

CITY OF CLINTON
REGULAR MEETING OF THE MAYOR AND BOARD OF ALDERMEN
TUESDAY, APRIL 1, 2003 – 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 Greer followed by the Pledge of Allegiance to the Flag led by members of Cub Scout Pack No.39, representing Holy Savior Catholic Church, Clinton, MS.

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-U

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

APPROVAL OF PRELIMINARY SITE PLAN FOR DR. DAVID WHEAT LOCATED AT 457 HWY 80 EAST

Upon recommendation by Gary Ward, Zoning Administrator, **MOTION** made by Alderman Touchton and **SECONDED** by Alderman Lott to approve the preliminary site plan for Dr. David Wheat, located at 457 Hwy 80 East. A copy of the site plan is on file with the Zoning Administrator. Aldermen Greer left the meeting at 7:02 p.m. and returned at 7:06 p.m. He did not vote on this matter. Planning and Zoning Commission recommended approval. **MOTION CARRIED UNANIMOUSLY**

APPROVAL OF EXTERIOR RENOVATIONS OF WYATT WATERS GALLERY LOCATED AT 307 JEFFERSON STREET

Upon recommendation by Gary Ward, Zoning Administrator, **MOTION** made by Alderman Touchton and **SECONDED** by Alderman Brabham to approve the exterior renovations of Wyatt Waters Gallery located at 307 Jefferson Street. The Olde Towne Historical Preservation Commission and the Planning and Zoning Commission recommended approval. **MOTION CARRIED UNANIMOUSLY**

APPROVAL OF CONSTRUCTION OF AN ACCESSORY BUILDING IN REAR YARD LOCATED AT 104 WARRENTON ROAD

Upon recommendation by Gary Ward, Zoning Administrator, **MOTION** made by Alderman Hisaw and **SECONDED** by Alderman Brantley to approve the construction of an accessory building located in the rear yard of 104 Warrenton Road. The Olde Towne Historical Preservation Commission and Planning and Zoning Commission recommended approval. **MOTION CARRIED UNANIMOUSLY**

RESOLUTION APPROVING A DIMENSIONAL VARIANCE ON SETBACK REQUIREMENTS FOR HOWARD VAUGHN, 524 COLLEGE STREET

Upon recommendation by Gary Ward, Zoning Administrator, **MOTION** made by Alderman Greer and **SECONDED** by Alderman Lott to approve a Resolution approving a dimensional variance on the setback requirements requested by Howard Vaughn, for property located at 524 College Street. A copy of the Resolution is attached. The Planning and Zoning Commission recommended approval. Alderman Touchton left the meeting at 7:08 p.m. and returned at 7:12 p.m. He did not vote on this item. **MOTION CARRIED UNANIMOUSLY**

APPROVAL OF A RESOLUTION DETERMINING THE NECESSITY FOR THE CLEANING OF PRIVATE PROPERTY LOCATED AT 125A JOHNSON-SUMNER HILL DRIVE

Upon recommendation by Gary Ward, Zoning Administrator, **MOTION** made by Alderman Hisaw and **SECONDED** by Alderman Lott approving a Resolution determining the necessity for the cleaning of private property located at 125A Johnson-Sumner Hill Drive, under the authority granted to municipalities by Section 21-19-11, Mississippi Code of 1972 as amended, and other applicable statutes and ordinances. The Board agreed that the Resolution would not be enforced if clean-up actions were completed by May 1, 2003. A copy of the Resolution is attached. **MOTION CARRIED UNANIMOUSLY**

BIDS FOR 25 CUBIC YARD VACUUM LEAF COLLECTOR

Upon recommendation by Tim Rogers, Public Works Director, **MOTION** made by Alderman Brantley and **SECONDED** by Alderman Greer to approve the bid submitted by Covington Sales as the lowest and best bid meeting all specifications for a 25 cubic yard vacuum leaf collector in the amount of \$32,840.00. **MOTION CARRIED UNANIMOUSLY**

APPROVAL OF A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN APPLICATION FOR SRF FUNDS FOR CONSTRUCTION OF 1.0 MILLION GALLON WATER TANK

Upon recommendation by Richard Broome, City Engineer, **MOTION** made by Alderman Touchton and **SECONDED** by Alderman Brabham to approve a Resolution authorizing the Mayor to execute those documents and agreements required in connection with the application for the Drinking Water Systems Improvements Revolving Loan Fund Program through the Local Governments and Rural Water Systems Improvements Board. A copy of the Resolution is attached. **MOTION CARRIED UNANIMOUSLY**

APPROVAL OF A REIMBURSEMENT RESOLUTION FOR CLINTON PARKWAY PROJECT

Upon recommendation by Richard Broome, City Engineer, **MOTION** made by Alderman Touchton and **SECONDED** by Alderman Greer to approve a Resolution expressing the intent of the City of Clinton, MS with respect to the reimbursement of certain expenditures made in connection with the construction of the infrastructure improvements for Clinton Parkway Center Project from the proceeds of any type borrowing to be issued by the City, as required by and in compliance with Internal Revenue Code Regulation 1-150-2 appearing in 58 Fed.Reg.33510. A copy of the Resolution is attached. **MOTION CARRIED UNANIMOUSLY**

AUTHORIZATION FOR MAYOR AULTMAN TO ENTER INTO AN ENGINEERING CONTRACT FOR TRAFFIC IMPROVEMENTS AT CLINTON PARKWAY AND CYNTHIA ROAD WITH NEEL-SCHAFER, INC.

Upon recommendation by Richard Broome, City Engineer, **MOTION** made by Alderman Touchton and **SECONDED** by Alderman Brabham to authorize Mayor Aultman to enter into an engineering contract with Neel-Schaffer, Inc. for traffic improvements at Clinton Parkway and Cynthia Road with a fee of \$19,531.00. A copy of the contract is attached. **MOTION CARRIED UNANIMOUSLY**

RECOGNITION OF CERTIFICATE OF ATTENDANCE FOR JULIANNA MCCOMBS ATTENDING THE MUNICIPAL COURT CLERKS SEMINAR

Upon recommendation by Wayne Derrick, City Clerk, **MOTION** made by Alderman Brantley and **SECONDED** by Alderman Lott to recognize the certificate of attendance for Julianna McCombs attending the Municipal Court Clerks Seminar March 13-14, 2003. **MOTION CARRIED UNANIMOUSLY**

NATCHEZ TRACE VISITOR'S CENTER BIDS

Upon recommendation by Richard Broome, City Engineer, **MOTION** made by Alderman Brabham and **SECONDED** by Alderman Greer award Barnard & Sons the contract on the Natchez Trace Visitor' Center in the amount of \$1,574,000.00. This award is subject to MDOT approval of said contract. **MOTION CARRIED UNANIMOUSLY**

APPROVAL OF A RESOLUTION GRANTING AN INITIAL 5-YEAR EXEMPTION FROM AD VALOREM TAXES TO RIVERWOOD INTERNATIONAL CORPORATION

Upon recommendation by Wayne Derrick, City Clerk, **MOTION** made by Alderman Hisaw and **SECONDED** by Alderman Greer to approve a Resolution granting an initial 5-year exemption from ad valorem taxes to Riverwood International Corporation having a fair value of \$96,290 for the period of January 1, 2003 and ending December 31, 2007. A copy of the Resolution is attached. **MOTION CARRIED UNANIMOUSLY**

APPROVAL OF A RESOLUTION GRANTING AN INITIAL 5-YEAR EXEMPTION FROM AD VALOREM TAXES TO GULF STATE CANNERS, INC.

Upon recommendation by Wayne Derrick, City Clerk, **MOTION** made by Alderman Hisaw and **SECONDED** by Alderman Brabham to approve a Resolution granting an initial 5-year exemption from ad valorem taxes to Gulf State Cannery, Inc. on equipment having a fair value of \$377,075 for the period of December 31, 2002 and ending on December 30, 2007. **MOTION CARRIED UNANIMOUSLY**

APPROVAL OF A RESOLUTION DECLARING SURPLUS CERTAIN PROPERTY OF THE CLINTON PUBLIC SCHOOL DISTRICT AND AUTHORIZING THE SWAP OF THAT PROPERTY TO THE CITY OF CLINTON IN EXCHANGE FOR ROAD CONSTRUCTION

Upon recommendation by Richard Broome, City Engineer, **MOTION** made by Alderman Brantley and **SECONDED** by Alderman Brabham to approve a Resolution declaring surplus certain property of the Clinton Public School District and authorizing the swap of that property to the City of Clinton in exchange for road construction. A copy of the Resolution is attached. **MOTION CARRIED UNANIMOUSLY**

APPROVAL AUTHORIZING MAYOR AULTMAN TO SIGN ON BEHALF OF THE CITY THE SUBMISSION OF THE NATCHEZ TRACE VISITOR'S CENTER PROJECT TO MDOT

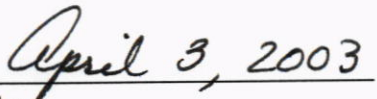
MOTION made by Alderman Brabham and **SECONDED** by Alderman Greer to approve authorizing Mayor Aultman to execute all contracts and agreements between the City and MDOT and Barnard & Sons associated with the Natchez Trace Visitor's Center and to include payment requests from MDOT. **MOTION CARRIED UNANIMOUSLY**

ADJOURN 7:44 P.M.

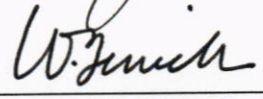
MOTION made by Alderman Brabham and **SECONDED** by Alderman Touchton to adjourn.
MOTION CARRIED UNANIMOUSLY

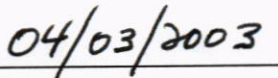
APPROVED:


Rosemary G. Aultman, Mayor


Date

ATTEST:


Wayne Derrick, City Clerk


Date



BOARD APPROVED

CITY OF CLINTON AGENDA ITEM FACT SHEET

BOARD MEETING DATE: April 1, 2003

AGENDA ITEM NO. 7.a

CONSENT AGENDA:

TO:

FOR:

ACCT. NO.

DISCUSSION/ACTION:

457 Highway 80
(Dr. David Wheat)
Preliminary Site Plan

INTRODUCED BY:

Gary Ward

*Alderman Greer
left the meeting at
7:02 pm as a result of
addressing this item - He
returned at 7:06 pm. He
did not vote on this
7:06 pm matter
WJ*

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:

Touchton

SECONDED BY:

Lott

VOTE CAST:

"AYE" "NAY"

ACTION TAKEN:

Brabham
Hisaw
Greer
Brantley
Fisher
Touchton
Lott

1
Did not vote
1
1
1
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 PRECEDING THE TUESDAY BOARD MEETING TO BE INCLUDED ON THE AGENDA. THIS DEADLINE WILL BE STRICTLY ENFORCED.

BOARD APPROVED

CITY OF CLINTON AGENDA ITEM FACT SHEET

BOARD MEETING DATE: April 1, 2003

AGENDA ITEM NO. 7.C

CONSENT AGENDA:

TO:

FOR:

ACCT. NO.

DISCUSSION/ACTION:

104 Warrenton Road
(Albert Jelks)
Construction of Accessory Building in rear yard

INTRODUCED BY:

Gary Ward

TELEPHONE: 924-2256

EXHIBITS FOR REVIEW:

Minutes x
Ordinance
Resolution x

Invoice
Plans, Maps
Contract

Other:

RECOMMENDATION:

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

BOARD ACTION:

MOTION MADE BY:

Hisaw

SECONDED BY:

Brantley

VOTE CAST:

"AYE"

"NAY"

ACTION TAKEN:

Brabham
Hisaw
Greer
Brantley
Fisher
Touchton
Lott

1
1
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Mayor Aultman

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

BOARD APPROVED

CITY OF CLINTON AGENDA ITEM FACT SHEET

BOARD MEETING DATE: April 1, 2003

AGENDA ITEM NO. 7.d

CONSENT AGENDA:

TO:

FOR:

ACCT. NO.

DISCUSSION/ACTION:

524 College Street
(Howard Vaughn)
Dimensional Variance

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

*Alderman Touchton left
the meeting at 7:08 p.m.
He did not return on this
item. He returned to the
meeting at 7:12 p.m.*

*Greer
Lott*

did not vote

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

RESOLUTION

RESOLUTION APPROVING A DIMENSIONAL VARIANCE FOR HOWARD VAUGHN, 524 COLLEGE STREET, CLINTON MISSISSIPPI, AS DESCRIBED IN EXHIBIT "A"

WHEREAS, Mr. Howard Vaughn., has requested a dimensional variance on the 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, because of the unusual shape of the subject property a variance is needed from the required setbacks; 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 building setback of twenty (20) feet from the College Street right-of-way to the front of the building.
2. A dimensional variance shall be granted of ten (10) feet on the east side of the proposed building to the existing building, to permit a zero lot line.
3. A dimensional variance shall be granted to permit a building setback of twenty-seven (27) feet from the northwest corner of the proposed building to Fairmont Street right-of-way, and a building setback of fifteen (15) feet from the southwest corner of the proposed building to the Fairmont Street right-of-way.
4. The legal description of the subject property is shown in Exhibit "A" attached hereto.
5. The setback variances shall be generally as shown in the proposed site plan attached hereto as Exhibit "B".
6. The granting of these variances does not waive the City's ownership of the Fairmont Street Right-of-Way as it presently exists.
7. Prior to the issuance of a building permit, owner will be required to pay the cost of moving any existing water and/or sewer lines that would be beneath the proposed building.

