

CITY OF CLINTON
REGULAR MEETING OF THE MAYOR AND BOARD OF ALDERMEN
TUESDAY, JUNE 17, 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 Mayor Aultman followed by the Pledge of Allegiance to the Flag led by Alderman Lott.

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
 Sharbert Lott – Alderman Ward 6
 Ken Dreher - City Attorney

Absent: Phil Fisher – Alderman Ward 4
 Herb Touchton – Alderman Ward 5

APPROVAL OF AGENDA ITEMS A-O

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

APPROVAL OF A RESOLUTION ON UNKEMPT PROPERTY LOCATED AT 210 EASTHAVEN DRIVE

Upon recommendation by Gary Ward, Zoning Administrator, **MOTION** made by Alderman Brabham and **SECONDED** by Alderman Lott to approve a Resolution determining the necessity for the cleaning of private property located at 210 Easthaven Drive, under the authority granted to municipalities by Section 21-19-11, Mississippi Code of 1972 as amended, and other applicable statutes and ordinances. A copy of the Resolution is attached. **MOTION CARRIED UNANIMOUSLY**

APPROVAL OF A RESOLUTION ON UNKEMPT PROPERTY LOCATED AT 1415 POST ROAD

Upon recommendation by Gary Ward, Zoning Administrator, **MOTION** made by Alderman Brabham and **SECONDED** by Alderman Brantley to approve a Resolution determining the necessity for the cleaning of private property located at 1415 Post Road, under the authority granted to municipalities by Section 21-19-11, Mississippi Code of 1972 as amended, and other applicable statutes and ordinances. A copy of the Resolution is attached. **MOTION CARRIED UNANIMOUSLY**

APPROVAL OF A RESOLUTION ON UNKEMPT PROPERTY LOCATED AT 864 CHERRYSTONE CIRCLE

Upon recommendation by Gary Ward, Zoning Administrator, **MOTION** made by Alderman Brabham and **SECONDED** by Alderman Greer to approve a Resolution determining the necessity for the cleaning of private property located at 864 Cherrystone Circle, under the authority granted to municipalities by Section 21-19-11, Mississippi Code of 1972 as amended, and other applicable statutes and ordinances. A copy of the Resolution is attached. **MOTION CARRIED UNANIMOUSLY**

APPROVAL OF A RESOLUTION ON UNKEMPT PROPERTY LOCATED AT 823 CHERRYSTONE CIRCLE

Upon recommendation by Gary Ward, Zoning Administrator, **MOTION** made by Alderman Brabham and **SECONDED** by Alderman Brantley to approve a Resolution determining the necessity for the cleaning of private property located at 823 Cherrystone Circle, under the authority granted to municipalities by Section 21-19-11, Mississippi Code of 1972 as amended, and other applicable statutes and ordinances. A copy of the Resolution is attached. **MOTION CARRIED UNANIMOUSLY**

APPROVAL OF ADMINISTRATIVE PROCEDURE ORDINANCE FOR TORT CLAIMS AGAINST THE CITY OF CLINTON

Upon recommendation by Ken Dreher, City Attorney, **MOTION** made by Alderman Greer and **SECONDED** by Alderman Brabham to approve an Administrative Procedure Ordinance for Tort Claims Against the City of Clinton. A copy of the Ordinance is attached. **MOTION CARRIED UNANIMOUSLY**

**APPROVAL OF A RESOLUTION ON THE TAX INCREMENT FINANCING
PLAN/CLINTON PARKWAY PROJECT**

Upon recommendation by Ken Dreher, **MOTION** made by Alderman Brantley and **SECONDED** by Alderman Lott to approve a Resolution determining the necessity for and invoking the authority granted to municipalities by the legislature with respect to tax increment financing as set forth in Chapter 45 of Title 21, Mississippi Code of 1972, as amended, determining Clinton Parkway Project is a project eligible for Tax Increment Financing under the laws of the State. **MOTION CARRIED UNANIMOUSLY**

ADJOURN 7:23 P.M.

