

**CITY OF CLINTON
REGULAR MEETING OF THE MAYOR AND BOARD OF ALDERMEN
TUESDAY, APRIL 2, 2002 – 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 Touchton 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
 Phil Fisher - Alderman Ward 4
 Herb Touchton – Alderman Ward 5
 Sharbert Lott – Alderman Ward 6
 Ken Dreher - City Attorney

PUBLIC HEARING:

A Public Hearing was held pursuant to public notice to hear any objections or defenses to the assessments or assessment rolls for the Hobby Farms Sewer Project and the Clinton-Raymond Road/Banks Road Sewer Project. The Mayor opened the hearing. She stated that no protests in writing have been submitted for either project.

The Mayor then opened the floor for comments and questions. These individuals made comments and inquiries but none related to the issues of the assessments or the assessment rolls.

Mr. Martin Nail of 503 Hobby Farms Road, Clinton, MS, and Mr. Travis Short of 479 Hobby Farms Road, Clinton, MS, each expressed their oppositions to the project on general terms but had no comments on defenses related to the assessment or the assessment rolls. Neither submitted any written objections.

Mr. Ronald Evans of Clinton-Raymond Road, Clinton, MS, stated that the City had not performed everything he had been told would be done. Mayor Aultman stated that she would follow-up with him by telephone. Mr. Evans had no objections or defenses to the assessments or the assessment rolls. He submitted nothing in writing.

After inquiring as to whether there were further comments, Mayor Aultman stated that the Mayor and Board of Aldermen would take this matter and the comments under advisement and study and that a final resolution regarding the assessments and assessment rolls for the two projects would be presented at a subsequent meeting of the Mayor and Board of Aldermen.

APPROVAL OF AGENDA ITEMS A-GG

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

PLANNING & ZONING ITEMS:

Upon recommendation by Gary Ward, Zoning Administrator, **MOTION** made by Alderman Hisaw and **SECONDED** by Alderman Lott to approve the preliminary site plan for Parkway Baptist Church to be located at 802 North Frontage Road, Clinton, MS. A copy of the preliminary site plan is on file with the Zoning Administrator. Alderman Brabham left the meeting at 7:15 p.m. and returned to the meeting at 7:20 p.m. Alderman Brabham was absent to vote. **MOTION CARRIED UNANIMOUSLY**

The rezoning of the Southwest corner of Northside Drive and Industrial Park Drive from C-2 to I-1 was removed from the agenda and will be considered at a meeting in May 2002.

APPROVAL OF ORDINANCE ABANDONING AN ALLEYWAY LYING BETWEEN LOT 12 AND LOT 13, BLOCK "C", TODD'S ADDITION, CITY OF CLINTON, MISSISSPPI

Upon recommendation by Gary Ward, Zoning Administrator, **MOTION** made by Alderman Touchton and **SECONDED** by Alderman Hisaw to approve the Ordinance abandoning an alleyway lying between Lot 12 and Lot 13, Block "C", Todd's addition, City of Clinton, MS. A copy of the Ordinance is attached. **MOTION CARRIED UNANIMOUSLY**

APPROVAL OF AMENDMENT NO. 3 TO CITY OF CLINTON MEDICAL BENEFIT PLAN

Upon recommendation by Wayne Derrick, City Clerk, **MOTION** made by Alderman Brantley and **SECONDED** by Alderman Brabham to approve Amendment No. 3 to City of Clinton Medical Benefit Plan. A copy of the Amendment is attached. **MOTION CARRIED UNANIMOUSLY**

ADDITION TO CONTRACT WITH R.W. DELANEY CONSTRUCTION FOR UNIT ON BEDDING MATERIAL AT CLINTON RAYMOND ROAD/I-20 UTILITY RELOCATION

Upon recommendation by Richard Broome, City Engineer, **MOTION** made by Alderman Touchton and **SECONDED** by Alderman Lott to approve the addition to the contract with R.W. Delaney Construction for bedding material for gravity sewer at a cost of \$12.50 ton at Clinton Raymond Road/I-20 utility relocation. **MOTION CARRIED UNANIMOUSLY**

APPROVAL OF BID FOR 2002 STREET IMPROVEMENTS

Upon recommendation by Richard Broom, City Engineer, **MOTION** made by Alderman Greer and **SECONDED** by Alderman Lott to approve Adcamp, Inc. as having the lowest and best bid of \$470,729.00 for the 2002 Street Improvements. **MOTION CARRIED UNANIMOUSLY**

**APPROVAL OF ADDENDUM TO THE AGREEMENT FOR PROFESSIONAL SERVICES
WITH ALFORD ENGINEERING**

Upon recommendation by Michael Taggart, Parks/Recreation Director, **MOTION** made by Alderman Brabham and **SECONDED** by Alderman Greer to approve the addendum to Agreement for Professional Services with Alford Engineering to develop a master plan for the existing Traceway Park. A copy of the addendum is attached. **MOTION CARRIED UNANIMOUSLY**

EXECUTIVE SESSION

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

MOTION made by Alderman Touchton and **SECONDED** by Alderman Brabham at 8:00 p.m. to enter executive session for the stated matter. **MOTION CARRIED UNANIMOUSLY**

MOTION made by Alderman Fisher and **SECONDED** by Alderman Greer to exit executive session at 8:30 p.m. **MOTION CARRIED UNANIMOUSLY**

A **MOTION** was made by Alderman Fisher and **SECONDED** by Alderman Brabham to approve a Resolution authorizing the use of eminent domain powers to acquire property for the Natchez Trace Visitors Center. A copy of said Resolution is attached. The **MOTION** to adopt the Resolution was passed with 6 Yes votes and an abstention by Alderman Touchton.

A **MOTION** was made by Alderman Brabham and **SECONDED** by Alderman Touchton to authorize the City Attorney to take appropriate legal action against John Stinson and Southern Heritage Homes, Inc. to secure from them the costs necessary to complete the surface course of paving in Cambridge Cove Subdivision and to complete the sidewalks along Clinton-Raymond Road adjacent to said subdivision. The estimated costs of these improvements were \$30,000. **MOTION CARRIED UNANIMOUSLY**

ADJOURN 8:45 P.M.

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

APPROVED:

Rosemary G. Aultman
Rosemary G. Aultman, Mayor

April 10, 2002
Date

ATTEST:

W. Derrick
Wayne Derrick, City Clerk

04/10/2002
Date

SEAL:

CITY OF CLINTON AGENDA ITEM FACT SHEET

Board Meeting Date: April 2, 2002

Agenda Item No. 7.a

Consent Agenda:

To:

For:

Acct. No.

Introduced by:

Telephone:

Discussion/Action: Preliminary Site Plan
Parkway Baptist Church

Introduced by: Gary Ward

Telephone: 924-2256

Exhibits for Review:

Minutes _____
Ordinance _____
Resolution _____

Invoice _____
Plans, Maps _____
Contract _____

Other:

7:15
Allenman Brabham
left meeting at 7:15 pm.
Returned to meeting
7:20 pm

Recommendation:

Board Action:

Motion made by: Hisaw
Seconded by: Lott

Vote Cast:

"Aye"

"Nay"

Action Taken:

