

CITY OF CLINTON
REGULAR MEETING OF THE MAYOR AND BOARD OF ALDERMEN
TUESDAY, JANUARY 19, 1999 - 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 Fire Chief Bryan Presson followed by the Pledge of Allegiance to the Flag led by Alderman Lott.

ROLL CALL - City Clerk Nelson Byrd

Present: Jehu Brabham - Alderman-At-Large
 Tony Hisaw - Alderman Ward 1
 Rodney DePriest - 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
 Nelson Byrd - City Clerk

APPROVAL OF CONSENT AGENDA ITEMS A-M

MOTION made by Alderman Hisaw and **SECONDED** by Alderman Fisher to approve Consent Agenda Items A-M listed on page 951 of this Minute Book Z. . Quote listed in item H may be found in the office of the City Clerk. **MOTION CARRIED UNANIMOUSLY**

APPROVAL OF FINAL PLAT OF WOODCHASE PARK DR., PHASE 1

Upon Recommendation of City Engineer Richard Broome, **MOTION** made by Alderman Brabham and **SECONDED** by Alderman Lott to approve the final plat of Woodchase Park Drive, Phase 1. **MOTION CARRIED UNANIMOUSLY**

APPROVAL OF PRELIMINARY SITE PLAN FOR CINDY RINGLER-ST. FARM

Upon recommendation of Zoning Administrator Gary Ward, **MOTION** made by Alderman Hisaw and **SECONDED** by Alderman Lott to approve the preliminary site plan for Mrs. Cindy Ringler (State Farm Insurance) located on Woodchase Park Drive **MOTION CARRIED UNANIMOUSLY**

APPROVAL OF ORDINANCE RESTRICTING THE USE OF TOBACCO PRODUCTS

Upon Recommendation of Police Chief Don Byington, **MOTION** made by Alderman Fisher and **SECONDED** by Alderman Brantley to adopt that ordinance and proof of publication found on pages 952-955 and 821-824 of this Minute Book Z and Ordinance Book II, respectively, that regulates the use of tobacco products by minors and students. **MOTION CARRIED UNANIMOUSLY**

APPROVAL OF AMENDMENT NO. 4 TO MICHAEL BAKER JR., INC. GENERAL SERVICES AGREEMENT

Upon recommendation of City Engineer Richard Broome, **MOTION** made by Alderman Touchton and **SECONDED** by Alderman Brabham to approve the Amendment No. 4 to General Services Agreement with Michael Baker Jr., Inc. found on pages 956-958 of this Minute Book Z. **MOTION CARRIED UNANIMOUSLY**

APPROVAL OF AMENDMENT TO GENERAL SERVICES AGREEMENT FOR I-20/CLINTON-RAYMOND RD. INTERCHANGE IMPROVEMENTS

Upon recommendation of City Engineer Richard Broome, **MOTION** made by Alderman Brantley and **SECONDED** by Alderman Touchton to approve that Amendment No. 5 to the General Services agreement for improvements to the interchange at Interstate 20 and Clinton-Raymond Rd. between the City of Clinton and Michael Baker Jr., Inc. found on pages 959-961 of this Minute Book Z contingent on the Mississippi Department of Transportation authorizing the right of way purchase. **MOTION CARRIED UNANIMOUSLY**

ADJOURN 7:30 p.m.

MOTION made by Alderman Brantley and **SECONDED** by Alderman Lott to adjourn **MOTION CARRIED UNANIMOUSLY**

Copy of Agenda can be found on page 951 of this Minute Book Z.

APPROVED: Rosemary G. Aultman January 22, 1999
Rosemary G. Aultman, Mayor Date

ATTEST: Nelson Byrd January 22, 1999
Nelson Byrd, City Clerk Date

SEAL:

9.

**AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMEN
OF THE CITY OF CLINTON, HINDS COUNTY, MISSISSIPPI,
MAKING IT UNLAWFUL FOR MINORS AND STUDENTS TO
POSSESS TOBACCO PRODUCTS, SETTING THE PENALTY
FOR VIOLATION AND RELATED MATTERS**

Whereas, the City of Clinton is authorized by Section 21-17-5 of the Mississippi Code Annotated (1972) to adopt ordinances with respect to Municipal affairs consistent with the Mississippi Constitution of 1890 and the Mississippi Code of 1972, and ordinances to secure the general health pursuant to Section 21-19-1 and

Whereas, the City of Clinton has duty and authority to promote the health, safety, morals, and general welfare of the community, especially those who are of school age and,

Whereas, the Mayor and Board of Aldermen of the City of Clinton, Mississippi, have reviewed and considered information compiled by Federal, State and Municipal authorities, demonstrating the need for enacting an ordinance regulating use of tobacco products by minors, inside the corporate limits of Clinton and at educational facilities and events, and

Whereas, the Mayor and Board of Aldermen, based on such information, hereby find and determine as herein provided, and

Whereas, the said Mayor and Board of Aldermen find and determine that the regulations and restrictions of the use of tobacco products by persons under the age of eighteen provided herein are necessary, fair, and reasonable, and promote the public health, safety, and general welfare of this City.

Whereas, the matter was presented to the Mayor and Board of Aldermen of the City of Clinton along with the recommendation of the Chief of Police and after discussion thereof, Alderman Fisher, 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,
MISSISSIPPI** as follows:

Section 1. The use of or possession of tobacco products by minors prohibited. No person under the age of eighteen (18) years of age shall have in his or her possession or use any tobacco product within the corporate limits of the City of Clinton.

Section 2. Use by students prohibited. No student of any high school, or junior high school or elementary school shall use or possess any tobacco products on any educational property or at any educational activity, within the corporate limits of the City of Clinton.

Section 3. Definitions

- a. Tobacco products: Any tobacco cigarette, cigar, pipe tobacco, smokeless tobacco or any other form of tobacco or tobacco product which may be used for smoking, chewing, inhaling or ingesting by any other means.
- b. Educational property: Any public or private elementary or secondary school building or bus, public or private campus, grounds, recreational area, athletic field or other property owned, used or operated by a School Board or Board of Trustees, or Board of Directors for the Administration of any public or private institution within the City limits of Clinton, Mississippi.
- c. Educational activity: A school sponsored event within the City of Clinton for athletic, social or entertainment purposes, attended by students including school transportation to and from, regardless of whether such activity is held on educational property.
- d. Use or Possession: The smoking of tobacco products, the chewing, oral consumption, spitting, inhaling or other by ingestion of any tobacco product, or the possession of a cigarette, cigar or other tobacco product, or of any container of tobacco spittle.

Section 4. Penalty: Violation of this ordinance is punishable by a fine not to exceed \$100.00 and/or public service as ordered by any Municipal, Justice, County Youth Court or other Judge of competent jurisdiction.

Section 5. Conflict: All ordinances, resolutions or orders or portions thereof, in conflict herewith are repealed to the extent of such conflict.

Section 6. Effective date: This ordinance shall take effect thirty (30) 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 19TH day of January, 1999.

A Motion for adoption was seconded by Alderman Brantley,
and the foregoing ordinance having been first reduced to writing, was considered
and approved Section by Section and then, as a whole, 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: Aye

Alderman Hisaw voted: Aye

Alderman DePriest voted: Aye

Alderman Brantley voted: Aye

Alderman Fisher voted: Aye

Alderman Touchton voted: Aye

Alderman Lott voted: Aye

Where upon the Mayor declared, the Motion carried and the ordinance
approved and adopted.

The foregoing ordinance was approved this the 19TH day of January,
1999.

CITY OF CLINTON

BY: Rosemary J. Aultman
ROSEMARY AULTMAN, Mayor

ATTEST:

Nelson Byrd
NELSON BYRD, City Clerk

(SEAL)

223
24 POP
955 POP
954

AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CLINTON, HINDS COUNTY, MISSISSIPPI, MAKING IT UNLAWFUL FOR MINORS AND STUDENTS TO POSSESS TOBACCO PRODUCTS, SETTING THE PENALTY FOR VIOLATION AND RELATED MATTERS

