

**REGULAR MEETING OF THE MAYOR AND BOARD OF ALDERMEN
TUESDAY, OCTOBER 7, 1997, 7 P.M.
MUNICIPAL COURTROOM - 305 MONROE STREET**

The Mayor and Board of Aldermen of the City of Clinton, Mississippi met in Regular Meeting on Tuesday, October 7, 1997, 7 P.M. at the 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 Bert Everett, with Prison Fellowship Ministry, followed by the Pledge of Allegiance led by Alderman Brabham.

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

 City Attorney Ken Dreher
 City Clerk Nelson Byrd

RECOGNITIONS:

The Mayor introduced the 1997-1998 member of the Mayor's Youth Council.

APPROVAL OF CONSENT AGENDA ITEMS A - CC:

MOTION made by Alderman Lott and **SECONDED** by Alderman Hisaw to approve Consent Agenda Items A - CC, as listed on pages 73-74 of this Minute Book Z, noting that Consent Agenda Items C, D, E, and F will serve to advertise favorably the opportunities, possibilities, and resources of the City of Clinton. Quotes listed in Items N, P, T, and Y are on file in the office of the City Clerk. Item CC, Certificate of Attendance can be found on page 83 of this Minute Book Z. **MOTION CARRIED UNANIMOUSLY**

PLANNING AND ZONING ITEMS:

**APPROVAL OF PRELIMINARY SITE PLAN FOR TACO BELL RESTAURANT -
SPRINGRIDGE ROAD**

Upon recommendation of Planning and Zoning Board, **MOTION** made by Alderman Fisher and **SECONDED** by Alderman Touchton to approve preliminary site plan for Taco Bell Restaurant - Springridge Road. **MOTION CARRIED UNANIMOUSLY**

**APPROVAL OF PRELIMINARY SITE PLAN FOR LYDA GILMORE AT 205 W. MAIN
STREET**

Upon recommendation of the Planning and Zoning Board, **MOTION** made by Alderman Touchton and **SECONDED** by Alderman Lott to approve preliminary site plan for Lyda Gilmore at 205 W. Main Street. **MOTION CARRIED UNANIMOUSLY**

APPROVAL OF PRELIMINARY SITE PLAN FOR XAN'S RESTAURANT- CLINTON CENTER DRIVE

Upon recommendation of the Planning and Zoning Board and City Engineer Richard Broome, **MOTION** made by Alderman Touchton and **SECONDED** by Alderman Brantley to approve preliminary site plan for Xan's Diner. **MOTION CARRIED UNANIMOUSLY**

DISCUSSION ON PRELIMINARY PLAT OF WELLINGTON SUBDIVISION

After discussion on Wellington Subdivision, **MOTION** made by Alderman Brabham and **SECONDED** by Alderman Brantley to authorize the Mayor to appoint a committee to review all Planning and Zoning records and to meet with Bruce Hartfield to determine whether or not the proposed subdivision plat is on industrial or residential zoned property and to make a recommendation to the Board within 2 weeks. Mayor Aultman appointed Alderman-At-Large Jehu Brabham, Alderman Tony Hisaw, Alderman Rodney DePriest, City Engineer Richard Broome, and Inspectors Julion Lowther and Gary Ward to this committee. **MOTION CARRIED UNANIMOUSLY**

APPROVAL OF TITAN INSURANCE PROPOSAL

Upon recommendation of Sam Bryson, **MOTION** made by Alderman Fisher and **SECONDED** by Alderman Lott to approve proposal of Titan Insurance for 1997-1998 Insurance Program. **MOTION CARRIED UNANIMOUSLY** Copy of said proposal can be found in the office of the City Clerk.

BIDS ACCEPTED FOR PARKS AND RECREATION LIGHT FIXTURES, LAMPS AND POLES

Upon recommendation of Parks and Recreation Director David Freeman, **MOTION** made by Alderman Brabham and **SECONDED** by Alderman Hisaw to approve lowest and best bid of \$24,438.40 to Stuart C. Irby for light fixtures and lamps. **MOTION CARRIED UNANIMOUSLY** Bid Tabulation and Proof of Publication can be found on pages 84 & 85 of this Minute Book Z.

Upon recommendation of Parks and Recreation Director David Freeman, **MOTION** made by Alderman Touchton and **SECONDED** by Alderman Lott to approve lowest and best bid of \$11,003.40 by International Paper for poles. **MOTION CARRIED UNANIMOUSLY** Bid Tabulation and Proof of Publication can be found on pages 84 & 86 of this Minute Book Z.

APPROVAL OF ORDINANCE TO APPOINT CLINTON HISTORICAL PRESERVATION COMMISSION

Upon recommendation of City Attorney Ken Dreher, **MOTION** made by Alderman Brantley and **SECONDED** by Alderman Fisher to adopt that ordinance found on pages 708-713 and 87-92 respectively of City of Clinton Ordinance Book II and Minute Book Z to appoint a Clinton Historical Preservation Commission. **MOTION CARRIED UNANIMOUSLY** Proof of Publication can be found on pages 714 & 93 of the above mentioned Ordinance and Minute Book.

ADOPTION OF AMENDMENT TO ZONING ORDINANCE

Upon recommendation of City Attorney Ken Dreher, **MOTION** made by Alderman Hisaw and **SECONDED** by Alderman Brantley to adopt that amendment to zoning ordinance found on pages 715-716 and 94-95 respectively of City of Clinton Ordinance Book II and Minute Book Z to add new section 1119, Existing Manufactured Homes to the Zoning Ordinance. **MOTION CARRIED UNANIMOUSLY** Proof of Publication can be found on pages 717 & 96 of the above mentioned Ordinance and Minute Book.

ADOPTION OF ORDINANCE REGARDING BUILDINGS UNFIT FOR HUMAN HABITATION

Upon recommendation of City Attorney Ken Dreher, **MOTION** made by Alderman Fisher and **SECONDED** by Alderman Brantley to adopt that Ordinance found on pages 718-724 and 97-103 respectively of City of Clinton Ordinance Book II and Minute Book Z regarding buildings unfit for human habitation. **MOTION CARRIED UNANIMOUSLY** Proof of Publication can be found on pages 725 & 104 of the above mentioned Ordinance and Minute Book.

APPROVAL OF MONTGOMERY-WATSON AND ASSOCIATES AS VALUE ENGINEERING CONSULTANT AS RECOMMENDED FROM SELECTION COMMITTEE

Upon recommendation of the Value Engineer Selection Committee, **MOTION** made by Alderman Brabham and **SECONDED** by Alderman Brantley to authorize the Mayor, City Engineer Richard Broome, and legal counsel to enter into contract negotiations with the recommended consultant, Montgomery-Watson, based on qualifications and experience detailed in their proposal. **MOTION CARRIED UNANIMOUSLY**

APPROVAL TO CUT AND CLEAR LOT 168, CHERRYSTONE CIRCLE, CHERRY PARK SUBDIVISION

Upon recommendation of Zoning Administrator Gary Ward, **MOTION** made by Alderman Brantley and **SECONDED** by Alderman Fisher to give Public Works approval to cut and clear Lot 168, Cherrystone Circle, Cherry Park Subdivision and assess maintenance cost incurred to State of Mississippi, who claims ownership of the property. **MOTION CARRIED UNANIMOUSLY** Letter of permission from the State of Mississippi can be found on page 105 of this Minute Book Z.

APPROVAL OF APPOINTMENTS OF NEW DEPUTY COURT CLERKS

MOTION made by Alderman Touchton and **SECONDED** by Alderman Lott to appoint Linda Lynchard, Van Gunter, Andrew Pitts, Jeff Gibson, G.Y. Craft, Chris Dill, Marshall Lee, Gene Mashburn, Glenn Sikes, and Kimball Gober as new Deputy Court Clerks. **MOTION CARRIED UNANIMOUSLY**

APPROVAL OF RESOLUTION FOR PAYMENT OF POLICE AND FIRE DISABILITY AND RELIEF FUND COLA FOR 1997

MOTION made by Alderman Touchton and **SECONDED** by Alderman DePriest to adopt resolution authorizing the payment of Police and Fire Disability and Relief Fund COLA for 1997 found on pages 106-109 of this Minute Book Z. **MOTION CARRIED UNANIMOUSLY**

CLINT BRANTLEY APPOINTED VOTING MEMBER OF THE BOARD OF DIRECTORS FOR THE CHAMBER OF COMMERCE

MOTION made by Alderman Brabham and **SECONDED** by Alderman Tony Hisaw to nominate Clint Brantley voting member of the Board of Directors for the Chamber of Commerce for fiscal year ending September 30, 1998. **MOTION CARRIED UNANIMOUSLY**

APPROVAL OF AGREEMENT WITH CHAMBER OF COMMERCE FOR SERVICES FOR CONTRIBUTIONS FOR 1997/1998

MOTION made by Alderman Hisaw and **SECONDED** by Alderman Brantley to approve agreement with Chamber of Commerce for services and advertising for 1997/1998. Said agreements can be found on pages 110-111 of this Minute Book Z. **MOTION CARRIED UNANIMOUSLY**

APPROVAL OF AMENDMENT TO PERSONNEL REGULATIONS IN SECTION 1.7.10

MOTION made by Alderman Fisher and **SECONDED** by Alderman Lott to approve amendment to personnel regulation stating that no person shall be hired into the city if a spouse, parent, grand-parent, child, brother, sister, father-in-law, mother-in-law is currently employed by the city. If two employees become relatives in any manner as results of a marriage, both will not be allowed to work for the city. It will be necessary for one to resign effective on or before the day of the marriage. Applies to anyone who is re-employed as well as employees. **MOTION CARRIED UNANIMOUSLY** Copy of Page 7 of Personnel Rules and Regulations can be found on page 112 of this Minute Book Z.

