

CITY OF CLINTON
REGULAR MEETING OF THE MAYOR AND BOARD OF ALDERMEN
TUESDAY, MAY 21, 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 Fisher followed by the Pledge of Allegiance to the Flag led by Alderman Touchton.

ROLL CALL - City Clerk Wayne Derrick

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

APPROVAL OF AGENDA ITEMS A-Q

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

UNKEMPT PROPERTY LOCATED AT 110 AND 112 WEST LEAKE STREET

Mr. Frank Beard, representing the Hugh McLaurin Trust, owner of the subject property, explained to the Mayor and Board the situation existing between the Trust and the current tenant, Matt Wiggins. Alderman Brabham suggested that a plan of action as to the disposition of unkempt property items associated with the property be prepared by Mr. Beard and that this plan be presented to the Mayor and Board at the meeting of July 2, 2002. This suggestion was agreed to by all members of the Board.

UNKEMPT PROPERTY LOCATED AT 600 OAKWOOD DRIVE

Upon recommendation by Gary Ward, Zoning Administrator, **MOTION** made by Alderman Greer and **SECONDED** by Alderman Brabham to approve the Resolution for the cleaning of private property located at 600 Oakwood Drive under the authority granted to municipalities by Section 21-19-11, Mississippi Code of 1972 as amended, and other applicable statutes and ordinances. **MOTION CARRIED UNANIMOUSLY**

UNKEMPT PROPERTY LOCATED AT LOT 36, MEADOW OAKS SUBDIVISION – ANGELIA LANE

Upon recommendation by Gary Ward, Zoning Administrator, **MOTION** made by Alderman Fisher and **SECONDED** by Alderman Lott to approve the Resolution for the cleaning of private property located at Lot 36, Meadow Oaks Subdivision (Angelia Lane) under the authority granted to municipalities by Section 21-19-11, Mississippi Code if 1972 as amended, and other applicable statutes and ordinances. **MOTION CARRIED UNANIMOUSLY**

UNKEMPT PROPERTY LOCATED AT 705 PINEHURST DRIVE

Upon recommendation by Gary Ward, Zoning Administrator, **MOTION** made by Alderman Fisher and **SECONDED** by Alderman Brabham to approve the Resolution for the cleaning of private property located at 705 Pinehurst Drive under the authority granted to municipalities by Section 21-19-11, Mississippi Code if 1972 as amended, and other applicable statutes and ordinances. **MOTION CARRIED UNANIMOUSLY**

APPROVAL OF AMENDMENT NO. 6 TO GENERAL SERVICES AGREEMENT WITH BAKER ENGINEERING FOR CLINTON-RAYMOND ROAD RELOCATION

Upon recommendation by Richard Broome, City Engineer, **MOTION** made by Alderman Touchton and **SECONDED** by Alderman Brantley to approve Amendment No. 6 to the General Services Agreement with Baker Engineering for the Clinton-Raymond Road Relocation Project in the amount of \$14,370.00. This amendment will revise the total fee for the Project to \$64,370. **MOTION CARRIED UNANIMOUSLY**

APPROVAL OF RECOMMENDATION OF CLINTON PARKS & RECREATION ADVISORY BOARD FOR THE CHRIS BAGWELL/JAMIE BARNES INCIDENT

Upon recommendation by Michael Taggart, Parks & Recreation Director, **MOTION** made by Alderman Touchton and **SECONDED** by Alderman Brantley to approve the recommendation of Clinton Parks & Recreation Advisory Board for the Chris Bagwell/Jamie Barnes incident. A copy of the recommendation is attached. A copy of a document dated May 15, 2002, prepared by Mark Tanksley, is incorporated in these Minutes by reference and a copy of said document is on hand at the office of the Director of Parks and Recreation. **MOTION CARRIED UNANIMOUSLY**

APPROVAL TO ADVERTISE FOR BIDS ON WALKING TRAIL TO BE CONSTRUCTED AT ROBINSON PARK

Upon recommendation by Michael Taggart, Parks & Recreation Director, **MOTION** made by Alderman Hisaw and **SECONDED** by Alderman Greer for the approval to advertise for bids on the walking trail to be constructed at Robinson Park. The City has been awarded a grant in the amount of \$40,000 from the Mississippi Department of Wildlife and Fisheries and Parks that is to be used to fund costs associated with this project; the City is required to fund \$8,000. **MOTION CARRIED UNANIMOUSLY**

**APPROVAL TO ADVERTISE FOR BIDS FOR DRIVEWAY REPAIRS AT FIRE STATION
#3**

Upon recommendation by Darrell McQuirter, Fire Chief, **MOTION** made by Alderman Touchton and **SECONDED** by Alderman Brabham for the approval to advertise for bids for driveway repairs at Fire Station #3. **MOTION CARRIED UNANIMOUSLY**

**APPOINTMENT OF LORETTA E. DAVEY TO PARKS AND RECREATION ADVISORY
BOARD**

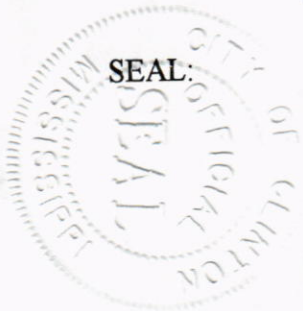
Recommendation and **MOTION** was made by Phil Fisher, Alderman Ward 4, and **SECONDED** by Alderman Touchton to approve the appointment of Loretta E. Davey to the Parks and Recreation Advisory Board. This appointment begins on May 21, 2002 and ends on June 30, 2005. **MOTION CARRIED UNANIMOUSLY**

ADJOURN 7:30 P.M.