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

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

Alderman Brabham voted: Yes

Alderman Hisaw voted: Yes

Alderman Greer voted: Yes

Alderman Brantley voted: Yes

Alderman Fisher voted: Yes

Alderman Touchton voted: Did not vote

Alderman Lott voted: Yes

Whereupon the Mayor declared the Motion carried and the resolution approved and adopted. The foregoing resolution was approved this the 06 day of April 2003.

CITY OF CLINTON

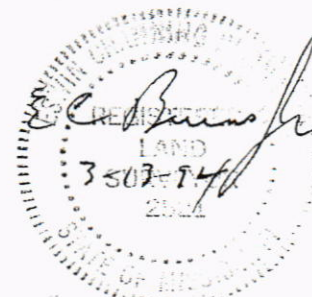
BY: Rosemary A. Aultman
ROSEMARY AULTMAN, MAYOR

ATTEST:

W. Derrick
WAYNE DERRICK, CITY CLERK

(SEAL)





HOWARD VAUGHN
EAST COLLEGE STREET
CLINTON, MS 39056
1 = 30
MARCH 13, 1994
CLASS C SURVEY
0.13 ACRE ±

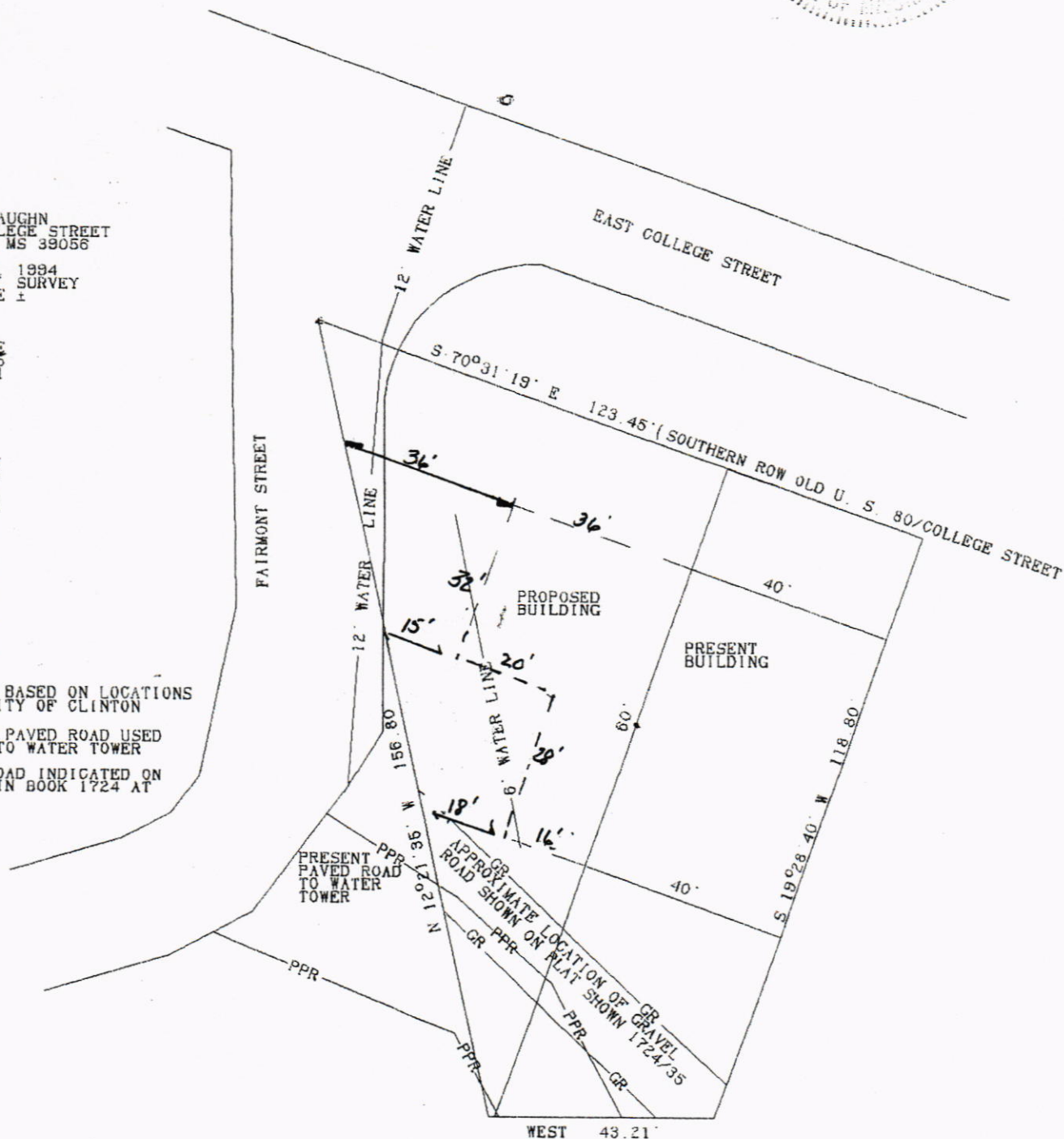
BOOK PAGE
1724 35
3410 11



WATER LINES BASED ON LOCATIONS
MARKED BY CITY OF CLINTON

PPR-PRESENT PAVED ROAD USED
FOR ACCESS TO WATER TOWER

GR-GRAVEL ROAD INDICATED ON
PLAT SHOWN IN BOOK 1724 AT
PAGE 35



ESWIN CHANNING BURNS JR. PE/RLS
100 HICKORY LANE
CLINTON, MS 39056
(801) 924-2303

REQUEST FOR DIMENSIONAL VARIANCE
APPLICATION

Subject Property Address 524 E. College ST
Owner Howard M. VAUGHN
Address 541-C Hwy 80 W.
Clinton, Ms. 39056
Phone # 601-925-5194
Current Zoning District _____

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.

Howard M. Vaughn
Signature

2-28-03
Date



HOWARD VAUGHN CONSTRUCTION

February 28, 2003

Mr. Gary Ward
Zoning Administrator City of Clinton
200 West Leake Street
Clinton, MS 39056

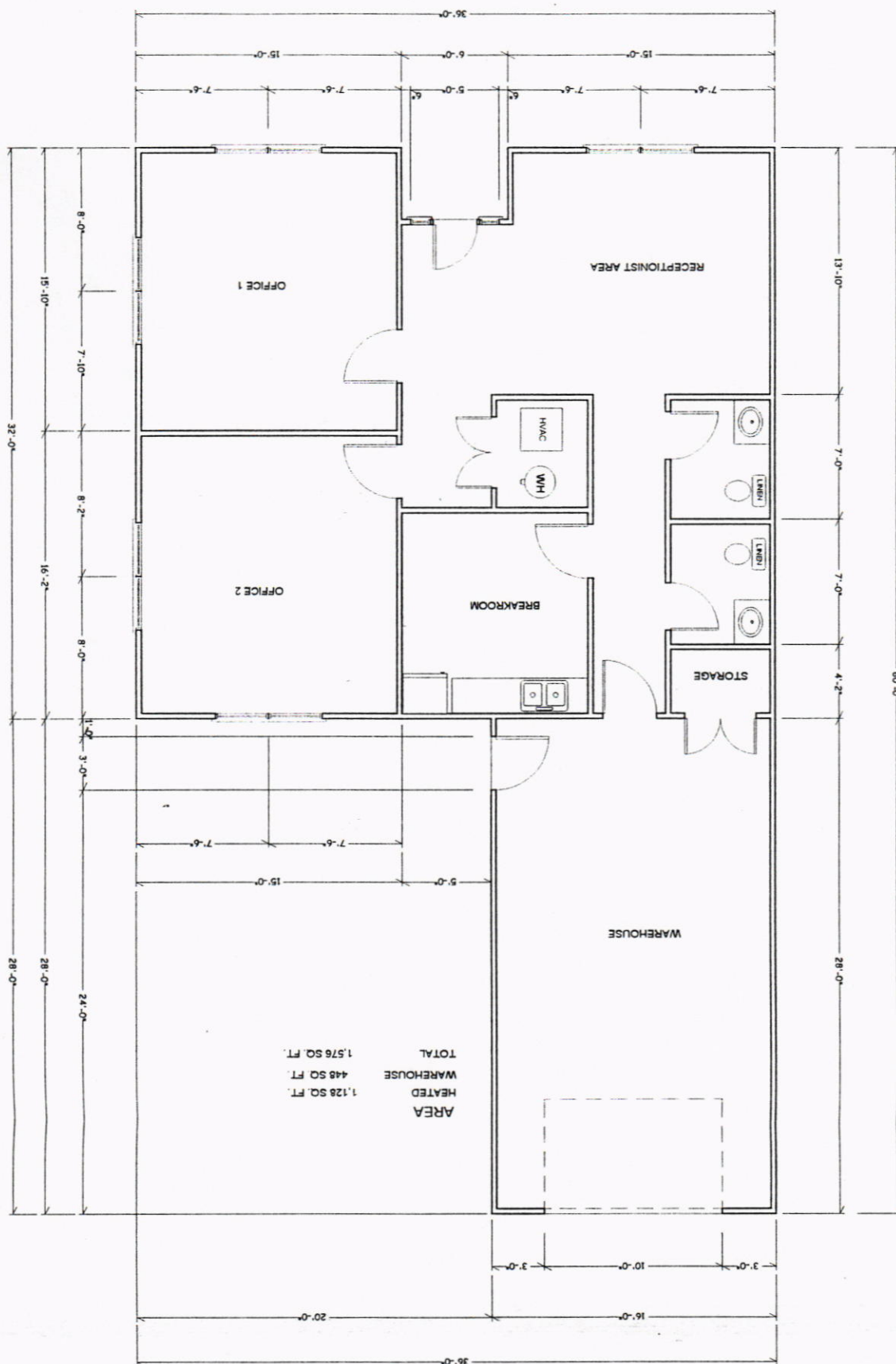
I am requesting a dimension variance for 524 East College Street, due to the irregular triangular shape of the lot. The lot is located at the corner of Fairmont Avenue and East College Street.

I own six inches of the west wall of the existing building that is owned and occupied by Joe Cook of Cook Lawn & Pest Service. With approval for the construction of a new building, the new building will be connected to the existing buildings concrete block wall. I am requesting a setback from East College Street right of way of 21' +/-, due to the need to connect the new building to the existing building located at this location. I am also requesting a setback 20' +/- on the two lower side setbacks.

I have been paying taxes on this property for ten years without any use of the property. I believe the variance requests are reasonable. A new building constructed on this property would only enhance the appearance of this vacant lot.

Sincerely,

Howard Vaughn
Owner



BOARD APPROVED

CITY OF CLINTON AGENDA ITEM FACT SHEET

BOARD MEETING DATE: April 1, 2003

AGENDA ITEM NO. 8

CONSENT AGENDA:

TO:

FOR:

ACCT. NO.

DISCUSSION/ACTION:

125A Johnson-Sumner Hill Drive
(Joseph Johnson)
Unkempt Property

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:

*Contingent on Mr. Johnson
doing this in 30 days.
Hisaw to be completed by
May 1, 2003.*

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.

RESOLUTION

There came on for public hearing before the Mayor and Board of Aldermen of the City of Clinton, Mississippi, the matter of unclean property located at 125A Johnson-Sumner Hill Dr., (Joseph Johnson) Clinton, Mississippi, and after full consideration of the matter, Alderman Hisaw 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 125A JOHNSON-SUMNER HILL DRIVE, 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 125A Johnson-Sumner Hill Dr., 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., April 1st 2003, 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 125A Johnson-Sumner Hill Drive, 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:

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 Resolution approved and adopted.

The foregoing Resolution was approved this the 1st day of April 2003.