Whereas, the City of Clinton is authorized by Section 21-17-5 of the Mississippi Code Annotated (1972) to adopt ordinances with respect to Municipal affairs consistent with the Mississippi Constitution of 1890 and the Mississippi Code of 1972, and ordinances to secure the general health pursuant to Section 21-19-1 and

Whereas, the City of Clinton has duty and authority to promote the health, safety, morals, and general welfare of the community, especially those who are of school age, and,

Whereas, the Mayor and Board of Aldermen of the City of Clinton, Mississippi, have reviewed and considered information compiled by Federal, State and Municipal authorities, demonstrating the need for enacting an ordinance regulating use of tobacco products by minors, inside the corporate limits of Clinton and at educational facilities and events, and

Whereas, the Mayor and Board of Aldermen, based on such information, hereby find and determine as herein provided, and

Whereas, the said Mayor and Board of Aldermen find and determine that the regulations and restrictions of the use of tobacco products by persons under the age of eighteen provided herein are necessary, fair, and reasonable, and promote the public health, safety, and general welfare of this City.

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A Motion for adoption was seconded by Alderman Brantley and the foregoing ordinance having been first reduced to writing, was considered and approved Section by Section and then, as a whole, 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: Aye
Alderman Hisaw voted: Aye
Alderman DePriest voted: Aye
Alderman Brantley voted: Aye
Alderman Fisher voted: Aye
Alderman Touchton voted: Aye
Alderman Lott voted: Aye

Where upon the Mayor declared, the Motion carried and the ordinance approved and adopted.

The foregoing ordinance was approved this the 19th day of January, 1999.

Proof of Publication

The State of Mississippi

Hinds County

PERSONALLY appeared before me, the undersigned notary public in and for Hinds County, Mississippi,

Amy Gaines

an authorized clerk of THE CLARION-LEDGER, a daily newspaper as defined and prescribed in Sections 13-3-31 and 13-3-32, of the Mississippi Code of 1972, as amended, who, being duly sworn, states that the notice, a true copy of which is hereto attached, appeared in the issues of said newspaper as follows:

Dates of Publication:

Wednesday, January 27, 1999

Lines:	207
Words:	822
Issues:	1
Total:	\$101.64

CITY OF CLINTON
BY:
ROSEMARY AULTMAN, Mayor
ATTEST:
/s/ Nelson Byrd
NELSON BYRD, City Clerk
(SEAL)
January 27, 1999

Signed

Amy Gaines

Authorized Clerk
of The Clarion-Ledger

Shirley Mize

Notary Public



SWORN to and subscribed before me on
01/27/99

My Commission Expires:

NOTARY PUBLIC STATE OF MISSISSIPPI AT LARGE.
MY COMMISSION EXPIRES: Feb. 26, 2002.
BONDED THRU NOTARY PUBLIC UNDERWRITERS.

Amendment No. 4
to
GENERAL SERVICES AGREEMENT
by and between
CITY OF CLINTON, MISSISSIPPI
and
MICHAEL BAKER JR., INC.

This Amendment No. 4 to the General Services Agreement dated March 4, 1997, by and between the City of Clinton (Owner) and Michael Baker Jr., Inc. (Engineer) is hereby executed on Jan 20, 1998.9

WITNESSETH:

The Owner desires and the Engineer agrees to perform engineering and land surveying services in accordance with the General Services Agreement dated March 4, 1997, and this Amendment No. 4.

All Provisions of the General Services Agreement shall remain in effect except as amended hereby. The General Services Agreement is hereby amended as follows:

SECTION 3 - PERIOD OF SERVICE

- 3.1 The general services authorized by this Agreement shall be performed in accordance with this Agreement during calendar years 1999 and 2000.
- 3.2 The general services performed after calendar year 2000 shall be provided in accordance with an amendment to this Agreement setting forth such new conditions, responsibilities, duties and hourly rates as may be mutually agreed upon between the Owner and Engineer.