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

APPROVED: Rosemary G. Aultman May 28, 2002
Rosemary G. Aultman, Mayor Date

ATTEST: W. Derrick 05/28/2002
Wayne Derrick, City Clerk Date



CITY OF CLINTON AGENDA ITEM FACT SHEET

Board Meeting Date: May 21, 2002

Agenda Item No. 7

Consent Agenda:	To:
For:	
Acct. No.	
Introduced by:	Telephone:

Discussion/Action:	Unkempt Property 110 and 112 West Leake Street Hugh McLaurin Trust
Introduced by:	Gary Ward
Telephone:	924-2256

Exhibits for Review:			
Minutes	_____	Invoice	_____
Ordinance	_____	Plans, Maps	_____
Resolution	_____	Contract	_____
Other:			

Recommendation:

Board Action:	Motion made by: <u>Brabham</u>	<i>Set action aside until plan is brought by the Trust by July 20. with timetable as to what is going to be done. m. Beard.</i>	
	Seconded by: <u>Fisher</u>		
Vote Cast:	"Aye"	"Nay"	Action Taken:
Brabham	_____	_____	_____
Hisaw	_____	_____	_____
Greer	_____	_____	_____
Brantley	_____	_____	_____
Fisher	_____	_____	_____
Touchton	_____	_____	_____
Lott	_____	_____	_____
Mayor Aultman	_____	_____	_____

ALDERMEN

Tony Hisaw
Ward One

Tony M. Greer
Ward Two

Clint Brantley
Ward Three

Phil Fisher
Ward Four

City of Clinton Mississippi

Rosemary Aultman, Mayor

ALDERMEN

Herb Touchton
Ward Five

Sharbert K. Lott
Ward Six

Jehu Brabham
Alderman-At-Large

W. Wayne Derrick
City Clerk

February 15, 2002

FILE COPY

Via Certified Mail/Return-Receipt Requested

Mr. Fred Beard
Trustee of Hugh McLaurin Trust
P. O. Box 5089
Jackson, MS 39296

Dear Mr. Beard:

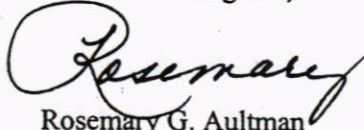
Almost a year ago (March 19, 2001) I wrote you a letter regarding the condition of the property owned by Hugh McLaurin at 110 and 112 West Leake Street in Clinton. To date no action has been taken to rehabilitate the properties.

The City has begun the Olde Towne improvements project which will greatly enhance the area both in function and appearance. This project is a significant capital outlay for the City but one we feel is worthwhile as the Olde Towne area is important to the overall quality of our town. However, I also expect property owners in the area to join with us in rehabilitating and cleaning their properties. Many have already begun to do so.

This letter is notification that you have ninety (90) days from receipt of this letter to respond with a written plan of repair for the 110 and 112 West Leake Street properties. Otherwise, the City will have no other recourse than to follow procedures in place for repairing the properties and charging the cost back to the property owners.

I look forward to hearing from you.

With kindest regards,



Rosemary G. Aultman
Mayor

RGa:ll

cc: Ken Dreher, City Attorney
Board of Aldermen

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MR. FRED BEAIRD
TRUSTEE OF HUGH MCLAURIN
TRUST
P. O. BOX 5089
JACKSON, MS 39296

2. Article Number (Copy from service label)

7000 1670-0002-7001-5840

PS Form 3811, July 1999

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

Herman A. Jacobs

B. Date of Delivery

2-19-2

C. Signature

X *Herman A. Jacobs*

☐ Agent☐ Addressee

D. Is delivery address different from item 1?

☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☒ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

Domestic Return Receipt

102595-99-M-1789

RESOLUTION

There came on for public hearing before the Mayor and Board of Aldermen of the City of Clinton, Mississippi, the matter of unclean property located at 110 and 112 West Leake Street, Clinton, Mississippi, and after full consideration of the matter, Alderman _____ offered the following Resolution:

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CLINTON, MISSISSIPPI, DETERMINING THE NECESSITY FOR THE CLEANING OF PRIVATE PROPERTY LOCATED AT 110 and 112 WEST LEAKE STREET, 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 110 and 112 West Leake Street, 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., May 21, 2002, 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 110 and 112 West Leake Street, Clinton, Mississippi, in its present condition, constitutes to the public health and safety of the community.
2. The Director of Public Works is hereby directed to take such action as appropriate under Section 21-19-11, Miss. Code of 1972, as amended, and other applicable statutes and ordinances, to clean the property by cutting weeds, removing rubbish and dilapidated buildings and debris.

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

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

Alderman Brabham voted: _____
Alderman Hisaw voted: _____
Alderman Greer voted: _____
Alderman Brantley voted: _____
Alderman Fisher voted: _____
Alderman Touchton voted: _____
Alderman Lott voted: _____

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

The foregoing Resolution was approved this the 21st day of May 2002.

CITY OF CLINTON

BY: _____
ROSEMARY AULTMAN, Mayor

ATTEST:

WAYNE DERRICK, City Clerk

(S E A L)

CITY OF CLINTON AGENDA ITEM FACT SHEET

Board Meeting Date: May 21, 2002

Agenda Item No. 8

Consent Agenda:

To:

For:

Acct. No.

Introduced by:

Telephone:

Discussion/Action: Unkempt Property
600 Oakwood Drive
Christopher Holt

Introduced by: Gary Ward

Telephone: 924-2256

Exhibits for Review:

Minutes _____

Invoice _____

Other:

Ordinance _____

Plans, Maps _____

Resolution _____

Contract _____

Recommendation:

Board Action:

Motion made by: Greer

Seconded by: Brubham

Vote Cast:

"Aye"

"Nay"

Action Taken:

Brabham

Hisaw

Greer

Brantley

Fisher

Touchton

Lott

Mayor Aultman

RESOLUTION

There came on for public hearing before the Mayor and Board of Aldermen of the City of Clinton, Mississippi, the matter of unclean property located at 600 Oakwood Drive, Clinton, Mississippi, and after full consideration of the matter, Alderman Green 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 600 OAKWOOD 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 600 Oakwood 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., May 21, 2002, 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 600 Oakwood 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 Brabham 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>yes</u>
Alderman Touchton voted:	<u>yes</u>
Alderman Lott voted:	<u>yes</u>

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

The foregoing Resolution was approved this the 21st day of May 2002.

ATTEST:

Wayne Derrick
WAYNE DERRICK, City Clerk

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



CITY OF CLINTON AGENDA ITEM FACT SHEET

Board Meeting Date: May 21 , 2002

Agenda Item No. 9

Consent Agenda:

To:

For:

Acct. No.