Brabham

Hisaw

Greer

Brantley

Fisher

Touchton

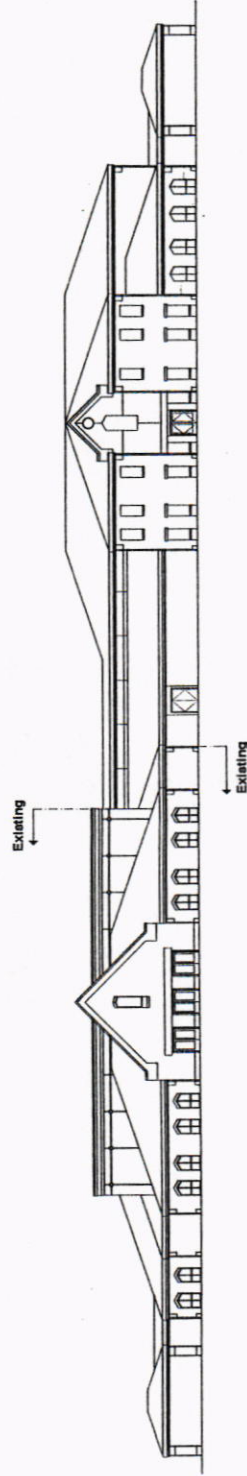
Lott

Mayor Aultman

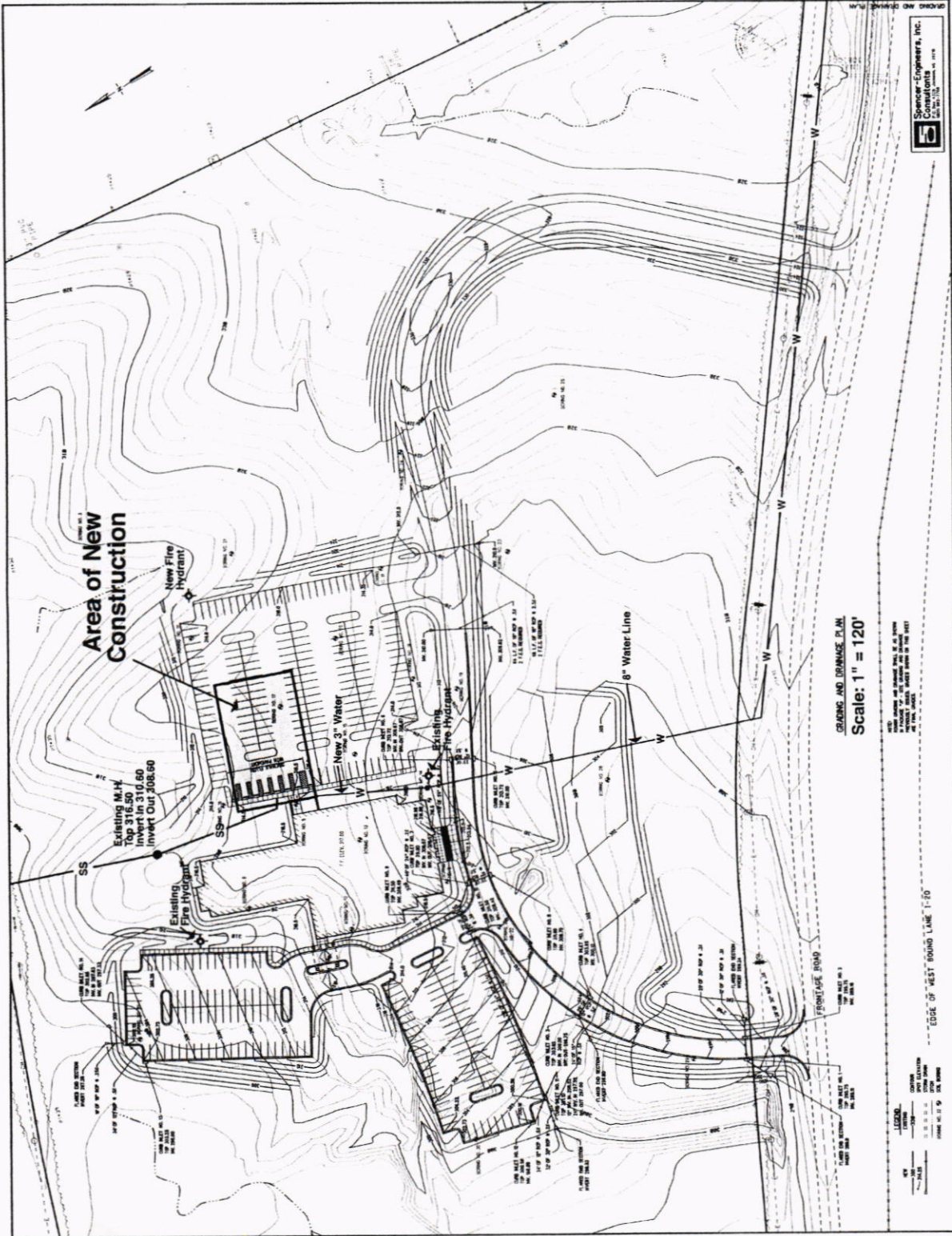
absent
aye

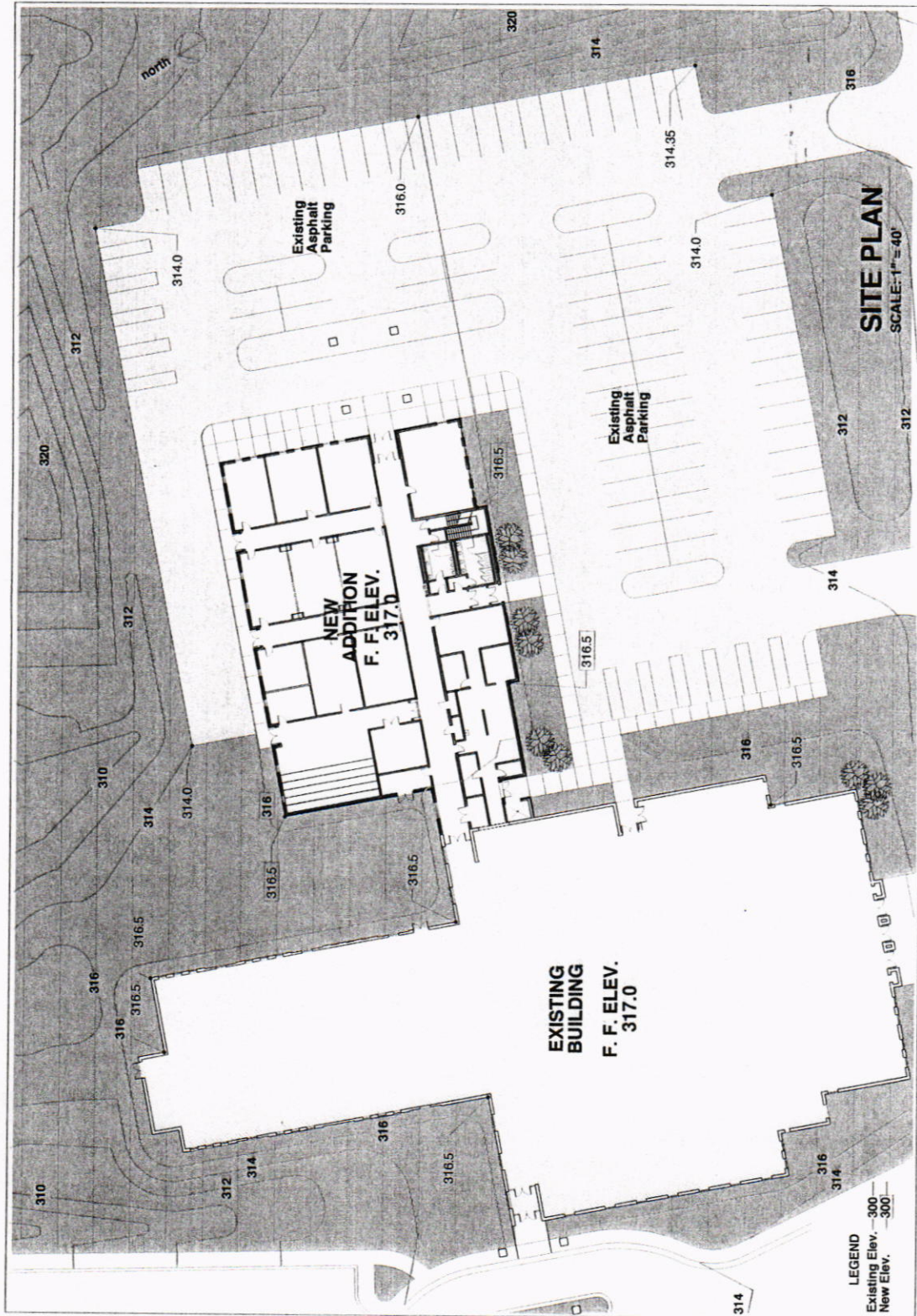
Site Plan Review Submittal

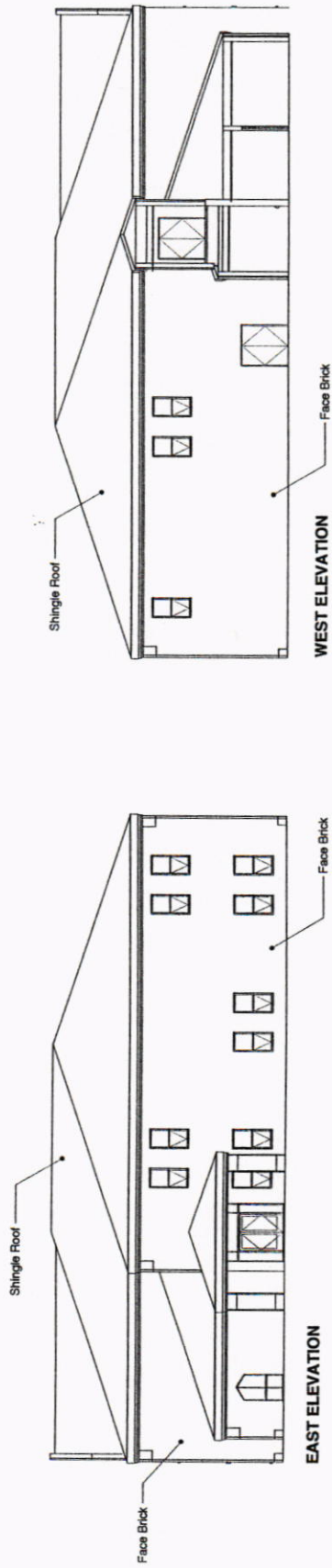
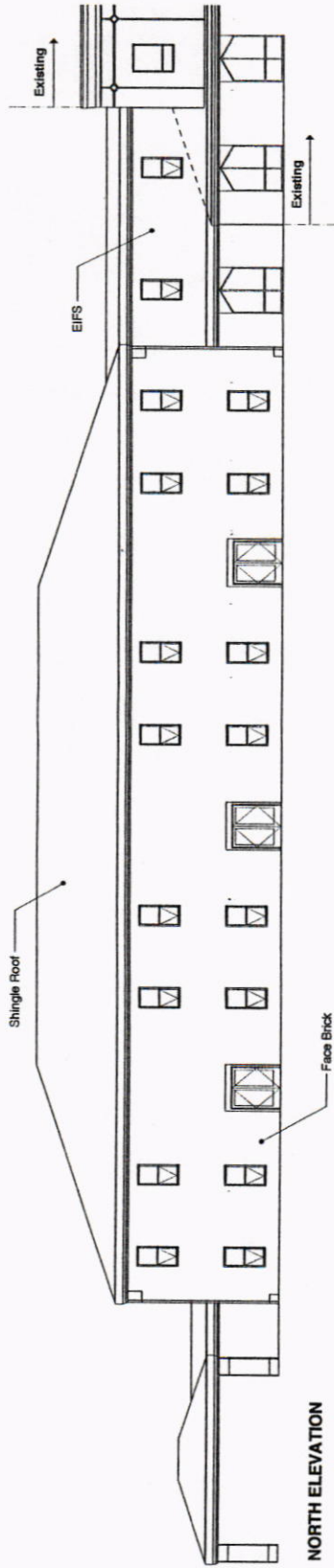
Additions to Parkway Baptist Church Clinton, Mississippi



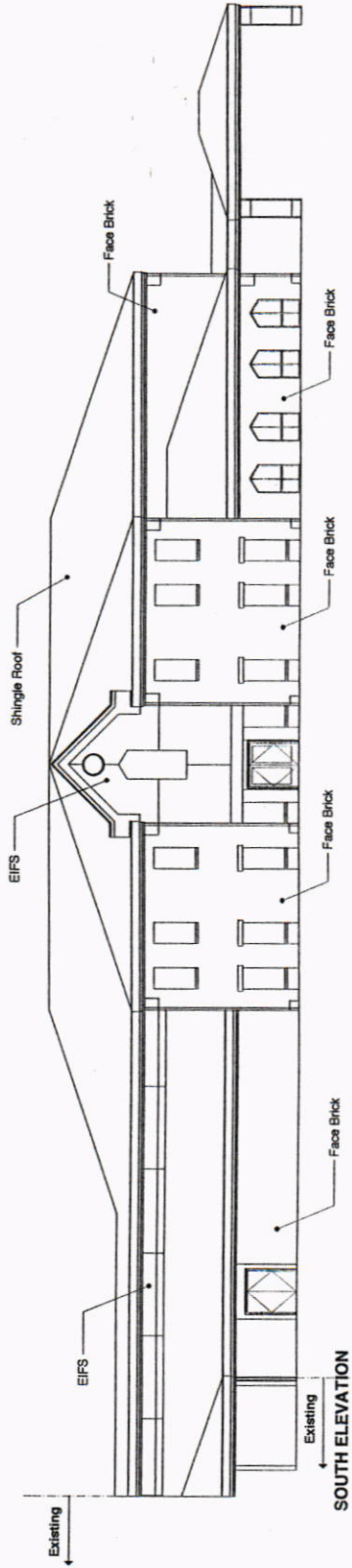
Additions to Parkway Baptist Church







NOTE: Building Finishes to Match
Finishes on Existing Building.