APPROVAL OF AGREEMENT WITH 4 C'S FOR CONTRIBUTION FOR 1997-1998

MOTION made by Alderman Hisaw and **SECONDED** by Alderman Touchton to adopt agreement with 4 C's for contribution for 1997-1998. **MOTION CARRIED UNANIMOUSLY** Said agreement may be found on page 113 of this Minute Book Z.

AUTHORIZATION TO APPLY TO NRCS FOR FUNDING OF TRAILWOOD AND MELROSE PROJECTS

Upon recommendation of City Engineer Richard Broome, **MOTION** made by Alderman Brabham and **SECONDED** by Alderman Fisher to authorize City Engineer to apply to NRCS for funding of Trailwood and Melrose projects. **MOTION CARRIED UNANIMOUSLY**

ADJOURNMENT 8:30 PM:

There being no further business to discuss, **MOTION** made with Alderman Touchton and **SECONDED** by Alderman Brantley to Recess until October 21, 1997 at 7:00 p.m. **MOTION CARRIED UNANIMOUSLY**

Copy of Agenda may be found on Pages 73-74 of this Minute Book Z.

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

October 27, 1997
Date

ATTEST: Nelson Byrd
Nelson Byrd, City Clerk

October 27, 1997
Date

SEAL

MUNICIPAL COMPLIANCE QUESTIONNAIRE

INFORMATION

Note: Due to the size of some municipalities, some of the questions may not be applicable. If so, mark N/A in answer blanks. Answers to other questions may require more than "yes" or "no," and, as a result, more information on this questionnaire may be required and/or separate workpapers may be needed.

1. Name and address of municipality: CITY OF CLINTON
P.O. Box 156 CLINTON, MS. 39056

2. List the date and population of the latest official U.S. Census or most recent official census:
1990 21,847

3. Names, addresses and telephone numbers of officials (include elected officials, chief administrative officer, and attorney).
SEE ATTACHED

4. Period of time covered by this questionnaire:
From: 10-1-96 To: 9-30-97

5. Expiration date of current elected officials' term: JULY 2001

CLINTON, MS.
(MUNICIPALITY)

Certification to Municipal Compliance Questionnaire

Year Ended September 30, 1997

We have reviewed all questions and responses as contained in this Municipal Compliance Questionnaire for the Municipality of CLINTON, MS., and, to the best of our knowledge and belief, all responses are accurate.

Nelson Byrd
(City Clerk's Signature)

October 1, 1997
(Date)

Rosemary Quetman
(Mayor's Signature)

October 1, 1997
(Date)

Minute Book References:

Book Number 2

Page _____

(Clerk is to enter minute book references when questionnaire is accepted by board.)

MUNICIPAL COMPLIANCE QUESTIONNAIRE

ANSWER ALL QUESTIONS: Y - YES, N - NO, N/A - NOT APPLICABLE

PART I - GENERAL

1. Have all ordinances been entered into the ordinance book and included in the minutes? (Section 21-13-13) Y
2. Do all municipal vehicles have public license plates and proper markings? (Sections 25-1-87 and 27-19-27) Y
3. Are municipal records open to the public? (Section 25-61-5) Y
4. Are meetings of the board open to the public? (Section 25-41-5) Y
5. Are notices of special or recess meetings posted? (Section 25-41-13) Y
6. Are all required personnel covered by appropriate surety bonds?
 - Appointed officers and those handling money, see statutes governing the form of government (i.e., Section 21-3-5 for Code Charter) Y
 - Municipal clerk (Section 21-15-38) Y
 - Deputy clerk (Section 21-15-23) Y
 - Chief of police (Section 21-21-1) Y
 - Deputy police (Section 45-5-9) (if hired under this law) Y
7. Are minutes of board meetings prepared to properly reflect the actions of the board? (Sections 21-15-17 and 21-15-19) Y
8. Are minutes of board meetings signed by the mayor or majority of the board within 22 days of the meeting? (Section 21-15-33) Y
9. Has the municipality complied with the nepotism law in its employment practices? (Section 25-1-53) Y
10. Did all officers, employees of the municipality, or their relatives avoid any personal interest in any contracts with the municipality during their term or within one year after their terms of office or employment? (Section 25-4-105) Y

MUNICIPAL COMPLIANCE QUESTIONNAIRE

11. Does the municipality contract with a Certified Public Accountant or an auditor approved by the State Auditor for its annual audit within twelve months of the end of each fiscal year? (Section 21-35-31) Y
12. Has the municipality published a synopsis or notice of the annual audit within 30 days of acceptance? (Section 21-35-31 or 21-17-19) Y

PART II - CASH AND RELATED RECORDS

1. Where required, is a claims docket maintained? (Section 21-39-7) Y
2. Are all claims paid in the order of their entry in the claims docket? (Section 21-39-9) Y
3. Does the claims docket identify the claimant, claim number, amount and fund from which each warrant will be issued? (Section 21-39-7) Y
4. Are all warrants approved by the board, signed by the mayor or majority of the board, attested to by the clerk, and bearing the municipal seal? (Section 21-39-13) Y
5. Are warrants for approved claims held until sufficient cash is available in the fund from which it is drawn? (Section 21-39-13) Y
6. Has the municipality adopted and entered on its minutes a budget in the format prescribed by the Office of the State Auditor? (Sections 21-35-5, 21-35-7 and 21-35-9) Y
7. Does the municipality operate on a cash basis budget, except for expenditures paid within 30 days of fiscal year end or for construction in progress? (Section 21-35-23) Y
8. Has the municipality held a public hearing and published its adopted budget? (Section 21-35-5) Y
9. Has the municipality complied with legal publication requirements when budgetary changes of 10% or more are made to a department's budget? (Section 21-35-25) Y

IV-A10

MUNICIPAL COMPLIANCE QUESTIONNAIRE

10. If revenues are less than estimated and a deficit is anticipated, did the board revise the budget by its regular July meeting? (Section 21-35-25) Y
11. Have financial records been maintained in accordance with the chart of accounts prescribed by the State Auditor? (Section 21-35-11) Y
12. Does the municipal clerk submit to the board a monthly report of expenditures against each budget item for the preceding month and fiscal year to date and the unexpended balances of each budget item? (Section 21-35-13) Y
13. Does the board avoid approving claims and the city clerk not issue any warrants which would be in excess of budgeted amounts, except for court-ordered or emergency expenditures? (Section 21-35-17) Y
14. Has the municipality commissioned municipal depositories? (Sections 27-105-353 and 27-105-363) Y
15. Have investments of funds been restricted to those instruments authorized by law? (Section 21-33-323) Y
16. Are donations restricted to those specifically authorized by law? [Section 21-17-5 (Section 66, Miss. Constitution) -- Sections 21-19-45 through 21-19-59, etc.] Y
17. Are fixed assets property tagged and accounted for? (Section 7-7-211 - Municipal Audit and Accounting Guide) Y
18. Is all travel authorized in advance and reimbursements made in accordance with Section 25-3-41? Y
19. Are all travel advances made in accordance with the State Auditor's regulations? (Section 25-3-41) Y

PART III - PURCHASING AND RECEIVING

1. Are bids solicited for purchases, when required by law (written bids and advertising)? [Section 31-7-13(b) and (c)] Y
2. Are all lowest and best bid decisions properly documented? [Section 31-7-13(d)] Y

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MUNICIPAL COMPLIANCE QUESTIONNAIRE

3. Are all one-source item and emergency purchases documented on the board's minutes? (Section 31-7-13(m) and (k)) Y
4. Do all officers and employees understand and refrain from accepting gifts or kickbacks from suppliers? (Section 31-7-23) Y

PART IV - BONDS AND OTHER DEBT

1. Has the municipality complied with the percentage of taxable property limitation on bonds and other debt issued during the year? (Section 21-33-303) Y
2. Has the municipality levied and collected taxes, in a sufficient amount for the retirement of general obligation debt principal and interest? (Section 21-33-87) Y
3. Have the required trust funds been established for utility revenue bonds? (Section 21-27-65) Y
4. Have expenditures of bond proceeds been strictly limited to the purposes for which the bonds were issued? (Section 21-33-317) Y
5. Has the municipality refrained from borrowing, except where it had specific authority? (Section 21-17-5) Y