ATTEST:

W. Derrick

WAYNE DERRICK, City Clerk

CITY OF CLINTON

BY: Rosemary J. Aultman
ROSEMARY AULTMAN, Mayor

(SEAL)



BOARD APPROVED

CITY OF CLINTON AGENDA ITEM FACT SHEET

BOARD MEETING DATE: April 1, 2003

AGENDA ITEM NO. 9

CONSENT AGENDA: \$32,840.00

TO: Covington Sales & Equipment

FOR: discussion/action of bids for 25 cubic yard vacuum leaf collector

ACCT. NO. 001-215-730

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

TELEPHONE: 612

EXHIBITS FOR REVIEW:

Minutes
Ordinance
Resolution

Invoice
Plans, Maps
Contract

Other - Information packet

Covington Sales selected, all as lowest bid best meeting all specifications

RECOMMENDATION:

BOARD ACTION:

MOTION MADE BY: Brantley

SECONDED BY: Greer

VOTE CAST:

"AYE" "NAY"

ACTION TAKEN:

Brabham
Hisaw
Greer
Brantley
Fisher
Touchton
Lott

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

BOARD APPROVED

City of Clinton
Public Works Department
Bid Opening March 18, 2003

25 cubic yard vacuum leaf collector

	Covington Sales	Sanson Equip.	O D S		
	\$ 32,840.00	\$ 25,048.75	\$ 22,534.00		

Office of City Clerk

W. J. M. M. M.

Public Works Director

John S. Rogers

BOARD APPROVED

Clinton Public Works Department

TO: Mayor Aultman
Board of Aldermen

FROM: Tim Rogers *TR*

DATE: March 26, 2003

SUBJ: 25 Cubic Yard Vacuum Leaf Collector

I am requesting your approval to accept the bid from Covington Sales and Service in the amount of \$32,840.00, for the 25 cubic yard vacuum leaf collector as the best and lowest bid per specifications. I have attached additional pages to show items that are non-compliant from that specified as well as features I have determined make the ARM model ALC-25 the superior machine to meet the needs of the City of Clinton for years to come.

The City has owned several pieces of equipment from Covington Sales, and in the past, they have proven to be very reliable and prompt on any repairs that have been needed. Thank you for your consideration to this request.

There were three (3) bidders on March 18, 2002 and are as follows:

<i>Covington Sales & Service</i>	<i>\$32,840.00</i>	<i>ARM ALC25</i>
<i>Sansom Equipment Company</i>	<i>\$25,048.75</i>	<i>Giant Vac TR25</i>
<i>ODB</i>	<i>\$22,534.00</i>	<i>SCL 800 TM</i>

Some of the key specifications and the bidders variations, differences and deviations from the specifications are as follows:

I. Power Unit

Specified: In line cylinder, 4-cycle 80 HP Diesel

Covington – complies

Sansom - complies

ODB - complies

II. Hydraulic System

Specified: An independent hydraulic pump driven by the engine to power the hopper dump cylinder. The hopper is self dumping, using a 6" diameter three-stage hydraulic cylinder with a capacity of 55,000 pounds, applied directly upward at the front of the hopper. The hydraulic system includes an oil tank, valve for operating the hopper dump cylinder, hydraulic hoses and all connections.

Covington – complies

Sansom – non-compliant*

ODB – non-compliant**

*Sansom – high pressure scissor lift, 40,000 lbs. Capacity

**ODB – Crysteel scissor lift, 45,000 lbs. Capacity

III. Dual Tandem Axle Suspension and Brakes

Specified: The trailer has two 5" diameter tubular alloy steel axles rated at 12,000 lbs. each, four slipper leaf spring assemblies rated at 6,000 lbs. each, swivel equalizers between the axles, and oil bath hubs. Eight 9.50-16.5 LT tires have a 66" track. Axles, springs and tires are attached to a bogie sub-frame which is bolted to the trailer frame. The sub-frame is fabricated of rectangular 3/16" wall steel tube. Five supporting cross channels of 6" @8.2 pounds per foot structured steel.

Electrically operated brakes on both axles, controlled from the towing vehicle with a plug connector between the trailer frame and the towing vehicle. An electronic brake control that requires no hydraulic connection to the towing unit and a break-away safety switch.

Covington – complies

Sansom – non-compliant*

ODB – non-compliant**

**Sansom bid "three axle" which is specifically what I'm trying to get away from due to excessive tire wear, flats and costly repairs due to down time. Additionally axle springs are welded to trailer sides, axles are not adjustable on bogie sub-frame.*

***ODB bid a sub frame fabricated of angle iron and welded; also, bid did not specify tandem axle with dual wheels, however their manufacturers general specifications show either configuration are available.*

IV. Hopper and Hopper Frame

Specified: The top of the hopper to have four slide in filter screens in four framed steel sections reinforced with 1 1/2" expanded metal. The replaceable aluminum mesh screen is to be bolted to the screen frames.

Covington – complies

Sansom – non-compliant*

ODB – non-compliant**

**Sansom bid a one (1) piece mesh top of 1/4" expanded metal-not aluminum*

***ODB bid a unit with hopper screens that are welded, no mesh. Difficult to replace and blows debris overboard.*

V. Suction Hose

Specified: The suction hose to be 16" diameter, 10' long and include a tube, carcass, reinforcing wire, cover and cuff. The tube is abrasion resistant NC/SBR. A metal operator handle and arm assembly to be provided at the intake.

Covington – complies

Sansom – non-compliant*

ODB – non-compliant**

**Sansom bid a 8' long hose which may limit the operators ability to reach large piles of leaves placed behind the curb*

***ODB bid a 8.3' long hose which may limit the operators ability to reach large piles of leaves placed behind the curb.*

VI. Suction Fan

Specified: The fan is to be 25" in diameter, 8 1/4" wide at the tip and have minimum of six (6) radial blades. The fan backing plate is to be 1/4" thick steel and the blades 3/8" thick. The fan shall produce 16,600 C.F.M. of air movement under normal working conditions.

Covington- complies

Sansom – non-compliant*

ODB – complies

Page 4...

**Sansom bid a unit equipped with a fan of only four (4) blades with a backing plate of 3/16".*

VII. Fan Housing

Specified: Two (2) piece bolt-in replaceable liner made of 1/4" steel. Fan housing to be 1/4" steel.

Covington – complies

Sansom – complies

ODB – non-compliant*

**ODB bid unit with two 1/4" "slip in" replaceable liners. Slip in liners could break and may be ingested causing damage.*

VIII. Fan Housing, continued

Specified: To prevent severe engine and P.T.O. damage should large foreign objects be sucked into the blower housing, the back of the blower housing shall incorporate a safety band clamped to the P.T.O. housing to divert shock loads to the engine frame rather than to the P.T.O. and engine block.

Covington – complies

Sansom – non-compliant (not supplied)*

ODB – non-compliant (not supplied)*

**Foreign object may crack block*

BOARD APPROVED

CITY OF CLINTON AGENDA ITEM FACT SHEET

BOARD MEETING DATE: April 1, 2003

AGENDA ITEM NO. 10

CONSENT AGENDA:

TO:

FOR:

ACCT. NO.

DISCUSSION/ACTION: Resolution authorizing the Application for SRF Funds for construction of 1.0 million gallon water tank.

INTRODUCED BY: Richard L. Broome, City Engineer

TELEPHONE: 924-5462

EXHIBITS FOR REVIEW:

Minutes
Ordinance
Resolution

Invoice
Plans, Maps
Contract

Other:

RECOMMENDATION:

BOARD ACTION:

MOTION MADE BY:

Touchton

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.

BOARD APPROVED

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE THOSE DOCUMENTS AND AGREEMENTS REQUIRED IN CONNECTION WITH THE APPLICATION FOR THE DRINKING WATER SYSTEMS IMPROVEMENTS REVOLVING LOAN FUND PROGRAM THROUGH THE LOCAL GOVERNMENTS AND RURAL WATER SYSTEMS IMPROVEMENTS BOARD AND NAMING ROSEMARY AULTMAN AS THE AUTHORIZED REPRESENTATIVE FOR THE CITY OF CLINTON.

WHEREAS, the CITY OF CLINTON is making application for a Drinking Water Systems Improvements Revolving Loan Fund (DWSIRLF) loan from the Local Governments and Rural Water Systems Improvements Board; and

WHEREAS, in order to apply for such a loan, the CITY OF CLINTON must submit a DSWIRLF Loan application package in compliance with DWSIRLF Program Regulations; and

WHEREAS, such regulations require that the CITY OF CLINTON provide as part of such package a certified copy of a resolution which authorizes submission of the application and which designates an authorized representative to execute the application and to be the authorized representative for the project;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF CLINTON:

SECTION 1: That the submission of a DWSIRLF Loan application package is hereby authorized, with the proceeds from such loan to be used to finance and implement DWSIRLF Loan Program project DWI-H280088-02.

SECTION 2: That Rosemary Aultman, is authorized to execute and file an application for a DWSIRLF loan on behalf of City of Clinton with full authority to execute all documents pertaining to the project.

SECTION 3: That Rosemary Aultman is hereby authorized to be the authorized representative of the project.

Touchton moved and Brabham seconded the adoption of the foregoing resolution, and the question being put to a roll call vote, the result was as follows:

<u>Jehu W. Brabham</u>	<u>Yes</u>
<u>Tony Hisaw</u>	<u>Yes</u>
<u>Tony Greer</u>	<u>Yes</u>
<u>Clint Brantley</u>	<u>Yes</u>
<u>Phil Fisher</u>	<u>Yes</u>
<u>Herb Touchton</u>	<u>Yea</u>
<u>Sharbert K. Lott</u>	<u>Yes</u>

This motion to adopt the resolution, having received the vote shown above, was declared carried.

This 01 day of April, 2003.

Signed: Rosemary G. Auetman

ATTEST:

W. Junch



BOARD APPROVED

CITY OF CLINTON AGENDA ITEM FACT SHEET

BOARD MEETING DATE: April 1, 2003

AGENDA ITEM NO. 11

CONSENT AGENDA:

TO:

FOR:

ACCT. NO.

DISCUSSION/ACTION: Reimbursement resolution for Clinton Parkway project.

INTRODUCED BY: Richard L. Broome, City Engineer

TELEPHONE: 924-5462

EXHIBITS FOR REVIEW:

Minutes
Ordinance
Resolution

Invoice
Plans, Maps
Contract

Other:

RECOMMENDATION:

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

RESOLUTION OF THE MAYOR AND ALDERMEN OF THE CITY OF CLINTON, MISSISSIPPI EXPRESSING THE INTENT OF THE CITY OF CLINTON, MISSISSIPPI WITH RESPECT TO REIMBURSEMENT OF CERTAIN EXPENDITURES MADE IN CONNECTION WITH THE CONSTRUCTION OF THE INFRASTRUCTURE IMPROVEMENTS FOR CLINTON PARKWAY CENTER PROJECT, FROM THE PROCEEDS OF TAX EXEMPT BONDS TO BE ISSUED BY THE CITY, AS REQUIRED BY AND IN COMPLIANCE WITH INTERNAL REVENUE CODE REGULATION 1-150-2 APPEARING IN 58 FED. REG. 33510.

WHEREAS, the Mayor and Aldermen of the City of Clinton, Mississippi (the "Governing Body" of the "City") have agreed to provide traffic flow and infrastructure improvements to be owned by the City (the "Public Improvement Project") in connection with the construction of the Clinton Parkway Center Project (the "Redevelopment Project");

WHEREAS, the City intends to issue Bonds in a principal amount not to exceed \$250,000 to pay the cost of the Public Improvement Project; and

WHEREAS, there are no other funds available to the City to defray the costs of the Public Improvement Project and the Governing Body will consider the issuance of Bonds or Notes of the City for such purposes through further proceedings of the Governing Body.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND ALDERMEN OF THE CITY OF CLINTON, MISSISSIPPI AS FOLLOWS:

1. That this resolution is being adopted as required by and in order to comply with the "Reimbursement Rules" set forth in the Internal Revenue Code of 1986 and the rules and regulations promulgated thereunder including specifically Internal Revenue Code Regulation 1.150-2 and appearing at 58 Federal Register 33510.

2. The functional description of the property for which reimbursement will be made will be the acquisition and construction of roadways, signalization, rights of way, utilities and other infrastructure improvements in connection with Clinton Parkway Center Project.

3. The maximum amount subject to reimbursement will not exceed \$250,000.

4. The Mayor and Aldermen reasonably expect that the reimbursement of the expenditures described above in the maximum set forth above will be reimbursed from the proceeds of the issuance of notes or Bonds of the City or other financing transaction by or on the part of the City, such financing to occur through further proceedings of the Mayor and Aldermen of the City.

5. The reasonable expectations of the City are that such future financing transaction will be closed, the proceeds delivered and the reimbursement made no later than July 1, 2004.

Alderman Touchton made a motion to approve the foregoing Resolution, Alderman Greer seconded the motion to adopt the foregoing Resolution, and the vote thereupon was as follows:

Alderman Jehu W. Brabham	voted: <u>Yes</u>
Alderman Tony Hisaw	voted: <u>Yes</u>
Alderman Tony Greer	voted: <u>Yes</u>
Alderman Clint Brantley	voted: <u>Yes</u>
Alderman Phil Fisher	voted: <u>Yes</u>
Alderman Herb Touchton	voted: <u>Yes</u>
Alderman Sharbert K. Lott	voted: <u>Yes</u>

The motion having received the foregoing vote of the Governing Body, the Mayor declared the motion carried and the resolution adopted this the 01 day of April, 2003.

CITY OF CLINTON, MISSISSIPPI

By: Rosemary A. Aultman
Rosemary Aultman, Mayor

ATTEST:

W. Derrick
Wayne Derrick, City Clerk



BOARD APPROVED

CITY OF CLINTON AGENDA ITEM FACT SHEET

BOARD MEETING DATE: April 1, 2003

AGENDA ITEM NO. 12

CONSENT AGENDA:

TO:

FOR:

ACCT. NO.

