

CITY OF CLINTON
REGULAR MEETING OF THE MAYOR AND BOARD OF ALDERMEN
TUESDAY, JULY 6, 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 Alderman Hisaw followed by the Pledge of Allegiance to the Flag led by Alderman DePriest.

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-U

MOTION made by Alderman Touchton and **SECONDED** by Alderman Lott to approve Consent Agenda Items A-U listed on page 117 of this Minute Book AA. Items C & P will serve to advertise favorably the opportunities, possibilities, and resources of the City of Clinton. Quotes listed in Item E can be found in the Office of the City Clerk. **MOTION CARRIED UNANIMOUSLY**

APPROVAL OF PRELIMINARY SITE PLAN FOR MONROE'S RESTAURANT

Upon recommendation from the Planning & Zoning Board and Gary Ward, Zoning Administrator, **MOTION** made by Alderman Brabham and **SECONDED** by Alderman Touchton to approve the Preliminary Site Plan for Monroe's Restaurant at 803 Northside Dr. **MOTION CARRIED UNANIMOUSLY**

APPROVAL OF DIMENSIONAL VARIANCE AT 130 NORTHSIDE DR.

Upon recommendation of the Planning & Zoning Board and Gary Ward, Zoning Administrator, **MOTION** made by Alderman Touchton and **SECONDED** by Alderman Brantley to adopt that Resolution Approving a Dimensional Variance for Mr. Frank Fortner at 130 Northside Drive found on pages 118-121 of this Minute Book AA. **MOTION CARRIED 6-1** with Alderman DePriest voting nay.

APPROVAL OF PRELIMINARY SITE PLAN AT 130 NORTHSIDE DRIVE

Upon recommendation of the Planning & Zoning Board and Gary Ward, Zoning Administrator, **MOTION** made by Alderman Brantley and **SECONDED** by Alderman Hisaw to approve the Preliminary Site Plan at 130 Northside Dr. **MOTION CARRIED UNANIMOUSLY**

APPROVAL OF PRELIMINARY SITE PLAN IN INDUSTRIAL PARK

Upon recommendation of the Planning & Zoning Board and Gary Ward, Zoning Administrator, MOTION made by Alderman Brabham and SECONDED by Alderman DePriest to approve the Preliminary Site Plan for JNJ Development in the Clinton Industrial Park. MOTION CARRIED UNANIMOUSLY

APPROVAL OF 12 MONTH FIRM PRICE BID FROM FUELMAN

MOTION made by Alderman Brabham and SECONDED by Alderman Hisaw to approve that 12 Month Firm Price Bid from Fuelman with proof of publication found on pages 122-127 of this Minute Book AA. MOTION CARRIED UNANIMOUSLY

APPROVAL OF FINAL PLAT - PART III OF HUNTERS RIDGE SUBDIVISION

Upon recommendation of City Engineer Richard Broome, MOTION made by Alderman Brabham and SECONDED by Alderman Brantley to approve the final plat of Hunters Ridge Subdivision Part III contingent upon meeting all the requirements of the subdivision regulations of the City of Clinton. MOTION CARRIED UNANIMOUSLY

EXECUTIVE SESSION - LITIGATION

MOTION made by Alderman Hisaw and SECONDED by Alderman Lott to consider entering Executive Session for the purpose of discussing Litigation. MOTION CARRIED UNANIMOUSLY.

MOTION made by Alderman Fisher and SECONDED by Alderman Brabham to enter executive session for the purpose of discussing Litigation at 7:59 p.m. MOTION CARRIED UNANIMOUSLY

Present for the executive session were the Mayor, Seven Aldermen, City Attorney & City Engineer.

MOTION made by Alderman Brabham and SECONDED by Alderman Fisher to exit executive session at 9:47 p.m. MOTION CARRIED UNANIMOUSLY

ADJOURN 9:47 p.m.

MOTION made by Alderman Brabham and SECONDED by Alderman Fisher to adjourn MOTION CARRIED UNANIMOUSLY

Copy of Agenda can be found on page 117 of this Minute Book AA.

APPROVED:

Rosemary G. Aultman
Rosemary G. Aultman, Mayor

Date

July 7, 1999

ATTEST:

Nelson Byrd
Nelson Byrd, City Clerk

Date

July 7, 1999

SEAL:

**RESOLUTION APPROVING A DIMENSIONAL VARIANCE FOR
MR. FRANK FORTNER, OLDE TOWNE CONSTRUCTION FOR
PROPERTY LOCATED AT 130 NORTHSIDE DRIVE,
CLINTON, MISSISSIPPI**

WHEREAS, Mr. Frank Fortner, Olde Towne Construction, has requested a dimensional variance on the setback requirements of the Zoning Ordinance of the City of Clinton, Mississippi; and,

WHEREAS, the Zoning Ordinance of the City of Clinton, Mississippi now require certain setback requirements as set forth therein; and,

WHEREAS, because of the unusual shape of the subject property and the additional front setback as required by the City a variance is needed for the side setback; and,

WHEREAS, the Mayor and Board of Aldermen of the City of Clinton, Mississippi, find that the requested variance will be in harmony with the general purpose and intent of the Zoning Ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; and,

WHEREAS, the Owner has complied with the requirements of the Zoning Regulations regarding dimensional variance; and,

WHEREAS, the Planning and Zoning Board has recommended granting the dimensional variances subject as set out in its minutes.