PART V - TAXES AND OTHER RECEIPTS

1. Has the municipality adopted the county ad valorem tax rolls? (Section 27-35-167) Y
2. Are interest and penalties being collected on delinquent ad valorem taxes? (Section 21-33-53) Y
3. Has the municipality conducted an annual land sale for delinquent ad valorem taxes? (Section 21-33-63) Y
4. Have the various ad valorem tax collections been deposited into the appropriate funds? (Separate Funds for Each Tax Levy) (Section 21-33-53) Y

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MUNICIPAL COMPLIANCE QUESTIONNAIRE

5. Has the increase in ad valorem taxes, if any, been limited to amounts allowed by law? (Sections 27-39-320 and 27-39-321) Y
6. Are local privilege taxes collected from all businesses located within the municipality, except those exempted? (Section 27-17-5) Y
7. Are transient vendor taxes collected from all transient vendors within the municipality, except those exempted? (Section 75-85-1) Y
8. Is money received from the state's "Municipal Fire Protection Fund" spent only to improve municipal fire departments? (Section 83-1-37) Y
9. Has the municipality levied or appropriated not less than 1/4 mill for fire protection and certified to the county it provides its own fire protection or allowed the county to levy such tax? (Sections 83-1-37 and 83-1-39) Y
10. Are state-imposed court assessments collected and settled monthly? (Section 99-19-73) Y
11. Are all fines and forfeitures collected when due and settled immediately to the municipal treasury? (Section 21-15-21) Y
12. Are bids solicited by advertisement or, under special circumstances, three appraisals obtained when real property is sold? (Section 21-17-1) Y

City of Clinton

END OF
S

Street Address:	300 Jefferson Street Clinton, Mississippi 39056	<u>Telephone Numbers</u> 924-5462 City Hall 924-5252 Police Department
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City Attorney

Ken Dreher	Pyle, Dreher, Mills & Dye, PA P.O. Box 23004 Jackson, MS 39225	957-2600 (office)
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Mayor

Rosemary Aultman (Lester) 07-01-46	107 Caroline Cove Post Office Box 156	924-4830 (home) 924-5462 (City Hall)
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Alderman-At-Large

Jehu W. Brabham (Cheryl) 09-02-49	106 Longwood Drive	924-0418 (home) 924-9912 (office)
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Alderman Ward 1

Tony Hisaw (Diane) 11-04-49	102 Autumn Way	924-9475 (home) 362-9800 (office) 362-9827 (fax)
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Alderman Ward 2

Rodney DePriest (Becki) 08-21-66	202 Country Cove Circle	924-2660 (home)
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Alderman Ward 3

Clint Brantley (Anita) 10-15-40	1617 Tanglewood Drive	924-1897 (home) 924-6213 (work)
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Alderman Ward 4

Phil Fisher (Kathy) 07-21-54	1012 Post Road	924-4419 (home) 924-8514 (office)
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Alderman Ward 5

Herb Touchton 05-07-34	530 Belle Place	924-6797 (home) 932-2880 x 6209 (office)
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Alderman Ward 6

Sharbert K. Lott (Martha) 06-22-43	306 Church Street	924-0335 (home) 961-1882 (office)
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Elected June 6, 1997 with term of office running through July , 2001.

Department of Parks & Recreation

P.O. Box 156 • 200 Soccer Row
Clinton, MS 39060
(601) 924-6082 • (601) 925-4605 (FAX)

David Freeman
Director



**BID TABULATION
SOCCER FIELD LIGHTING PROJECT**

***Received bids on light fixtures and poles

LIGHT FIXTURES & LAMPS: 140 Fixtures w/Lamps

<u>Company</u>	<u>Fixtures Only</u>	<u>Lamp</u>	<u>Total</u>
9A Stuart C. Irby Co.	\$147.00	\$27.56	\$24,438.40 ✓
Two Wire Electric Supply Co.	\$149.00	\$30.80	\$25,172.00

POLES: (18) 70' Poles

9B International Paper: \$611.30 per pole **If Boom unloader required, add \$160.00 per truck load.

TOTAL: \$11,003.40 ✓

Desoto Treated Materials, Inc.: \$621.00

TOTAL: \$11,178.00 Delivered

Proof of Publication
The State of Mississippi
Hinds County

9A

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NOTICE TO RECEIVE BIDS
Notice is hereby given that the City of Clinton Parks and Recreation Department will receive sealed bids at City Hall, 300 Jefferson Street, Clinton, Mississippi at 10:00 a.m. on the 22nd day of September, 1997 for Lithonia Hi-Tek Brand Light Fixtures. For specific information concerning the materials please call Parks and Recreation at 924-6082. The City of Clinton reserves the right to reject all bids or to accept the bid most favorable to the City of Clinton.
Rosemary Aultman, Mayor
Nelson Byrd, City Clerk
(SEAL)
September 3, 10, 1997

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

Shirley Rickard

an authorized clerk of THE CLARION-LEDGER, a 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:	21	Wednesday, September 3, 1997
Words:	94	Wednesday, September 10, 1997
Issues:	2	
Total:	\$13.22	

Signed

Shirley Rickard

Authorized Clerk
of The Clarion-Ledger

SWORN to and subscribed before me on
09/10/97

Marie Mills

Notary Public

NOTARY PUBLIC STATE OF MISSISSIPPI AT LARGE.
MY COMMISSION EXPIRES: Nov. 8, 2000.
BONDED THRU NOTARY PUBLIC UNDERWRITERS.

(SEAL)

PROOF OF PUBLICATION
THE STATE OF MISSISSIPPI
HINDS COUNTY

98

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NOTICE TO RECEIVE BIDS
NOTICE is hereby given that
City of Clinton Parks & Recreation Department will receive
sealed bids at City Hall, 300 Jefferson Street, Clinton, Mississippi at 10:00 a.m. on the 22nd day of September, 1997 for Class 3 Wood Light Poles. For specific information concerning the materials please call Parks and Recreation at 924-6082. The City of Clinton reserves the right to reject all bids or to accept the bid most favorable to the City of Clinton.
/s/ Rosemary Aultman
Rosemary Aultman, Mayor
/s/ Nelson Byrd
Nelson Byrd, City Clerk
Sept. 3, 10, 1997

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

Shirley Rickard

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:

Date September 3, 1997

Date September 10, 1997

Date _____, 19____

Date _____, 19____

Date _____, 19____

Number of Lines/Words 22/98

Published 2 Times

Total \$ 14.74

Signed Shirley Rickard
Authorized Clerk
of The Clarion-Ledger

SWORN to and subscribed before me the 10 day of September,
1997.

My Commission Expires:

Marie Full
Notary Public

NOTARY PUBLIC STATE OF MISSISSIPPI AT LARGE.
MY COMMISSION EXPIRES: Nov. 8, 2000.
BONDED THRU NOTARY PUBLIC UNDERWRITERS.

(SEAL)

10

**AN ORDINANCE FOR THE ESTABLISHMENT OF THE
CLINTON HISTORICAL PRESERVATION COMMISSION
AND FOR RELATED PURPOSES**

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

SECTION 1 - ESTABLISHMENT OF CLINTON HISTORICAL PRESERVATION COMMISSION:

A "Clinton Historical Preservation Commission" (the "Commission") is hereby established whose primary function shall be as set out in Section 1400 of the City of Clinton Zoning Ordinance to include making its recommendation to the Planning Commission. This Commission shall also review all site plans for development anywhere within the OTC district and forward their recommendations to the Planning Commission in accordance with the procedures specified under Section 1403 of the City of Clinton Zoning Ordinance. This "Commission" shall consist of five (5) members who shall be appointed by the Mayor and Board of Aldermen. Three (3) of the members shall be property owners in the OTC or owners of businesses in the OTC; the other two (2) members shall be residents of the City who do not own property or businesses within the OTC. Three (3) of the initial appointments to the Commission, consisting of two (2) district property or business owners and one (1) non-owner, shall be appointed to serve until July 1, 1999; all other initial appointments shall be for a term ending July 1, 2001. All future appointments shall be for a four year term (or so much of a four year term as may be remaining at the time a member is actually appointed and serving). It is the intent of this ordinance that the established terms for three (3) members of the Commission should expire at the midpoint of the terms of the Mayor and Board of Aldermen; the terms of the other two (2) members should be concurrent with the term of the Mayor and Board of Aldermen.

SECTION 2 - RULES OF CONDUCT OF THE CLINTON HISTORICAL PRESERVATION COMMISSION:

- (a) All meetings of the Commission shall be open to the public at all times unless an executive session is declared in the manner provided by State law.
- (b) Voting by the Commission on all matters coming before that body shall be held in public except for voting during executive session as permitted by law.
- (c) The decision of a majority of the Commission members present and voting shall represent the decision of the Commission.