DISCUSSION/ACTION: Engineering contract for traffic improvements at Clinton Parkway and Cynthia Road.

INTRODUCED BY: Richard L. Broome, City Engineer

TELEPHONE: 924-5462

EXHIBITS FOR REVIEW:

Minutes
Ordinance
Resolution

Invoice
Plans, Maps
Contract

Other:

RECOMMENDATION:

BOARD ACTION:

MOTION MADE BY: Touchton

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

March 18, 2003

BOARD APPROVED

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

Dear Richard:

REFERENCE: TRAFFIC SIGNAL AND GEOMETRIC IMPROVEMENTS
CYNTHIA STREET AT CLINTON PARKWAY

This letter will serve as an agreement between the City of Clinton, and Neel-Schaffer, Inc. to provide traffic engineering services for completion of a traffic signal plan and design plans for median improvements to Clinton Parkway.

Neel-Schaffer proposes to provide services for the development of traffic signal and geometric design plans for the intersection of Clinton Parkway at Cynthia Street. The services to be provided are outlined in the attached "Scope of Services".

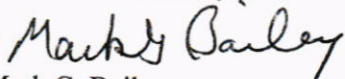
Upon receipt of an executed letter of agreement, it will take approximately twelve weeks to prepare the design plans. Neel-Schaffer proposes to provide these services on an hourly basis with an upset fee of \$19,531. The design plans, specifications and contract documents will be submitted to the City and should be suitable for advertisement and construction of the project.

If additional services beyond the preparation of design plans outlined in the attached "Scope of Services" are requested, the cost for these additional services will be based on our 2003 Rate Schedule.

This proposal, the 2003 Rate Schedule for Professional Services and the General Terms and Conditions represent the entire understanding between the City of Clinton and Neel-Schaffer in respect to these services to be provided and may only be modified in writing by both parties. If this proposal meets with your approval, please sign both originals and return one copy to us for our records. We look forward to working with you again.

Sincerely,

NEEL-SCHAFFER, INC.

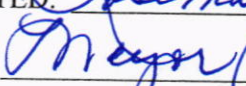

Mark G. Bailey
Vice President Transportation Engineering

Jk/vg

ACCEPTED:

TITLE:

DATE:



04-03-2003

SCOPE OF SERVICES

- Topographic Survey for the intersection of Cynthia Street at Clinton Parkway. Survey of Clinton Parkway will extend south approximately 400 feet from Cynthia Street and 500 feet north to Northside Drive. Survey of Cynthia Street will extend 500 feet east and west of Clinton Parkway. The Topographic Survey will identify existing structures, driveways, curb and gutter, lane striping, drainage inlets, manholes, and signs within the existing right of way. Utilities will be located by above ground features, magnetic locators and a call to Mississippi One Call prior to beginning the project. Additional measures to locate utilities will include obtaining maps and/or plans from utility entities and from information about utility locations provided by knowledgeable people affiliated with the utility entity. Property lines for adjacent property owners will also be identified on the survey.
- Extension of the median island on Clinton Parkway 250 feet north to Cynthia Street. A plan sheet detailing the proposed extension of the median north to Cynthia Street will be prepared. The plan sheet will detail the proposed median type and location of improvements.
- Neel-Schaffer will prepare a design plan for construction/implementation of the median treatment selected for Clinton Parkway between Cynthia Street and Northside Drive. This design will be for a slotted curb material within the existing roadway cross section.
- Neel-Schaffer will prepare a traffic signal plan for signalization of the intersection of Cynthia Street with Clinton Parkway. The signal plan will include design plans and specifications for construction of the traffic signal including pole types, signal head types, wiring plans and phasing plans. The traffic signal is planned to be radio interconnected with the traffic signal at Northside Drive so that the two signals work together to minimize delays. The radio interconnection of these signals is not anticipated to require a master controller, separate from the EPAC controllers at each of the adjacent signals.

BOARD APPROVED

**Clinton Parkway/Cynthia Street Traffic Signal
City of Clinton, Mississippi**

Task	Description	MANHOUR ESTIMATE						
		Officer	Senior Project Manager	Asstistant Engineer	Designer	Technician	Clerical	Total/Task
Task 1	Project Kickoff Meeting/Admin	0	2				2	4
Task 2	Data Collection		8	0				8
Task 3	Utility Location		2	4		6		12
Task 4	Base Mapping		2	0		12		14
Task 5	Median Design	2	4	6		6		18
Task 6	Signal Layout - Poles/Heads		4	4		4		12
Task 7	Wiring Design/Loop Design	2	4	6		8		20
Task 8	Pedestrian Accommodations		2	0		2		4
Task 9	Striping Plan			4		4		8
Task 10	Draft Submittal	2	4	4		8	2	20
Task 11	Incorporate Comments/QA	2	4	4		8	2	20
Task 12	Specifications/Contract Documents and Timing Plans		16	4			6	26
								0
TOTAL MANHOURS		8	52	36	0	58	12	166

BOARD APPROVED

**Clinton Parkway/Cynthia Street Traffic Signal
City of Clinton, Mississippi**

COST ESTIMATE

CLASSIFICATION	ESTIMATED LABOR (HR.)	2003 RATE SCHEDULE	COST
Officer	8	\$ 115.00	\$ 920.00
Senior Project Manager	52	\$ 102.00	\$ 5,304.00
Assistant Engineer	36	\$ 75.00	\$ 2,700.00
Designer	0	\$ -	\$ -
Technician	58	\$ 63.00	\$ 3,654.00
Clerical	12	\$ 35.00	\$ 420.00

Subtotal Labor 166 Hours

TOTAL LABOR \$ 12,998.00

Direct Expenses

Reproductions - Copies	\$ 100.00
Mileage - 100 m @ .325/mile	\$ 33.00
Exhibits	\$ 200.00
Lodging	\$ -
Meals	\$ -
	<u>\$ 333.00</u>

Subconsultants

Maptech - Topographic Survey	\$ 6,200.00
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TOTAL DIRECT EXPENSES \$ 6,533.00

TOTAL FEE - NEEL-SCHAFFER \$ 19,531.00

NEEL-SCHAFER, INC.
2003 RATE SCHEDULE FOR PROFESSIONAL SERVICES

BOARD APPROVED

EMPLOYEE CLASSIFICATION	POSITION	HOURLY RATE
P-9	Senior Officer	\$150.00
P-8	Officer/Senior Engineer Manager	\$135.00
P-7	Engineer Manager/Professional IV/Survey Manager	\$125.00
P-6	Senior Project Manager/Assistant Engineer Manager/Professional III	\$115.00
P-5	Project Manager/Professional II	\$102.00
P-4	Professional I	\$87.00
P-1, P-2, P-3	Professional Intern	\$75.00
T-6	Senior Certified Engineering Technician	\$95.00
T-5	Certified Engineering Technician	\$80.00
T-4	Technician IV/ Inspector IV/ Surveyor IV	\$68.00*
T-3	Technician III/Inspector III/Survey Crew Chief	\$63.00*
T-2	Technician II/Inspector II/Survey Instrument Person	\$58.00*
T-1	Technician I/Inspector I/Survey Assistant	\$47.00*
A-2, A-3	Clerical	\$35.00*
	Four-Man Survey Party	\$120.00*
	Three-Man Survey Party	\$105.00*
	Two-Man Survey Party	\$88.00*

* Hourly rates indicated for these non-exempt classifications apply to regular time. If overtime work is required to meet client's schedule, Neel-Schaffer reserves the right to negotiate overtime rates.

"Professional" positions include engineer, landscape architect, planner, and GIS.

"Technician" positions include engineering, planning, GIS and information technology.

REIMBURSABLE EXPENSE SCHEDULE	
EXPENSE	COST
Vehicle Mileage	\$0.325/mile
Computer	\$10.00/hour
CADD	\$25.00/hour
Traffic Counter	\$10.00/day

IN-HOUSE REPRODUCTION/PRINTING	
Vellum	\$2.00/sheet
Film Positive	\$5.00/sheet
Bond	\$1.00/sheet
Blueline	\$1.00/sheet
Photocopies	\$0.20/sheet
All other expenses, including contract reproduction/printing, travel and subsistence, parking, communications, equipment rental, postage and overnight mail, and supplies will be reimbursed at actual cost.	

EXHIBIT A
NEEL-SCHAFER, INC.
GENERAL TERMS AND CONDITIONS

BOARD APPROVED

1. **Relationship Between Engineer and Client.** Engineer shall serve as Client's professional engineering consultant in those phases of the Project to which this Agreement applies. The relationship is that of a buyer and seller of professional services and it is understood that the parties have not entered into any joint venture or partnership with the other. The Engineer shall not be considered to be the agent of the Client.

2. **Responsibility of the Engineer.** Engineer will strive to perform services under this Agreement in a manner consistent with that standard of care and skill ordinarily exercised by members of the profession currently practicing in the same locality under similar conditions. No other representation, express or implied, and no warranty or guarantee is included or intended in this Agreement or in any report, opinion, document, or otherwise.

Notwithstanding anything to the contrary which may be contained in this Agreement or any other material incorporated herein by reference, or in any agreement between the Client and any other party concerning the Project, the Engineer shall not have control of and shall not be responsible for the means, methods, techniques, sequences or procedures of construction; or the safety, safety precautions or programs of the Client, the construction contractor, other contractors or subcontractors performing any of the work or providing any of the services on the Project. Nor shall the Engineer be responsible for the acts or omissions of the Client, or for the failure of the Client, any contractor or subcontractor, or any other engineer, architect or consultant not under contract to the Engineer to carry out their respective responsibilities in accordance with the Project documents, this Agreement or any other agreement concerning the Project.

Engineer shall determine the amounts owing to the construction contractor and recommend in writing payments to the contractor in such amounts. By recommending any payment, the Engineer will not thereby be deemed to have represented that exhaustive, continuous or detailed reviews or examinations have been made to check the quality or quantity of the contractor's work.

3. **Responsibility of the Client.** Client shall provide all criteria and full information as to his requirements for the Project, including budgetary limitations. Client shall arrange for Engineer to enter upon public and private property and obtain all necessary approvals and permits required from all governmental authorities having jurisdiction over the Project.

Client shall give prompt written notice to the Engineer whenever Client observes or otherwise becomes aware of any development that affects the scope or timing of Engineer's services, or any defect or nonconformance in the work of any construction contractor.

Client shall examine all documents presented by Engineer, obtain advice of an attorney or other consultant as Client deems appropriate for such examinations and provide decisions

pertaining thereto within a reasonable time so as not to delay the services of the Engineer.

4. **Designation of Authorized Representatives.** Each party shall designate one or more persons to act with authority in its behalf with respect to appropriate aspects of the Project. The persons designated shall review and respond promptly to all communications received from the party.

5. **Ownership of Documents.** Drawings, specifications, reports and any other documents prepared by Engineer in connection with any or all of the services furnished hereunder shall be the property of Client. Engineer shall have the right to retain copies of all documents and drawings for its files.

6. **Reuse of Documents.** All documents, including drawings and specifications furnished by Engineer pursuant to this Agreement, are intended for use on the Project only. They should not be used by Client or others on extensions of the Project or on any other project. Any reuse, without written verification or adaption by Engineer, shall be at Client's sole risk, and Client shall indemnify and hold harmless Engineer from all claims, damages, losses and expenses, including attorney's fees arising out of or resulting therefrom.

7. **Opinions of Cost.** Since the Engineer has no control over the cost of labor, materials, equipment or services furnished by the contractor, or over the contractor's methods of determining prices, or over competitive bidding or market conditions, the Engineer cannot and does not guarantee that proposals, bids or actual construction costs will not vary from his opinions or estimates of construction costs.

8. **Changes.** Client reserves the right by written change order or amendment to make changes in requirements, amount of work, or engineering time schedule adjustments; and Engineer and Client shall negotiate appropriate adjustments in fee and/or schedule acceptable to both parties to accommodate any changes.

9. **Delays.** If the Engineer's services are delayed by the Client, or for other reasons beyond the Engineer's control, for more than one year, the fee provided for in this Agreement shall be adjusted equitably.

10. **Subcontracts.** Engineer may subcontract portions of the services, but each subcontractor must be approved by Client in writing.

11. **Suspension of Services.** Client may, at any time, by written order to Engineer, require Engineer to stop all, or any part, of the services required by this Agreement. Upon receipt of such an order, Engineer shall immediately comply with its terms and take all reasonable steps to minimize the occurrence of costs allocable to the services covered by the order. Client, however, shall pay all costs associated with suspension including all costs necessary to maintain continuity and the staff required to resume the services upon expiration of the suspension of work

order. Engineer will not be obligated to provide the same personnel employed prior to suspension when the services are resumed in the event the period of any suspension exceeds 30 days. Client will reimburse Engineer for the costs of such suspension and remobilization.