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

APPROVED: Rosemary G. Aultman June 24, 2003
Rosemary G. Aultman, Mayor Date

ATTEST: Wayne Derrick 06/24/2003
Wayne Derrick, City Clerk Date



CITY OF CLINTON AGENDA ITEM FACT SHEET

BOARD MEETING DATE: June 17, 2003

AGENDA ITEM NO. 7

CONSENT AGENDA:

TO:

BOARD APPROVED

FOR:

JUN 17 2003

ACCT. NO.

CITY OF CLINTON

DISCUSSION/ACTION: 210 Easthaven Drive
Unkempt Property

INTRODUCED BY: Gary Ward

TELEPHONE: 924-2256

EXHIBITS FOR REVIEW:

Minutes
Ordinance
Resolution

Invoice
Plans, Maps
Contract

Other:

RECOMMENDATION:

BOARD ACTION:

MOTION MADE BY:

Brabham

SECONDED BY:

Lott

VOTE CAST:

"AYE" "NAY"

ACTION TAKEN:

Brabham
Hisaw
Greer
Brantley
Fisher
Touchton
Lott

✓
✓
✓
✓

Absent
Absent

Mayor Aultman

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

BOARD APPROVED

JUN 17 2003

RESOLUTION

CITY OF CLINTON

There came on for public hearing before the Mayor and Board of Aldermen of the City of Clinton, Mississippi, the matter of unclean property located at 210 Easthaven Drive, Clinton, Mississippi, and after full consideration of the matter, Alderman Braham 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 210 EASTHAVEN 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 210 Easthaven Drive., 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., June 17th 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 210 Easthaven 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:	<u>yes</u>
Alderman Hisaw voted:	<u>yes</u>
Alderman Greer voted:	<u>yes</u>
Alderman Brantley voted:	<u>yes</u>
Alderman Fisher voted:	<u>absent</u>
Alderman Touchton voted:	<u>absent</u>
Alderman Lott voted:	<u>yes</u>

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

The foregoing Resolution was approved this the 17th day of June 2003.

ATTEST:

W. Derrick

WAYNE DERRICK, City Clerk

CITY OF CLINTON

BY: Rosemary J. Aultman
ROSEMARY AULTMAN, Mayor

(S E A L)



CITY OF CLINTON AGENDA ITEM FACT SHEET

BOARD MEETING DATE: June 17, 2003

AGENDA ITEM NO. 8

CONSENT AGENDA:

TO:

BOARD APPROVED

FOR:

JUN 17 2003

ACCT. NO.

CITY OF CLINTON

DISCUSSION/ACTION: 1415 Post Road
Unkempt Property

INTRODUCED BY: Gary Ward

TELEPHONE: 924-2256

EXHIBITS FOR REVIEW:

Minutes
Ordinance
Resolution

Invoice
Plans, Maps
Contract

Other:

RECOMMENDATION:

BOARD ACTION:

MOTION MADE BY: *Brabham*

SECONDED BY: *Brantley*

VOTE CAST:

"AYE" "NAY"

ACTION TAKEN:

Brabham
Hisaw
Greer
Brantley
Fisher
Touchton
Lott

✓
✓
✓
✓
absent
absent

Mayor Aultman

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

JUN 17 2003

RESOLUTION

CITY OF CLINTON

There came on for public hearing before the Mayor and Board of Aldermen of the City of Clinton, Mississippi, the matter of unclean property located at 1415 Post Road, Clinton, Mississippi, and after full consideration of the matter, Alderman Braham 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 1415 POST ROAD, 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 1415 Post Road., 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., June 17th 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 1415 Post Road, 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 Brantley and the foregoing having been first reduced to writing, and no request by the Mayor or any member of the Board of Aldermen that it be read by the City Clerk, before the vote was taken, it was submitted to the Board of Alderman for the passage or rejection on roll call vote upon the vote being as follows, to-wit:

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

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

The foregoing Resolution was approved this the 17th day of June 2003.