Introduced by:

Telephone:

Discussion/Action: Unkempt Property
Lot 336, Meadow Oaks Subdivision (Angelia Lane)
Faeza Jones

Introduced by: Gary Ward

Telephone: 924-2256

Exhibits for Review:

Minutes

Ordinance

Resolution

Invoice

Plans, Maps

Contract

Other:

Recommendation:

Board Action:

Motion made by: Fisher

Seconded by: Lott

Vote Cast:

"Aye"

"Nay"

Action Taken:

Brabham

Hisaw

Greer

Brantley

Fisher

Touchton

Lott

Mayor Aultman

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

RESOLUTION

There came on for public hearing before the Mayor and Board of Aldermen of the City of Clinton, Mississippi, the matter of unclean property located at Lot 336, Meadow Oaks Subdivision (Angelia Lane), Clinton, Mississippi, and after full consideration of the matter, Alderman Fisher offered the following Resolution:

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CLINTON, MISSISSIPPI, DETERMINING THE NECESSITY FOR THE CLEANING OF PRIVATE PROPERTY LOCATED AT LOT 336 MEADOW OAKS SUBDIVISION (ANGELIA LANE), CLINTON, MISSISSIPPI, UNDER THE AUTHORITY GRANTED TO MUNICIPALITIES BY SECTION 21-19-11, MISSISSIPPI CODE OF 1972 AS AMENDED, AND OTHER APPLICABLE STATUTES AND ORDINANCES.

WHEREAS, it has come to the attention of the Mayor and Board of Aldermen that the property located at Lot 336 Meadow Oaks Subdivision (Angelia Lane), Clinton, Mississippi, may constitute a menace to the public health and safety of the community because of its present condition and state of uncleanness; and

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

WHEREAS, a public hearing was held at 7:00 p.m., May 21, 2002, at the Municipal Room of the Public Safety Complex, 305 Monroe Street, Clinton, Mississippi; and

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

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

1. It is hereby adjudicated that the property located at Lot 336 Meadow Oaks Subdivision (Angelia Lane), Clinton, Mississippi, in its present condition, constitutes to the public health and safety of the community.
2. The Director of Public Works is hereby directed to take such action as appropriate under Section 21-19-11, Miss. Code of 1972, as amended, and other applicable statutes and ordinances, to clean the property by cutting weeds, removing rubbish and dilapidated buildings and debris.

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

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

Alderman Brabham voted:

yes

Alderman Hisaw voted:

yes

Alderman Greer voted:

yes

Alderman Brantley voted:

yes

Alderman Fisher voted:

yes

Alderman Touchton voted:

yes

Alderman Lott voted:

yes

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

The foregoing Resolution was approved this the 21st day of May 2002.

ATTEST:

W. Derrick

WAYNE DERRICK, City Clerk

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

(SEAL)



CITY OF CLINTON AGENDA ITEM FACT SHEET

Board Meeting Date: May 21 , 2002

Agenda Item No. 10

Consent Agenda:

To:

For:

Acct. No.

Introduced by:

Telephone:

Discussion/Action: Unkempt Property
705 Pinehurst
Ralph W. Corneliusen, Jr.

Introduced by: Gary Ward

Telephone: 924-2256

Exhibits for Review:

Minutes _____
Ordinance _____
Resolution _____

Invoice _____
Plans, Maps _____
Contract _____

Other:

Recommendation:

Board Action:

Motion made by: Fisher
Seconded by: Brabham

Vote Cast: **"Aye"**

"Nay"

Action Taken:

Brabham _____
Hisaw _____
Greer _____
Brantley _____
Fisher _____
Touchton _____
Lott _____
Mayor Aultman _____

RESOLUTION

There came on for public hearing before the Mayor and Board of Aldermen of the City of Clinton, Mississippi, the matter of unclean property located at 705 Pinehurst, Clinton, Mississippi, and after full consideration of the matter, Alderman Jisher 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 705 PINEHURST, 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 705 Pinehurst, 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., May 21, 2002, 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 705 Pinehurst, 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 Brabham 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>yes</u>
Alderman Touchton voted:	<u>yes</u>
Alderman Lott voted:	<u>yes</u>

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

The foregoing Resolution was approved this the 21st day of May 2002.

ATTEST:

W. Derrick
WAYNE DERRICK, City Clerk

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

(SEAL)



CITY OF CLINTON AGENDA ITEM FACT SHEET

Board Meeting Date: May 21, 2002

Agenda Item No. 11

Consent Agenda:
For:

To:

Account No.

Discussion/Action: Amendment No. 6 to General Services Agreement

With Baker Engineering for Clinton-Raymond Relocation

Introduced by: Richard Broome

Telephone No. 924-5462

Exhibits for Review:

Minutes: _____

Invoice: _____

Other: _____

Ordinance: _____

Plans, Maps: _____

Resolution: _____

Contract: _____

Recommendation:

Board Action:

Motion made by: Touchton

Seconded by: Lott

Vote Cast:

"Aye":

"Nay":

Action Taken:

Brabham

Hisaw

Greer

Brantley

Fisher

Touchton

Lott

Mayor Aultman

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

April 30, 2000

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

Re: Clinton-Raymond Road / I20 Interchange Modifications
Amendment No. 6 to General Services Agreement
Additional Services

Dear Mayor Aultman:

In accordance with prior and recent discussions, Michael Baker Jr., Inc. submits for review and approval this request for additional services under the referenced Amendment No. 6 to the General Services Agreement. This request is for field surveying and engineering services for water and sanitary sewer relocations in connection with proposed improvements to and in the vicinity of the interchange at Interstate 20 and Clinton-Raymond Road. Specifically, this request is for the following described additional services.

Extended evaluations and extra meetings and consultations in connection with the eventual award of the construction contract.	\$1,638.00
Additional field surveys to relocate the proposed sewer along Highway 80 to avoid constructing in front of a private home owner's property and for an easement on Mississippi College property.	2,069.00
Design and preparation of construction drawings to relocate the proposed sewer along Highway 80.	1,962.00
Preparation of easement documents for construction of the sewer on Mississippi College property.	833.00
Reviews, comments and coordination with the Contractor and City to date.	<u>1,880.00</u>
SUBTOTAL	\$8,382.00
Estimated additional services for reviews, comments and coordination with the Contractor and City during the remainder of the construction period.	<u>\$5,988.00</u>
TOTAL	\$14,370.00

This addition will revise the fee for this Amendment No. 6 to \$64,370.00. We appreciate our association with the City of Clinton, and we look forward to continuing our services to the City for this project, which will complete the necessary water and sanitary sewer relocations as part of the improvements to this important transportation facility.