12. **Termination.** This Agreement may be terminated by either party upon 30 days' written notice in the event of substantial failure by the other party to perform in accordance with the terms hereof through no fault of the terminating party. This Agreement may be terminated by Client, under the same terms, whenever Client shall determine that termination is in its best interests. Cost of termination, including salaries, overhead and fee, incurred by Engineer either before or after the termination date shall be reimbursed by Client.
13. **Notices.** Any notice or designation required to be given by either party hereto shall be in writing and, unless receipt of such notice is expressly required by the terms hereof, it shall be deemed to be effectively served when deposited in the mail with sufficient first class postage affixed and addressed to the party to whom such notice is directed at such party's place of business or such other address as either party shall hereinafter furnish to the other party by written notice as herein provided.

14. **Indemnification.** Engineer shall indemnify and hold harmless Client from Client's loss or expense, including reasonable attorney's fees for claims for personal injury (including death) or property damage arising out of the sole negligent act, error or omission of Engineer.

Client shall indemnify and hold harmless Engineer from Engineer's loss or expense, including reasonable attorney's fees, for claims for personal injuries (including death) on property damage arising out of the sole negligent act, error or omission of Client.

In the event of joint or concurrent negligence of Engineer and Client, each shall bear that portion of the loss or expense that its share of the joint or concurrent negligence bears to the total negligency (including that of third parties) which caused the personal injury or property damage.

Client shall not be liable to the Engineer, and the Engineer shall not be liable to the Client, for any special, incidental or consequential damages, including, but not limited to, loss of use and loss of profit, incurred by either party due to the fault of the other, regardless of the nature of this fault, or whether it was committed by the Client or the Engineer or their employees, agents or subcontractors, by reason of services rendered under this Agreement.

15. **Legal Proceedings.** In the event Engineer's employees are at any time required by Client to provide testimony, answer interrogatories or otherwise provide information ("testimony") in preparation for or at a trial, hearing, proceeding on inquiry ("proceeding") arising out of the services that are the subject of this Agreement, where Engineer is not a party to such proceeding, Client will compensate Engineer for its services and reimburse Engineer for all related direct costs incurred in

connection with providing such testimony. This provision shall be of no effect if the parties have agreed in a separate agreement or an amendment to this Agreement to terms which specifically supersede this provision, nor shall this provision apply in the event Client engages Engineer to provide expert testimony or litigation support, which services shall be the subject of a separate agreement or an amendment to this Agreement.

16. **Successors and Assigns.** The terms of this Agreement shall be binding upon and inure to the benefit of the parties and their respective successors and assigns; provided however, that neither party shall assign this Agreement in whole or in part without the prior written approval of the other.
17. **Insurance.** Within the context of prudent business practices, Engineer shall endeavor to maintain workmen's compensation and unemployment compensation of a form and in an amount as required by state law; comprehensive general liability with maximum limits of \$500,000/\$1,000,000; automotive liability with maximum limits of \$500,000/\$500,000; and professional liability insurance with an annual limit of \$500,000. Client recognizes that insurance market is erratic and Engineer cannot guarantee to maintain the coverages identified above.

18. **Information Provided by the Client.** The Engineer shall indicate to the Client the information needed for rendering of services hereunder. The Client may elect to provide this information (including services by others) to the Engineer. In this case, the Client recognizes that the Engineer cannot assure the sufficiency of such information. Accordingly, the Engineer shall not be liable for any claims for injury or loss arising from errors, omissions or inaccuracies in documents or other information provided by the Client. In addition, the Client agrees to compensate the Engineer for any time spent or expenses incurred in defending such claim or in making revisions to his work as a direct or indirect result of information provided by the Client which is insufficient.

19. **Subsurface Conditions and Utilities.** Client recognizes that a comprehensive sampling and testing program implemented by trained and experienced personnel of Engineer or Engineer's subconsultants with appropriate equipment may fail to detect certain hidden conditions. Client also recognizes that actual environmental, geological and geotechnical conditions that Engineer properly inferred to exist between sampling points may differ significantly from those that actually exist.

Engineer will locate utilities which will affect the project from information provided by the Client and utility companies and from Engineer's surveys. In that these utility locations are based, at least in part, on information from others, Engineer cannot and does not warrant their completeness and accuracy.

20. **Hazardous Materials.** When hazardous materials are known, assumed or suspected to exist at a project site, Engineer is required to take appropriate precautions to protect the health and safety of his personnel, to comply with the applicable laws and regulations and to follow procedures deemed prudent to minimize physical risks to employees and the public. Client

BOARD APPROVED

hereby warrants that, if he knows or has any reason to assume or suspect that hazardous materials may exist at the project site, he will inform Engineer in writing prior to initiation of services under this Agreement.

Hazardous materials may exist at a site where there is no reason to believe they could or should be present. Client agrees that the discovery of unanticipated hazardous materials constitutes a changed condition mandating a renegotiation of the scope of work or termination of services. Engineer agrees to notify Client as soon as practically possible should unanticipated hazardous materials or suspected hazardous materials be encountered. Client waives any claim against Engineer and agrees to indemnify, defend and hold Engineer harmless from any claim or liability for injury or loss arising from Engineer's encountering unanticipated hazardous materials or suspected hazardous materials. Client also agrees to compensate Engineer for any time spent and expenses incurred by Engineer in defense of any such claim.

21. **Risk Allocation.** The Client recognizes that Engineer's fee includes an allowance for funding a variety of risks which affect the Engineer by virtue of his agreeing to perform services on the Client's behalf. One of these risks stems from the Engineer's potential for human error. In order for the Client to obtain the benefits of a fee which includes a lesser allowance for risk funding, the Client agrees to limit the Engineer's liability to the Client and all construction contractors arising from the Engineer's professional acts, errors or omissions, such that the total aggregate liability of the Engineer to all those named shall not exceed \$50,000 or the Engineer's total fee for the services rendered on this project, whichever is greater.

22. **Anticipated Change Orders.** Client recognizes and expects that a certain amount of imprecision and incompleteness is to be expected in construction contract documents; that contractors are expected to furnish and perform work, materials and equipment that may reasonably be inferred from the contract documents or from the prevailing custom or trade usage as being required to produce the intended result whether or not specifically called for; and that a certain amount of change orders are to be expected. As long as Engineer provides services in a manner consistent with that standard of care and skill ordinarily exercised by members of the profession currently practicing in the same locality under similar conditions, client agrees not to make any claim against Engineer for cost of these change orders unless these costs become a significant part of the construction contract amount. In no case will Client make claim against Engineer for costs incurred if the change order work is a necessary part of the Project for which Client would have incurred cost if work had been included originally in the contract documents unless Client can demonstrate that such costs were higher through

issuance of the change order than they would have been if originally included in the contract documents in which case any claim of Client against Engineer will be limited to the cost increase and not the entire cost of the change order.

23. **Payment.** Engineer shall submit monthly statements to Client. Payment in full shall be done upon receipt of the invoice. If payments are delinquent after 30 days from invoice date, the Client agrees to pay interest on the unpaid balance at the rate of one percent per month. Payment for Engineer's services is not contingent on any factor except Engineer's ability to provide services in a manner consistent with that standard of care and skill ordinarily exercised by members of the profession currently practicing in the same locality under similar conditions.

24. **Force Majeure.** Neither Client nor Engineer shall be liable for any fault or delay caused by any contingency beyond their control, including, but not limited to, acts of God, wars, strikes, walkouts, fires, natural calamities, or demands or requirements of governmental agencies.

25. **Compliance with Laws.** To the extent they apply to its employees or its services, the Engineer shall comply with all applicable United States, state, territorial and commonwealth laws, including ordinances of any political subdivisions or agencies of the United States, any state, territory or commonwealth thereof.

26. **Separate Provisions.** If any provisions of this Agreement are held to be invalid or unenforceable, the remaining provisions shall be valid and binding.

27. **Governing Law.** This Agreement shall be governed by and construed in accordance with the laws of the principal place of business of the Engineer.

28. **Amendment.** This Agreement shall not be subject to amendment unless another instrument is executed by duly authorized representatives of each of the parties.

29. **Entire Understanding of Agreement.** This Agreement represents and incorporates the entire understanding of the parties hereto, and each party acknowledges that there are no warranties, representations, covenants or understandings of any kind, matter or description whatsoever, made by either party to the other except as expressly set forth herein. Client and Engineer hereby agree that any purchase orders, invoices, confirmations, acknowledgments or other similar documents executed or delivered with respect to the subject matter hereof that conflict with the terms of this Agreement shall be null, void and without effect to the extent they conflict with the terms of this Agreement.

BOARD APPROVED

CITY OF CLINTON AGENDA ITEM FACT SHEET

BOARD MEETING DATE: April 1, 2003

AGENDA ITEM NO. 13

CONSENT AGENDA: S TO: _____

FOR: _____

ACCT. NO: _____

INTRODUCED BY: _____

EXHIBITS FOR REVIEW:

Minutes _____

Invoice _____

Other _____

Ordinance _____

Plans, Maps _____

Resolution _____

Contract _____

*Accept certificate +
spread on minutes.*

RECOMMENDATION: Recognition of Certificate of Attendance for Julianna McCombs Attending the Municipal

Court Clerks Seminar

Introduced by: Wayne Derrick, City Clerk

BOARD ACTION: _____

MOTION MADE BY: Brantley

SECONDED BY: Lott

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.

BOARD APPROVED



Certificate of Attendance

The University of Mississippi Law Center
Awards this Certificate to

Juliana McCombs

for having attended the

Municipal Court Clerks Spring Statewide Seminar

Whispering Woods ~ Olive Branch, Mississippi

March 13 - 14, 2003

conducted by the

Mississippi Judicial College

James E. Beasley
Program Manager

John H. [Signature]
Director

BOARD APPROVED

CITY OF CLINTON AGENDA ITEM FACT SHEET

BOARD MEETING DATE: April 1, 2003

AGENDA ITEM NO. 14

CONSENT AGENDA: _____ TO: _____

_____ FOR: _____

_____ ACCT. NO: _____

INTRODUCED BY: _____

EXHIBITS FOR REVIEW:

Minutes _____
Ordinance _____
Resolution _____

Invoice _____
Plans, Maps _____
Contract _____

Other _____

*Subject to MDOT
approval of contract =
approve contract to
Bernard & Sons in amount
of 1,574,000*

RECOMMENDATION: Natchez Trace Visitor's Center Bids

Introduced by: Richard Broome, City Engineer

BOARD ACTION:

MOTION MADE BY: *Brabham*

SECONDED BY: *Greer*

VOTE CAST:

"AYE" "NAY"

ACTION TAKEN:

Brabham	<u> ✓ </u>	<u> </u>	<u> </u>
Hisaw	<u> </u>	<u> </u>	<u> </u>
Greer	<u> </u>	<u> </u>	<u> </u>
Brantley	<u> </u>	<u> </u>	<u> </u>
Fisher	<u> </u>	<u> </u>	<u> </u>
Touchton	<u> </u>	<u> </u>	<u> </u>
Lott	<u> </u>	<u> </u>	<u> </u>
Mayor Aultman	<u> </u>	<u> </u>	<u> </u>

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

Zack Stewart
Northern District Commissioner

Dick Hall
Central District Commissioner

Wayne H. Brown
Southern District Commissioner



Larry L. "Butch" Brown
Executive Director

Harry Lee James
Deputy Director/
Chief Engineer

P. O. Box 1850 / Jackson, Mississippi 39215-1850 / Telephone (601) 359-7001 / FAX (601) 359-7110 / www.goMDOT.com

March 20, 2003

RECEIVED
MAR 27 2003

Honorable Rosemary Aultman, Mayor
City of Clinton
Post Office Box 156
Clinton, MS 39060

CITY OF CLINTON

Subject: Request for Additional Transportation Enhancement Funds

Dear Mayor Aultman:

This letter is in response to Mr. Richard Broome's recent request for additional Transportation Enhancement funds to complete the construction of the Clinton-Natchez Trace Visitors Center. We are pleased to inform you that the request for an additional \$377,602 has been approved. Please provide a supplemental agreement to the MDOT Contract Administration Division. You may now proceed with the project as planned.

We are committed to working with you to see this project through to completion. If you have any questions, please contact Ms. Ginger Donovan, the Planning Division's contact for Transportation Enhancement coordination, or Mr. Nelson Sellers, the Statewide Planning Branch Manager. Either can be reached at telephone 601-359-7685.

Sincerely,

A handwritten signature in black ink, appearing to read 'Larry L. Brown', is written over the word 'Sincerely,'.