- (d) The Commission shall elect from among their number a chairperson who shall preside at all meetings; in the absence of the chairperson, a vice-chairperson, elected by the members of the Commission shall preside.
- (e) The Commission shall keep minutes and records of all meetings and proceedings, which records shall be a matter of public record.
- (f) The Commission may develop and adopt such additional procedures as may be beneficial to the conduct of the Commission's business, to the extent that such procedures do not conflict with applicable law or previously enacted municipal ordinances.

SECTION 3 - SITE PLAN REQUIRED FOR ANY PROPOSED "ACTION" IN THE OTC:

When any "action", as defined herein is proposed anywhere within the OTC, the Planning Commission and the "Clinton Historical Preservation Commission" may both review site plans for such actions. Site plans shall be prepared in accordance with the City of Clinton Zoning Ordinance and persons responsible for initiating such "actions" shall comply with the procedures specified in that Ordinance. The recommendations of the Commission shall be forwarded to the Planning Commission.

SECTION 4 - CERTIFICATE OF APPROPRIATENESS REQUIRED:

A Certificate of Appropriateness shall be required before any "action" as defined hereunder, can be taken within the OTC or with respect to any designated Historic Landmark. For the purposes of this Ordinance, any requirements or guidelines pertaining to the OTC shall also be deemed to include actions pertaining to a designated Historic Landmark. A "Historic Landmark" is defined as those properties nominated by the Mississippi Department of Archives and History for listing on the National Register of Historic Places as they now exist or may be designated in the future.

A "Certificate of Appropriateness" is a certificate expressing the recommendation of the Clinton Historical Preservation Commission with regard to any proposed "action" in the OTC. "Appropriateness" shall be defined as conformity to the standards established in Zoning Ordinance or other land development regulations as they now exist or may be amended in the future. It is not the intent of this Ordinance to establish new or different standards of review, but to establish a new, consolidated method or review in lieu of review by various entities within the City pursuant to existing procedures.

- (A) Procedures for Consideration of Applications for Certificates of Appropriateness: Anyone desiring to take an "action" as defined herein must

submit an application (in a form provided by the office of the Building Inspector) for a Certificate of Appropriateness to the Building Permit Department of the City of Clinton, who shall forward this application to the Chairperson of the Clinton Historical Preservation Commission. The Commission shall review the application and either approve, reject or make recommendations for changes and modifications as it deems necessary in order for the applicant to meet the standards and guidelines for the action to be performed. If the applicant's plans meet the approval of the Commission, the Chairmen of the Commission shall sign the Certificate and it shall be forwarded to the Planning Commission for review and then forwarded to the Mayor and Board of Aldermen for review and final action. Following approval by the Mayor and Board of Aldermen, The Certificate shall be forwarded back to the Building Official for issuance of a building permit.

If the Commission should reject the application or recommend changes and modifications not acceptable to the Applicant, the Applicant may appeal the Commission's decision directly to the Planning Commission.

- (B) Time for Filing of Applications for Certificate of Appropriateness: Applications for Certificates of Appropriateness must be submitted to the Building and Permit Department by or before 12:00 Noon on the Thursday immediately preceding the regular monthly meeting of the Clinton Historical Preservation Commission on the fourth Monday of each month. Applications submitted by that deadline shall be considered at the next regular meeting of the Commission on the fourth Monday of each month at 7:00 P.M. in the Municipal Room in the Police Building, 205 Monroe Street, Clinton, Mississippi, or at such other time and place as the Commission may determine. The Applicant or his/her representative must be present at the meeting. If no matters has been placed on the agenda for consideration in a timely manner, the Commission shall not meet until there is a matter to be placed on the agenda.
- (C) Expiration of Certificates of Appropriateness: Certificates of Appropriateness shall expire one year after final approval of the Certificate by the Mayor and Board of Aldermen if construction has not been initiated within such time.
- (D) Applications for New Construction, Additions, Restorations, and Rehabilitation: In addition to site plan requirements of Section 1403 of the Zoning Ordinance, applications for new construction, additions, restorations, and rehabilitation shall include.

- (1) A set of scaled floor plans, elevations and exterior elevations showing the type of work proposed and indicating:
 - (a) overall dimensions, including height;
 - (b) type of material to be used on walls, roofs, windows, trim, siding, etc.; and
 - (c) color samples.
 - (2) Photographs of the existing structure, or if for new construction, a photograph of the lot and the adjoining structures.
- (E) Applications for Cutting Live Trees: Applications for cutting live trees measuring twelve (12) inches in diameter five (5) feet above ground level shall include:
 - (1) A photograph of the tree(s) showing the relationship to the structure(s) on the lot.
 - (2) A measurement of the diameter of the tree(s) at the five (5) foot level.
 - (3) An explanation of why the tree is proposed to be removed.
- (F) Applications for the Construction of a Parking Lot or Facility: Applications for the construction of a parking lot or parking facility shall include:
 - (1) Type of paving to be used.
 - (2) Style of proposed curbing and stripping.
 - (3) Type of illumination, if any.
 - (4) Any proposed fencing, screening, landscaping and signs.
 - (5) Photographs showing adjoining structures.
 - (6) Written identification of any neighboring structures.
- (G) Applications for Moving a Structure Out of the OTC: Applications for moving a structure out of the OTC shall include:
 - (1) A photograph of the structure to be moved.
 - (2) Description of the proposed method for moving the structure.
- (H) Application for Moving a Structure Into or Within the OTC: Applications for moving a structure into or within the OTC district shall include:
 - (1) Photograph of the structure to be moved.
 - (2) Description of the proposed method for moving the structure.
 - (3) Statement of the need for the proposed move with reference to the future use of the site.

- (4) Photograph and address of the proposed location of the structure.
- (I) Application for Demolition: Applications for demolition of a structure in the OTC district shall include:
 - (1) A photograph of the structure to be demolished.
 - (2) Description of the method of demolition to be used.
- (J) Application for Minor Repairs: Applications for a Certificate of Appropriateness for minor repairs shall include:
 - (1) Drawings or photograph showing the front elevation of the building.
 - (2) Drawings or photograph of the area of the building to be repaired if not the front elevation. (If the rear or side elevations are to be repaired, a photograph showing the building's relationship to the neighboring structures is necessary) or
 - (3) Either a written description or drawing of the work to be done including materials to be used and paint samples.
- (K) Minor Repairs or Routine Maintenance without Review by the Clinton Historic Preservation Commission: The Building Inspector may issue a Certificate of Appropriateness for minor repairs or routine maintenance without review by the Commission if that repair or maintenance: (1) does not involve a change in design, material or other appearance thereof; (2) is undertaken with identical materials and in such a manner as to substantially duplicate the existing construction; (3) involves only removal of inappropriate or outdated signage or removal of inappropriate awning or canopy not original to the structure.

SECTION 5: When any "action", as defined herein, is proposed anywhere in the OTC, such actions shall be subject to the provisions of this Ordinance. An "action" within the context of this Article shall be defined as: "Any construction, restoration or rehabilitation, relocation, addition to, repair of or demolition of a building or structure, or construction and location of parking facilities or the cutting of live trees (i.e., those measuring twelve (12) inches in diameter five (5) feet above ground level)."

SECTION 6: Notwithstanding any provisions of this Ordinance, the actions of the Clinton Historical Preservation Commission shall be advisory only to the Planning Commission and the Mayor and Board of Aldermen of the City of Clinton, Mississippi.

This Ordinance shall be effective 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 7TH day of OCTOBER, 1997.

A Motion for adoption was made by Alderman BRANTLEY and seconded by Aldermen FISHER. 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 Alderman for the passage or rejection on roll call vote upon the vote being as follows, to-wit:

Alderman Brabham voted:	<u>AYE</u>
Alderman Hisaw voted:	<u>AYE</u>
Alderman Depriest voted:	<u>AYE</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 7TH day of OCTOBER, 1997.

CITY OF CLINTON

BY: Rosemary J. Aultman
ROSEMARY AULTMAN, Mayor

ATTEST:

Nelson Byrd
NELSON BYRD, City Clerk

(SEAL)

c:\wp60\krd\rhm\clinton.his
10/7/97

Proof of Publication

The State of Mississippi

Hinds County

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

Shirley Rickard

an authorized clerk of THE CLARION-LEDGER, a 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:

Thursday, October 16, 1997

Lines: 470
Words: 2,039
Issues: 1
Total: \$165.12

RECEIVED
OCT 23 1997
CITY OF CLINTON

Signed

Shirley Rickard

Authorized Clerk
of The Clarion-Ledger

Marie Mulla

Notary Public

(SEAL)

AN ORDINANCE FOR THE ESTABLISHMENT OF THE CLINTON HISTORICAL PRESERVATION COMMISSION AND FOR RELATED PURPOSES

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

SECTION 1 - ESTABLISHMENT OF CLINTON HISTORICAL PRESERVATION COMMISSION.