ATTEST:

Wayne Derrick
WAYNE DERRICK, City Clerk

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

(S E A L)



BOARD APPROVED

CITY OF CLINTON AGENDA ITEM FACT SHEET

JUN 17 2003

CITY OF CLINTON

BOARD MEETING DATE: June 17, 2003

AGENDA ITEM NO. 9

CONSENT AGENDA:

TO:

FOR:

ACCT. NO.

DISCUSSION/ACTION: 864 Cherrystone Circle
Unkempt Property

INTRODUCED BY: Gary Ward

TELEPHONE: 924-2256

EXHIBITS FOR REVIEW:

Minutes
Ordinance
Resolution

Invoice
Plans, Maps
Contract

Other:

RECOMMENDATION:

BOARD ACTION:

MOTION MADE BY:

SECONDED BY:

VOTE CAST:

"AYE" "NAY"

ACTION TAKEN:

Brabham
Hisaw
Greer
Brantley
Fisher
Touchton
Lott

✓
✓
✓
✓
absent
absent

Mayor Aultman

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

JUN 17 2003

RESOLUTION

CITY OF CLINTON

There came on for public hearing before the Mayor and Board of Aldermen of the City of Clinton, Mississippi, the matter of unclean property located at 864 Cherrystone Circle, Clinton, Mississippi, and after full consideration of the matter, Alderman Bralham 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 864 CHERRYSTONE CIRCLE, 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 864 Cherrystone Circle, 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., June 17th 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 864 Cherrystone Circle, Clinton, Mississippi, in its present condition, constitutes to the public health and safety of the community.
2. The Director of Public Works is hereby directed to take such action as appropriate under Section 21-19-11, Miss. Code of 1972, as amended, and other applicable statutes and ordinances, to clean the property by cutting weeds, removing rubbish and dilapidated buildings and debris.

3. The Director of Public Works is hereby directed that upon completion of this cleaning that he advise the Mayor and Board of Aldermen of the City of Clinton, Mississippi, of the actual costs incurred in cleaning the property so that the Mayor and Board of Aldermen for the city of Clinton, Mississippi may adjudicate the costs of such action and impose such penalty as it adjudicates, all as provided by under Section 21-19-11, Miss. Code of 1972, as amended, and other applicable statutes and ordinances.

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

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

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

The foregoing Resolution was approved this the 17th day of June 2003.

ATTEST:

Wayne Derrick
WAYNE DERRICK, City Clerk

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

(S E A L)



CITY OF CLINTON AGENDA ITEM FACT SHEET

BOARD MEETING DATE: June 17, 2003

AGENDA ITEM NO. 10

BOARD APPROVED

JUN 17 2003

CITY OF CLINTON

CONSENT AGENDA:

TO:

FOR:

ACCT. NO.

DISCUSSION/ACTION: 823 Cherrystone Circle
Unkempt Property

INTRODUCED BY: Gary Ward

TELEPHONE: 924-2256

EXHIBITS FOR REVIEW:

Minutes
Ordinance
Resolution

Invoice
Plans, Maps
Contract

Other:

RECOMMENDATION:

BOARD ACTION:

MOTION MADE BY: *Brabham*

SECONDED BY: *Brantley*

VOTE CAST:

"AYE" "NAY"

ACTION TAKEN:

Brabham
Hisaw
Greer
Brantley
Fisher
Touchton
Lott

✓
✓
✓
✓
Absent
Absent
✓

Mayor Aultman

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

BOARD APPROVED

JUN 17 2003

RESOLUTION

CITY OF CLINTON

There came on for public hearing before the Mayor and Board of Aldermen of the City of Clinton, Mississippi, the matter of unclean property located at 823 Cherrystone Circle, Clinton, Mississippi, and after full consideration of the matter, Alderman Braham 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 823 CHERRYSTONE CIRCLE, 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 823 Cherrystone Circle, Clinton, Mississippi, may constitute a menace to the public health and safety of the community because of its present condition and state of uncleanliness; and