Larry L. "Butch" Brown
Executive Director

LLB:GGD:tbs

pc: Mr. Marlin D. Collier, Director, Office of Intermodal Planning
Mr. Ray Balentine, State Planning Engineer
Mr. James Winstead, Federal-Aid Officer, Contract Administration
Mr. Richard Broome, City Engineer, City of Clinton

BOARD APPROVED

PROPOSAL FORM
CITY OF CLINTON
CLINTON/NATCHEZ TRACE VISITORS CENTER
STP-0046-00013JA

ITEM NO.	DESCRIPTION	EST. QTY.	UNITS	Barnard & Sons Post Office Box 517 Mendenhall, MS 39114		Benchmark Construction 1867 Crane Ridge Drive Jackson, MS 39216		Myrant & Associates 1303 Vine Street Jackson, MS 39296		Shane Orman 121 Lake Hollow Blvd. Clinton, MS 39056	
				UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1	SITE WORK, FOUNDATION, STRUCTURAL, BUILDING, MECHANICAL, ELECTRIC, LANDSCAPING, ETC., COMPLETE AND IN PLACE.	1	LS	2000000000x	\$1,574,000.00	2000000000x	\$1,642,000.00	2000000000x	\$1,726,700.00	2000000000x	\$1,799,212.00
	TOTAL BASE BID AMOUNT				\$1,574,000.00		\$1,642,000.00		\$1,726,700.00		\$1,799,212.00
	DEDUCTIVE ALTERNATES										
2	USE OF BORAL BRICK "MONARCH" - MODULAR WOOD MOLD IN LIEU OF OLD CAROLINA BRICK "LANDONTOWNE" HAND MADE WOOD MOLD	1	LS	2000000000x	\$24,000.00	2000000000x	\$40,000.00	2000000000x	\$45,000.00	2000000000x	\$30,000.00
3	OMIT WOOD WAINSCOT AND WOOD WALL SURFACES IN THE MEDIA ROOM AND REPLACE WITH GWB TO MATCH UPPER WALL SURFACE. PROVIDE 1 X 6 WITH APPLIED COVE MOLDING FOR CHAIR RAIL AROUND THE ENTIRE ROOM.	1	LS	2000000000x	\$5,000.00	2000000000x	\$30,000.00	2000000000x	\$3,000.00	2000000000x	\$11,000.00
THIS IS A CERTIFIED BID TABULATION OF BIDS RECEIVED AND OPENED AT 2:00 P.M. ON FEBRUARY 20, 2003 FOR THE CITY OF CLINTON, CLINTON - NATCHEZ TRACE VISITORS CENTER. <i>Greg Gearhart</i> 2/25/03 Greg Gearhart, P.E.											



BOARD APPROVED

CITY OF CLINTON AGENDA ITEM FACT SHEET

BOARD MEETING DATE: April 1, 2003

AGENDA ITEM NO. 15

CONSENT AGENDA: _____ TO: _____

_____ FOR: _____

_____ ACCT. NO: _____

INTRODUCED BY: _____

EXHIBITS FOR REVIEW:

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

RECOMMENDATION: Request for initial 5-year exemption from ad valorem taxes for Riverwood International Corporation ad valorem taxes having a fair value of \$96,290 for the period of January 1, 2003 and ending December 31, 2007

Introduced by: Wayne Derrick, City Clerk

BOARD ACTION: _____ MOTION MADE BY: Hisaw

SECONDED BY: Greer

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

BOARD APPROVED

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CLINTON, MISSISSIPPI GRANTING EXEMPTION FROM AD VALOREM TAXES

The Board of Aldermen next took up for consideration the matter of granting tax exemption from ad valorem taxes for Riverwood International Corporation, and the following Resolution, having first been reduced to writing, was introduced:

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CLINTON, MISSISSIPPI, GRANTING EXEMPTION FROM AD VALOREM TAXES FOR A FIVE-YEAR PERIOD TO RIVERWOOD INTERNATIONAL CORPORATION, AS AUTHORIZED BY SECTION 27-31-101, ET SEQ. OF THE MISSISSIPPI CODE, AS AMENDED.

WHEREAS, Riverwood International Corporation filed in triplicate with this Board its Application for exemption from ad valorem taxation on expanded or replaced equipment and facilities located within the City of Clinton, Hinds County, Mississippi; and

WHEREAS, Riverwood International Corporation has produced written verification and documentation to this Board as to the authenticity and correctness of its Application in regard to the true value of the prayed-for exemption and the completion date of said enterprise; and

WHEREAS, the additions and expansions and replacement of equipment were completed on December 31, 2002, and as of that date the true value of all property to be exempt was \$96,290, as shown in an itemized list provided with the application, a copy of which is attached as Exhibit "A"; and

WHEREAS, this Board finds as a fact that the property described in the aforesaid Application constitutes an expanded industrial enterprise which was completed on December 31, 2002, and

that said company is entitled to an exemption of five (5) years beginning on January 1, 2003 and ending on December 31, 2007, subject to approval and certification by the Mississippi State Tax Commission.

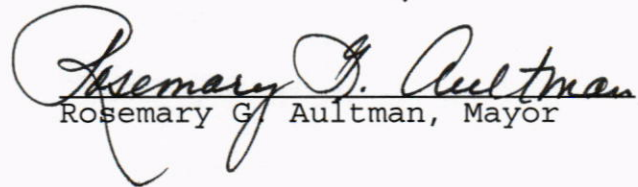
NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Aldermen of the City of Clinton, Mississippi, as follows:

1. That the Application for ad valorem tax exemption by Riverwood International Corporation on the property described in Exhibit "A" of the Application filed by said Company for tax exemption with a true value of \$96,290 is hereby approved and said exemption is hereby granted to the extent of a five-year period beginning on January 1, 2003 and ending on December 31, 2007, subject to certification of eligibility by the Mississippi State Tax Commission.

2. That the Clerk of this Board spread a copy of this Order on the minutes of this Board; and that the Clerk forward the original and three certified copies of the Application and a certified copy of the transcript of the Order approving said Application to the Mississippi State Tax Commission for its certification of eligibility; and that the Clerk also forward one certified copy to the Tax Assessor of Hinds County, Mississippi and obtain the Certificate of said Tax Assessor stating that the aforementioned property as itemized in this Application has been placed on the appropriate tax roll as "Non-Taxable", except for Mississippi and Clinton Public School District ad valorem taxes, for the duration of the exemption period only.

After a full discussion of the matter, Alderman Hisaw moved that the foregoing Resolution be adopted and said motion was seconded by Alderman Green, and upon the question being put to a vote, the Resolution was unanimously adopted by affirmative vote of the members of the Board of Aldermen of the City of Clinton present.

WHEREUPON, the foregoing Resolution was declared passed and adopted at a regular meeting of the Mayor and Board of Aldermen of the City of Clinton, Mississippi, on this 01 day of April, 2003.


Rosemary G. Aultman, Mayor

ATTEST:



W. Wayne Derrick, CPA
City Clerk



APPLICATION OF RIVERWOOD INTERNATIONAL
CORPORATION, FOR EXEMPTION FROM AD VALOREM TAXES

RECEIVED
MAR 5 2003

ON ADDITIONAL AND EXPANDED PROPERTIES CITY OF CLINTON
AND EQUIPMENT AS AUTHORIZED BY SECTION 27-31-101
ET. SEQ. OF THE MISSISSIPPI CODE OF 1972 COMPLETED
DECEMBER 31, 2002

TO THE MAYOR AND BOARD OF ALDERMEN, CITY OF
CLINTON, MISSISSIPPI:

1. Riverwood International Corporation, files this their application in triplicate for exemption from ad valorem taxation and respectfully represent unto this Honorable Board as follows:

2. Applicant, Riverwood International Corporation. is a Delaware corporation with its national administrative headquarters in Atlanta, Georgia, and is qualified to do business in Mississippi, and is in good standing in the State of Mississippi.

3. Applicant is now operating a paper cutting, printing and container manufacturing type of industry within the industrial park of the City of Clinton, Hinds County, Mississippi, which factory contains bona fide expanded facilities of public utility within the meaning of Section 27-31-101 et seq. and related Sections of the Mississippi Code, as amended and is eligible for the exemption granted by the above mentioned section by specific enumeration, namely "manufacturing". The exemption prayed for in this Application is for additions or expansions of the above mentioned plant through the addition of new equipment used in connection with or necessary

to the operation of the said enterprise as provided in Section 27-31-105 of the Mississippi Code, as amended.

4. That said new additions or expansion of equipment were completed on the 31st day of December, 2002, within the meaning of the applicable statutes of the State of Mississippi, and, therefore, the exemption hereby sought is for five consecutive years to begin January 1, 2003, and end December 31, 2007, at which time Applicants will be entitled to an extension of five years there from until December 2012, with proof of compliance with the following representations made in paragraphs 5. and 6. below.

5. Applicant, will give preference to City of Clinton, Hinds County, Mississippi residents in hiring and will utilize Hinds County, Mississippi minority vendors, suppliers, subcontractors, and professionals.

6. Applicant Riverwood International Corporation represents that during the initial period of five years, that in connection with this Application for Exemption from Ad Valorem Taxes on Additional and Expanded Properties and Equipment as Authorized by Section 27-31-101 et. seq. of the Mississippi Code of 1972 for additions completed December 31, 2002, Riverwood International Corporation will make existing jobs more secure and maintain employment levels. Also during the initial period of five years, Riverwood as owner for exemption from Ad Valorem Taxes on additional and expanded properties and Equipment as Authorized by Section 27-31-101 et. seq. of the Mississippi Code of 1972 for additions completed December 31, 2002, will have invested Ninety Six Thousand Two Hundred Ninety Dollars (\$96,290) in manufacturing machinery.

7. That the true value of all property to be exempted is as shown in an itemized list attached hereto as Exhibit "A" and made a part hereof.

8. Applicant is not seeking to exempt the said property described on Exhibit "A" from Mississippi state taxation or from ad valorem taxation for school district purposes.

PRAYER

WHEREFORE, Applicant prays that this Board of Aldermen will enter a finding that applicant's factory is in fact an expanded enterprise of public utility, and that the current expansion was completed on the 31st day of December, 2002, within the meaning of the applicable laws of Mississippi; and

That applicant be granted an exemption from ad valorem taxation, except State of Mississippi and School district ad valorem taxation, as provided by law, upon all of the tangible property described in Exhibit "A" attached hereto and made a part hereof, used in, or necessary to, the operation of applicant's plant in the industrial park of the City of Clinton, Hinds County, Mississippi, for five consecutive years to begin January 1, 2003, and end December 31, 2007, at which time Applicant will be entitled to an extension of five years there from until December 31, 2012, with proof of compliance with the representations it made in paragraphs 5. and 6. hereinabove.

That this Board of Aldermen will approve this Application by an order or resolution spread upon its minutes, declaring that such property is exempt from all ad valorem taxation, except State of Mississippi and School District ad valorem taxation, for the periods sought, and that it will forward the original and three certified copies of this application and a certified transcript of such approval to the Mississippi State Tax Commission, and upon approval

of such application by the said Mississippi State Tax Commission and after receipt by this Board of certification of the Mississippi State Tax Commission's approval, the Board will enter a final order on its minutes granting the exemption herein prayed for . Applicant requests such other and further relief as to which they may be entitled.

Respectfully submitted, this the 27th day of February, 2003

RIVERWOOD INTERNATIONAL CORPORATION

BY: Steven J. Myers

STEVE MYERS

Assistant Treasurer and Corporate Controller:

**STATE OF GEORGIA
COUNTY OF COBB**

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the jurisdiction aforesaid, Steve Myers, who stated that he is the Assistant Treasurer and Corporate Controller of Riverwood International Corporation and that the matters set out in the foregoing Application for Exemption from Ad Valorem Taxation as they pertain to it are true and correct.

SWORN TO AND SUBSCRIBED BEFORE ME, on this, the

27th day of Feb. 2003

Frederick L. Brady

Notary Public

My Commission Expires:

Notary Public, Cobb County, Georgia.
My Commission Expires December 2, 2005

EXHIBIT "A"

RIVERWOOD INTERNATIONAL CORPORATION

True value of property (its cost) added to the Clinton Mississippi Plant

completed on December 31, 2002

Description	Cost
7 Electric Pallet Jacks	\$27,484
2 Video Jet Printers	\$27,293
5 Leary Carton Ejectors	<u>\$41,513</u>
Total	\$96,290 7

BOARD APPROVED

CITY OF CLINTON AGENDA ITEM FACT SHEET

BOARD MEETING DATE: April 1, 2003

AGENDA ITEM NO. 16

CONSENT AGENDA: _____ TO: _____

_____ FOR: _____

_____ ACCT. NO: _____

INTRODUCED BY: _____

EXHIBITS FOR REVIEW:

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

RECOMMENDATION: Request for initial 5-year exemption from ad valorem taxes from Gulf State Cannery, Inc. on equipment having a fair value of \$377,075 for the period of December 31, 2002 through December 30, 2007

Introduced by: Wayne Derrick, City Clerk

BOARD ACTION: _____ MOTION MADE BY: Hisaw

SECONDED BY: Brabham

<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.

**RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN
OF THE CITY OF CLINTON, MISSISSIPPI GRANTING EXEMPTION
FROM AD VALOREM TAXES**

The Board of Aldermen next took up for consideration the matter of granting tax exemption from ad valorem taxes for Gulf States Cannery, Inc., as Lessee, and Riverwood International Machinery Inc., as Lessor, the following Resolution, having first been reduced to writing, was introduced:

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CLINTON, MISSISSIPPI, GRANTING EXEMPTION FROM AD VALOREM TAXES FOR A FIVE-YEAR PERIOD TO GULF STATES CANNERS, INC., AS AUTHORIZED BY SECTION 27-31-101, ET SEQ., OF THE MISSISSIPPI CODE OF 1972, AS AMENDED.