A "Clinton Historical Preservation Commission" (the "Commission") is hereby established whose primary function shall be as set out in Section 1400 of the City of Clinton Zoning Ordinance to include making its recommendation to the Planning Commission. This Commission shall also review all site plans for development anywhere within the OTC district and forward their recommendations to the Planning Commission in accordance with the procedures specified under Section 1403 of the City of Clinton Zoning Ordinance. This "Commission" shall consist of five (5) members who shall be appointed by the Mayor and Board of Aldermen. Three (3) of the members shall be property owners in the OTC or owners of businesses in the OTC; the other two (2) members shall be residents of the City who do not own property or business within the OTC. Three (3) of the initial appointments to the Commission, consisting of two (2) district property or business owners and one (1) non-owner, shall be appointed to serve until July 1, 1999; all other initial appointments shall be for a four year term (or so much of a four year term as may remain at the time a member is actually appointed and serving). It is the intent of this ordinance that the established terms for three (3) members of the Commission should expire at the midpoint of the terms of the Mayor and Board of Aldermen; the terms of the other two (2) members should be concurrent with the term of the Mayor and Board of Aldermen.

SECTION 2 - RULES OF CONDUCT OF THE CLINTON HISTORICAL PRESERVATION COMMISSION.

(2) Description of the proposed method for moving the structure.

(3) Statement of the need for the proposed move with reference to the future use of the site.

(4) Photograph and address of the proposed location of the structure.

(I) Application for Demolition: Application for demolition of a structure in the district shall include:

(1) A photograph of the structure to be demolished.

(2) Description of the method of demolition to be used.

(J) Application for Minor Repairs: Applications for a Certificate of Appropriateness for minor repairs shall include:

(1) Drawings or photograph showing the front elevation of the building.

(2) Drawings or photograph of the area of the building to be repaired if not the front elevation. (If the rear or side elevations are to be repaired, a photograph showing the building's relationship to the neighboring structure is necessary) or

(3) Either a written description or drawing of the work to be done including materials to be used and paint samples.

(K) Minor Repairs or Routine Maintenance without Review by the Clinton Historical Preservation Commission: The Building Inspector may issue a Certificate of Appropriateness for minor repairs or routine maintenance without review by the Commission if that repair or maintenance: (1) does not involve a change in design, material or other appearance thereof; (2) is undertaken with identical materials and in such a manner as to substantially duplicate the existing construction; (3) involves only removal of inappropriate or outdated signage or removal of inappropriate awning or canopy not original to the structure.

SECTION 5: When any "action", as defined herein, is proposed anywhere in the OTC, such actions shall be subject to the provisions of this Ordinance. An "action" within the context of this Article shall be defined as: "Any construction, restoration or rehabilitation, relocation, addition to, repair of or demolition of a building or structure, or construction and location of parking facilities or the cutting of live trees (i.e., those measuring twelve (12) inches in diameter five (5) feet above ground level)."

SECTION 6: Notwithstanding any provisions of this Ordinance, the actions of the Clinton Historical Preservation Commission shall be advisory only to the Planning Commission and the Mayor and Board of Aldermen of the City of Clinton, Mississippi.

This Ordinance shall be effective 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 7th day of October, 1997.

A Motion for adoption was made by Alderman Brantley and seconded by Alderman Fisher. The foregoing ordinance having been first reduced to writing, was considered proved 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

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

The foregoing ordinance was approved this 7th day of October, 1997.

CITY OF CLINTON
BY: /s/ Rosemary G. Aultman
ROSEMARY AULTMAN, Mayor

ATTEST:
/s/ Nelson Byrd
NELSON BYRD, City Clerk
(SEAL)
Oct. 16, 1997

11

**AN ORDINANCE AMENDING THE ZONING ORDINANCE
OF THE CITY OF CLINTON BY ADDING SECTION 1119,
EXISTING MANUFACTURED HOMES AND FOR RELATED PURPOSES**

WHEREAS, notice of a public hearing to add new Section 1119 Existing Manufactured Homes to the Zoning Ordinance of the City of Clinton was published in the Clarion Ledger on September 15, 1997; and

WHEREAS, a public hearing on the proposed amendment was held on September 30, 1997, at 7:30 P.M.; and

WHEREAS, there was no adverse public comment on the proposed amendment.

BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Clinton that the Zoning Ordinance of the City of Clinton is amended as follows:

AMENDMENT TO ZONING ORDINANCE

Add new Section 1119 Existing Manufactured Homes

Notwithstanding any other section of this Zoning Ordinance, Manufactured Homes that were in existence at the time of the effective date of this Zoning Ordinance (April 4, 1997) may continue in existence as provided by any special exception approved by the Mayor and Board of Aldermen prior to May 1, 1997, and subject to such terms as may have been imposed by the Mayor and Board of Aldermen in granting such special exception. This shall also apply to Manufactured Homes that were nonconforming uses under the previous ordinance.

Owners of such existing Manufactured Homes may apply for a special exception as provided in this Zoning Ordinance in Section 2405 to continue a nonconforming use provided:

1. The owner's request is based on an improvement and/or upgrading of the existing Manufactured Home; and
2. The Manufactured Home is owner occupied and is located upon property owned by the applicant.

This Ordinance shall be effective 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 7th day of OCTOBER, 1997.

A Motion for adoption was made by Alderman HISAW and seconded by Aldermen BRANTLEY. 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 Alderman for the passage or rejection on roll call vote upon the vote being as follows, to-wit:

Alderman Brabham voted:	<u>AYE</u>
Alderman Hisaw voted:	<u>AYE</u>
Alderman Depriest voted:	<u>AYE</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 7TH day of OCTOBER, 1997.

CITY OF CLINTON

BY: Rosemary J. Aultman
ROSEMARY AULTMAN, Mayor

ATTEST:

Nelson Byrd
NELSON BYRD, City Clerk

(SEAL)

MANHOME.ORD
10/7/97-MMH

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF CLINTON BY ADDING SECTION 1119, EXISTING MANUFACTURED HOMES AND FOR RELATED PURPOSES

WHEREAS, notice of a public hearing to add new Section 1119 Existing Manufactured Homes to the Zoning Ordinance of the City of Clinton was published in the Clarion Ledger on September 15, 1997; and

WHEREAS, a public hearing on the proposed amendment was held on September 30, 1997, at 7:30 P.M.; and

WHEREAS, there was no adverse public comment on the proposed amendment.

BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Clinton that the Zoning Ordinance of the City of Clinton is amended as follows:

AMENDMENT TO ZONING ORDINANCE

Add new Section 1119 Existing Manufactured Homes

Notwithstanding any other section of this Zoning Ordinance, Manufactured Homes that were in existence at the time of the effective date of this Zoning Ordinance (April 4, 1997) may continue in existence as provided by any special exception approved by the Mayor and Board of Aldermen prior to May 1, 1997, and subject to such items as may have been imposed by the Mayor and Board of Aldermen in granting such special exception. This shall also apply to Manufactured Homes that were nonconforming uses under the previous ordinance.

Owners of such existing Manufactured Homes may apply for a special exception as provided in this Zoning Ordinance in Section 2405 to continue a nonconforming use provided:

1. The owner's request is based on an improvement and/or upgrading of the existing Manufactured Home; and

2. The Manufactured Home is owner occupied and is located upon property owned by the applicant.

This Ordinance shall be effective 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 7th day of October, 1997.

A Motion for adoption was made by Alderman Hisaw and seconded by Alderman Brantley. 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

Whereupon the Mayor declared the Motion carried and the ordinance was approved this the 7th of October, 1997.

CITY OF CLINTON

BY: /s/ Rosemary G. Aultman

ATTEST:

/s/ Nelson Byrd

NELSON BYRD, City Clerk

(SEAL)

October 16, 1997

PROOF OF PUBLICATION THE STATE OF MISSISSIPPI HINDS COUNTY

HERE

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

Shirley Rickard,

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:

Date October 16, 1997

Date , 19

Date , 19

Date , 19

Date , 19

Number of Lines/Words 104/438

Published 1 Times

Total \$ 37.04

Signed Shirley Rickard
Authorized Clerk
of The Clarion-Ledger

SWORN

1997

My Cor

before me the 16 day of October,

Marie Mills
Notary Public

NOTARY PUBLIC STATE OF MISSISSIPPI AT LARGE.
MY COMMISSION EXPIRES: Nov. 8, 2000.
BONDED THRU NOTARY PUBLIC UNDERWRITERS.

(SEAL)

12

**AN ORDINANCE ADOPTING SECTIONS 43-35-101 THROUGH
43-35-117 OF THE MISSISSIPPI CODE OF 1972 AS AMENDED
TO PROVIDE A PROCEDURE FOR DETERMINING IF CONDITIONS
EXIST IN BUILDINGS WHICH ARE DANGEROUS TO OR
INJURIOUS TO THE HEALTH, SAFETY OR MORALS OF PERSONS
USING SUCH BUILDINGS AND TO SET OUT PROCEDURE FOR
RESOLVING SUCH MATTERS AND FOR RELATED PURPOSES**

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

SECTION 1. Adoption by City of Clinton of Sections 43-35-101 through 43-35-117 of the Mississippi Code of 1972, As Amended.