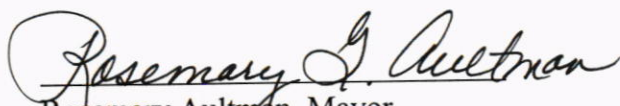
SECTION 4 - COMPENSATION TO THE ENGINEER

- 4.1 The Engineer shall provide the general services authorized herein on an hourly basis in accordance with the standard hourly billing rates of the Engineer, a copy of which is attached hereto for calendar year 1999.
- 4.2 The Engineer shall notify the Owner of the standard hourly billing rates that shall apply to services rendered under this Agreement no less than annually after calendar year 1999.

IN WITNESS WHEREOF, the Owner and Engineer have executed this Amendment No. 4 as of the day and year first above written.

CITY OF CLINTON, MISSISSIPPI

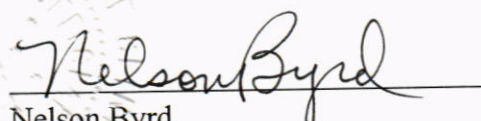
MICHAEL BAKER JR., INC.


Rosemary Aultman, Mayor
City of Clinton, Mississippi


A. Glenn Calloway, P.E., P.L.S.
Regional Office Manager

ATTEST:

ATTEST:


Nelson Byrd
City Clerk


Martha F. Nelson
Office Manager

Amendment No. 4
to
GENERAL SERVICES AGREEMENT
by and between
CITY OF CLINTON, MISSISSIPPI
and
MICHAEL BAKER JR., INC.

STANDARD HOURLY BILLING RATES
1999

<u>Classification</u>	<u>Hourly Rate</u>
Principal/Project Manager	\$110
Project Engineer	90
Engineer	65
Engineering Assistant	50
Surveyor - Party Chief	51
Surveying Assistant - Party Member	35
Designer - CADD	60
Technician - CADD	45
Clerical	34
Construction Review	40
Survey Party - 3 Person	100

Amendment No. 5
to
General Services Agreement
for
Improvements to the Interchange at
Interstate Highway 20 and Clinton-Raymond Road

This Amendment No. 5 to the General Services Agreement dated March 4, 1997, by and between the City of Clinton (Owner) and Michael Baker Jr., Inc. (Engineer) is hereby executed on Jan 20, 1998.
9

WITNESSETH:

The Owner desires and the Engineer agrees to perform engineering and land surveying services in connection with proposed improvements to and in the vicinity of the interchange of Interstate Highway 20 and Clinton-Raymond Road in Hinds County, Mississippi.

SCOPE OF WORK:

The scope of work includes the following activities:

1. Field surveys to establish proposed right of way for the following:
 - A. Widening of Clinton-Raymond Road from a point immediately south of the existing frontage road in the Southwest quadrant at I-20 to its intersection with College Street.
 - B. New entrance ramps to the east bound lanes of Interstate 20, a new entrance ramp to and a new exit ramp from the west bound lanes of Interstate 20.
 - C. A new east bound right turn lane on US 80.
2. Engineering and related services for the following:
 - A. FEMA Letter of Map Revision (LOMR)
 - B. Right of Way Plats
 - C. Right of Way Legal Documents
 - D. Title Investigations
 - E. Property Appraisals
 - F. Property Acquisitions
 - G. Relocation Assistance

PERIOD OF SERVICE:

The work shall be commenced immediately after receipt from the Owner of a notice to proceed and shall be completed within 180 calendar days thereafter.

COMPENSATION TO THE ENGINEER:

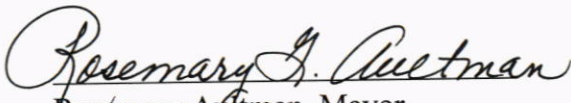
The Owner shall compensate the Engineer for the services authorized under this Amendment No. 5 a lump sum fee of Ninety-Three Thousand Five Hundred Dollars (\$93,500.00) as full and complete compensation for all labor and related costs incurred by the Engineer.

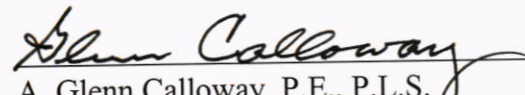
The Engineer shall submit monthly invoices based upon the estimated percentage of completion.

IN WITNESS WHEREOF, the Owner and Engineer have executed this Amendment No. 5 as of the day and year first above written.

CITY OF CLINTON, MISSISSIPPI

MICHAEL BAKER JR., INC.