WHEREAS, Gulf States Cannery, Inc. and Riverwood International Machinery Inc. have jointly filed in triplicate with this Board an Application for exemption from ad valorem taxation on equipment leased to Gulf States Cannery, Inc. by Riverwood International Machinery Inc., said equipment being used in the manufacturing process at facilities operated by Gulf States Cannery, Inc. located within the City of Clinton, Hinds County, Mississippi; and

WHEREAS, Gulf States Cannery, Inc. has produced written verification and documentation to this Board as to the authenticity and correctness of its Application in regard to the true value of the prayed-for exemption and the completion date of said enterprise; and

WHEREAS, the leased equipment was placed in service on December 31, 2002, and as of that date the true value of said leased property to be exempt was \$377,075 as shown in an itemized list provided with the application, a copy of which is attached as 1st Five

Exhibit "A"; and

WHEREAS, this Board finds as a fact that the property described in the aforesaid Application constitutes an expanded industrial enterprise which was completed on December 31, 2002, and that said company is entitled to an exemption of five (5) years beginning on December 31, 2002 and ending on December 30, 2007, subject to approval and certification by the Mississippi State Tax Commission.

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

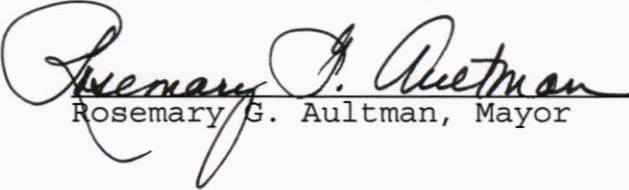
1. That the Application for ad valorem tax exemption by Gulf States Cannery, Inc., as Lessee, on the property described in Exhibit "A" of the Application filed by said Company for tax exemption with a true value of \$377,075 is hereby approved and said exemption is hereby granted to the extent of a five-year period beginning on December 31, 2002 and ending on December 30, 2007, subject to certification of eligibility by the Mississippi State Tax Commission.

2. That the Clerk of this Board spread a copy of this Order on the minutes of this Board; and that the Clerk forward the original and three certified copies of the Application and a certified copy of the transcript of the Order approving said Application to the Mississippi State Tax Commission for its certification of eligibility; and that the Clerk also forward one certified copy to the Tax Assessor of Hinds County, Mississippi and obtain the Certificate of said Tax Assessor stating that the

aforementioned property as itemized in this Application has been placed on the appropriate tax roll as "Non-Taxable", except for Mississippi and Clinton Public School District ad valorem taxes, for the duration of the exemption period only.

After a full discussion of the matter, Alderman _____ moved that the foregoing Resolution be adopted and said motion was seconded by Alderman _____, and upon the question being put to a vote, the Resolution was unanimously adopted by affirmative vote of the members of the Board of Aldermen of the City of Clinton present.

WHEREUPON, the foregoing Resolution was declared passed and adopted at a regular meeting of the Mayor and Board of Aldermen of the City of Clinton, Mississippi, on this 01 day of April, 2003.


Rosemary G. Aultman, Mayor

ATTEST:



W. Wayne Derrick, CPA
City Clerk



RECEIVED
MAR 08 2003
CITY OF CLINTON

APPLICATION OF RIVERWOOD INTERNATIONAL MACHINERY
INC., AS OWNER/LESSOR, AND GULF STATE CANNERS INC. AS
LESSEE, FOR EXEMPTION FROM AD VALOREM TAXES ON
ADDITIONAL AND EXPANDED PROPERTIES AND EQUIPMENT
AS AUTHORIZED BY SECTION 27-31-101 ET. SEQ. OF THE
MISSISSIPPI CODE OF 1972 COMPLETED DECEMBER 31, 2002

TO THE MAYOR AND BOARD OF ALDERMEN, CITY OF
CLINTON, MISSISSIPPI:

1. Riverwood International Machinery Inc., as Owner/Lessor, and Gulf State Cannery Inc., as Lessee, file this their application in triplicate for exemption from ad valorem taxation and would respectfully represent unto this Honorable Board as follows:

2. Applicant, Riverwood International Machinery Inc. is a Delaware corporation with its national administrative headquarters in Atlanta, Georgia, and is qualified to do business in Mississippi, and is in good standing in the State of Mississippi. Applicant Gulf State Cannery Inc. is a Mississippi corporation with its headquarters in Clinton, Mississippi, and is qualified to do business in Mississippi, and is in good standing in the State of Mississippi.

3. Gulf State Cannery, Inc. is now, and has been for many years prior to this date, operating a canning facility within the industrial park of the City of Clinton, Hinds County, Mississippi, which factory contains bona fide expanded facilities of public utility within the meaning of Section 27-31-101 t. seq. and related Sections of the Mississippi Code, as amended, and is

eligible for the exemption granted by the above-mentioned section by specific enumeration, namely "manufacturing". The exemption prayed for in this Application is for additions or expansions of the above-mentioned plant through the addition of new equipment owned by Riverwood International Machinery Inc. (who is in the business of owning and leasing manufacturing machinery and equipment to manufacturers) and leased by Riverwood International Machinery, Inc. to Gulf State Cannery, Inc. and used in connection with or necessary to the operation of Gulf State Cannery's manufacturing enterprise as provided in Section 27-31-105 of the Mississippi Code, as amended.

4. That said new expansion of equipment and machinery was completed on the 31st day of December, 2002, within the meaning of the applicable statutes of the State of Mississippi, and, therefore, the exemption hereby sought is for five consecutive years to begin January 1, 2003, and end December 31, 2007, at which time Applicants will be entitled to an extension of five years there from until December 2012, with proof of compliance with the following representations made in paragraphs 5. and 6. below.

5. Applicant Gulf State Cannery Inc. will give preference to City Of Clinton, Hinds County, Mississippi residents in hiring and will utilize Hinds County, Mississippi minority vendors, suppliers, subcontractors, and professionals.

6. Applicant Gulf State Cannery Inc. represents that during the initial period of five years, that in connection with this Application, Gulf State Cannery Inc. will maintain employment. Also during the initial period of five years, Applicant Gulf State Cannery Inc. and Applicant Riverwood

International Machinery Inc., together will have invested at least \$377,075 in manufacturing machinery.

7. Through an Equipment Leasing Agreement, Riverwood International Machinery Inc. agreed to pay for and lease that certain tangible personal property shown on the attached Exhibit "A" to Gulf State Cannery Inc. for use in their manufacturing business.

8. The City of Clinton/Hinds County Tax Assessor will assess City of Clinton ad valorem taxes on the property described in Exhibit "A" against Riverwood International Machinery Inc., as owner/lessor of the subject property, and under said Equipment Lease Agreement, Gulf State Cannery, Inc., as lessee, is responsible for paying the said ad valorem taxes to Riverwood International Machinery Inc.

9. The true value, or initial cost, of all the leased property to be exempted is \$377,075, as shown in Exhibit "A" and made a part hereof.

10. Applicants are not seeking to exempt the said property described on Exhibit "A" from Mississippi state taxation or from ad valorem taxation for school district purposes.

PRAYER

WHEREFORE, Applicants pray that this Board of Aldermen will enter a finding that Gulf State Cannery Inc.'s factory is in fact an expanded enterprise utility, and that the current expansion was completed on the 31st day of December, 2002, within the meaning of the applicable laws of Mississippi; and

That applicants be granted an exemption from ad valorem taxation, except State of Mississippi and School district ad valorem taxation, as provided by law, upon all of the tangible property described in Exhibit "A"

attached hereto and made a part hereof, which is used in, or necessary to, the operation of applicant Gulf State Cannery, Inc.'s plant in the industrial park of the City of Clinton, Hinds County, Mississippi, for five consecutive years to begin January 1, 2003, and end December 31, 2007, at which time Applicants will be entitled to an extension of five years there from until December 31, 2012, with proof of compliance with the representations it made in paragraphs 5. and 6. hereinabove.

That this Board of Aldermen will approve this Application by an order or resolution spread upon its minutes, declaring that such property is exempt from all ad valorem taxation, except State of Mississippi and School District ad valorem taxation, for the periods sought, and that it will forward the original and three certified copies of this application and a certified transcript of such approval to the Mississippi State Tax Commission, and upon approval of such application by the said Mississippi State Tax Commission and after receipt by this Board of certification of the Mississippi State Tax Commission's approval, the Board will enter a final order on its minutes granting the exemption herein prayed for. Applicants request such other and further relief as to which they may be entitled.

Respectfully submitted, this the 11 day of February, 2003

GULF STATE CANNERS INC.

BY: Randy Lee

Randy Lee

Assistant Corporate Secretary

RIVERWOOD INTERNATIONAL MACHINERY INC.

By: Steven J. Myers

Steve Myers

Assistant Treasurer

STATE OF MISSISSIPPI
COUNTY OF HINDS

PERSONALLY APPEARED BEFORE ME, the undersigned
authority in and for the jurisdiction aforesaid, Randy Lee, who stated that he
is the Assistant Corporate Secretary of Gulf State Cannery, Inc. and that the
matters set out in the foregoing Application for Exemption from Ad Valorem
Taxation as they pertain to it are true and correct.

SWORN TO AND SUBSCRIBED BEFORE ME, on this, the

11 day of February, 2003.

Deanna Tyer

Notary Public

Commission Expires:

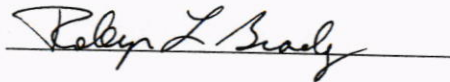
June 11, 2004



STATE OF GEORGIA
COUNTY OF COBB

PERSONALLY APPEARED BEOFRE ME, the undersigned
authority in and for the jurisdiction aforesaid, Steve Myers, who stated that he
is the Assistant Treasurer of Riverwood International Machinery, Inc. and
that the matters set out in the foregoing Application for Exemption from Ad
Valorem Taxation as they pertain to it are true correct.

SWORN TO AND SUBSCRIBED BEFORE ME, on this, the
27th day of February, 2003



Notary Public

My Commission Expires: Notary Public, Cobb County, Georgia.
~~My Commission Expires December 2, 2006~~

EXHIBIT "A"

RIVERWOOD INTERNATIONAL MACHINERY INC.

AND

Gulf State Cannery Inc.

True value of property (its cost) leased from Riverwood International Machinery Inc. and added to the Clinton, Mississippi Plant of Gulf State Cannery completed December 31, 2002

Machine Description

Quick Flex Machine QF6C030

Cost

\$377,075

CITY OF CLINTON AGENDA ITEM FACT SHEET

BOARD MEETING DATE: April 1, 2003

AGENDA ITEM NO. 17

CONSENT AGENDA:

TO:

FOR:

ACCT. NO.

DISCUSSION/ACTION: Property Swap Agreement with Clinton Public Schools

Comments: Suggestions and revisions being made by Ken Dreher and will be discussed at the Monday night work session.

INTRODUCED BY: Richard L. Broome, City Engineer

TELEPHONE: 924-5462

EXHIBITS FOR REVIEW:

Minutes
Ordinance
Resolution

Invoice
Plans, Maps
Contract

Other:

RECOMMENDATION:

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.

**RESOLUTION DECLARING SURPLUS CERTAIN PROPERTY AND
AUTHORIZING THE SWAP OF THAT PROPERTY TO THE CITY OF
CLINTON IN EXCHANGE FOR ROAD CONSTRUCTION**

WHEREAS, the Clinton Public School District (the "District") is the owner of property ("Property") more particularly described on Exhibit A;

WHEREAS, the Property is no longer needed for school or related purposes and is not to be used in the operation of the schools of the District;

WHEREAS, the sale of the Property in the manner otherwise provided by law is not necessary or desirable for the financial welfare of the District;

WHEREAS, the District has received a request from the City of Clinton Board of Alderman (the "City"), to swap the property in exchange for the City constructing a road for the District;

WHEREAS, the City of Clinton, a municipality in the State of Mississippi, acting through its Board of Alderman, must construct a Public Works Facility;

WHEREAS, the City wishes to construct the Public Works Facility on this Property owned by the District;

WHEREAS, the District needs to extend Arrow Drive, located at Clinton High School, from its current ending point to Cynthia Drive, located in Clinton, Mississippi. The proposed extension is attached as Exhibit B. The distance is approximately 0.5 miles. Preliminary research provided to the District by the City shows that construction costs for such a road are estimated to be \$1.2 million. Once constructed, the City would maintain the extension of Arrow Drive;

WHEREAS, the District does not have access to federal and or state funds for construction of roads as does the City of Clinton.

WHEREAS, the Property is valued by an appraiser at approximately \$268,000;

WHEREAS, the City of Clinton has proposed that it will obtain approximately 80% of the funds to construct the \$1.2 million extension of the road from grant money for which the City is an eligible applicant. The other 20% will be matched by the City of Clinton. The City has satisfied the District that the match for its 20% will exceed \$268,000, the amount that the City would have paid the District for this Property and the value of infrastructure improvements on the Property site;

WHEREAS, in order for the City to construct the extension of Arrow Drive, the District will need to convey a Right of Way ("Right of Way") to the City across its land behind Clinton High School. The Right of Way is attached as Exhibit C.

