

**CITY OF CLINTON
REGULAR MEETING OF THE MAYOR AND BOARD OF ALDERMEN
TUESDAY, MARCH 16, 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 John Gibbons of Gideons International followed by the Pledge of Allegiance to the Flag led by Alderman Brantley.

RECOGNITIONS

Paul Barlow, President of Hinds County West Camp of Gideons International, presented Bibles to Mayor Aultman, Police Chief Byington, and Fire Chief Presson.

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-T

MOTION made by Alderman Lott and **SECONDED** by Alderman Brantley to approve Consent Agenda Items A-T listed on page 1049 of this Minute Book Z. Item C will serve to advertise favorably the opportunities, possibilities, and resources of the City of Clinton. Quotes listed in item I & J may be found in the office of the City Clerk. **MOTION CARRIED UNANIMOUSLY**

APPROVAL OF RESOLUTION TO APPLY FOR MDOT FUNDS FOR WELCOME CENTER NEAR THE NATCHEZ TRACE-PINEHAVEN RD. INTERSECTION

MOTION made by Alderman Brabham and **SECONDED** by Alderman Lott to approve that Resolution found on pages 1050-1054 of this Minute Book Z authorizing the application for funds from MDOT for a Welcome Center and authorizing the Mayor to sign the necessary documents as per the Resolution. **MOTION CARRIED UNANIMOUSLY**

APPROVAL OF APPOINTMENT TO PARKS & RECREATION ADVISORY BOARD WITH TERM EXPIRING 06-30-2001

Recommendation and **MOTION** made by Alderman Touchton and **SECONDED** by Alderman Brabham to appoint Greg Gearhart to the Parks and recreation Advisory Board for a term expiring 06-30-2001. **MOTION CARRIED UNANIMOUSLY**

ADJOURN 7:15 p.m.

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

Copy of Agenda can be found on page 1049 of this Minute Book Z.

APPROVED: Rosemary G. Aultman
Rosemary G. Aultman, Mayor

Date March 19, 1999

ATTEST: Nelson Byrd
Nelson Byrd, City Clerk

Date March 19, 1999

SEAL:

RESOLUTION

WHEREAS, the City of Clinton desires to construct a Welcome Center at a location near the Natchez Trace - Pinehaven Road intersection (the "Project") to enhance the historical aspects of the City, and;

WHEREAS, funds may be available under the MDOT FY 98 Transportation Enhancement Program and related programs, and;

WHEREAS, the City is preparing the necessary applications to secure such funding;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Aldermen of the City of Clinton that the Mayor is hereby authorized to certify that no known foreseeable legal impediments exist that would prohibit completion of the project and that the project complies with all applicable codes, standards and/or regulations required for completion. Further, the Mayor is authorized to execute a Memorandum of Understanding in substantially the form attached hereto.

The foregoing Resolution, having been first reduced to writing, Alderman _____
Brabham moved that said Resolution be adopted. Alderman Lott
_____ seconded. There was 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. The vote was as follows, to-wit:

Alderman Brabham voted:	<u>yes</u>
Alderman Hisaw voted:	<u>yes</u>
Alderman DePriest 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 16th day of March, 1999.

CITY OF CLINTON, MISSISSIPPI

BY: Rosemary J. Aultman
ROSEMARY AULTMAN, Mayor

ATTEST:

W. Jernich, deputy
for NELSON BYRD, City Clerk

(SEAL)

WELCOMERES
3/16/99-MMH

Attachment I: MEMORANDUM OF UNDERSTANDING:

NOTE: The APPLICANT shall not modify this Memorandum of Understanding. Unless executed as written the application will not be accepted.

MEMORANDUM OF UNDERSTANDING

The government entity of, City of Clinton, Mississippi, (hereinafter referred to as the APPLICANT) for the purpose of committing to the agreed conditions under which the APPLICANT may utilize special Federal Surface Transportation Program Transportation Enhancement Funds provided by the 1998 *Transportation Equity Act for the 21st Century (TEA-21)* and subsequent acts hereby agrees to the following:

WHEREAS, it is understood that conditions presented herein are general in nature with details and specific requirements contained in the MDOT Standard Operating Procedures and the Federal Highway Administration (herein after referred to as the FHWA) Federal aid Program Guide; and **WHEREAS**, the APPLICANT proposes to construct, reconstruct or improve a facility utilizing the *Transportation Enhancement Funds* provided by the 1998 TEA-21 and subsequent acts as allocated to the MDOT; and

WHEREAS, the MDOT has allocated a specific amount of *Transportation Enhancement Funds* to be used throughout the State of Mississippi and intends to allocate additional *Transportation Enhancement Funds* as these funds become available; and

WHEREAS, the allocated *Transportation Enhancement Funds* may be used for funding approved projects using the maximum allowable funding ratio unless full participation would result in an amount greater than the MDOT has uncommitted and available at which time the Federal participation will be reduced accordingly so that the total construction cost of the project will not be exceeded.