CITY OF CLINTON AGENDA ITEM FACT SHEET

Board Meeting Date: April 2, 2002

Agenda Item No. 7.6

Consent Agenda:

To:

For:

Acct. No.

Introduced by:

Telephone:

Discussion/Action: Rezoning from C2 to I1
Southwest corner of Northside Drive and Industrial Park Drive
R. J. Williams

Introduced by: Gary Ward

Telephone: 924-2256

Exhibits for Review:

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

Recommendation:

*Removed from
Agenda - to be
considered at
Meeting of May*

Board Action:

Motion made by: _____

Seconded by: _____

Vote Cast: "Aye"

"Nay"

Action Taken:

Brabham	_____	_____	<i>no action</i>
Hisaw	_____	_____	_____
Greer	_____	_____	_____
Brantley	_____	_____	_____
Fisher	_____	_____	_____
Touchton	_____	_____	_____
Lott	_____	_____	_____
Mayor Aultman	_____	_____	_____

REQUEST FOR REZONING APPLICATION

Subject Property Address Intersection Northside Dr. & Industrial
Owner RS Williams Park Drive on the
Address PO Box 1395 west corner.
Clinton, MS 39060 see enclosed.
Phone # 601-924-4047
Current Zoning District C2
Requested Change I1

Requirements of Applicant:

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

Criteria for Rezoning: (Section 2406.03 - Zoning Ordinance)

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

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

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

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

Signature [Signature]

Date 2/1/02

Transpro, Inc.
3003 Brick Church Pike
Nashville, TN 37277
615-259-2312

Feb. 1, 2002

Dear Sir:

We are requesting a rezoning of the enclosed property per the legal description as listed in the appraisal report of Land Property Northside Dr., Clinton, MS 39056, as of December 20, 2001.

This property is currently zoned C2 and we are requesting rezoning to I1 (Industrial) for the purpose of developing the land for future use as a building site and/or parking for expansion of our current businesses which are located across the street from this property and in Pearl, MS, as well as Memphis, TN, Nashville, TN, Birmingham, AL, Atlanta, GA, Laredo, TX and Dalton, GA.

We feel that this is a good location for a base and that our business will be beneficial to Clinton in helping with the expansion of the Industrial Park area as well as future job opportunities for up to 75 employees. We are prepared to begin development of this site immediately and complete it in a timely manner. Our businesses range from semi-trailer sales and leasing as well as repair shops for same to wire rope and sling supplies.

We would like to thank you in advance for your consideration of this request and are looking forward to being a part o the Clinton community.

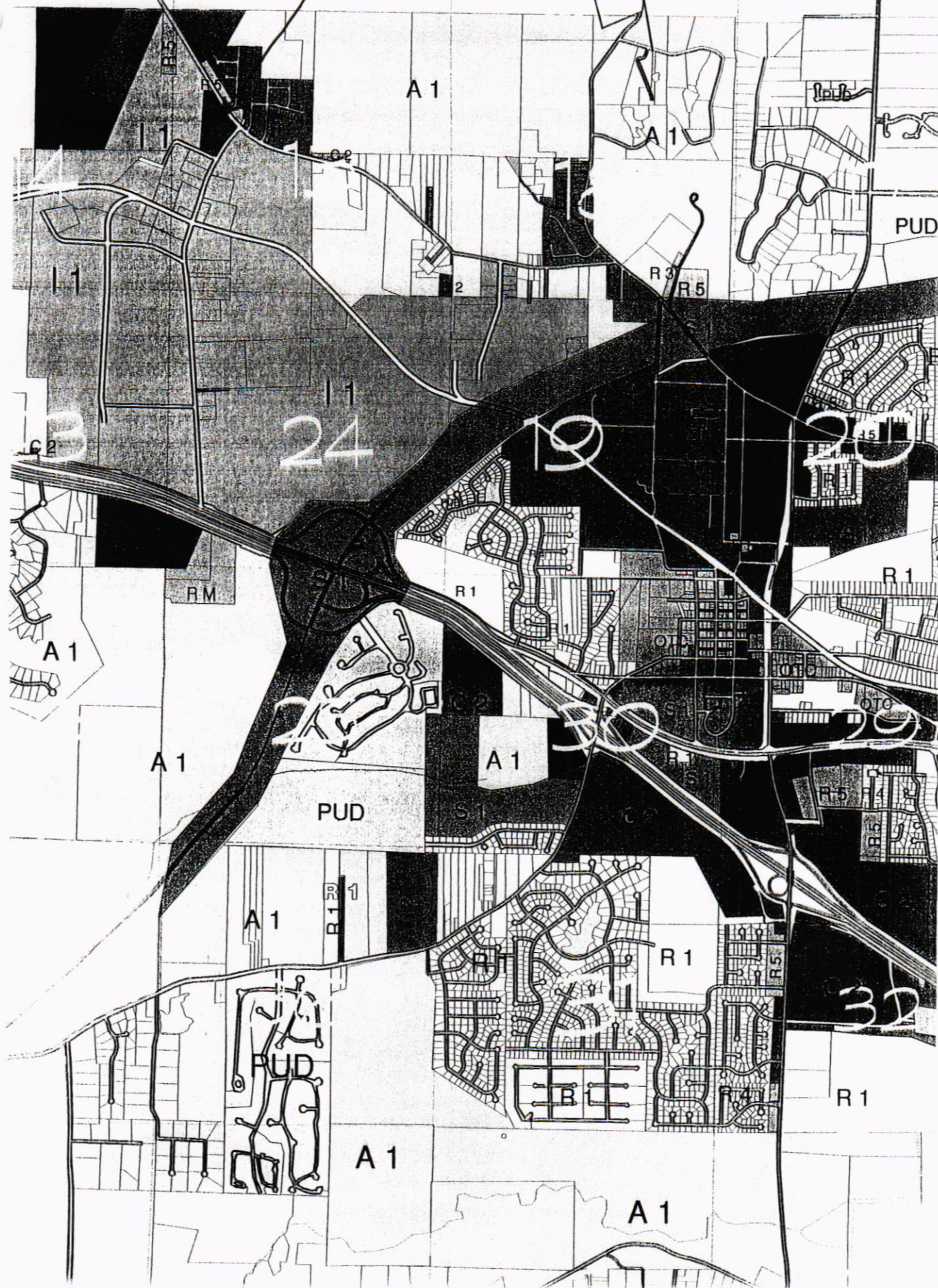
Sincerely,

Transpro, Inc.



R.J. Williams

Subject Property



OFFICIAL FORM

AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CLINTON,
HINDS COUNTY, MISSISSIPPI AMENDING THE OFFICIAL ZONING ORDINANCE AND
ZONING MAP OF THE CITY OF CLINTON, MISSISSIPPI FOR THE PROPERTY LOCATED AT
THE SOUTHWEST CORNER OF NORTHSIDE DRIVE AND INDUSTRIAL PARK DRIVE, AND AS
DESCRIBED HEREIN FROM C-2 TO I -1

WHEREAS, Mr. R. J. Williams (the "Applicant") did file a petition to Rezone certain property from its present C-2 use district classification to an I-1 use district classification: and,

WHEREAS, a public hearing, pursuant to Section 2406.05 of the Zoning Ordinance of the City of Clinton, Mississippi, was set for the 26th day of March, 2002, at 7:00 o'clock P.M.; and,

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

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

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

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

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

Section 2. That this matter was presented as required by Section 2406 of the City of Clinton Zoning Ordinance and the Mayor and Board of Aldermen hereby find that this request meets the requirements of Section 2406.03(a) Criteria for Rezoning, the Mayor and Board of Aldermen specifically finding that the character of the neighborhood has changed to such an extent as to justify reclassification and that there is a public need for additional general commercial district within the City of Clinton.

Section 3. That pursuant to Article XV of the Zoning Ordinance, the proposed facility shall be "I-1, Limited Industrial District".

Section 4. That the following described tract of real property be, and the same is, hereby rezoned from its present R-2 use district classification to C-2 use district classification and that said rezoning is consistent with the current Comprehensive Plan of the City of Clinton, to-wit:

A tract of land situated in the City of Clinton, the First Judicial District of Hinds County, Mississippi and more completely described in Exhibit "A" attached hereto and made a part thereof.

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

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

ORDAINED, ADOPTED AND APPROVED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CLINTON, MISSISSIPPI, at a meeting thereof held on the 2nd day of April 2002.

A Motion for adoption was 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 voted:	_____
Alderman Hisaw voted:	_____
Alderman Greer voted:	_____
Alderman Brantley voted:	_____
Alderman Fisher voted:	_____
Alderman Touchton voted:	_____
Alderman Lott voted:	_____

Whereupon the Mayor declared the Motion carried and the ordinance approved and adopted. The foregoing ordinance was approved this the 2nd day of April 2002.