Sincerely,

MICHAEL BAKER JR., INC.

A. Glenn Calloway
Vice President

Enclosures
AGC/JHS/js

CITY OF CLINTON AGENDA ITEM FACT SHEET

Board Meeting Date: May 21, 2002

Agenda Item No. 12

Consent Agenda: For:	To: Account No.
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Discussion/Action: Recommendation of Clinton Parks & Recreation Advisory Board for Bagwell/Barnes Incident	
Introduced by: Michael E. Taggart	Telephone No. 601-924-6082

Exhibits for Review: See Attachment

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

Recommendation:

Board Action:

Motion made by: Touchton
Seconded by: Brantley

<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 PM on the Wednesday preceding the Tuesday Board Meeting to be included on the Agenda. This deadline will be strictly enforced.

Michael E. Taggart
Director

Hope Williams
Program Coordinator

CLINTON
HISTORY • PRIDE • PROGRESS
PARKS & RECREATION DEPARTMENT
P.O. Box 156 • 200 Soccer Row
Clinton, MS 39060

Phone: 601-924-6082

Fax: 601-925-6101

E-mail: clntnpr@aol.com

TO: Mayor Rosemary Aultman
Board of Alderman

FROM: Michael E. Taggart *mt*

DATE: May 16, 2002

RE: Baseball Incident

.....

Enclosed you will find documentation involving the baseball incident. This information is summarized from the minutes of each lengthy meeting held about the incident in question. There are, however several points I would like to make. Since my first notification of this incident I have had several conversations with parents, board members, participants, and fellow colleagues on what should and what should not be done, each one being different from the other. Upon doing my research I discovered that many were judging the person and their past and not the incident. In all hearings I have encouraged the participants to judge the incident and not the individuals.

The football incident involved actual fighting and was accompanied with a video of the incident. This incident unfortunately does not have a video and therefore who established the contact is in question. From the testimony I have heard the only actual act of fight is the umpire taking his equipment off and threatening the coach. This is solely based upon National Federation Rules for Baseball (high school) and the NCAA rulebook. Our policy states that "any altercation involving physical contact". Physical contact can be committed by touching another person. This statement was created and written in this contract by myself and I think that the language is misrepresented.

As previously stated in the enclosed documentation, three things were consistent within all the testimony:

- Mr. Barnes' actions were the source of the incident that occurred.
- Contact between the two individuals was made but who initiated this contact was unclear.
- Mr. Barnes did put his hands on the umpire in a defensive manner.

The toughest thing I have had to deal with is: when does an individual, be it coach, official, player or parent, have a right to take defensive action against another individuals action. Testimony was consistent that Mr. Barnes displayed great composure during the incident that followed his initiating actions.

Further discussion with the Advisory Board yielded concerns about their position on this incident. The major concern was being charged with such a difficult task of deciphering what is the right thing to do and forwarding this own to the Board Members who have selected them to handle

matters of this nature. Our Advisory Board has handled each and every situation they have been charged with in the best possible way permissible. They have shown great composure and have represented you in the manner that is anticipated.

I would also like to commend the Clinton Baseball Association for their immediate attention of this situation in such a timely and professional manner. This association continues to set and reach goals established by its membership.

In closure, I am in agreeance with the recommendations of both the Advisory Board and the Board of Directors for CBA. Further more, I have continued to research other program policies concerning violence in youth sports. Information gathered has been much weaker than what we have established and what will be addressed in the near future. I understand and agree with the Clinton Community's expectations. I look forward to establishing guidelines for such incidents in a more defining manner. I appreciate your reviewing this information and hope that is helpful in your decision making process. Should you need to discuss this incident further, I welcome your call or personal conversation. Thank you.

Barnes / Bagwell Incident
Saturday, April 27, 2002

Summary of Incident

The game situation is the following: Barnes' team is tied with the opposing team with a runner on third base. A pass ball by the catcher allows the base runner to advance home with assumption of risk. With a throw and a close play at home the umpire calls the base runner out. Barnes leaves the dugout area to protest the call and returns to the dugout.

Barnes team eventually has a runner on third base and on a wild throw, the base runner advances home. This play is uncontested. Barnes leaves the dugout area, in celebration, and in passing the umpire gives him the safe call. Testimony describes this as a smart-aleck action. Barnes picks the child scoring up and hugs him in celebration.

At some point, the umpire or Barnes make contact with each other. This contact is in the form of bumping chest with each other. This contact continues for a period of time. Barnes places his hands on the umpire and says, "don't bump me again" and then releases his hold. At which time, the umpire proceeds back to the home plate area and begins removing his equipment, shirt, mask & chest protector, and says, "bring it on".

Once this action takes place, coaches step in and restrain the umpire.

**Clinton Baseball Association Discipline Hearing
Wednesday, May 1, 2002**

Board members present – Larry Burrage, CBA President; Jamie Barnes, Shane Orman, Bob Tingle, Grady Turman, Hans Horn, Allen Stewart, Phillip Weathersby, and Wayne Skelton

CBA Counselor – Phillip Gunn

Director of Parks & Recreation – Michael E. Taggart

The Clinton Baseball Association Board of Directors, here on out CBA, held a formal discipline hearing on Wednesday, May 1, 2002. This hearing was to discuss and hear from several witnesses as well as the participants involved in the incident in question. During this lengthy hearing, CBA heard from Mr. Jamie Barnes and Mr. Chris Bagwell with several other parents testifying on both party's behalf. Parents who testified are listed below:

Mr. Tommy Morgan
Mr. Robert Stokes
Ms. Francis Widdig
Mrs. Barnes (no relation)

Mr. John Kabbes
Mr. Al Roberts
Mr. Jeff Parkman

Each parent's testimony was for or against each participant. Testimony was unclear on who initiated the contact between the two involved in the incident. However, testimony was clear on several items.

1. Mr. Barnes' actions were the source of the incident that occurred.
2. Contact between the two individuals was made but who initiated this contact was unclear.
3. Mr. Barnes did put his hands on the umpire in a defensive manner.

Once testimony was heard, CBA discussed what action should be taken against the parties involved. I also spoke on what was established by the Mayor and Board of Alderman (listed below) and also suggested that if CBA felt this incident did not meet the criteria of the previous incident, they should hand down whatever discipline they felt fit the incident. However, whatever decision was made would have to be firm and also approved by the Parks & Recreation Advisory Board and forwarded on to the Mayor and Board of Alderman for final approval.

