shall be due at the time of approval by the LESSOR and LESSEE. In the event of termination or cancellation any rental payment made shall be non-refundable. Rent payments not made within thirty (30) days of the due date shall be subject to a late charge of 6% of the amount of rent past due.
3. Usage of Traceway Park Facilities: In consideration of the rent set out above, LESSEE shall have the right to use the facilities of Traceway Park annually as set out below:
 - a. Slowpitch Softball Fields: Up to 34 games per calendar year and 72 practices. If required LESSEE may utilize the facility for up to 3 playoff games and 16 tournament games.
 - b. Fastpitch Softball Fields: Up to 15 games per calendar year and 72 practices. If required LESSEE may utilize the facility for up to 3 playoff games and 16 tournament games.
 - c. Soccer: Up to 4 games per calendar year and 34 practices.

d. LESSOR will provide the services, labor and materials as set out in Exhibit "A" as part of the rental.

e. Field usage and scheduling shall be coordinated through the City of Clinton's Director of Parks and Recreation.

4. Assignment: LESSEE shall not, ASSIGN OR TRANSFER THIS LEASE.
5. Waste: LESSEE shall be responsible for any damage that may be caused to LESSOR'S property by the activities of the LESSEE, its employees, agents, contractors, and invitees under this Lease Agreement, and, shall exercise reasonable care in the protection of all improvements and other property of LESSOR, which may be located on the subject property or in the vicinity whereon, against fire or damage from any and all other causes. LESSEE, its employees, agents, contractors, and invitees shall exercise reasonable care in conducting the activities described above, and shall not, in any event, commit waste or allow waste to be committed.
6. Indemnification: LESSEE shall protect, indemnify, defend, save, and hold harmless LESSOR, its officers, board members, employees and agents, from and against all claims, demands, liabilities, suits, injuries, and any and all losses or damages and cost of every kind and nature whatsoever ("loss"), including but not limited to all court costs and attorneys fees and all personal injury or death and/or damage to any person or entity including, but not limited to, LESSOR and its property or other loss arising out of any alleged noncompliance with laws or caused by LESSEE'S exercise of its rights under this Lease Agreement and/or resulting from the actions or omission of LESSEE in connection with its presence on or any use of subject property by it, its officers, agents, subcontractors, employees or invitees. Provided, however, it is understood that the indemnity provided by LESSEE as described in this paragraph shall not extend to intentional or negligent acts of LESSOR, its officers or agents. In the event the intentional or negligent acts of LESSOR, its officers or agents, are not the direct and sole proximate cause for one hundred percent (100%) of the loss of claim, LESSEE shall be responsible to fulfill its obligations under this paragraph for the percentage of liability not attributable to LESSOR, its officers or agents.
7. Alteration: It is expressly agreed by and between the parties that the LESSEE will not make any alteration upon the subject property without the express written consent of the LESSOR and that the LESSEE will not occupy or use, nor permit to be occupied or used, the subject property, for any business deemed extra-hazardous on account of fire or otherwise; nor will the LESSEE permit the same to be used for any immoral or unlawful purpose.
8. Notices: All notices specified by this instrument shall be in writing and sent by first class mail, postage prepaid at the following addresses or hand-delivered in person, by facsimile or otherwise to the following persons. By written notice, either party may change the persons or addresses.

LESSOR: Mayor
City of Clinton
P.O. Box 156
Clinton, MS 39060-0156

LESSEE: Superintendent
Clinton Public School District
P.O. Box 300
Clinton, MS 39060-0300

9. Immunity: No provision of this Lease Agreement, whether requiring LESSEE to maintain insurance or to indemnify LESSOR or otherwise, shall be construed as a waiver by LESSOR of any provision of law related to governmental immunity.
10. Interpretation: The parties to this Lease Agreement acknowledge that any ambiguities shall not be construed against a single party.
11. Entire Agreement: This Lease Agreement shall constitute the entire agreement between the parties. Any prior understanding or representation of any kind preceding the date of this Lease Agreement shall not be binding upon either party except to the extent incorporated in this agreement. ***

IN WITNESS WHEREOF, this Lease Agreement is executed by LESSOR and pursuant to order entered upon its minutes, is executed by LESSEE this the 11 day of May, 2004.

Signed, Sealed and Delivered in the Presence of:

LESSOR:

CITY OF CLINTON

By: Rosemary J. Quetman
Mayor

LESSEE:

CLINTON PUBLIC SCHOOL DISTRICT

By: Immye C. Henderson
Superintendent of Schools

By: Debra Jackson
School Board President

*** - The attached LETTER AGREEMENT is an integral part of this lease agreement.

ACKNOWLEDGMENT

STATE OF MISSISSIPPI
COUNTY OF HINDS

Personally appeared before me, the undersigned authority in and for the said county and state, on this 7th day of April, 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.

Linda M. White
NOTARY PUBLIC

My Commission Expires:

MY COMMISSION EXPIRES MAY 24, 2004

ACKNOWLEDGMENT

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 Tommye C. Henderson, Clinton Public School District, Superintendent of Schools, and Philip G. Ginn, School Board President of the Clinton Public School District Board of Trustees, who acknowledged that in said representative capacity as Superintendent of Schools and President of the Board of Trustees of the Clinton Public School District, Mississippi, they executed the above and foregoing instrument for and on behalf of said Board of Trustees, after first having been duly authorized so to do.

Sheila D. Saylor
NOTARY PUBLIC

My Commission Expires:

MISSISSIPPI STATEWIDE NOTARY PUBLIC
MY COMMISSION EXPIRES JUNE 12, 2007
BONDED THRU STEGALL NOTARY SERVICE

LETTER AGREEMENT

This agreement is an integral part of the Traceway Park Lease Agreement between the City of Clinton and the Clinton Public School District made and entered into as of the 1st day of January, 2004.

This agreement revises Section 1 Term to add:

"The Clinton Public School District can be released from this lease agreement without penalty with a 90-day notice any time after January 1, 2006. If released early, rental shall be pro-rated and paid on a daily basis."

Signed, Sealed and Delivered on this the 11th day of May, 2004 in the Presence of:

LESSEE:

CLINTON PUBLIC SCHOOL DISTRICT

By: Tommye C. Henderson
Superintendent

By: Wendell Jackson
School Board President

LESSOR:

CITY OF CLINTON

By: Rosemary G. Aultman
Mayor 7/22/04

JUL 20 2004

ADDENDUM TO LEASE AGREEMENT**CITY OF CLINTON**

After the agreement between city and school has expired Clinton School will need to apply and sign a Facility Lease Agreement and abide by the guidelines as stated in the Clinton Parks and Recreation Department Policy and Procedures Manual. Usage of any facility shall result in a user fee and damage deposit per field as stated in the agreement. Prior consent of any activity is subject for Departments Approval 30 day's prior notice of the activity or event.

In conjunction with the Facilities Lease Agreement additional cost may vary resulting in overtime pay for tournaments, games and practices used for such activities or programs. These additional fees will be adjusted according to the number of games and practices played at all park facilities.