CITY OF CLINTON

ROSEMARY AULTMAN, Mayor

ATTEST:

WAYNE DERRICK, City Clerk

(S E A L)

Exhibit "A"

From an iron pin marking the center of Section 13, Township 6 North Range 2 West, Hinds County, Mississippi, run thence West along the half section line 2080 feet to a point; which point is the point of beginning of the property herein described: run thence in a Northeasterly direction 1136 feet to a point on the South right-of-way line of Northside Drive; which said point is 840 feet Northwesterly the intersection of the South right-of-way line of Northside Drive with the West right-of-way line of existing road; run thence in a Southeasterly direction along the South right-of-way line of Northside Drive 840 feet to the intersection of the South right-of-way line of Northside Drive with the West right-of-way line of an existing road; run thence in a Southwesterly direction along the West right-of-way line of said existing road 630 feet to a point; run thence in a Northwesterly direction 325 feet to the point of beginning: all of said lands lying in the Southwest Quarter of the Northwest Quarter and the Northwest Quarter of the Southwest Quarter of Section 13, Township 6 North, Range 2 West, Hinds County, Mississippi, and containing 10 acres, more or less.

LESS AND ACCEPT:

Beginning at the Northwest corner of a ten (10) acre parcel of land previously conveyed to James Q. Allen by Clinton Industrial Park Corporation by deed dated December 17, 1963, and recorded in Book 197 at Page 21 of the records of the Chancery Clerk of Hinds County at Raymond, Mississippi, which said Northwest corner is represented by an iron pin located in the South right-of-way line of Northside Drive. Extended and being 840 feet from the West right-of-way line of Industrial Park Drive; from said point of beginning run thence in an Easterly direction along the South right-of-way line of Northside Drive extending 100.0 feet to an iron pin; turn thence to the right through an angle of 154 degrees, 17 ' and run in a Northerly direction 214.5 feet to the point of beginning, all of said land being triangular in shape and containing 0.17 acres, more or less, and lying in the Southwest Quarter of the Northwest Quarter of Section 13, Township 6 North, Range 2 West, Hinds County, Mississippi.

BOARD APPROVED

CITY OF CLINTON AGENDA ITEM FACT SHEET

Board Meeting Date: April 2, 2002

Agenda Item No. 8

Consent Agenda:

To:

For:

Acct. No.

Introduced by:

Telephone:

Discussion/Action: Abandoning alleyway between Lot 12 and Lot 13
Block "C" Todd's Addition (701 Whitaker Street)
Danny Sturgis

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

Mayor Aultman

BOARD APPROVED

Appraisal Analysts and Consultants

701 Whitaker Street
CLINTON, MS 39056

Phone 924-5841
Fax 924-1499

February 07, 2002

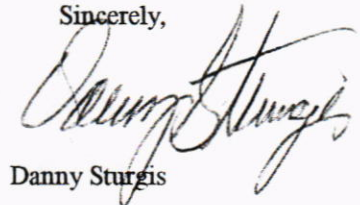
Clinton City Officials and Aldermen
Clinton, MS 39056

RE: Proposal for 701 Whitaker Street

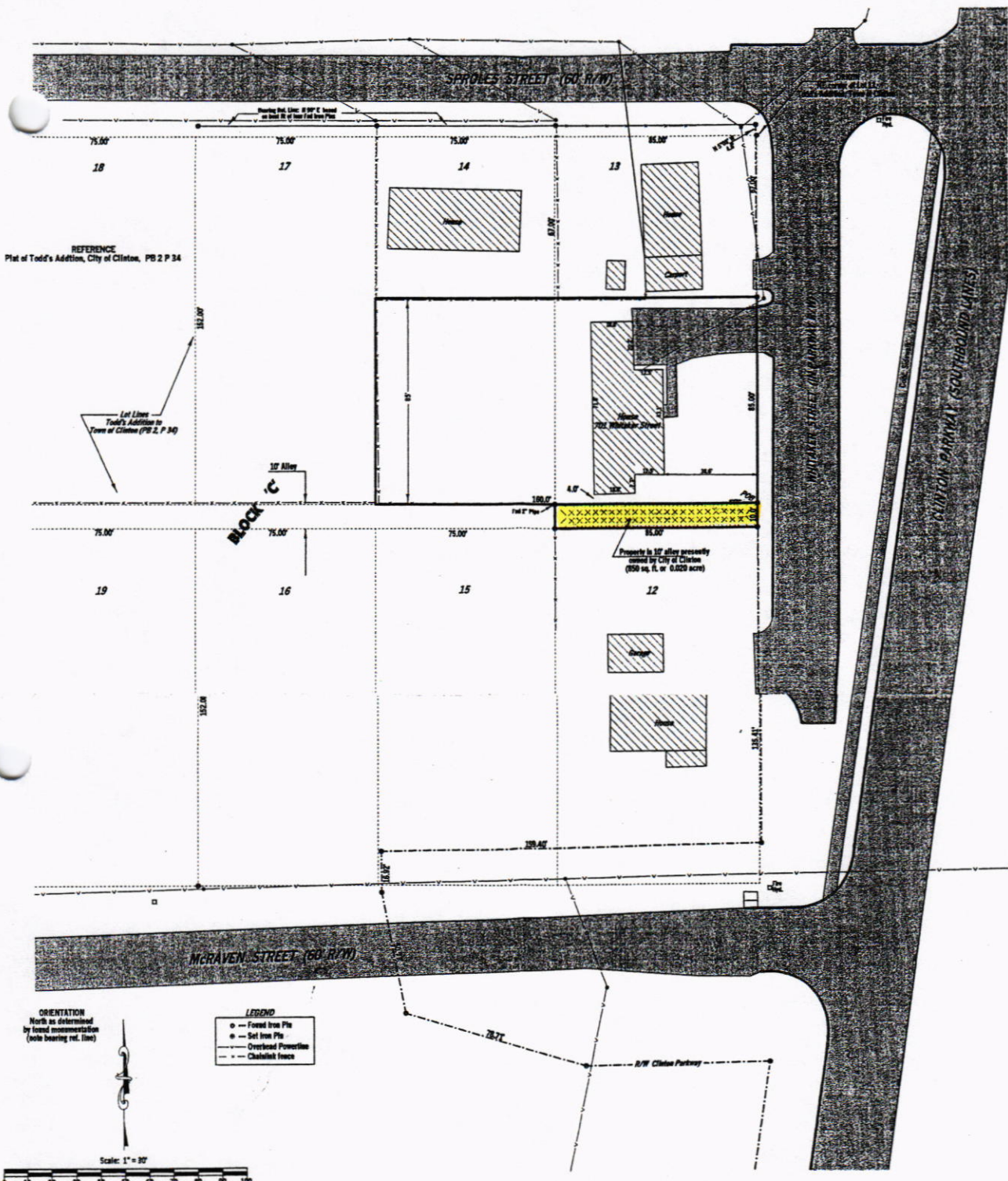
I had a survey completed on the above referenced property which identified a ten (10) foot unused strip of land formerly intended as an alley. (see attached survey and legal) I have discussed with the City Engineer and City Clerk my intention to acquire this strip and create a parking area on the rear lot of my property. Currently, I only have four (4) feet available for rear parking which is not sufficient.

Please consider my request as this will improve the appearance of the property adjacent to the parkway and eliminate the crowded parking on the street. I intend to have an appropriate fence constructed along both sides of the property which will enhance the property. This will also help generate tax income for the city since the property has been unused.

Sincerely,



Danny Sturgis



Paul C. Floyd
2/2/02

THIS IS TO CERTIFY THAT
Floyd Engineering and Surveying Company
has this day completed a true and accurate survey
of the property shown and that this plat is an accurate
representation of said property as of this date.

This survey meets or exceeds the Minimum Standards
as set forth by the Mississippi State Board of Registration
for Professional Engineers and Land Surveyors to qualify
"Class B" (urban) survey.
work completed on: February 2, 2002

PLAT OF SURVEY FOR: Denny Sturgis	
Certain properties described as the South 95 feet of Lots 13 and 14, Block 17 of the Todd's Addition, City of Clinton, Hinds County, Mississippi and also a portion of a 10 foot alley on South side of said lots and being located in the SW 1/4 of the SW 1/4 of Section 20, T8N - R2W	
FLOYD ENGINEERING AND SURVEYING CO. 704 Lakeridge Cove, Clinton, MS 39056 (601) 925-5015	
Drawn by: PCF	Checked by: PCF Date: 02/02/02 Job #: 1774

**ORDINANCE OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY
OF CLINTON, MISSISSIPPI, ABANDONING AN ALLEYWAY LYING
BETWEEN LOT 12 AND LOT 13, BLOCK "C", TODD'S ADDITION, CITY OF
CLINTON, HINDS COUNTY, FIRST DISTRICT, MISSISSIPPI**

WHEREAS, on April 2, 2002, there came on for hearing before the Mayor and Board of Aldermen of the City of Clinton, Mississippi, an Agenda matter, being a request by Danny Sturgis dated February 7, 2002, to close or abandon a certain unimproved alley located in Clinton, Hinds County, Mississippi described as:

See Exhibit "A" attached hereto and made a part hereof.

WHEREAS, there was no objection to the abandonment of said alley as requested by the Petitioner, and:

WHEREAS, said alley has never been developed or used by the City of Clinton and therefore no compensation or damages are due to any adjoining land owner, and:

WHEREAS, the evidence of record is that said alley or roadway as above described is no longer needed and has in fact never been utilized by the City and in accordance with the request, should be declared abandoned;

NOW, THEREFORE;

BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CLINTON, MISSISSIPPI, as follows:

Section 1. The street, thoroughfare, alley or public easement located in Clinton, Hinds County, Mississippi described as:

See Exhibit "A" attached hereto and made a part hereof.