Discipline for altercations involving physical contact or fighting between, player – coach, coach – parent, coach – official, coach – coach or Parent – Official, as set by the Mayor and the Board of Alderman will be a minimum penalty of:

- Suspension from coaching youth sports associated with the Clinton Department of Parks & Recreation for 2 years.
- Suspension from Traceway Park as a spectator or official for 1 year.
- After 1 year of the suspension has been served, the participant may regain their privilege to attend youth sports events associated with Clinton Department of Parks & Recreation as a spectator only.
- Once the 2 year suspension has concluded, the participant may seek reinstatement as a coach through the Parks & Recreation Advisory Board only after successfully passing the National Youth Sports Coaching certification program.

Upon regaining their privilege as a spectator, and/or reinstatement as a coach, any incident meriting a report or action to the Parks & Recreation Advisory Board, Mayor, or Board of Alderman could result in a lifetime suspension from participating in the Parks & Recreation programs for the City of Clinton.

CBA's recommendation was as follows based upon the Code of Ethical Conduct produced by CBA:

Mr. Jamie Barnes

- Dismissed from the CBA Board of Directors and declared ineligible for re-election or re-appointment to the board for a period of 1 year (3 year suspension).
- Suspended for all CBA activities and functions as a spectator, coach, ect. for the period of time covering the first six games of his team's second half of competition in the 9-10 year old league.
- Placed on two-year probation with any further incidents of misconduct resulting in further disciplinary action.

Mr. Chris Bagwell

- Suspended from all CBA activities through May 22, 2002.
- Placed on two-year probation with any further incident of misconduct resulting in further action.
- No longer allowed to umpire in the 9-10 year old league for the remainder of the 2002 season and could be transferred to another league upon CBA reinstatement.

**Parks & Recreation Advisory Board Hearing
May 9, 2002**

On Thursday, May 9, 2002 the City of Clinton Parks & Recreation Advisory Board held a hearing for the incident in question. Listed below are members who were present:

Mr. Mike Bishop	Mayorial Representative	Absent
Mr. Chris Collins	Mayorial Representative	Present
Ms. Jan Cossitt	At- Large Representative	Present
	Ward 1 Representative	Vacant
Mr. John D. Mauldin	Ward 2 Representative	Present
Mr. Dave Clifton	Ward 3 Representative	Present
	Ward 4 Representative	Vacant
Mr. Greg Gearhart	Ward 5 Representative	Present
Mr. Danny DeYoung	Ward 6 Representative	Present

Mr. Michael E. Taggart	Director of Parks & Recreation
Ms. Rebecca Guynes	Parks & Recreation Secretary

The Parks & Recreation Advisory Board heard from the following representatives:

Mr. Larry Burrage	CBA President
Mr. Philip Gunn	CBA Counselor
Mr. Mark Tanksley	Parent
Mr. Jamie Barnes	Coach

The Parks & Recreation Advisory Board heard from the representatives listed above and held a lengthy discussion on the incident in question. Discussion was also held on the difference between the football incident and this incident. The Advisory Board did ask to speak with Mr. Barnes, not to hear his side of the story, but to ask specific question involving his action and what influence this incident has made and changes he would make in his coaching demeanor.

The Advisory Board made the recommendation that they agree with discipline set forth by the CBA Board of Directors and recommend to the Mayor and Board of Alderman for approval. As a direct result two other motions were also made and are as follows:

- Request the Director of Parks & Recreation to research other cities and what guidelines are established for any incident resulting in disciplinary action. Furthermore, establish discipline to be set forth for all associations to abide by with the initial discipline set forth by the Mayor and Board of Alderman be a second case result of any incident involving attention and a first case scenario involving actual fighting.
- Once these guide lines are established have the Director of Parks & Recreation present this to the coaches of all associations during there perspective coaches clinics as well as speak on the behalf of sportsmanship and what will be expected of each coach.

CODE OF ETHICAL CONDUCT

THE CLINTON BASEBALL ASSOCIATION IS GOVERNED BY THE FOLLOWING CODE OF ETHICAL CONDUCT AND THIS CODE IS PART OF THE LOCAL LEAGUE RULES. THE FOLLOWING APPLIES TO ALL LEAGUES, ALL AGE LEVELS, FOR BASEBALL. THE APPLICATION OF THE CODE OF ETHICAL CONDUCT INCLUDES ALL MANAGERS, COACHES, UMPIRES, COMMISSIONERS, SCOREKEEPERS, BOARD MEMBERS, AND OTHER INDIVIDUALS EMPOWERED BY CBA OR REPRESENTING THE CBA. THE FOLLOWING IS AN OUTLINE AND MAY NOT BE ALL-INCLUSIVE.

CONDUCT:

1. ANY INDIVIDUAL EMPOWERED BY CBA WHO CONDUCTS HIMSELF/HERSELF IN AN UNSPORTSMANLIKE MANNER, WHICH WOULD REFLECT DISCREDIT TO THIS PROGRAM, WHILE PARTICIPATING IN ANY CBA COMPETITION OR ACTIVITY, SHALL BE REMOVED FROM FURTHER PARTICIPATION.
2. NO PLAYER, COACH, MANAGER OR ANY PARTY ASSOCIATED WITH CBA OR ANY CBA TEAM SHALL: RIDE, ABUSE, HECKLE OR MAKE ANY UNCOMPLIMENTARY REMARKS WHATSOEVER TO ANY OPPOSING PLAYER, TEAM OFFICIAL, OR UMPIRE. ANY INDIVIDUAL VIOLATING THIS REGULATION SHALL BE EJECTED IMMEDIATELY FROM THE GAME.
3. ANY PLAYER, MANAGER, COACH OR PARTY ACCOMPANYING A TEAM WILL BE SUSPENDED FOR THE REMAINDER OF THE GAME, (FROM THE TIME OF RULE INFRACTION) IF THEY:
 - A. USE PROFANE LANGUAGE IN ANY MANNER.
 - B. MAKE UNSEEMLY GESTURES IN PROTESTING AN UMPIRE'S DECISION. ONLY THE TEAM MANAGER AND/OR COACH MAY ASK FOR A CLARIFICATION OF THE RULE.
 - C. INTENTIONALLY THROW A BAT OR ANY OTHER EQUIPMENT.
 - D. MAKE UNSEEMLY GESTURES TO FANS OR OPPOSING PLAYERS.
 - E. RESORT TO UNNECESSARY ROUGHNESS ON OR OFF THE PLAYING FIELD.
 - F. USE TOBACCO OR ALCOHOL OF ANY KIND.
4. AT ALL TIMES A MANAGER/COACH MUST BE OFFICIALLY IN CHARGE OF THE TEAM HE REPRESENTS. THE MANAGER/COACH WILL BE HELD RESPONSIBLE FOR THE CONDUCT OF HIS/HER TEAM AND ITS FANS.