NOW THEREFORE, the APPLICANT agrees that for the attached project application the APPLICANT will:

- **ARTICLE I:** After notification that the project has been approved by the Transportation Commission, execute the General Agreement.
- **ARTICLE II:** After receipt of the executed General Agreement, prepare or compile the necessary information to initiate the project and submit it to the MDOT District Engineer.
- **ARTICLE III:** Submit current project information and preliminary conceptual plans to the MDOT and the FHWA, for review and authorization to proceed.
- **ARTICLE IV:** Make field surveys and prepare preliminary plans for review by the MDOT District Engineer.
- **ARTICLE V:** Conduct joint field inspection with the MDOT, the FHWA, *Department of Archives and History* (if applicable) and the Consultant (if one has been obtained.)
- **ARTICLE VI:** Conduct all required environmental studies.
- **ARTICLE VII:** Obtain clear title to all properties involved in the project and provide the MDOT with a Certificate of Title.

- **ARTICLE VIII:** Complete all project design and specifications for contract award. The design must be approved by the MDOT and the *Department of Archives and History* (if applicable.)
- **ARTICLE IX:** Obtain all required permits.
- **ARTICLE X:** Submit the final project package:
 - Three (3) sets of review plans and three (3) draft copies of the specifications and proposal documents for review by the MDOT, the FHWA, and *Department of Archives and History* (if applicable.) After corrections, if necessary, furnish the MDOT three (3) copies of each of the following:
 - (a) Agreement between the APPLICANT and the MDOT;
 - (b) Agreement between the APPLICANT and the Railroad Company (if applicable);
 - (c) Agreement between the APPLICANT and the owners of the property where the project is located (if easements are required);
 - (d) Agreement between the APPLICANT and the Consultant for construction engineering, if employed;
 - (e) Utility agreement, if required;
 - (f) Construction cost estimate;
 - (g) Right-of-Way and Utility Certification;
 - (h) Construction Plan;
 - (i) Specifications and Contract Documents.
- **ARTICLE XI:** After opening of bids, if it is the intention of the APPLICANT to recommend award of the contract, submit the required APPLICANT matching funds for construction and construction engineering to the MDOT for deposit. The APPLICANT may choose to deposit the full amount of deposit only one third (1/3) of the APPLICANT's share of the cost at this time. If the APPLICANT elects to make the partial deposit, the APPLICANT agrees to deposit an additional one third (1/3) of the APPLICANT's share of the cost before or with the first contractor's estimate. The APPLICANT also agrees to deposit the remaining balance with the next contractor's estimate. If cost overruns increase the cost of the project beyond the amount of the existing project fund, the APPLICANT agrees to deposit the additional required matching funds with the MDOT prior to the submittal of an invoice which would exceed that amount. Any APPLICANT matching funds remaining in the project fund upon completion of the project will be returned to APPLICANT.
- **ARTICLE XII:** After the concurrence by the MDOT and the FHWA in the award of the contract, the APPLICANT agrees to execute the contract with the contractor and issue a notice to proceed with the work as detailed in the General Agreement.
- **ARTICLE XIII:** Maintain and operate or provide for the maintenance and operation of the completed project. Do not permit any changes to be made which would affect traffic and/or traffic control at the completed improvement without the prior approval of the MDOT. Do not permit any changes to be made to the completed improvement which would alter the approved definition of the facility as a *Transportation Enhancement* Project without the prior approval of the MDOT. Acceptable changes must be in conformance with current standards and with provisions of the Manual on

Uniform Traffic Control Devices for Streets and Highways and Informational Guide for Preparing Private Driveway Regulations for Major Highways, American Association of State Highway and Transportation Officials (AASHTO.) The APPLICANT understands that failure to fulfill this responsibility in regard to maintenance of the improvement, its operation or regulation will disqualify the APPLICANT from receiving any *Transportation Enhancement* Funds until such time as the deficiencies are corrected to the satisfaction of the MDOT and the FHWA, and if the deficiencies are not corrected the APPLICANT may be required to reimburse the MDOT for all project cost.

- **ARTICLE XIV:** Assume all responsibility for and save the MDOT harmless from any suits, action or claims of any character, brought for any injuries or damages received or sustained by any person, persons or property, growing out of any action or omission to act in the conduct of this work.

IN WITNESS WHEREOF, the parties have affixed their signatures on the 18th day of March, 1999, Minute Book 2, Page 1056 thereof.

City of Clinton
APPLICATION OF, (Agency Name, OR City, OR County) LOCATED IN THE COUNTY
OF Hinds, State of Mississippi,

Rosemary G. Aultman
TITLE: Mayor
City of Clinton, Hinds County, Mississippi

(Typed Name: Agency Head, OR Mayor, OR President Board of Supervisors)

ATTEST W. Jernick deputy
CLERK (Signature)