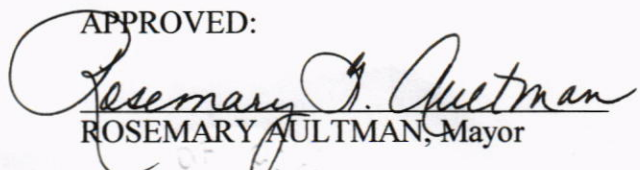
should be, and the same is hereby abandoned as of this date, being April 2, 2002.

Section 2. Title of abandoned property is vested to the owners of the abutting land as set out by law and no damages or compensation is to be paid.

Section 3. This ordinance shall take effect and be in force from and after thirty (30) days; provided, however, the effective date of the abandonment of said alley, thoroughfare or public easement shall be as of the date of April 2, 2002.

SO ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CLINTON, on the 2nd day of April, 2002.

APPROVED:


ROSEMARY AULTMAN, Mayor

ATTEST:


W. WAYNE DERRICK, City Clerk

(SEAL)

SEAL

BOARD APPROVED

**AMENDMENT NO. 3
TO
CITY OF CLINTON MEDICAL BENEFIT PLAN**

COPY

BY THIS AGREEMENT the City of Clinton Medical Benefit Plan is hereby amended effective March 1, 2002.

1. The Section entitled Plan Exclusions, page 32, Number 20, has been restated as follows:

- (20) Felonious acts.** Charges for services received as a result of injury or sickness caused by, sustained in, or contributed to by engaging in, committing, or attempting to commit any crime or other illegal or criminal act, enterprise, behavior, or occupation which constitutes a felony under applicable state or federal law, irrespective of whether or not: the individual is ever charged or prosecuted therefore or convicted thereof; the individual pleads guilty to a lesser non-felonious charge; the evidence obtained by the Plan Administrator of such crime or illegal or criminal act, enterprise, behavior, or occupation would be admissible in a court of law; or whether such evidence is based on an investigation by law enforcement authorities or an investigation conducted independently by the Plan Administrator. This exclusion only applies to charges for services incurred by the person engaging in, committing, or attempting to commit the acts described above. The applicability of this exclusion may be determined by the Plan Administrator independently of, directly contrary to, and even prior to any judicial determination of guilt or innocence.

2. In the Section entitled Plan Exclusions, Self-Inflicted, Page 32, & 33 Numbers 31 & 39, has been restated as follows:

(39) Self-Inflicted. Any loss due to attempted suicide or suicide or an intentionally self-inflicted injury, unless resulting from a medical condition.

(31) Obesity. Any expenses incurred for the care and treatment of or surgery for obesity, weight reduction or weight control, whether or not it is in any case, a part of the treatment plan for another sickness.

3. The Section entitled Third Party Recovery Provision, Page 41, has been restated as follows:

SUBROGATION AND THIRD-PARTY RECOVERIES PROVISION

RIGHTS OF SUBROGATION and REIMBURSEMENT

When this Provision Applies. The Covered Person may incur medical or dental charges due to Injury or Sickness which may be caused by the act or omission of a third-party or for which a third-party or his or its employer or insurer may be responsible for payment (collectively "Responsible Third-Party"). In such circumstances, the Covered Person may have a claim against that Responsible Third-Party for payment of the medical or dental charges or for other injuries, losses or wrongs (collectively "Third-Party Claim").

Defined Terms and Special Rules: "Recoveries" means all monies paid by a Responsible Third-Party to the Covered Person by way of judgment, settlement, or otherwise to compensate for all injuries, losses, or wrongs caused by, resulting in, or related to the Injury or Sickness, whether or not such injuries, losses, or wrongs reflect medical or dental charges covered by the Plan. "Recoveries" further includes, but is not limited to, recoveries from a Responsible Third-

Party for medical or dental expenses, attorneys' fees, costs and expenses, pain and suffering, loss of consortium, wrongful death, lost wages, and any other recovery of any form of damages or compensation whatsoever related to a Third-Party Claim.

"Subrogation" means the Plan's right to pursue the Covered Person's Third-Party Claim against a Responsible Third-Party. "Subrogation," as used herein, includes both equitable and contractual-ERISA subrogation and includes a lien upon the Covered Person's Third-Party Claim against a Responsible Third-Party.

"Reimbursement" means repayment to the Plan for medical or dental benefits that it has paid toward care and treatment of the Injury or Sickness.

"Covered Person," as used in this Provision of this Plan, also includes the estate, guardian, or legal representative or successor of a Covered Person, in the case of a deceased, minor or legally incompetent Covered Person.

Automatic Assignment of Third-Party Claim. Accepting benefits under this Plan for those incurred medical or dental expenses automatically assigns to the Plan any and all rights the Covered Person may have to Recoveries from any Responsible Third-Party. Further, accepting benefits under this Plan for those incurred medical or dental expenses automatically assigns to the Plan the Covered Person's Third-Party Claim.

Subrogation. The Plan is automatically subrogated to any Covered Person's Third-Party Claim whether or not the Covered Person chooses to pursue that Third-Party Claim. The Plan may make a claim directly against the Responsible Third-Party, but, in any event, the Plan has a 100%, first-dollar lien on all Recoveries by or on behalf of the Covered Person from the Responsible Third-Party, whether or not designated as payment of medical or dental expenses. Further, this 100%, first-dollar Subrogation lien extends to and covers all Recoveries from such Responsible Third-Party. This Subrogation lien shall be a 100%, first-dollar lien, regardless of whether the Covered Person has been made whole through any Recoveries from the Responsible Third-Party. This Subrogation lien shall remain in effect until the Plan is repaid in full.

Reimbursement. Further, the Covered Person shall be liable to reimburse the Plan for 100% of all benefits received on account of any Injury or Sickness caused by any act or omission of any Responsible Third-Party, out of any and all Recoveries made from that Responsible Third-Party. The obligation of Reimbursement shall be without regard as to whether the Covered Person has been made whole through any Recoveries from the Responsible Third-Party. The Covered Person's obligation of Reimbursement shall remain in effect until the Plan is repaid in full.

Cooperation Required. The Covered Person shall execute and deliver such papers as may be required by the Plan to memorialize, effect or assist the Plan in protecting its rights to Subrogation and Reimbursement. Also, the Covered Person will do whatever else is necessary to help the Plan in its attempts to recover the benefits it paid the Covered Person or paid on the Covered Person's behalf under the Plan's medical or dental coverages. The Covered Person shall do nothing to prejudice the rights of the Plan to Subrogation and Reimbursement.

Conditions Precedent to Coverage. The Plan shall have no obligation whatsoever to pay medical or dental benefits to a Covered Person if a Covered Person refuses to cooperate with the Plan's rights to Reimbursement and Subrogation or refuses to execute and deliver such papers as the Plan may require in furtherance of its rights to Reimbursement and Subrogation.

Special Conditions Precedent to Coverage For Minors. Further, in the event the Covered Person is a minor, the Plan shall have no obligation to pay any medical or dental benefits incurred on account of Injury or Sickness caused by a Responsible Third-Party until after the

minor Covered Person or his guardian or other authorized legal representative obtains valid court recognition and approval of the Plan's 100%, first-dollar rights to Reimbursement and Subrogation on all Recoveries, as well as approval for the execution of any papers necessary for the enforcement thereof, as described herein.

Amounts Subject to Subrogation or Reimbursement. The Covered Person agrees to recognize and honor the Plan's rights to Subrogation and Reimbursement. These rights provide the Plan with a 100%, first-dollar priority over any and all Recoveries and funds paid by a Responsible Third-Party to a Covered Person relative to the Injury or Sickness, including a priority over any claim for non-medical or dental charges, attorneys' fees, or other costs and expenses.

Notwithstanding its priority to funds, the Plan's rights to Subrogation and Reimbursement, as well as the rights assigned to it, are limited to the total dollar amount of medical and dental benefits the Plan has paid, or will pay, on account of Injury or Sickness caused by a Responsible Third-Party, as well as any costs, expenses and fees, including attorneys' fees, associated with the enforcement of the Plan's rights to Reimbursement and Subrogation.

Recoveries from Another Plan under Which the Covered Person Is Covered. This right of Reimbursement also applies when a Covered Person recovers any form of funds, coverages, proceeds, Recoveries or damages, under an uninsured or underinsured motorist plan or policy, homeowner's plan or policy, renter's plan or policy, medical malpractice plan or policy or any liability or other insurance plan or policy of any nature whatsoever.

IN WITNESS WHEREOF, this Agreement has been executed this 2nd day of April {month}, 2002 {year}.

By: Rosemary A. Quetman
Signature
Mayor
Name/Title
April 3, 2002
Date

Lance E. Nations
Lance E. Nations
Fox-Everett, Inc.

Attest:

W. Wayne Derrick
W. Wayne Derrick, City Clerk

BOARD APPROVED

CERTIFICATE OF RESOLUTION

The undersigned Mayor [Title] City of Clinton (the City) hereby certifies that the following resolution was duly adopted by the board of directors of the City on April 2, 2002 [Date] and that such resolution has not been modified or rescinded as of the date hereof; March 01, 02

RESOLVED, that Amendment Number 3 to City of Clinton Medical Benefit Plan effective ~~October 1, 2001~~, presented to this meeting is hereby approved and adopted and that the proper officers of the City are hereby authorized and directed to execute and deliver to the Administrator of the Plan one or more counterparts of the amendment.

RESOLVED, that the proper officers of the City shall act as soon as possible to notify employees of the City of the adoption of this Amendment Number 3 to the City of Clinton Medical Benefit Plan by delivering to each employee a copy of the summary description of the changes to the Plan in the form of the Summary Plan Description - Material Modification.

The undersigned further certifies that attached hereto are true copies of Amendment Number 3 to City of Clinton Medical Benefit Plan - Material Modifications approved and adopted in the foregoing resolutions.

Joseph J. Quetman
Signature
Mayor
Name/Title

Date: April 3, 2002

Attest:

W. Wayne Derrick
W. Wayne Derrick, City Clerk



RECEIVED
MAR 21 2002

CITY OF CLINTON

Fox-Everett, Inc.