Rosemary Aultman, Mayor
City of Clinton, Mississippi


A. Glenn Calloway, P.E., P.L.S.
Regional Office Manager

ATTEST:

ATTEST:


Nelson Byrd
City Clerk


Martha F. Nelson
Office Manager

clrrrowph2

CLINTON-RAYMOND ROAD / I20 PHASE 2
RIGHT OF WAY ESTIMATE

1-Dec-98

ITEM NO.	SCOPE DESCRIPTION	ENG. MGR. SENIOR ENGINEER REG. LAND 3 PERSON SECRETARY				TOTAL HOURS	DIRECT LABOR
		ENGINEER	TECH. SURVEYOR	CREW			
		\$ 35.60	\$ 34.50	\$ 20.00	\$ 25.00	\$ 28.30	\$ 13.00
1 RIGHT OF WAY ENGINEERING SERVICES							
1.a.	Perform Field Survey of Right of Way	12				225	
1.b.	Prepare Plats for Right of Way	12	150	24			687 \$ 6,794.70
1.c.	Prepare Legal Descriptions	16		32			186 \$ 4,027.20
	SUBTOTALS -- ITEM 1	40	0	56		225	60 \$ 1,525.60
							933 \$ 12,347.50
2.a. RIGHT OF WAY ACQUISITION PHASE SERVICES							
	SUBTOTALS -- ITEM 2	40					40 \$ 1,424.00
		40					40 \$ 1,424.00
	SUBTOTAL : DIRECT LABOR						\$ 13,771.50
PAYROLL BURDEN, GENERAL OVERHEAD, AND ADMINISTRATION COST - 140%							
							\$ 19,280.10
	SUBTOTAL : DIRECT LABOR AND OVERHEAD COSTS						\$ 33,051.60
	FIXED FEE: 12.0% OF DIRECT LABOR AND OVERHEAD COSTS						\$ 3,966.19
							\$ 37,017.79
SUBTOTAL : RIGHT OF WAY ENGINEERING AND ACQUISITION PHASE SERVICES							
2.b.	FEMA LETTER OF MAP REVISION (LOMR) - LUMP SUM						
2.c.	TITLE INVESTIGATIONS - 14 @ \$250 EACH					1	LUMP SUM \$ 2,500.00
2.d.	APPRAISALS - 6 @ \$1000 EACH					14	PARCELS \$ 3,500.00
2.d.	APPRAISALS - 1 @ \$3600 EACH					6	APPRAISALS \$ 6,000.00
2.d.	APPRAISALS - 1 @ \$5750 EACH					1	APPRAISALS \$ 3,600.00
2.e.	ACQUISITIONS - 8 @ \$800 EACH					1	APPRAISALS \$ 5,750.00
2.f.	RELOCATION ASSISTANCE - 2 @ \$700 EACH					8	ACQUISITIONS \$ 6,400.00
2.f.	RELOCATION ASSISTANCE - 11 @ \$1700 EACH					2	RELOC. ASSIST. \$ 1,400.00
2.f.	RELOCATION ASSISTANCE - 1 @ \$2750 EACH					11	RELOC. ASSIST. \$ 18,700.00
3.a.	PER DIEM @ \$56.00 PER DAY PER PERSON					1	RELOC. ASSIST. \$ 2,750.00
3.b.	SURVEY VEHICLE MILEAGE @ \$0.31 PER MILE					84.5	DAYS \$ 4,732.00
3.c.	OTHER MISCELLANEOUS DIRECT COSTS @ \$1.50 PER DAY					3,430	MILES \$ 1,063.30
						35	DAYS \$ 52.50
	SUBTOTAL : OTHER DIRECT COSTS						\$ 56,447.80
	ESTIMATED TOTAL COST FOR THIS PHASE OF ADDITIONAL WORK ITEMS						\$ 93,465.59
						ROUNDED	\$ 93,500.00

NOTES: APPRAISAL HOURLY RATE FOR EMINENT DOMAIN TESTIMONY - \$50.00
RELOCATION ASSISTANCE FOR EMINENT DOMAIN TESTIMONY - \$65.00