BE IT RESOLVED by the Mayor and Board of Aldermen of the City of Clinton, Mississippi that the requested dimensional variance should be granted as follows:

1. A dimensional variance shall be granted to permit a setback of five (5) feet on the west side of the property.
2. The legal description of the subject property is shown in Exhibit "A" attached hereto.

3. The setback variances shall be generally as shown in the proposed site plan attached hereto as Exhibit "B".

Except as modified hereby, this property shall be subject to all applicable ordinances and regulations;

The foregoing Resolution, having been reduced to writing, Alderman TOUCHTON moved that said Resolution be adopted. Alderman BRANTLEY seconded. The vote was as follows:

Alderman Brabham voted:	<u>AYE</u>
Alderman Hisaw voted:	<u>AYE</u>
Alderman DePriest voted:	<u>NAY</u>
Alderman Brantley voted:	<u>AYE</u>
Alderman Fisher voted:	<u>AYE</u>
Alderman Touchton voted:	<u>AYE</u>
Alderman Lott voted:	<u>AYE</u>

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

The foregoing ordinance was approved this the 6th day of JULY, 1999.

CITY OF CLINTON

BY: Rosemary J. Aultman
ROSEMARY AULTMAN, MAYOR

ATTEST:

Nelson Byrd
Nelson Byrd, City Clerk

(SEAL)

**Legal Description for 130 Northside Drive
(Frank Fortner)**

From the intersection of the South right-of-way line of Northside Drive with the West right-of-way line of Livingston Street in the Southwest Quarter of the Northwest Quarter of Section 20, Township 6 North, Range 1 West, Hinds County, Mississippi, run in a Northwesterly direction along the south right-of-way line of Northside Drive 250.0 feet to the point of beginning; thence turn to the left through an angle of 90 degrees and run in a Southwesterly direction 194.0 feet to an iron pin; turn thence to the right through an angle of 90 degrees and run in a Northwesterly direction 100.0 feet to an iron pin; turn thence to the right through an angle of 90 degrees and run in a Northeasterly direction 194 feet to an iron pin; thence turn right through an angle of 90 degrees and run in a Southeasterly direction along the South right-of-way line of Northside Drive 100.0 feet to Point of beginning.

Also known as 130 Northside Drive

EXHIBIT "A"

8.

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PROPOSAL FOR SERVICE

FIRM PRICE BID

June 22, 1999

SUBJECT MATTER

FLEET FUELING SITES

AND

RELATED COMPUTER USAGE REPORTING

PARTIES

FUELMAN

AND

CITY OF CLINTON

1. **COMMERCIAL FUELING SITES**

Fuel will be available to City of Clinton at over 14,000 convenient commercial fueling sites. All sites will have card reading equipment or terminals and are self-service. Fuel is accessed via control cards.

A. **LOCATIONS OF LOCAL FUELING SITES:**

See attached Fuel and Service Site Directory.

2. **REQUIRED MANAGEMENT CONTROLS**

A. **ACCESS CARDS - PROVIDED AT BIDDER'S EXPENSE.**

Access cards are required to activate card system

Needed Information:

1. description of vehicle
2. vehicle number
3. department number
4. fuel type
5. gallon capacity
6. other restrictions
7. last name, first initial
8. ID/employee number

B. **CONTROLS PROVIDED**

1. vehicle and driver ID
2. security code
3. fuel type restriction
4. tank capacity limitation
5. daily gallon limitation
6. weekly gallon limitation
7. card loss control

C. **REPLACEMENT OF CARDS**

Bidder will replace damaged cards due to normal wear and tear at its expense.

REVISED PRICE PAGE as of July 7, 1999**D. RESPONSIBILITY FOR USE OF CARDS**

City of Clinton agrees to bear full responsibility for any liability resulting from the misuse, unauthorized use, loss or theft of any cards issued. This liability extends until noon of the first business day following receipt of written notice of card numbers lost. Cards are issued solely for the conduct of the customers business.