3780 I-55 North • Jackson, MS 39211-6365
Post Office Box 188 • Jackson, MS 39205-0188
601/718-6000 • 601/981-9243 Fax
<http://www.foxeveryett.com>

Writers' Direct Number: 601/718-5234
e-mail address: jonee.cook@foxeveryett.com

March 19, 2002

Wayne Derrick
City of Clinton
PO Box 156
Clinton, MS 39060

Dear Wayne,

I have enclosed the requested Amendment for the City of Clinton Medical Benefit Plan. It includes the exclusion for Obesity, which outlines the items not covered for Obesity or employees diagnosed Morbidly Obese. This includes surgery, weight reduction or any type of weight control. The amendment also includes sections pertaining to Felonious Acts, Self – Inflicted exclusions and a new Subrogation and Third-Party recoveries Provision Lance discussed with you.

Please review the Amendment in detail and call me if you have any questions or concerns.

Please sign, date and return the documents in the enclosed envelope.

Sincerely,

Jonee F. Cook

Jonee F. Cook
Employee Benefits

**AMENDMENT NO. 3
TO
CITY OF CLINTON MEDICAL BENEFIT PLAN**

BY THIS AGREEMENT the City of Clinton Medical Benefit Plan is hereby amended effective March 1, 2002.

1. The Section entitled Plan Exclusions, page 32, Number 20, has been restated as follows:

- (20) **Felonious acts.** Charges for services received as a result of injury or sickness caused by, sustained in, or contributed to by engaging in, committing, or attempting to commit any crime or other illegal or criminal act, enterprise, behavior, or occupation which constitutes a felony under applicable state or federal law, irrespective of whether or not: the individual is ever charged or prosecuted therefore or convicted thereof; the individual pleads guilty to a lesser non-felonious charge; the evidence obtained by the Plan Administrator of such crime or illegal or criminal act, enterprise, behavior, or occupation would be admissible in a court of law; or whether such evidence is based on an investigation by law enforcement authorities or an investigation conducted independently by the Plan Administrator. This exclusion only applies to charges for services incurred by the person engaging in, committing, or attempting to commit the acts described above. The applicability of this exclusion may be determined by the Plan Administrator independently of, directly contrary to, and even prior to any judicial determination of guilt or innocence.

2. In the Section entitled Plan Exclusions, Self-Inflicted, Page 32, & 33 Numbers 31 & 39 , has been restated as follows:

(39)**Self-Inflicted.** Any loss due to attempted suicide or suicide or an intentionally self-inflicted injury, unless resulting from a medical condition.

(31) **Obesity.** Any expenses incurred for the care and treatment of or surgery for obesity, weight reduction or weight control, whether or not it is in any case, a part of the treatment plan for another sickness.

3. The Section entitled Third Party Recovery Provision, Page 41, has been restated as follows:

SUBROGATION AND THIRD-PARTY RECOVERIES PROVISION

RIGHTS OF SUBROGATION and REIMBURSEMENT

When this Provision Applies. The Covered Person may incur medical or dental charges due to Injury or Sickness which may be caused by the act or omission of a third-party or for which a third-party or his or its employer or insurer may be responsible for payment (collectively "Responsible Third-Party"). In such circumstances, the Covered Person may have a claim against that Responsible Third-Party for payment of the medical or dental charges or for other injuries, losses or wrongs (collectively "Third-Party Claim").

Defined Terms and Special Rules: "Recoveries" means all monies paid by a Responsible Third-Party to the Covered Person by way of judgment, settlement, or otherwise to compensate for all injuries, losses, or wrongs caused by, resulting in, or related to the Injury or Sickness, whether or not such injuries, losses, or wrongs reflect medical or dental charges covered by the Plan. "Recoveries" further includes, but is not limited to, recoveries from a Responsible Third-

BOARD APPROVED

Party for medical or dental expenses, attorneys' fees, costs and expenses, pain and suffering, loss of consortium, wrongful death, lost wages, and any other recovery of any form of damages or compensation whatsoever related to a Third-Party Claim.

"Subrogation" means the Plan's right to pursue the Covered Person's Third-Party Claim against a Responsible Third-Party. "Subrogation," as used herein, includes both equitable and contractual-ERISA subrogation and includes a lien upon the Covered Person's Third-Party Claim against a Responsible Third-Party.

"Reimbursement" means repayment to the Plan for medical or dental benefits that it has paid toward care and treatment of the Injury or Sickness.

"Covered Person," as used in this Provision of this Plan, also includes the estate, guardian, or legal representative or successor of a Covered Person, in the case of a deceased, minor or legally incompetent Covered Person.

Automatic Assignment of Third-Party Claim. Accepting benefits under this Plan for those incurred medical or dental expenses automatically assigns to the Plan any and all rights the Covered Person may have to Recoveries from any Responsible Third-Party. Further, accepting benefits under this Plan for those incurred medical or dental expenses automatically assigns to the Plan the Covered Person's Third-Party Claim.

Subrogation. The Plan is automatically subrogated to any Covered Person's Third-Party Claim whether or not the Covered Person chooses to pursue that Third-Party Claim. The Plan may make a claim directly against the Responsible Third-Party, but, in any event, the Plan has a 100%, first-dollar lien on all Recoveries by or on behalf of the Covered Person from the Responsible Third-Party, whether or not designated as payment of medical or dental expenses. Further, this 100%, first-dollar Subrogation lien extends to and covers all Recoveries from such Responsible Third-Party. This Subrogation lien shall be a 100%, first-dollar lien, regardless of whether the Covered Person has been made whole through any Recoveries from the Responsible Third-Party. This Subrogation lien shall remain in effect until the Plan is repaid in full.

Reimbursement. Further, the Covered Person shall be liable to reimburse the Plan for 100% of all benefits received on account of any Injury or Sickness caused by any act or omission of any Responsible Third-Party, out of any and all Recoveries made from that Responsible Third-Party. The obligation of Reimbursement shall be without regard as to whether the Covered Person has been made whole through any Recoveries from the Responsible Third-Party. The Covered Person's obligation of Reimbursement shall remain in effect until the Plan is repaid in full.

Cooperation Required. The Covered Person shall execute and deliver such papers as may be required by the Plan to memorialize, effect or assist the Plan in protecting its rights to Subrogation and Reimbursement. Also, the Covered Person will do whatever else is necessary to help the Plan in its attempts to recover the benefits it paid the Covered Person or paid on the Covered Person's behalf under the Plan's medical or dental coverages. The Covered Person shall do nothing to prejudice the rights of the Plan to Subrogation and Reimbursement.

Conditions Precedent to Coverage. The Plan shall have no obligation whatsoever to pay medical or dental benefits to a Covered Person if a Covered Person refuses to cooperate with the Plan's rights to Reimbursement and Subrogation or refuses to execute and deliver such papers as the Plan may require in furtherance of its rights to Reimbursement and Subrogation.

Special Conditions Precedent to Coverage For Minors. Further, in the event the Covered Person is a minor, the Plan shall have no obligation to pay any medical or dental benefits incurred on account of Injury or Sickness caused by a Responsible Third-Party until after the

minor Covered Person or his guardian or other authorized legal representative obtains valid court recognition and approval of the Plan's 100%, first-dollar rights to Reimbursement and Subrogation on all Recoveries, as well as approval for the execution of any papers necessary for the enforcement thereof, as described herein.

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Notwithstanding its priority to funds, the Plan's rights to Subrogation and Reimbursement, as well as the rights assigned to it, are limited to the total dollar amount of medical and dental benefits the Plan has paid, or will pay, on account of Injury or Sickness caused by a Responsible Third-Party, as well as any costs, expenses and fees, including attorneys' fees, associated with the enforcement of the Plan's rights to Reimbursement and Subrogation.

Recoveries from Another Plan under Which the Covered Person Is Covered. This right of Reimbursement also applies when a Covered Person recovers any form of funds, coverages, proceeds, Recoveries or damages, under an uninsured or underinsured motorist plan or policy, homeowner's plan or policy, renter's plan or policy, medical malpractice plan or policy or any liability or other insurance plan or policy of any nature whatsoever.

IN WITNESS WHEREOF, this Agreement has been executed this 2nd day of April {month}, 2002 {year}.

By: Rosemary J. Quetman
Signature

Mayor
Name/Title

April 3, 2002
Date

Lance E. Nations
Lance E. Nations
Fox-Everett, Inc.

Attest:

W. Wayne Derrick
W. Wayne Derrick, City Clerk

CERTIFICATE OF RESOLUTION

The undersigned Mayor [Title] City of Clinton (the City) hereby certifies that the following resolution was duly adopted by the board of directors of the City on April 2, 2002, [Date] and that such resolution has not been modified or rescinded as of the date hereof;

RESOLVED, that Amendment Number 3 to City of Clinton Medical Benefit Plan effective ~~October 4, 2001~~ March 01, 02, presented to this meeting is hereby approved and adopted and that the proper officers of the City are hereby authorized and directed to execute and deliver to the Administrator of the Plan one or more counterparts of the amendment.

RESOLVED, that the proper officers of the City shall act as soon as possible to notify employees of the City of the adoption of this Amendment Number 3 to the City of Clinton Medical Benefit Plan by delivering to each employee a copy of the summary description of the changes to the Plan in the form of the Summary Plan Description - Material Modification.

The undersigned further certifies that attached hereto are true copies of Amendment Number 3 to City of Clinton Medical Benefit Plan - Material Modifications approved and adopted in the foregoing resolutions.