CITY OF CLINTON AGENDA ITEM FACT SHEET

Board Meeting Date: May 21, 2002

Agenda Item No. 13

Consent Agenda:
For:

To:

Account No.

Discussion/Action:

Requesting permission to advertise for bids on Walking Trail
to be constructed at Robinson Park.

Introduced by:

Michael E. Taggart

Telephone No.

601-924-6082

Exhibits for Review: See Attachment(s).

Minutes: _____

Invoice: _____

Other: _____

Ordinance: _____

Plans, Maps: _____

Resolution: _____

Contract: _____

Recommendation:

Board Action:

Motion made by: _____

Seconded by: _____

Hisaw
Greer

Vote Cast:

"Aye":

"Nay":

Action Taken:

Brabham

Hisaw

Greer

Brantley

Fisher

Touchton

Lott

Mayor Aultman

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

Department of Parks & Recreation

Michael E. Taggart, Director

P.O. Box 156 • 200 Soccer Row

Clinton, MS 39060

(601) 924-6082 • (FAX) 925-6101

Advertisement For Bids



Sealed bids for the Walking Trail and Parking Area for Robinson Park with the Department of Parks & Recreation – in Clinton, Mississippi will be received by the Clinton Mayor and Board of Alderman at City Hall, 300 Jefferson Street, P. O. Box 156, Clinton, Mississippi 39060 until 10:00AM local time on June 18, 2002 and immediately thereafter will be opened and publicly read.

The work involved in the project includes construction of a ¼ mile walking trail and parking area to be constructed at Robinson Park located on Neal Street in Clinton, MS. All documents required for bidding purposes, including specifications, may be obtained from the City of Clinton, Parks & Recreation Department, Clinton, Mississippi and copies thereof may be obtained without charge, on request. A copy of the specifications may be examined at the office of the Director of Parks & Recreation, located at 200 Soccer Row, Clinton, Mississippi, (telephone (601) 924 – 6082); the AGC, ABC, American Contractors, and F. W. Dodge plan rooms in Jackson, Mississippi.

Bid preparation will be in accordance with will be in accordance with the Instruction to Bidders bound in the Specifications. The City of Clinton reserves the right to waive irregularities and to reject any or all bids.

CITY OF CLINTON, MISSISSIPPI

BY: /s/ Wayne Derrick

Wayne Derrick, City Clerk

APPROVED BY: /s/ Rosemary G. Aultman

Published May 28 and June 4, 2002

CITY OF CLINTON AGENDA ITEM FACT SHEET

Board Meeting Date: May 21, 2002

Agenda Item No. 14.

Consent Agenda:	To:
For:	
	Account:

Discussion/Action: Permission to Advertise for Bids for Driveway Repairs at Fire Station #3.

Introduced by: Darrell McQuirter, Fire Chief

Exhibits for Review:

Minutes:

Ordinance:

Resolution: _____

Invoice:

Plans, Maps:

Contract: _____

Other:

Recommendation:

Board Action:

Motion made by: Touchebon

Seconded by: Brahman

Vote Cast:

“Aye”:

“Nay”:

Action Taken:

Brabham

Hisaw

Greer

Brantley

Fisher

Touchton

Lott

Mayor Aultman

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

LORETTA E. DAVEY

EMPLOYMENT HISTORY:

- 1987 - 1991 Planters' Bank & Trust Operations Center, Indianola, Mississippi
Contact: Mr. Weldon Aultman, Vice-President - 662-887-3363
- 1991 - 1994 Legal Assistant, Jane McWilliam Weathersby's Law Office, Indianola, Mississippi -
Contact: Judge Jane Weathersby - 662-887-7070
- 1994 - 1998 Chancery Court Administrator for Judge Jane Weathersby, Ninth Chancery Court, Indianola, Mississippi -
Contact: Judge Jane Weathersby - 662-887-7070
- 1998 - 2000 Assistant to the Chairman, Butler, Snow, O'Mara & Cannada Law Firm, PLLC, Jackson, Mississippi -
Contact: Mr. Stephen Rosenblatt - 601-987-4811
- 2000 - Present Realtor® - Member, National Association of Realtors®, Mississippi Association of Realtors®, Jackson Association of Realtors®, Jackson Multiple Listing Service -
2001 Top Producer, Era Real Estate Professionals, Northeast Office, Ridgeland, Mississippi -
Contact: Mrs. Lee Anders, Managing Broker -
- Personal: Resident of Clinton, Mississippi since December, 1997 -
Married to Mr. Paul A. Davey, Psychotherapist and owner/managing partner, Adolescent Child and Family Clinic, Jackson, Mississippi -
Mother of two daughters, Jennifer, age 23, and Caitlin, age 16 -
- Organizations: Member, Clinton Chamber of Commerce -
Ambassador for Clinton Chamber of Commerce -
Co-Chairman of Ambassador Program, Clinton Chamber of Commerce -
Member, ERA Advisory Committee for Jackson offices -
Former member, Supreme Court Technology Committee -

This is a letter of record to and for the Mayor and the Board of Aldermen of the City of Clinton, Mississippi dated May 15, 2002. I am requesting that this letter be entered into the minutes of the Board.

GENTLEMEN,

MEN MAY TELL YOU THAT THEY
CAN NOT KNOW THE TRUTH OF
WHO ASSAULTED WHO AT THE
BASEBALL INCIDENT.

I TRUST THAT THEY SUBMITTED
TO YOU THE WRITTEN AND
SWORN TESTIMONY (OF SOME
TWENTY WITNESSES) THAT WAS
FILED WITH C.B.A. AT THE
HEARING.