WHEREAS, the City of Clinton has agreed that should it not substantially complete construction within five years of the date of this Resolution, it will reimburse the School District for the appraised value of the land in five years or the appraised value of the land at this time, whichever is greater.

NOW, THEREFORE, the Board of Trustees (the "Board") of the Clinton Public School District hereby finds, determines and adjudicates as follows:

1. The Property described on Exhibit A is hereby declared surplus and no longer needed for school or related purposes and is not to be used in the operation of the schools of the District.

2. The sale of the Property described on Exhibit A in the manner otherwise provided by law is not necessary or desirable for financial welfare of the District.

3. The District needs to have Arrow Drive extended to intersect Cynthia Drive. For such construction to occur, the District would have to grant the Right of Way described on Exhibit C.

4. Pursuant to Miss. Code Ann. Section 37-7-473, the authorized persons to which school land, buildings, property and related facilities may be sold, conveyed, leased or otherwise disposed of include any group of persons, any association, club or corporation or any county, municipality or other political subdivision. The District hereby finds, determines and adjudicates that the City of Clinton acting through its Board of Alderman is an authorized person to which surplus District property may be sold, conveyed, leased or otherwise disposed of pursuant to Sections 37-7-471 through 37-7-483 of the Miss. Code of 1972, as amended.

5. Pursuant to Miss. Code Ann. Section 37-7-473, the authorized uses for which school land, buildings, property and related facilities may be sold, conveyed, leased or otherwise disposed of include: (1) use as a community, civic, recreational or youth center, (2) use by any county or district fair association in connection with its activities, (3) use for church purposes, (4) use as a library or other public building, (5) use as a factory or otherwise in connection with an industrial enterprise, or (6) use for any similar or related purpose or activity (collectively, the "Authorized Uses"). The Board of Trustees of the Clinton Public School District hereby finds, determines and adjudicates that the proposed use(s) of the Property by City of Clinton, namely, to construct and build a Public Works Facility for residents of the City of Clinton (the "Authorized Purposes"), is a public building project similar or related in activity or purpose to use as a public building, and constitutes an Authorizes Use pursuant to Miss. Code Ann. Section 37-7-473. The Board of Trustees of the Clinton Public School District hereby finds, determines and adjudicates that the proposed use(s) of the Right of Way by the City of Clinton, namely to construct and build the extension of Arrow Drive, is a public building project similar or related in activity or purpose to the enumerated Authorized Use(s) and constitutes an Authorized Use pursuant to Miss. Code Ann. Section 37-7-473.

6. The use of the Property by City of Clinton acting through its Board of Alderman for the Authorized Purposes is hereby approved, and will promote and foster the development and improvement of the City of Clinton community and the civic, social, educational, cultural, moral, economic or industrial welfare thereof.

7. In consideration of all the foregoing, the Board hereby approves and authorizes the swap of the Property described on Exhibit A to the City of Clinton and in return as payment for the property, the City of Clinton shall oversee and construct the extension of Arrow Drive all the way to the nearest road which is determined to be Cynthia Road. The City of Clinton would then be responsible for maintaining the extension of Arrow Drive after completion. Should the City of Clinton fail to complete the construction of the road within five years from the date of this Resolution, the City of Clinton shall pay the District the fair market value of the Property which is \$268,000 or the appraised value in five years, whichever is greater. Additionally, the District will grant the City a Right of Way across the land it currently owns behind Clinton High School in order that the City may construct the extension of Arrow Drive.

8. Provided, however, as required by Miss. Code Ann. Section 37-7-477, such conveyance of Property and grant of Right of Way shall be subject to: (1) City of Clinton using the Property described on Exhibits A and C for the Authorized Purposes; (2) City of Clinton shall maintain the Property described on Exhibits A and C in a good state of upkeep, reasonable wear and tear excepted; and (3) to the extent practicable City of Clinton shall keep the Property described on Exhibit A insured in a reasonable amount against loss by fire, windstorm and other hazards. In the event that City of Clinton should (1) cease to use the Property described on Exhibits A and C for the Authorized Purposes, (2) fail to keep the Property described on Exhibits A and C in a good state of upkeep, reasonable wear and tear excepted, or (3) to the extent practicable fail to keep the Property described on Exhibit A insured in a reasonable amount against loss by fire, windstorm and other hazards, the District may retake possession of the Property described on Exhibits A and C and the Property described on Exhibits A and C shall revert to the District and be terminated without further action from the Board of Alderman of the City of Clinton

9. The Board of Trustees of the Clinton Public School District hereby authorizes the President and Secretary of the Board to execute any documents, including a deed or other instruments, necessary or appropriate to convey the Property on Exhibit A and the Right of Way on Exhibit C to the City of Clinton, such documents to be in such form consistent with the terms and conditions of this Resolution as may be approved by the Board President and Secretary, such approval evidenced by their execution thereof.

Upon motion by Philip Gunn, seconded by Nancy Crisco, and the question being put to a roll call vote, the result was as follows:

Board Member John McKee	Voted: aye
Board Member Philip Gunn	Voted: aye
Board Member Denotris Jackson	Voted: aye
Board Member Nancy Crisco	Voted: aye
Board Member Dennis Dyse	Absent

The resolution having received the affirmative vote of a majority of the Board members at a meeting at which a quorum was present, the resolution was passed and declared effective on the 27 day of March, 2003.

CLINTON PUBLIC SCHOOL DISTRICT

BY: _____
President, Board of Trustees

Attest:

Secretary, Board of Trustees

COPY

DRAFT

**RESOLUTION DECLARING SURPLUS CERTAIN PROPERTY AND
AUTHORIZING THE SWAP OF THAT PROPERTY TO THE CITY OF
CLINTON IN EXCHANGE FOR ROAD CONSTRUCTION**

WHEREAS, the Clinton School District (the "District") is the owner of property ("Property") more particularly described on Exhibit A;

WHEREAS, the Property is no longer needed for school or related purposes and is not to be used in the operation of the schools of the District;

WHEREAS, the sale of the Property in the manner otherwise provided by law is not necessary or desirable for the financial welfare of the District;

WHEREAS, the District has received a request from the City of Clinton Board of Alderman (the "Board of Alderman"), to swap the property in exchange for the City constructing a road for the District;

WHEREAS, the City of Clinton, a municipality in the State of Mississippi, acting through its Board of Alderman, must construct a Public Works Facility;

WHEREAS, the City wishes to construct the Public Works Facility on this Property owned by the District;

WHEREAS, the District needs to extend Arrow Drive, located at Clinton High School, from its current ending point to Cynthia Drive, located in Clinton, Mississippi. The proposed extension is attached as Exhibit B. The distance is approximately 12.5 miles. Preliminary research provided to the District by the City shows that construction costs for such a road are estimated to be \$1.2 million. Once constructed, the City would maintain the extension of Arrow Drive;

WHEREAS, the District does not have access to federal and or state funds for construction of roads as does the City of Clinton.

WHEREAS, the Property is valued by an appraiser at approximately \$ 268,000;

WHEREAS, the City of Clinton has proposed that it will obtain approximately 80% of the funds to construct the \$1.2 million extension of the road from grant money for which the City is an eligible applicant. The other 20% will be matched by the City of Clinton. The City has satisfied the District that the match for its 20% will approach \$ 268,000, the amount that the City would have paid the District for this Property;

WHEREAS, in order for the City to construct the extension of Arrow Drive, the District will need to convey a Right of Way ("Right of Way") to the City across its land behind Clinton High School. The Right of Way is attached as Exhibit C.

WHEREAS, the City of Clinton has agreed that should it not complete construction within five years of the date of this Resolution, it will reimburse the School District for the appraised value of the land (**appraised value of the land in five years or the appraised value of the land at this time?**)

NOW, THEREFORE, the Board of Trustees (the "Board") of the Clinton School District hereby finds, determines and adjudicates as follows:

1. The Property described on Exhibit A is hereby declared surplus and no longer needed for school or related purposes and is not to be used in the operation of the schools of the District.

2. The sale of the Property described on Exhibit A in the manner otherwise provided by law is not necessary or desirable for financial welfare of the District.

3. The District needs to have Arrow Drive extended to intersect Cynthia Drive. For such construction to occur, the District would have to grant the Right of Way described on Exhibit C.

4. Pursuant to Miss. Code Ann. Section 37-7-473, the authorized persons to which school land, buildings, property and related facilities may be sold, conveyed, leased or otherwise disposed of include any group of persons, any association, club or corporation or any county, municipality or other political subdivision. The District hereby finds, determines and adjudicates that the City of Clinton acting through its Board of Alderman is an authorized person to which surplus District property may be sold, conveyed, leased or otherwise disposed of pursuant to Sections 37-7-471 through 37-7-483 of the Miss. Code of 1972, as amended.

5. Pursuant to Miss. Code Ann. Section 37-7-473, the authorized uses for which school land, buildings, property and related facilities may be sold, conveyed, leased or otherwise disposed of include: (1) use as a community, civic, recreational or youth center, (2) use by any county or district fair association in connection with its activities, (3) use for church purposes, (4) use as a library or other public building, (5) use as a factory or otherwise in connection with an industrial enterprise, or (6) use for any similar or related purpose or activity (collectively, the "Authorized Uses"). The Board of Trustees of the Clinton School District hereby finds, determines and adjudicates that the proposed use(s) of the Property by City of Clinton, namely, to construct and build a Public Works Facility for residents of the City of Clinton (the "Authorized Purposes"), is a public building project similar or related in activity or purpose to use as a public building, and constitutes an Authorizes Use pursuant to Miss. Code Ann. Section 37-7-473. The Board of Trustees of the Clinton School District hereby finds, determines and adjudicates that the proposed use(s) of the Right of Way by the City of Clinton, namely

to construct and build the extension of Arrow Drive, is a public building project similar or related in activity or purpose to the enumerated Authorized Use(s) and constitutes an Authorized Use pursuant to Miss. Code Ann. Section 37-7-473.

6. The use of the Property by City of Clinton acting through its Board of Alderman for the Authorized Purposes is hereby approved, and will promote and foster the development and improvement of the City of Clinton community and the civic, social, educational, cultural, moral, economic or industrial welfare thereof.

7. In consideration of all the foregoing, the Board hereby approves and authorizes the swap of the Property described on Exhibit A to the City of Clinton and in return as payment for the property, the City of Clinton shall oversee and construct the extension of Arrow Drive all the way to the nearest road which is determined to be Cynthia Road. The City of Clinton would then be responsible for maintaining the extension of Arrow Drive after completion. Should the City of Clinton fail to complete the construction of the road within five years from the date of this Resolution, the City of Clinton shall pay the District the fair market value of the Property which is _____. Additionally, the District will grant the City a Right of Way across the land it currently owns behind Clinton High School in order that the City may construct the extension of Arrow Drive.

8. Provided, however, as required by Miss. Code Ann. Section 37-7-477, such conveyance of Property and grant of Right of Way shall be subject to: (1) City of Clinton using the Property described on Exhibits A and C for the Authorized Purposes; (2) City of Clinton shall maintain the Property described on Exhibits A and C in a good state of upkeep, reasonable wear and tear excepted; and (3) to the extent practicable City of Clinton shall keep the Property described on Exhibits A and C insured in a reasonable amount against loss by fire, windstorm and other hazards. In the event that City of Clinton should (1) cease to use the Property described on Exhibits A and C for the Authorized Purposes, (2) fail to keep the Property described on Exhibits A and C in a good state of upkeep, reasonable wear and tear excepted, or (3) to the extent practicable fail to keep the Property described on Exhibits A and C insured in a reasonable amount against loss by fire, windstorm and other hazards, the District may retake possession of the Property described on Exhibits A and C and the Property described on Exhibits A and C shall revert to the District and be terminated without further action from the Board of Alderman of the City of Clinton

9. The Board of Trustees of the Clinton School District hereby authorizes the President and Secretary of the Board to execute any documents, including a deed or other instruments, necessary or appropriate to convey the Property on Exhibit A and the Right of Way on Exhibit C to the City of Clinton, such documents to be in such form consistent with the terms and conditions of this Resolution as may be approved by the Board President and Secretary, such approval evidenced by their execution thereof.

Upon motion by _____, seconded by _____, and the question being put to a roll call vote, the result was as follows:

Board Member _____	Voted: _____
Board Member _____	Voted: _____
Board Member _____	Voted: _____
Board Member _____	Voted: _____
Board Member _____	Voted: _____

The resolution having received the affirmative vote of a majority of the Board members at a meeting at which a quorum was present, the resolution was passed and declared effective on the _____ day of _____, 2003.

CLINTON SCHOOL DISTRICT

BY: _____
President, Board of Trustees

Attest:

Secretary, Board of Trustees

\\Jacksondata\Groups\EDUCATION CLIENTS\Clinton School Dist\Swap With
City\Resolution.doc