Rosemary G. Ruetman
Signature
Mayor
Name/Title

Date: April 3, 2002

Attest:

W. Wayne Derrick
W. Wayne Derrick, City Clerk

**RESOLUTION AUTHORIZING THE CONDEMNATION
OF A PARCEL OF LAND FOR THE
NATCHEZ TRACE VISITOR CENTER**

WHEREAS, it has been reported to the Mayor and Board of Aldermen of the City of Clinton, State of Mississippi, that the attempt to obtain a parcel of land required for construction of a public building to serve as a visitors' center for the City of Clinton in connection with the Natchez Trace Parkway (the "Project"), has been unsuccessful, and condemnation proceedings will have to be instituted in order to acquire said parcel of land because of the failure of efforts to enter into a voluntary agreement with Pinelake Development, Inc. for a parcel of land located in the South Half (S ½) of the South Half (S ½) of Section 17, Township 6 North, Range 1 West, Clinton, First Judicial District of Hinds County, Mississippi, said parcel containing 5.12 acres, more or less, and being more fully described in Exhibit "A" attached hereto and made a part hereof; and

WHEREAS, it is necessary to obtain this parcel of land for construction of the Project of the City of Clinton, Mississippi; and

WHEREAS, the Mayor and Board of Aldermen of the City of Clinton, Mississippi, have previously found and determined that the Natchez Trace Visitor Center Project will be necessary to promote the health, safety, and welfare of the citizens of the City of Clinton, Mississippi and to encourage and develop tourism throughout the City; and

WHEREAS, §21-37-47 provides that a municipality shall have the power to exercise the right of eminent domain to secure land for constructing any public building and in any other case where such land is to be used for public purposes.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Board of Aldermen of the City of Clinton, Mississippi, hereby direct its legal counsel to prepare the necessary documents to present a Complaint in Condemnation to the Special Court of Eminent Domain of the First Judicial District of Hinds County, Mississippi, against Pinelake Development,

Inc., and all other persons claiming an interest in said property as required by statute for the condemnation of the parcel of land mentioned above, such parcel of land being more particularly described as found in the document attached hereto as Exhibit "A"; and be it further,

RESOLVED, that if necessary, the Mayor of the City of Clinton, Mississippi, is hereby authorized to sign and verify such complaint; and be it further,

RESOLVED, that legal counsel be and it is hereby authorized and directed to commence any and all proceedings necessary for the condemnation of such right-of-way, to include the employment of appropriate expert witnesses to give testimony concerning the location and value of the property to be obtained; and be it further,

RESOLVED, that the Natchez Trace Visitor Center is a project to be used for public purposes and will be a public building.

SIGNED, this the 3rd day of April, 2002.

CITY OF CLINTON, MISSISSIPPI

BY: Rosemary J. Aultman
ROSEMARY AULTMAN, Mayor

ATTEST:

W. Derrick
WAYNE DERRICK

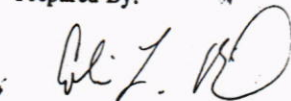
Resolution-NTVC

Natchez Trace Visitor Center
Clinton, MS
5.12 Acres

Commencing at a Natchez Trace Monument found, stamped "3P 44 1970", and also being the Southeast corner of Section 17, Township 6 North, Range 1 West, Hinds County, Mississippi and thence run North a distance of 284.81 feet to point; thence run West a distance of 2,878.24 feet to a 1/2" iron rod found on the eastern right-of-way line of Pinehaven Road (80' right-of-way), said point being the True Point of Beginning of the tract herein described:

From the True Point of Beginning thence run North 23 degrees 27 minutes 29 seconds East, along said right-of-way, a distance of 216.29 feet to a 1/2" iron rod set on said right-of-way; thence run along said right-of-way along a curve to the left having the following curve data: Arc Length of 416.96 feet, Radius of 1,876.24 feet, Chord Bearing of North 17 degrees 25 minutes 14 seconds East, and Chord Length of 416.11 feet to a 1/2" iron rod found; thence run North 08 degrees 24 minutes 45 seconds East, along said right-of-way, a distance of 23.78 feet to a 1/2" iron rod found; thence leave said right-of-way and run South 89 degrees 37 minutes 11 seconds East, along the South line of a parcel described in Deed Book 3438 at Page 682 as recorded in the Office of the Chancery Clerk of Hinds County, a distance of 246.48 feet to a 1/2" iron rod set on said recorded line; thence run South 13 degrees 44 minutes 39 seconds East a distance of 524.30 feet to a 1/2" iron rod set on the North right-of-way line of the Natchez Trace Parkway; thence run South 79 degrees 32 minutes 23 seconds West, along said right-of-way, a distance of 595.09 feet back to the True Point of Beginning, said tract being 5.12 acres, more or less, and being located in the South Half (S1/2) of the South Half (S1/2) of Section 17, Township 6 North, Range 1 West, Hinds County in the Great State of Mississippi.

Prepared By:



Colin L. Baird, P.L.S.
Williford, Gearhart & Knight, Inc.
Engineers & Surveyors
May 7, 2001

01-160.doc

EXHIBIT "A"



1/2" Iron
Rod Found

John D. Daniels
DB 4858 at PG 046

Pinlake Development,
DB 3438 at PG 682

N07°51'59"E
7.68'

N13°57'32"W
7.86'

1/2" Iron
Rod Found

S89°37'11"E (A.P.S.)
WEST (A.P.R.)

246.48'

N08°24'45"E
23.78'

1/2" Iron
Rod Set

Curve Data
L=416.96'
R=1,876.24'

5.12 Acres

Pinlake Development,
DB 4720 at PG 392
DB 3414 at PG 515

Pinlake Development, Inc.
DB 4720 at PG 392
DB 3414 at PG 515

Class "B" survey in accordance with the minimum standards
for land surveying in the State of Mississippi.

Reference Meridian was derived from Solar Observation
made on May 3, 2001.

Location of underground utilities shown on plat is approximate
only, and is based on surface evidence of same, or information
provided by others. Other underground utilities/structures
may exist that were not evident to surveyor.

Centerline of Ditch

1/2" Iron
Rod Set

Property located in the South Half
of the South Half of Section 17,
Township 6 North, Range 1 West,
Hinds County, Mississippi

1/2" Iron
Rod Set

Barb Wire Fence
on Property Line.

Barb Wire Fence 1.0'
South of Property Line

Barb Wire Fence

S79°32'23"W (A.P.S.)
S79°26'W (A.P.R.)

Natchez Trace Parkway

Concrete Mon.
Found

Subsurface and environmental conditions were not examined
or considered as a part of this survey.

This property may be subject to recorded or unrecorded
easements, rights-of-way or other encumbrances which
are not evident to the surveyor, but which would be revealed
by a title search performed by a competent attorney.

This boundary survey was performed and this plat was prepared
by Williford, Gearhart & Knight, Inc., Engineers & Surveyors,
P.O. Box 318, Clinton, Mississippi 39060.
Phone: (601) 925-4444

This survey is considered valid only when original seal and
signature of surveyor of record is affixed hereto.

I, Colin L. Baird, do hereby certify that the features depicted
on this plat are a correct representation of the
as they existed on May 7, 2001.

Certified:

Colin L. Baird, P.L.S. No. 279



GRAPHIC SCALE



1 Inch = 80 ft.

Point of Commencement
Natchez Trace Monument Found,
"3P 44 1970), and being the
SE Corner of Section 17, T-
6-N, R-1-W, Hinds Co., MS



WILLIFORD, GEARHART & KNIGHT, INC.

ENGINEERS & SURVEYORS

DATE
5/07/01
DRAWN BY
CLB

CITY OF CLINTON
NATCHEZ TRACE
VISITOR CENTER

SURVEY.DWG

SHEET NO.

SCALE
1" = 80'

WGK# - 99160

1

OF

1

CITY OF CLINTON AGENDA ITEM FACT SHEET

Board Meeting Date: April 02, 2002

Agenda Item No. 10

Consent Agenda: For:	To: Account No.
-------------------------	----------------------------

Discussion/Action: Clinton Raymond Road / I-20 Utility Relocation. Unit price proposal – addition to contract	
Introduced by: Richard Broome	Telephone No. 924-5462

Exhibits for Review:

Minutes: _____	Invoice: _____	Other: <u>price proposal</u>
Ordinance: _____	Plans, Maps: _____	_____
Resolution: _____	Contract: _____	_____

Recommendation:

Board Action:

Motion made by: Touchton
Seconded by: Lott

<u>Vote Cast:</u>	<u>"Aye":</u>	<u>"Nay":</u>	<u>Action Taken:</u>
Brabham	<u>I</u>	_____	_____
Hisaw	<u>I</u>	_____	_____
Greer	<u>I</u>	_____	_____
Brantley	<u>I</u>	_____	_____
Fisher	<u>I</u>	_____	_____
Touchton	<u>I</u>	_____	_____
Lott	<u>I</u>	_____	_____
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.

R.W. DELANEY CONSTRUCTION CO.

P.O. Box 264 • Natchez, MS 39121-0264 • (601) 442-0352

Fax: 601-442-0491 Incoming Watt: 800-541-7189

RECEIVED
MAR 19 2002CITY OF CLINTON
ENGINEERING DEPARTMENT

March 18, 2001

City of Clinton
Attn: Bert Kuyrkendall
P.O. Box 156
Clinton, MS 39060RE: Clinton Raymond Rd./I-20
Utility Relocation ProjectThe following is a quote for an additional item on the above
referenced job.

Bedding material for gravity sewer.....\$ 12.50/ton

Please call if you have any questions or need more
information.

Thank you,

*Gus Howard*Gus Howard
Project Foreman

CITY OF CLINTON AGENDA ITEM FACT SHEET

Board Meeting Date: April 02, 2002

Agenda Item No. 11

Consent Agenda:	To:
For:	
	Account No.

Discussion/Action: 2002 Street Improvements – Bid Award	
Introduced by: Richard Broome	Telephone No. 924-5462

Exhibits for Review:

Minutes: _____	Invoice: _____	Other: <u>Bid Tabulation</u>
Ordinance: _____	Plans, Maps: _____	_____
Resolution: _____	Contract: _____	_____

Recommendation:

Board Action:

Motion made by: Greer
Seconded by: Frank Lott

<u>Vote Cast:</u>	<u>"Aye":</u>	<u>"Nay":</u>	<u>Action Taken:</u>
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.