We the undersigned, who intently watched and listened to the violent conflict on Field 5 Saturday night, April 27, 2002 between

CBA Coach Jamie Barnes
and
CBA Umpire Chris Bagwell.

We the witnesses do solemnly swear and/or affirm:

1. In no way did I observe Mr. Barnes adequately provoke Mr. Bagwell to do violence.
2. I observed Mr. Bagwell intentionally bump Mr. Barnes with his body a number of times.
3. I observed Mr. Barnes being bumped as to stumble backwards lest he be knocked down.
4. Mr. Barnes refused to subdue the man in his attack.
5. I observed Mr. Barnes quickly exit the arena allowing other men to restrain and physically remove the man.

- 3
6. While the man was being physically removed from the playing field, Mr. Barnes did gather together all of the players of his team,

Before

these boys and in the immediate presence of the parents and the fans, Mr. Barnes did profusely apologize for their having to witness such a terrible outburst of violence, such violence is never allowed in baseball at any level.

We are formally calling upon the CBA board and the City of Clinton to resolve this matter in one of the two following ways:

1. Issue a formal reprimand to Mr. Barnes for refusing to use adequate and necessary force to disable this violent attacker.
2. Issue a formal citation to Mr. Barnes for exemplary conduct in demonstrating to the children the greater courage required to "turn the other cheek" and walk away quickly.

4

2002 DIZZY DEAN BASEBALL INC.
OFFICIAL RULE BOOK

"LEAGUES AFFILIATING THEMSELVES
WITH THIS PROGRAM MUST COMPLY
WITH A BASIC SET OF RULES
AND REGULATIONS AS OUTLINED
IN THIS BOOKLET. "

RULE 4.03

"THE ADULT MANAGER OR COACHES,
WHETHER OR NOT THEY ARE ON THE COACHING
LINES, MAY MODERATELY DISPUTE
ANY DECISION OR MAY
DISCUSS ANY POINT WITH
THE UMPIRES TO THE EXTENT
ALLOWED BY THE RULES
OF PROFESSIONAL BASEBALL. "

THIS RULE IS STATED WORD FOR WORD⁵

PAGE 28

PAGE 56

PAGE 59

PAGE 62

PAGE 64

THIS RULE ACTUALLY PROTECTS
THE UMPIRE FROM THE ANGER
OF PARENTS.

THE COACHES ONLY HAVE PERMISSION
TO "MODERATELY DISPUTE" THE
UMPIRES.

IN THE HANDS OF EXPERIENCED
COACHES AND UMPIRES, THIS
"MODERATE DISPUTE"

THIS "MODERATE DISPUTE" 6
CAN BECOME AN ART FORM,
INTENDED TO RELAX, AND YES,
AMUSE IRATE FANS.

THIS BASEBALL INCIDENT IS
ONE THING ONLY.

THIS YOUNG UMPIRE WAS NEVER
TRAINED IN THE CATHARSIS
OF "MODERATE DISPUTATION".

THIS INCIDENT IS NOT ABOUT
MALICE, ANGER, OR VIOLENCE,

HE SIMPLY NEVER LEARNED
THE DIZZY DEAN DANCE.

CONT.

This is a letter of record to and for the Mayor and the Board of Aldermen of the City of Clinton, Mississippi dated May 15, 2002. I am requesting that this letter be entered into the minutes of the Board.

Gentlemen:

I am writing to alert you to a danger. You will soon be called upon to ratify and endorse an action that was taken by your CBA subordinates. I will demonstrate that their action was stained with ...

1. Reckless haste
2. Disregard for lawful procedure
3. Contempt for and nullification of the authority and testimony of their own CBA officers." These umpires are lawfully established to protect the rights of all involved.
4. Conflicted interests

This action will come to you clothed and adorned with the appearance of truth and justice. Many noble and devout men will persuade you that this action is righteous. These noble men will bring you documentation to support their action. Your own secondary review board will have scrutinized their action. You may be told that you are shielded and not responsible for the injuries inflicted by this action. The legal term may be "invincible" or "unconquerable" ignorance.

Gentlemen, the ignorance is not difficult to overcome. However, these noble men have systemically neglected to seek and require relevant testimony. You now have the duty to vacate or ratify their action. You may trust these noble men. Their action seems tightly constructed. These noble men have labored furiously and diligently to bring you this action. Honor their efforts. Respect their credentials, their reputations. You probably know these men as friends, as close friends. You may sit by them in church on Sundays. It would be dreadful for you to have to expose these men for having suppressed or neglected testimony that would have protected a man's reputation from public ruin.

Now, for those of you who suggest that I am making entirely too much out of this C.B.A. "action" consider this, for any person to be able to work with the youth, particularly to be entrusted with children, that person's future is immediately and massively devastated by rumors and by gossip. Should you prefer to permanently and officially destroy someone, this noble action by C.B.A. is an excellent strategy.

So now that we agree on the magnitude and duration of the injuries involved, I will now explore how your C.B.A. Board avoided the truth and is keeping you in ignorance.

1. Reckless haste

The C.B.A. Board positively refused to hear the testimony of most of the eye witnesses.

2. Disregard for lawful procedure.

A. Many "Acceptable Witness" had been privately interviewed by certain C.B.A. Board members before the hearing.

B. The public was forbidden to "hear" this hearing.

C. The members of C.B.A. were barred from this hearing.

D. The accused themselves were barred from being present when the "witnesses" testified.

These noble men will tell you that this was no court of law; therefore, they had no need to follow any legal procedure. The correct response to these noble men is....

"This 'liberty of procedure' immediately ceases the moment you begin to wrongly deprive a man of his life or his reputation."

or

"My freedom to swing my arm ends at the point where your nose begins."