Sections 43-35-101 through 43-35-117 of the Miss. Code of 1972 as amended, is hereby adopted by the Mayor and Board of Aldermen by enactment of this Ordinance with the City of Clinton, Mississippi.

SECTION 2. Definitions.

The following terms, whenever used or referred to in this Ordinance, shall have the following respective meanings for the purposes of this Ordinance, unless a different meaning clearly appears from the context:

- (a) "Municipality" shall mean the City of Clinton, Mississippi.
- (b) "Governing body" shall mean the Board of Aldermen of the City of Clinton, Mississippi.
- (c) "Public officer" shall mean the officer or officers in charge of any municipal department who are authorized by ordinance adopted hereunder to exercise the powers prescribed by such ordinance and by this article.
- (d) "Public authority" shall mean any housing authority, or any officer who is in charge of any department or branch of the government of the municipality relating to health, fire, building regulations, or to other activities concerning buildings in the municipality.
- (e) "Owner" shall mean the holder of the title in fee, or a mortgagee or trustee, whose interest is shown of record, or who is in possession of a building, or any person in control of a building, or the agent of any such person.

- (f) "Parties in interest" shall mean individuals, associations, or corporations who have an interest of record in or who are in possession of a building.
- (g) "Building" means any building or structure or part thereof used and occupied by humans as a dwelling, store, factory, warehouse, requiring the presence of humans therein, or intended to be so used, and includes any yard, garden, parking or storage area, outhouses, and appurtenances belonging thereto or usually enjoyed therewith.

SECTION 3. Public Officer Designated.

The Mayor and Board of Aldermen shall designate a qualified person who shall exercise the powers prescribed by this Ordinance, and who shall herein be known as the Public Officer. Upon enactment of this Ordinance, the Public Officer shall be the Zoning Administrator of the City of Clinton.

SECTION 4. Complaints and Hearings.

Whenever a petition is filed with the public officer by a public authority or by at least five (5) residents of the municipality, charging that any building is unfit for human habitation, use or occupancy, or whenever it appears to the public officer, on his own motion, that any building is unfit for human habitation, use or occupancy, the public officer shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest in such premises a complaint, stating the charges in that respect and containing a notice that a hearing will be held before the public officer, or his designated agent, at a place therein fixed not less than ten (10) days nor more than thirty (30) days after the serving of said complaint; and that the owner and parties in interest shall be given the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint.

SECTION 5. Orders to Remedy or Vacate.

If, after such notice and hearing, the public officer determines that the building under consideration is unfit for human habitation, use or occupancy, he shall state in writing his findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order requiring him, to the extent and within the time specified in the order, to repair, alter or improve the said building to render it fit for human habitation, use or occupancy or, at the option of the owner, to vacate and close the building as a human habitation, or for human use or occupancy.

SECTION 6. Posting of Premises.

If the owner fails to comply with such order within the time prescribed, the public officer may cause the building to be vacated and closed; and the public officer may cause to be posted on the main entrance of any building so closed a placard with the following words:

"This building is unfit for human habitation, use or occupancy; the use or occupation of this building by humans is prohibited and unlawful."

Any person who shall rent, lease or occupy, or who shall permit any person to rent, lease or occupy such building for a human habitation, use or occupancy, shall be liable for such fine as may be prescribed by the ordinances of the municipality.

SECTION 7. Final Notice.

If, after notice and hearing, the public officer determines that a building is in such condition, because of dilapidation, disrepair, structural defects, or otherwise, that it is dangerous or injurious to the health or safety of the public or the occupants of buildings or the occupants of neighboring buildings, said public officer shall issue and cause to be served upon the owner an order requiring him to repair, alter or improve the said building to the extent and within the time specified in such order, or, at the option of the owner, to remove or demolish such building. If the owner fails to comply with such order within the time prescribed, the public officer may cause such building to be repaired, altered or improved in accordance with the order. If such repairs, alterations or improvements cannot be made at a reasonable cost in relation to the value of the building, said public officer may cause such building to be removed or demolished; the ordinance of the municipality may fix a certain percentage of such cost in relation to the value of a building as being reasonable for such purpose; and the cost of such repairs, alterations, improvements or removal, or demolition, in addition to a penalty not to exceed twenty percent (20%) of the actual costs which may be imposed by the municipality, shall be a lien against such real estate, and assessed and collected as a special tax. The governing authorities of any municipality ordering such assessment shall fix a day for the hearing of objections to such assessment and shall cause the municipal clerk to give to the property owner ten (10) days' written notice, by mail, if the post-office address of the owner be known, but if the post-office address of the owner be unknown, notice shall be given by posting notice for at least ten (10) days in five (5) public places in the municipality, of the time and place for the hearing of objections to such assessment; one of such public places for posting notice as aforesaid shall be on the land which is the subject matter of such assessment. If the amount of said special tax is not paid in full within six (6) months from and after the date the assessment becomes final, the tax collector shall proceed to advertise and sell the said real estate, or a sufficient amount

thereof to recover said special tax and all costs of the sale, after having given notice of the time and place of such sale as is required by law for the sale of land for delinquent ad valorem taxes. From the proceeds of said sale, the tax collector shall first pay the cost of the sale, after which he shall pay the cost of such repairs, alterations, improvement, removal or demolition and any penalty imposed by the municipality; and any amount remaining over shall be deposited by him with the clerk of the circuit court as hereinafter provided. If the building is removed or demolished by the public officer, he may sell the materials of such building and shall credit the proceeds of such sale against the cost of the removal or demolition; and any balance remaining shall be deposited in the circuit court by the public officer, shall be secured in such manner as may be directed by such court, and shall be disbursed by such court to the persons found to be entitled thereto by the final award or judgment of such court. Nothing in this subsection shall be construed to impair or limit in any way the power of the municipality to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.

SECTION 8. Conditions Dangerous or Injurious to Health.

The public officer may determine that a building is unfit for human habitation, use or occupation, if he finds that conditions exist in such buildings which are dangerous or injurious to the health, safety or morals of the persons using such buildings for human habitation, use or occupation, or to the public. Such conditions may include the following, without limiting the generality of the foregoing: defects therein increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light, or sanitary facilities; dilapidation; disrepair; structural defects; and uncleanness. Such ordinance may provide additional standards to guide the public officer, or his agents, in determining the fitness of a building for human habitation, use or occupation.

SECTION 9. Process of Notice.

Complaints or orders issued by a public officer pursuant to this Ordinance shall be served upon persons either personally or by registered mail; but if the whereabouts of such persons is unknown, and the same cannot be ascertained by the public officer in the exercise of reasonable diligence, and the public officer shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once each week for two (2) successive weeks in a newspaper printed and published in the municipality, or, in the absence of such a newspaper, in one printed and published in the county and circulating in the municipality in which the dwellings are located. A copy of such complaint or order shall be posted in a conspicuous place on premises affected by the complaint or order. A copy of such complaint or order shall also be filed in the proper office or offices for the filing of lis pendens notices in the county in which the dwelling is located, and such filing of the complaint shall have the same

force and effect as other lis pendens notices provided by law. The rules and evidence prevailing in courts of law or equity shall not be controlling in hearings before the public officer.

SECTION 10. Equitable relief; application and hearing.

Any person affected by an order issued by the public officer may apply to the circuit court for an injunction restraining the public officer from carrying out the provisions of the order, and the court, or any judge thereof, may, upon such application, issue an order restraining the public officer pending final disposition of the cause. Hearings shall be had by the court on such applications within twenty (20) days, or as soon thereafter as possible, and shall be given preference over other matters on the court's calendar. The court shall hear and determine the issues raised, and shall enter such final order or decree as law and justice may require. In all such proceedings, the findings of the public officer as to facts, if supported by evidence, shall be conclusive. Costs shall be in the discretion of the court. The remedies herein provided shall be exclusive remedies, and no person affected by an order of the public officer shall be entitled to recover any damages for action taken by the public officer under such order or because of non-compliance therewith.

SECTION 11. Powers of public officer.

The public officer may exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this article, including the following powers, in addition to others herein granted:

- (a) To investigate the building conditions in the municipality in order to determine which buildings therein are unfit for human habitation, use or occupation;
- (b) To administer oaths, affirmations, examine witnesses, and receive evidence;
- (c) To enter upon premises for the purpose of making examinations, provided that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession;
- (d) To appoint and fix the duties of such officers, agents and employees, as he deems necessary to carry out the purposes of the ordinance; and,

- (e) To delegate any of his functions and powers under the ordinance to such officers and agents as he may designate.

SECTION 12. Estimating annual expenses and costs.