Bid Tabulation
2002 Street Improvements Program

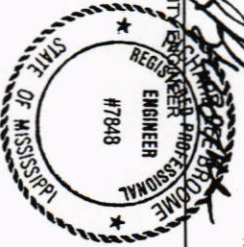
City of Clinton, MS
 March 22, 2002
 10:00 A.M

Item Number	Item Description	Proposal Quantity	Item Unit	Adcamp		APAC		Clear River		Dickerson-Bowen		Superior	
				Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
S-403-C	Hot Bituminous Pavement Surface Course, SC-1, TYPE 2	13,100	Tons	\$31.95	\$418,545.00	\$33.10	\$433,610.00	\$39.50	\$517,450.00	\$34.10	\$446,710.00	\$33.80	\$442,780.00
S-301-A	Base Failure Repair Dig out and Repair with BB-1	200	Tons	\$31.95	\$6,390.00	\$39.00	\$7,800.00	\$60.00	\$12,000.00	\$47.25	\$9,450.00	\$35.00	\$7,000.00
S-304	Granular Material Class 5, Group C (For Shoulder Work)	200	Tons	\$9.00	\$1,800.00	\$15.50	\$3,100.00	\$25.00	\$5,000.00	\$14.75	\$2,950.00	\$10.00	\$2,000.00
406-A	Cold Milling of Bituminous Pavement (all depths)	31,700	Square Yards	\$0.74	\$23,458.00	\$1.35	\$42,795.00	\$2.75	\$87,175.00	\$1.50	\$47,550.00	\$1.60	\$50,720.00
901-S-620-A	Traffic Stripe (Skip White)	13,300	Feet	\$0.18	\$2,394.00	\$0.18	\$2,394.00	\$0.10	\$1,330.00	\$0.08	\$1,064.00	\$0.20	\$2,660.00
901-S-620-B	Traffic Stripe (Skip Yellow)	5,400	Feet	\$0.18	\$972.00	\$0.18	\$972.00	\$0.10	\$540.00	\$0.08	\$432.00	\$0.20	\$1,080.00
901-S-620-C	Traffic Stripe (Continuous White)	45,100	Feet	\$0.15	\$6,765.00	\$0.15	\$6,765.00	\$0.18	\$8,118.00	\$0.17	\$7,667.00	\$0.17	\$7,667.00
901-S-620-D	Traffic Stripe (Continuous Yellow)	47,700	Feet	\$0.15	\$7,155.00	\$0.15	\$7,155.00	\$0.18	\$8,586.00	\$0.17	\$8,109.00	\$0.17	\$8,109.00
901-S-620-L	Legend	650	Sq. Feet	\$1.00	\$650.00	\$1.00	\$650.00	\$1.60	\$1,040.00	\$1.50	\$975.00	\$1.10	\$715.00
901-S-620-H	Detail	650	Feet	\$4.00	\$2,600.00	\$4.00	\$2,600.00	\$8.00	\$5,200.00	\$7.50	\$4,875.00	\$4.35	\$2,827.50
Total Bid Price					\$470,729.00		\$507,841.00		\$646,439.00		\$629,782.00		\$525,558.50

THIS IS TO CERTIFY THAT THE ABOVE BID AMOUNTS ARE A TRUE AND ACCURATE TABULATION OF THE CONSTRUCTION BIDS RECEIVED ON THIS PROJECT.

BY: *Richard L. Broome*
 RICHARD L. BROOME, P.E. CITY ENGINEER
 CITY OF CLINTON, MS

DATE: 3/25/02



CITY OF CLINTON AGENDA ITEM FACT SHEET

Board Meeting Date: April 2, 2002

Agenda Item No. 12

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Discussion/Action: Addendum to Agreement for Professional Services with Alford Engineering to Develop a Master Plan for the Existing Traceway Park

Introduced by: Michael Taggart, Parks/Recreation Director

Exhibits for Review:

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

Recommendation:

Board Action:

Motion made by: Brabham
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 preceding the Tuesday Board Meeting to be included on the Agenda. This deadline will be strictly enforced.

ALFORD ENGINEERING

CONSULTING ENGINEERS

P.O. BOX 16621

JACKSON, MISSISSIPPI 39236-6621

5135 GALAXIE DRIVE, SUITE 401-D

JACKSON, MISSISSIPPI 39206

TELEPHONE: (601) 362-7450

FAX: (601) 366-5948

March 28, 2002

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

RE: Traceway Park Master Plan

Dear Mayor Aultman:

On August 7, 2001, an "*Agreement for Professional Services*" was executed for the development of a "*Master Plan*" for Brighton Park.

We are now pleased to offer our services to develop a "*Master Plan*" for the existing Traceway Park which covers approximately 140 acres. The "*Plan*" is to include the following:

SCOPE OF WORK

1. WALKING TRAILS

Walking trails through both sides of the park utilizing shaded areas where possible. The trail system will connect with the pedestrian tunnel at the Natchez Trace (near Baseball Field No. 8). At Cynthia Road, consideration will be given to a pedestrian/maintenance equipment passageway underneath the proposed new roadway.

2. PLAYGROUNDS

Playground areas and equipment to be considered throughout the park at such locations as Soccer Field Nos. 10 and 11, open area at Soccer Field No. 7, Baseball Field No. 6 (at Trace Boundary) and in the softball area.

3. SAFETY LIGHTING

Safety lighting for the trail system and parking areas will be included.

4. ROADWAY

A looped road (from the existing roadway) will be considered to circle Baseball Field No. 5, border the Trace Ridge neighborhood, connect through the softball complex parking and connect to the existing roadway. An "*EXIT ONLY*" connection to Northside Drive will be considered between the 4-plex softball complex and Trace Ridge.

A connecting road (between the loop) will be considered between Baseball Field No. 3 and Softball Field No. 2.

5. **PARKING**

Existing parking areas are to be expanded and paved where possible/feasible.

6. **NEW ROADWAY CONNECTIONS**

A new connection will be considered to Northside Drive at Soccer Field No. 6.

A new connection will be considered to Cynthia Road from the existing parking area at Soccer Field No. 7.

7. **PARK ENTRANCES**

Improvements will be recommended to make all park entrances aesthetically pleasing with new signage and gates.

8. **DRIVING RANGE/PUTTING GREEN**

A new driving range and putting green will be considered to the east of the existing maintenance area used by the Parks Department.

9. **LIGHTING SYSTEM**

The existing lighting control system will be evaluated for operation by a key system.

The existing lighting system will be evaluated to determine where new lighting is needed.

10. **GIRLS' SOFTBALL COMPLEX**

Recommendations will be provided for:

- Additional restrooms
- Additional concessions
- Additional storage
- Netting system for spectator safety
- Bleacher shading

11. **BASEBALL COMPLEX**

Recommendations will be provided for:

- Reconfigure Field Nos. 3 and 4 and Soccer Field Nos. 1 and 2 into a new baseball 4-plex. One (1) of the new fields to be 120' for T-ball and the other 250'-275'.

- New centralized concessions, restrooms, storage and a pavilion to serve the new 4-plex and existing Field No. 5.
- Improvements to Field No. 6 concessions and restrooms.
- Provide landscaping between Field No. 6 and the Natchez Trace.
- Improvements to Field Nos. 7 and 8 concessions/restrooms and a new pavilion.
- Irrigation for Field Nos. 3, 4, 5, 6, and new fields.
- Reconstruction or replacement of all dugouts and press boxes.

12. **SOCCER COMPLEX**

Recommendations will be made for:

- Replace Soccer Field Nos. 1 and 2 to the east of Soccer Row and south of Cynthia Road (approximately 500' x 260').
- New building for Field Nos. 7, 8, 9 and 10 to include restrooms, concessions and a pavilion.
- Improvements to existing Park Director's building to add restrooms, concessions, pavilion, and office space to serve Park Director and Field Nos. 3, 4, 5 and 6.

13. **LANDSCAPING**

Landscaping improvements will be recommended where appropriate and as listed elsewhere.

SERVICES

The "**Master Plan**" will be developed by gathering information and input from the Mayor, Director of Parks & Recreation, the City Engineer, and others designated by the City.

A topographic survey of the site will be performed. A contour map of the site will be provided at 1' contours. The apparent boundary lines will be mapped but no boundary surveys will be provided.

As the plan is developed, meetings will be held with the City's representatives to formulate the final "**Master Plan**". For the proposed fee, a maximum of six (6) meetings are included and a presentation of the final plan to the Mayor and Board.

Page 4

Honorable Rosemary Aultman, Mayor

March 28, 2002

The deliverables of the final "**Master Plan**" will include one (1) large color-mounted rendering, forty (40) small scale color copies of the plan (approximately 11" x 17"), a theme drawing to establish a conceptual theme for the architectural style of the buildings, and statements of probable preliminary costs for the various elements of the improvements.

The "**Master Plan**" will be completed within one hundred twenty (120) days following authorization to start the work.

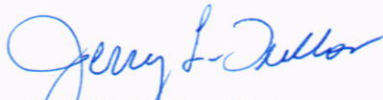
FEES

The fee for developing this "**Master Plan**" is a lump sum amount of **\$81,000.00**. Payments shall be made monthly in proportion to the services performed. No fees are included for geotechnical or traffic studies.

We appreciate the opportunity to provide these services to the City of Clinton.

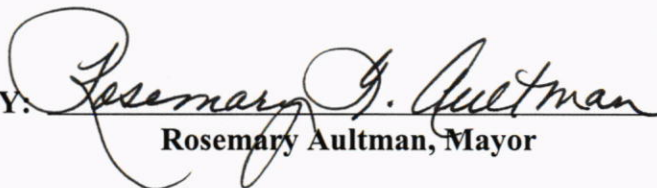
Sincerely,

ALFORD ENGINEERING


Jerry L. Tullos, P.E.

JLT/mp

This letter shall serve as an "Amendment" to the "Agreement for Engineering Services" of August 7, 2001, and is hereby accepted by the Mayor and Board of Aldermen of the City of Clinton, Mississippi on this 2nd day of April, 2002.

BY: 
Rosemary Aultman, Mayor

Attest:


W. Wayne Derrick, City Clerk