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

WHEREAS, a public hearing was held at 7:00 p.m., June 17th 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 uncleanliness, constitutes a menace to the public health and safety of the community and does adjudicate said property in its present condition to be a menace to the public health and safety of the community. The Director of the Public Works Department is directed to take such action as appropriate under Section 21-19-11 of the Miss. Code of 1972, as amended, and other applicable statutes and ordinances, to use municipal employees or, by contract, clean the property by cutting weeds, removing rubbish and dilapidated buildings and other debris.

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

1. It is hereby adjudicated that the property located at 823 Cherrystone Circle, 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 Brantley and the foregoing having been first reduced to writing, and no request by the Mayor or any member of the Board of Aldermen that it be read by the City Clerk, before the vote was taken, it was submitted to the Board of Alderman for the passage or rejection on roll call vote upon the vote being as follows, to-wit:

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

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

The foregoing Resolution was approved this the 17th day of June 2003.

ATTEST:

W. Derrick
WAYNE DERRICK, City Clerk

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

(S E A L)



BOARD APPROVED

JUN 17 2003

CITY OF CLINTON AGENDA ITEM FACT SHEET

CITY OF CLINTON

BOARD MEETING DATE: June 17, 2003

AGENDA ITEM NO. 11

CONSENT AGENDA:

TO:

FOR:

ACCT. NO.

DISCUSSION/ACTION: Administrative Procedure Ordinance for Tort Claims Against the City of Clinton

INTRODUCED BY: Ken Dreher, City Attorney

TELEPHONE: 924-1966

EXHIBITS FOR REVIEW:

Minutes
Ordinance
Resolution

Invoice
Plans, Maps
Contract

Other:

RECOMMENDATION:

BOARD ACTION:

MOTION MADE BY: Greer

SECONDED BY: Brabham

VOTE CAST:

"AYE"

"NAY"

ACTION TAKEN:

Brabham
Hisaw
Greer
Brantley
Fisher
Touchton
Lott

✓
✓
✓
✓
Absent
Absent
✓

Mayor Aultman

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

DRAFT

BOARD APPROVED

JUN 17 2003

**AN ORDINANCE ESTABLISHING AN ADMINISTRATIVE
PROCEDURE FOR PROCESSING TORT CLAIMS
AGAINST THE CITY OF CLINTON AND/OR ITS EMPLOYEES
AND FOR RELATED MATTERS**

CITY OF CLINTON

This Ordinance may be cited as the City of Clinton Administrative Procedure for Tort Claims:

Section 1. All persons or entities having claims against the City of Clinton, Mississippi, or its employees for actions done or performed while in the scope and course of such employment, shall comply with the Administrative Procedures set forth in this Ordinance. These Administrative Procedures shall apply only to claims asserted against the City of Clinton, Mississippi, or its employees, under the Mississippi Tort Claims Act.

Section 2. As used in this Ordinance the following terms shall have the meanings herein ascribed unless the context otherwise requires:

- a. Claim means any demand to recover damages from the City of Clinton, Mississippi, or its employees, as compensation for injuries related to the torts of the City of Clinton, Mississippi, or the torts of its employees while acting within the course and scope of such employment.
- b. Claimant means any person seeking compensation from the City of Clinton, Mississippi, or its employees under the provisions of the Mississippi Tort Claims Act, whether by administrative remedy or through the courts.
- c. Employee means any officer, employee or servant of the City of Clinton, Mississippi, including elected or appointed officials and persons acting on behalf of the City of Clinton, Mississippi, in any official capacity, temporarily or permanently, in the service of the City of Clinton, Mississippi, whether with or without compensation. The term "employee" shall not mean a person or other legal entity while acting in the capacity of an independent contractor.