The governing body of the municipality shall, as soon as possible after the adoption of this Ordinance, prepare an estimate of the annual expenses or costs to provide the equipment, personnel and supplies necessary for periodic examinations and investigations of the buildings in such municipality for the purpose of determining the fitness of such buildings for human habitation, use or occupancy, and for the enforcement and administration of its ordinances adopted under this article; and the municipality is authorized to make such appropriations from its revenues as it may deem necessary for this purpose, and may accept and apply grants or donations to assist it in carrying out the provisions of this Ordinance.

SECTION 13. Construction with other laws.

Nothing in this article shall be construed to abrogate or impair the powers of the courts or of any department of the municipality to enforce any provisions of its charter or its ordinances or regulations, nor to prevent or punish violations thereof; and the powers conferred by this article shall be in addition and supplemental to the powers conferred by any other law.

SECTION 14. Severability.

In the event any section or provision of this Ordinance is declared to be unenforceable by a court of competent jurisdiction, such shall not affect the validity and enforceability of the remaining provisions hereof.

This Ordinance shall be effective 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 7TH day of OCTOBER, 1997.

A Motion for adoption was made by Alderman FISHER and seconded by Aldermen LOTT. 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 Alderman 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

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

The foregoing ordinance was approved this the 7th day of OCTOBER, 1997.

CITY OF CLINTON

BY: Rosemary J. Aultman
ROSEMARY AULTMAN, Mayor

ATTEST:

Nelson Byrd
NELSON BYRD, City Clerk

(SEAL)

SLUMCLEA.ORD
10/2/97-MMH
Revised 10/7/97

AN ORDINANCE ADOPTING SECTIONS 43-35-101 THROUGH 43-35-117 OF THE MISSISSIPPI CODE OF 1972 AS AMENDED TO PROVIDE A PROCEDURE FOR DETERMINING IF CONDITIONS EXIST IN BUILDINGS WHICH ARE DANGEROUS TO OR INJURIOUS TO THE HEALTH, SAFETY OR MORALS OF PERSONS USING SUCH BUILDINGS AND TO SET OUT PROCEDURE FOR RESOLVING SUCH MATTERS AND FOR RELATED PURPOSES

BE IT ORDAINED by the Mayor and Board of the City Of Clinton, Mississippi, as follows:

SECTION 1. Adoption by City of Clinton of Sections 43-35-101 through 43-35-117 of the Mississippi Code of 1972, As Amended.

Sections 43-35-101 through 43-35-117 of the Miss. Code of 1972 as amended, is hereby adopted by the Mayor and Board of Aldermen by enactment of this Ordinance with the City of Clinton, Mississippi.

SECTION 2. Definitions

The following terms, whenever used or referred to in this Ordinance, shall have the following respective meanings for the purposes of this Ordinance, unless a different meaning clearly appears from the context:

(a) "Municipality" shall mean the City of Clinton, Mississippi.

(b) "Governing body" shall mean the Board of Aldermen of the City of Clinton, Mississippi.

(c) "Public officer" shall mean the officer or officers in charge of any municipal department who are authorized by ordinance adopted hereunder to exercise the powers prescribed by such ordinance and by this article.

(d) "Public authority" shall mean any housing authority, or any officer who is in charge of any department or branch of the government of the municipality relating to health, fire, building regulations, or to other activities concerning buildings in the municipality.

(e) "Owner" shall mean the holder of the title in fee, or a mortgagee or trustee, whose interest in shown of record, or who is in possession of a building, or any person in control of a building, or the agent of any such person.

(f) "Parties in interest" shall mean individuals, associations, or corporations who have an interest of record in or who are in possession of a building.

(g) "Building" means any building or structure or part thereof used and occupied by humans as a dwelling, store, factory, warehouse, requiring the presence of humans therein, or intended to be so used, and includes any yard, garden, parking or storage area, outhouses, and appurtenances belonging thereto or usually enjoyed therewith.

SECTION 3. Public Officer Designated.

The Mayor and Board of Aldermen shall designate a qualified person who shall exercise the powers prescribed by this Ordinance, and who shall herein be known as the Public Officer. Upon enactment of this Ordinance, the Public Officer shall be the Zoning Administrator of the City of Clinton.

SECTION 4. Complaints and Hearings.

Whenever a petition is filed with the public officer by a public authority or by at least five (5) residents of the municipality, charging that any building is unfit for human habitation, use or occupancy, or whenever it appears to the public officer, on his own motion, that any building is unfit for human habitation, use or occupancy, the public officer shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest in such premises a complaint, stating the charges in that respect and containing a notice that a hearing will be held before the public officer, or his designated agent, at a place therein fixed not less than ten (10) days nor more than thirty (30) days after the serving of said complaint; and that the owner and parties in interest shall be given the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint.

SECTION 5. Orders to Remedy or Vacate.

If, after such notice and hearing, the public officer determines that the building under consideration is unfit for human habitation, use or occupancy, he shall state in writing his findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order requiring him, to the extent and within the time specified in the order, to repair, alter or improve the said building to render it fit for human habitation, use or occupancy, or at the option of the owner, to vacate and close the building as a human habitation, or for human use or occupancy.

SECTION 6. Posting of Premises.

If the owner fails to comply with such order within the time prescribed, the public officer may cause the building to be vacated and closed; and the public officer may cause to be posted on the main entrance of any building so closed a placard with the following words:

"This building is unfit for human habitation, use or occupancy; the use or occupation of this building by humans is prohibited and unlawful."

Any person who shall rent, lease or occupy, or who shall permit any person to rent, lease or occupy such building for a human habitation, use or occupancy, shall be liable for such fine as may be prescribed by the ordinances of the municipality.

SECTION 7. Final Notice.

If, after notice and hearing, the public officer determines that a building is in such condition, because of dilapidation, disrepair, structural defects, or otherwise, that it is dangerous or injurious to the health or safety of the public or the occupants of buildings or the occupants of neighboring buildings, said public officer shall issue and cause to be served upon the owner an order requiring him to repair, alter or improve the said building to the extent and within the time specified in such order, or, at the option of the owner, to remove or demolish such building. If the owner fails to comply with such order within the time prescribed, the public officer may cause such building to be repaired, altered or improved in accordance with the order. If such repairs, alterations or improvements cannot be made at a reasonable cost in relation to the value of the building, said public officer may cause such building to be removed or demolished; the ordinance of the municipality may fix a certain percentage of such cost in relation to the value of a building as being reasonable for such purpose; and the cost of such repairs, alterations, improvements or removal or demolition, in addition to a penalty not to exceed twenty percent (20%) of the actual costs which may be imposed by the municipality, shall be a lien against such real estate, and assessed and collected as a special tax. The governing authorities of any municipality ordering such assessment shall fix a day for the hearing of objections to such assessment and shall cause the municipal clerk to give to the property owner ten (10) days' written notice, by mail, if the post-office address of the owner be known, but if the post-office address of the owner be unknown, notice shall be given by posting notice for at least ten (10) days in five (5) public places in the municipality, of the time and place for the hearing of objections to such assessment; one of such public places for posting notice as aforesaid shall be on the land which is the subject matter of such assessment. If the amount of said special tax is not paid in full within six (6) months from and after the day for the purpose of determining the fitness of such buildings for human habitation, use or occupancy, and for the enforced administration of its ordinances adopted under this article; and the municipality is authorized to make appropriations from its revenues as it may deem necessary for this purpose, and may accept and apply grants or donations to assist it in carrying out the provisions of this Ordinance.

SECTION 13. Construction with other laws.

Nothing in this article shall be construed to abrogate or impair the power of the courts or of any department of the municipality to enforce any provisions of its charter or its ordinances or regulations, nor to prevent or punish violations thereof; and the powers conferred by this article shall be in addition and supplemental to the powers conferred by any other law.

SECTION 14. Severability.

In the event any section or provision of this Ordinance is declared to be unenforceable by a court of competent jurisdiction, such shall not affect the validity and enforceability of the remaining provisions thereof.

This Ordinance shall be effective 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 7th day of October, 1997.

A Motion for adoption was made by Alderman Fisher and seconded by Alderman Lott. The foregoing ordinance having first reduced to writing, was considered and approved section by section and then, as a whole, 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: 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

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

The foregoing ordinance was approved this the 7th day of October, 1997.

CITY OF CLINTON
BY: /s/ Rosemary G. Aultman
ROSEMARY AULTMAN, Mayor

ATTEST:
/s/ Nelson Byrd
NELSON BYRD, City Clerk
(SEAL)
Oct. 16, 1997

Publication of Mississippi County

NALLY appeared before me, the
signed notary public in and for Hinds
County, Mississippi,

Shirley Rickard

Authorized clerk of THE CLARION-LEDGER, a
newspaper published weekly, at Clinton, Mississippi,
on October 13-31 and 13-3 32, of the Mississippi
Code of 1972, as amended, who, being duly sworn,
certifies that the notice, a true copy of which is hereto
attached, appeared in the issues of said newspaper
on the following dates:

Dates of Publication:

Thursday, October 16, 1997

564
2,558
1
\$206.64

RECEIVED
OCT 23 1997

CITY OF CLINTON

Signed

Shirley Rickard

Authorized Clerk
of The Clarion-Ledger

M. Anne Mills

Notary Public

(SEAL)



14

STATE OF MISSISSIPPI
SECRETARY OF STATE
ERIC CLARK

September 24, 1997

TELEPHONE (601) 359-1350
FACSIMILE (601) 359-1499

401 MISSISSIPPI STREET
POST OFFICE BOX 136
JACKSON, MISSISSIPPI 39205-0136
Gary Ward
Zoning Administrator
City of Clinton
Post Office Box 156
Clinton, Mississippi 39060

RE: Parcel #2860-415 City of Clinton, Hinds County, Mississippi

Dear Mr. Ward:

We thank you for your inquiries regarding the parcel described above. We have made a thorough search of our records and we do find the State of Mississippi claims ownership of the parcel through tax forfeiture.