E. REPORTING TECHNIQUES

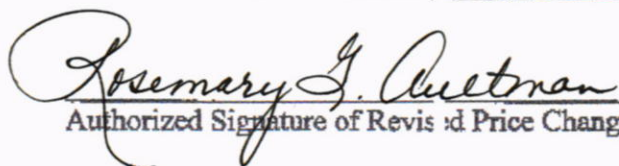
Fuel consumption reports are to be transmitted to the appropriate contact via printed program reporting weekly and will include the following:

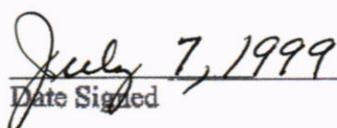
1. vehicle number and description
2. driver name
3. date of fueling and site
4. odometer and miles per gallon
5. gallons and dollars
6. fuel type
7. total weekly usage and summary

3. PRICING AND PAYMENT TERMS**A. PRICING**

Price for products purchased by City of Clinton will be equal to the sum of the following (if right included):

1. Unleaded regular gasoline (87 octane), sixty-four and six tenths cents (\$.646)
or
Unleaded plus gasoline (89 octane), seventy and six tenths cents (\$.706)
or
Unleaded premium gasoline (91 octane), seventy-six and six cents (\$.766)
or
Low sulfur diesel (#2), sixty-two and nine tenths cents (\$.629)
2. All applicable taxes.
3. Less any earned cash discounts, see terms below.


Authorized Signature of Revised Price Change


Date Signed

 B. **ACCEPTANCE PERIOD**

This proposal is valid for 30 days, with one exception. Should the New York Mercantile Exchange price for the products quoted in this proposal change more than one cent (\$.01) per gallon during the acceptance period, Fuelman may opt to adjust the price up or down by the amount of the price change. Upon acceptance, this price would be fixed for the contract period.

Acceptance period is defined as the date on the front page of this proposal up to receipt of this contract, legally executed, and delivered or faxed to our office.

C. **CONTRACT PERIOD**

Firm pricing is for the period of July 1, 1999 through June 30, 2000. City of Clinton agrees to purchase all of its fuel through Fuelman. City of Clinton will have the option to renew the contract for an additional twelve months, if mutually agreeable, by providing thirty days written notice. City of Clinton agrees to ratably purchase a minimum of 90% and a maximum of 110% of fuel gallons nominated below. Gallon nominations will be provided by City of Clinton at the time of contract acceptance. Nominating gallons in the space provided below along with authorized signature will signify acceptance of this contract.

D. **TERMS**

Payment is due no later than the tenth day of the month following purchase. Invoices will be mailed each Monday for the preceding week ending Sunday midnight. A prompt pay discount of one cent (\$.01) per gallon will be allowed for payments received within seven (7) days of billing date.

E. **FEDERAL EXCISE TAX EXEMPTION**

Fuelman will, according to current federal excise tax regulations, allow for the exemption of federal excise taxes on gasoline and diesel at the time of purchase.

F. **MONEY BACK GUARANTEE**

Because Fuelman "miles per gallons" reporting has been so useful to other customers, including savings of 10% to 30%, we provide a guarantee as part of this proposal.

After six (6) months usage, if the Mayor and Board of ~~Supervisors~~ *Aldermen* determines that this contract has not served the best interests of City of Clinton for any reason, the full amount of service fees invoiced will be promptly refunded. This contract would terminate at that time. *nb*

4. CONCLUSION

Fuelman is a programmable, high performance, automated system for commercial and government fleet owners. By capitalizing on the latest advances in hardware, software, and design methods, Fuelman has produced an innovative management system.

Abundant fueling sites provide wide coverage for full utilization of the system. Comprehensive weekly reporting provides clerical savings, eliminates abuse, and increases productivity.

Gasoline Gallons: _____/per month

Diesel Gallons: _____/per month

ACCEPTED BY:

Rosemary J. Auetman
Helson Byrd, City Clerk
CITY OF CLINTON

Cooper Morrison
R. R. MORRISON & SON, INC.

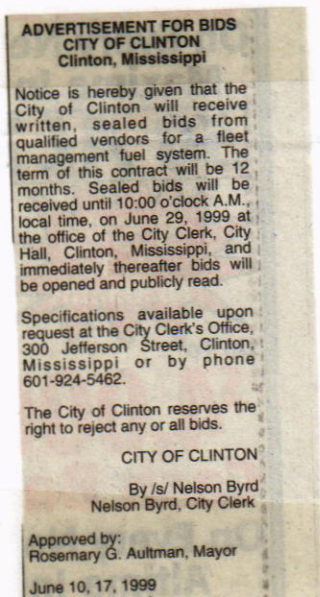
7-6-99
DATE

6-21-99
DATE

Proof of Publication
The State of Mississippi

Hinds County

PASTE PROOF HERE



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

Shirley Mize

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:

Lines: 36
Words: 139
Issues: 2
Total: \$36.58

Thursday, June 10, 1999
Thursday, June 17, 1999

SWORN to and subscribed before me on
06/17/99

My Commission Expires:

Notary Public State of Mississippi At Large.
My Commission Expires: Nov. 8, 2000.
Bonded thru Notary Public Underwriters.

Signed

Authorized Clerk
of The Clarion-Ledger

Notary Public

(SEAL)