- d. Injury means death, injury to a person, damage to or loss of property or any other injury that a person may suffer that is actionable at law or in equity.

Section 3. (a) All claims must be presented to the City in a timely manner so as not to deprive the City of the opportunity to review each claim under the procedures set forth in this Ordinance. A claim for injury, in compliance with this Ordinance, must be presented to the City of Clinton, Mississippi, and finally denied by the Governing Authorities of the City, in writing and sent by certified or registered mail, prior to the giving of any notice by the claimant required by the laws of the State of Mississippi, or the filing of a complaint or petition for relief by the claimant with any court or other governmental agency competent to exercise jurisdiction over such claim.

- (1) The failure of the Governing Authorities of the City to make a final disposition of a claim within two months after it is presented shall, at the option of the claimant any time thereafter, be deemed a final denial of the claim for purposes of this section.

(b) A claim shall be deemed to have been presented when the City Clerk receives from a claimant, his duly authorized agent or legal representative, written notification of an incident, accompanied by a claim for money damages in a sum certain for injury to or loss of property, personal injury, or death alleged to have occurred by reason of the incident. The notice shall be signed under oath and, if not signed by the claimant, the notice must reflect the title or legal capacity of the person signing, and must be accompanied by evidence of his authority to present a claim on behalf of the claimant as agent, executor, administrator, parent, guardian, or other representative.

(c) A claim presented in compliance of this Ordinance may be amended by the claimant at any time prior to final disposition or prior to the exercise of the claimant's option

under paragraph (a)(1) of this section. Amendments shall be submitted in writing and signed by the claimant or his duly authorized agent or legal representative.

Section 4. (a) Death. In support of a claim based on death, the claimant must submit the following evidence or information with his notice of claim:

(1) An authenticated death certificate or other competent evidence showing cause of death, date of death, and age of the decedent.

(2) Decedent's employment or occupation at time of death, including his monthly or yearly salary or earnings (if any), and the duration of his last employment or occupation.

(3) Full names, addresses, birth dates, kinship, and marital status of the decedent's survivors, including identification of those survivors who were dependent for support upon the decedent at the time of his death.

(4) Degree of support afforded by the decedent to each survivor dependent upon him for support at the time of his death.

(5) Decedent's general physical and mental condition before death.

(6) Itemized bills for medical and burial expenses incurred by reason of the incident causing death, or itemized receipts of payment for such expenses.

(7) If damages for pain and suffering prior to death are claimed, a physician's detailed statement specifying the injuries suffered, duration of pain and suffering, any drugs administered for pain, and the decedent's physical condition in the interval between injury and death.

(8) The time and place the injury occurred and the names and addresses of all persons known to be involved or known to be a witness to the injury, death or loss.

(9) Any other evidence or information which may have a bearing on the responsibility of the City of Clinton, Mississippi, or its employees, for the death or the damages claimed.

(b) Personal injury. In support of a claim for personal injury, including pain and suffering, the claimant must submit the following evidence or information with his notice of claim:

(1) A written report by his attending physician or dentist setting forth the nature and extent of the injury, nature and extent of treatment, any degree of temporary or permanent disability, the prognosis, period of hospitalization, and any diminished earning capacity. In addition, the claimant may be required to submit to a physical or mental examination by a physician employed by the City of Clinton, Mississippi. A copy of the report of the examining physician shall be made available to the claimant upon the claimant's written request provided that he has, upon request, furnished the report referred to in the first sentence of this paragraph and has made or agrees to make available to the City of Clinton, Mississippi, any other physician's reports previously or thereafter made of the physical or mental condition which is the subject matter of his claim.

(2) Itemized bills for medical, dental, and hospital expenses incurred, or itemized receipts of payment for such expenses.