3. Contempt for and nullification of the authority of their own lawfully established C.B.A. officers (umpires) to protect the rights of all involved.
 - a. The authority of the field umpire:
 1. It became his judgment as to whether Mr. Barnes had earned an ejection or even a warning.
 2. It was his duty to notify C.B.A. and officially charge Mr. Barnes if he had any charges to press.
 - b. The testimony of the field umpire:
 1. It was his testimony that must be religiously guarded as he is the "officer of the court."
 2. As the "officer of the court," it is simply unthinkable that this hearing went forward without his testimony or at least his deposition.
 3. We are told that this officer was carefully examined by a certain C.B.A. Board member well before the hearing.
 4. We are told that this officer refused to charge Mr. Barnes with an offense.
 5. We are told that this officer was then instructed that his testimony or his presence at the hearing was not necessary.
 6. This officer did not come to the hearing.
 7. The hearing went forward.
 - c. The testimony of the other umpires:
 1. We are told that the umpire that conflicted with Mr. Barnes had days earlier approached a certain C.B.A. Board member seeking relief from his difficulties with his anger on the field.
 2. We are told that this certain C.B.A. Board member refused to relieve this umpire essentially saying "Do not bring this to me. You deal with it!"
 3. We are told that a second umpire had, days before, approached this certain C.B.A. Board member seeking relief, explaining
 - a. This umpire (who did eventually conflict) was a "hothead."
 - b. That he was forced to calm down and defuse this "hot" umpire during a game.
 4. This C.B.A. Board Member had full authority to schedule this young umpire into low intensity situations.
 5. We are told that this certain C.B.A. Board member refused to offer relief essentially saying, "You deal with it".
 6. This second umpire was not invited to the hearing.
 7. The hearing went forward.

Again, we are told that this certain C.B.A. Board member was clearly appealed to for relief by at least the two umpires.

4. Conflicted interests

Particular members of the C.B.A. Board stood to gain personally by the deconstruction of Jamie Barnes and his team of 9-10 year old boys.

10

You may ask, "What is the point to all of this? Why would a C.B.A. Board member, who is also a 9-10 year old coach contribute so vigorously and covertly to the deconstruction of Mr. Barnes, his little 9-10 year old team, and his reputation?"

I do not know.

I do know that Mr. Barnes has been elected by the C.B.A. coaches for two years consecutively to be the head coach of a post-season "All Star" baseball team.

I do know that Mr. Barnes has been profoundly successful as the head coach of his C.B.A. All Stars.

I do know that Mr. Barnes was having profound success this season at C.B.A. having lost not even one ballgame.

I do know that the ability to construct a championship team is a huge factor in selecting an All Star head coach.

I do know that this certain C.B.A. Board Member had been regularly passed over in the election of the head coach position of C.B.A. All Stars.

I do know that this certain C.B.A. Board Member was almost elected as C.B.A. All Star head coach last year, but lost this election to Mr. Barnes by one vote. He is a very friendly man.

I do know that Mr. Barnes' team has now taken many losses and the little boys have often dissolved into tears since Mr. Barnes was publicly forbidden to set foot on C.B.A. property, by this C.B.A Board hearing.

However,

I do not know why this CBA board member refused to help this young umpire in his distress.

I do not know why this CBA board member refused to hear the plea of the second CBA umpire as he solicited help for this young umpire in his distress.

I do not know why this distressed young umpire was used in this way by a CBA board member.

I do not know why the relevant umpires were not compelled to testify at the CBA hearing.

I know at least one thing.

That young umpire needed help.

That young umpire asked for help.

That young umpire was denied help.

He is not a bad umpire. He needed someone to encourage him and train him to channel his anger into a good direction. "You deal with it" sounds like a good way to wreck a young boy's life.

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Time will fail me if I attempt to offer you a complete treatment of the blunders that are hidden within this C.B.A. "action." It is, after all, your responsibility and not mine to search out the truth.

Of everything that was said at the historic C.B.A hearing the one word that I found most compelling was, in handing Mr. Barnes their action, the Board attempted to comfort Mr. Barnes by saying a thing that sounded to me like this....

"The reason that we are issuing such a harsh sanction to you is that we fear that if we issue a lesser sanction, the Board of Aldermen will revoke us (as they did with football) and issue a much, much harsher sanction, years of total suspension.
. Jamie, we are doing you a favor."

Amazing,

Does C.B.A. believe that the Board of Aldermen has created an environment that compels its subordinates (C.B.A.) to take actions in reckless haste, in admitted excess, with open disregard for relevant testimony, in the hope of preserving the good favor of the Aldermen?

No. No. C.B.A. must never say a thing like that. That sort of language might be viewed as an attempt to implicate the Aldermen directly in the actions of C.B.A..

I hope that at least two good things come from this:

1. The City prevents their subordinate boards from malicious prosecution by subscribing itself to an independent third-party athletic arbitration committee perpetually.
2. Restore the civil rights and duty of the preservation of human life back into the hands of your citizens. Example: Had a man picked up a bat and attacked...men...women...children, had anyone attempted interfere with such an attack they would be guilty of violating the City's own "altercation" policy.

Gentleman,

If you can bear to endure me a moment longer I will entertain you by exposing the lie that is arrogantly expected to confuse and deceive you.

The lie.

"Mr. Barnes' actions were the source of the incident that occurred."

If asked, I suspect that each of you would insist that Jesus was more than a good man, he lived an absolutely perfect life.

In Mark 2:15 we read, "And he made a scourge of cords, and drove them all out of the temple with the sheep and the oxen; and he poured out the coins of the money-changers, and overturned their tables;"

Later in Matthew 21:12

"And Jesus entered the temple and cast out all those who were buying and selling in the temple, and overturned the tables of the money-changers and the seats of those who were selling doves."

Within about three days Jesus was nailed to a tree.

The Question:

"Jesus' actions were the source of the crucifixion that occurred.", Yes or No?

- He often said things that provoked great anger among men, Yes or No ?
- He made and used a scourge, Yes or No ?

Do you honestly believe Jesus is not guilty at all?

Men were angry enough to kill him....,

Jesus is no way responsible for their anger? , Their actions?,

Not even a little bit?,

Not even when his actions " Set them off"?

Does Jesus believe that he is responsible only for his own actions?

Do you believe Jesus is responsible only for his own actions?

Do you believe Mr. Barnes is responsible only for his own actions?

I hope you are amused by the approach C.B.A. has taken to confuse the minds of the Alderman. I do not believe that you could be deceived by such a weak lie.

The voters of Clinton have put their trust in you that God will protect them, through you, from the lie.

I respectfully submit this letter to you and I will close with a word that I often remind my children:

"Keep your eyes open for the lie. A good lie is a well-constructed lie. It approaches so close to the truth that even a discriminating eye will often miss it and be deceived. With a good lie, we are in real danger of being deflected from honoring Christ, from serving Christ, from pleasing Christ."



MARK TANKSLEY
CLINTON, MISSISSIPPI