(3) If the prognosis reveals the necessity for future treatment, a statement by his attending physician or dentist of expected expenses for such treatment.

(4) If a claim is made for loss of time from employment, a written statement from his employer showing actual time lost from employment, whether he is a full or part-time employee, and wages or salary actually lost.

(5) If a claim is made for loss of income and the claimant is self-employed, documentary evidence showing the amounts of earnings actually lost.

(6) The time and place the injury occurred and the names and addresses of all persons known to be involved or known to be a witness to the injury.

(7) Any other evidence or information which may have a bearing on either the responsibility of the City of Clinton, Mississippi, or its employees, for the personal injury or the damages claimed.

(c) Property damage. In support of a claim for injury to or loss of property, real or personal, the claimant must submit the following evidence or information with his notice of claim:

(1) Proof of ownership.

(2) A detailed statement of the amount claimed with respect to each item of property.

(3) An itemized receipt of payment for necessary repairs or itemized written estimates of the cost of such repairs.

(4) A statement listing date of purchase, purchase price and salvage value, where repair is not economical.

(5) The time and place the injury occurred and the names and addresses of all persons known to be involved or known to be a witness to the injury.

(6) Any other evidence or information which may have a bearing on either the responsibility of the City of Clinton, Mississippi, or its employees, for the injury to or loss of property or the damages claimed.

Section 5. The claimant shall, within fifteen days of his receipt of a written request from the City of Clinton, Mississippi, or its attorney, deliver to the City Clerk a written and

signed statement setting forth information requested by the City and providing copies of any documents, within the custody or control of the claimant, as requested by the City.

Section 6. If any provision or clause of this Ordinance of the City of Clinton, Mississippi, or application thereof is held invalid or unenforceable for any reason, such holding shall have no effect on any other provisions or applications of this Ordinance of the City of Clinton, Mississippi, and to this end the provisions of this Ordinance of the City of Clinton, Mississippi, are declared to be severable.

This Ordinance shall become effective 30 days from and after its adoption.

ORDAINED, ADOPTED AND APPROVED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CLINTON, MISSISSIPPI, at a meeting thereof held on the ____ day of _____, 2003.

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

Alderman Brabham: _____

Alderman Hisaw: _____

Alderman Greer: _____

Alderman Brantley: _____

Alderman Fisher: _____

Alderman Touchton: _____

Alderman Lott: _____

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

The foregoing Ordinance was approved this the ____ day of _____, 2003.

CITY OF CLINTON, MISSISSIPPI

By: _____
Rosemary Aultman, Mayor

ATTEST:

By: _____
W. WAYNE DERRICK, City Clerk

Prepared by:

Kenneth R. Dreher
KENNETH R. DREHER, P.A.
101-B Woodchase Park Drive
Clinton, MS 39056
Telephone: (601)924-1966

mw\Clinton\ordinance-tort claims
March 19, 2003\jbell

CITY OF CLINTON AGENDA ITEM FACT SHEET

BOARD MEETING DATE: June 17, 2003

AGENDA ITEM NO. 12

CONSENT AGENDA:

TO:

BOARD APPROVED

JUN 17 2003

FOR:

CITY OF CLINTON

ACCT. NO.

DISCUSSION/ACTION: Tax Increment Financing Plan/Clinton Parkway Project

INTRODUCED BY: Chris Gouras, Jimmy Gouras Urban Planning Consultants TELEPHONE: 638-7121

EXHIBITS FOR REVIEW:

Minutes
Ordinance
Resolution

Invoice
Plans, Maps
Contract

Other:

RECOMMENDATION:

BOARD ACTION:

MOTION MADE BY: Brantley

SECONDED BY: Lott

VOTE CAST:

"AYE"

"NAY"

ACTION TAKEN:

Brabham
Hisaw
Greer
Brantley
Fisher
Touchton
Lott

✓
✓
✓
✓
absent
absent
✓

Mayor Aultman

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