As we have no qualified applicant to purchase the described parcel at this time, there are several other options available for maintenance or disposal of this parcel. The options include:

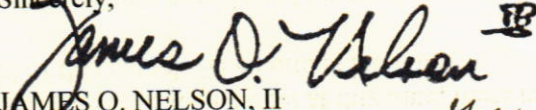
*The City has our permission to clean and/or clear these parcels and we are now authorized to reimburse all reasonable maintenance costs. If you select this option, please notify us of the parcel numbers and the maintenance costs which you incurred as soon as possible.

*We are also authorized to transfer title to any governmental agency and the agency may then either retain or dispose of the property pursuant to its particular laws. If you select this option, please send us a letter requesting a transfer and listing the parcel numbers and description of the parcels desired.

*We are able to advertise the property and accept sealed bids, which may ensure its rapid sale, or, on blighted parcels, we may accept application to purchase and any reasonable offer. Please advise us if you would like us to advertise for bids.

If you require additional assistance, please contact Joe Adams at 359-6381.

Sincerely,


JAMES O. NELSON, II
Assistant Secretary of State for Public Lands

JON:ja

RESOLUTION

WHEREAS, on October 16, 1990, a Resolution was adopted by the City of Clinton requesting the Mississippi Legislature to enact legislation to authorize the City of Clinton to establish the payment of one (1) additional payment per year from the monies accumulated in the Clinton Police and Fire Disability and Relief Fund to be paid directly to retired members of said fund, or the beneficiaries thereof, who on December 1 of each year are receiving a retirement allowance under Section 21-29-139 of the Mississippi Code of 1972. The amount shall be equal to the annual percentage change in each fiscal year of the consumer price index set by the United States government, not to exceed two and one-half percent (2 1/2%) of the annual retirement allowance, for each full fiscal year that the retired member or beneficiary has actually drawn retirement payments from the date of retirement or the passage of this Act, whichever is the later date; and

WHEREAS, the Legislature approved such request in the form of House Bill No. 1542, approved by the Governor on April 9, 1991, authorizing the governing authorities of the City of Clinton to establish the payment of an additional payment each year to retired members of the Clinton Police and Fire Disability and Relief Fund based on the change in the consumer price index; to provide that payment of the additional payments shall not be established unless the disability and relief fund currently is actuarially sound and will remain actuarially sound if the additional payments are made; and for related purposes; and

WHEREAS, on March 4, 1997, a Resolution was adopted by the City of Clinton requesting the Mississippi Legislature to set the maximum amount of additional benefit payment (COLA) to retirees of the Police and Fire Disability and Relief Fund at a maximum of ten percent (10%) of the recipients' annual retirement allowance.

WHEREAS, the Legislature approved such request in the form of House Bill No. 1919, approved by the Governor on April 10, 1997, setting the maximum of additional benefit payment (COLA) to retirees of the Police and Fire Disability and Relief Fund at a maximum of ten percent (10%) of the recipients' annual retirement allowance to provide that payment of the additional payments shall not be established unless the disability and relief fund currently is actuarially sound and will remain actuarially sound if the additional payments are made; and for related purposes; and

WHEREAS, the governing authorities wish to establish the additional payments authorized in House Bill No. 1542, as limited by House Bill No. 1919 and request the Board of Trustees of the Public Employees' Retirement System to make payments directly to the person authorized and entitled to receive the payments.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Aldermen of the City of Clinton, Mississippi, that the City is hereby authorized to establish the payment of one (1) additional payment each year from monies accumulated in the Clinton Police and Fire Disability and Relief Fund to retired members of such disability and relief fund or beneficiaries thereof who on December 1 of each year are receiving a retirement allowance under Section 21-29-139, Mississippi Code of 1972. The amount of such payment shall be equal to the annual percentage change in each fiscal year of the consumer price index set by the United States government, not to exceed two and one-half (2 1/2%) of the annual retirement allowance for each full fiscal year after June 30, 1990, that the retired member or beneficiary has actually drawn retirement payments from the date of retirement and further limited to a maximum of ten percent (10%) of the annual retirement allowance for any year.

BE IT FURTHER RESOLVED that the governing authorities of the City of Clinton hereby request the Board of Trustees of the Public Employees' Retirement System to make payments directly to the persons authorized and entitled to receive the payments in accordance with House Bill No. 1542 and House Bill No. 1919.

Alderman Touhilton moved that the foregoing Resolution be adopted. Alderman DePriest seconded. The vote was as follows:

Alderman Brabham:	<u>AYE</u>
Alderman Hisaw:	<u>AYE</u>
Alderman DePriest:	<u>AYE</u>
Alderman Brantley:	<u>AYE</u>
Alderman Fisher:	<u>AYE</u>

Alderman Touchton: AYE

Alderman Lott: AYE

APPROVED on the 7TH day of OCTOBER, 1997.

Rosemary G. Aultman
Rosemary G. Aultman, Mayor

ATTEST:

Nelson Byrd
Nelson Byrd, City Clerk

RETIREMENT.RES
10/7/97-MMH

Clinton Police Department

305 Monroe St., Clinton, Mississippi 39056, (601) 924-5252

DON BYINGTON, CHIEF

October 6, 1997

Mr. Frank Ready
Executive Director
Public Employee's Retirement System of Mississippi
429 Mississippi Street
Jackson, MS 39201

Re: 13th Check to Service Retirees

Dear Mr. Ready,

The Advisory Board of the Clinton Fire and Police Disability and Relief System held a meeting on 6 October 1997. The Board passed a resolution in support of the payment of a 13th check to retirees who have received benefits for at least one full fiscal year.

If you have any questions you may contact me at the Clinton Police Department at 924-5252.

Sincerely,



Capt. Ken Edwards
Secretary

cc: Mayor Rosemary Aultman
City Clerk Nelson Byrd
Personnel Director Alice Burchfield

KE/clw

18
1062

Agreement

This agreement is made as of the 1st day of October, 1997, between the City of Clinton, Mississippi (the "City") and the Clinton Chamber of Commerce (the "Chamber").

The Mayor and Board of Alderman of the City have determined that the City should contribute \$20,000 annually to the Chamber between October 1, 1997 and September 30, 1998 for the purpose of advertising and bringing into favorable notice the opportunities, possibilities and resources of the City. This will include, but not be limited to, tourism, residential, old town and community development. In addition this money will be used by the Chamber to provide secretarial support of 20 hours per week to the City's Economic Development Consultant to assist in bringing favorable notice of the opportunities, possibilities and resources of the City.

By approving and entering into this Agreement, the Mayor and Board of Alderman of the City of Clinton find factually that the Chamber will use the contribution to advertise and bring favorable notice of the opportunities, possibilities and resources of the City of Clinton.

By entering into this agreement, the Chamber certifies that it is a bona fide, not-for-profit eleemosynary corporation organized and existing under the laws of the State of Mississippi and that the Chamber has been granted a tax exempt status by the Internal Revenue Service. The Chamber agrees to use the contribution to advertise and bring favorable notice of the opportunities, possibilities and resources of the City of Clinton.

The City and the Chamber agree that the City shall have the right of audit and oversight concerning the expenditures of funds under this Agreement.

CITY OF CLINTON

By: Rosemary G. Aultman
Rosemary Aultman, Mayor

ATTEST:

Nelson Byrd
Nelson Byrd, City Clerk

CLINTON CHAMBER OF COMMERCE

By: Dianne B. Newman
Title: Executive Director

ATTEST:

Jan Ruiminen

18 21
20/2

Agreement

This agreement is made as of the 1st day of October, 1997, between the City of Clinton, Mississippi (the "City") and the Clinton Chamber of Commerce (the "Chamber").

The Mayor and Board of Alderman of the City have determined that the City should contribute \$5,000 annually to the Chamber between October 1, 1997 and September 30, 1998 for the purpose of advertising and bringing into favorable notice the opportunities, possibilities and resources of the City. This money will be spent for retirement promotion.

By approving and entering into this Agreement, the Mayor and Board of Alderman of the City of Clinton find factually that the Chamber will use the contribution to advertise and bring favorable notice of the opportunities, possibilities and resources of the City of Clinton.

By entering into this agreement, the Chamber certifies that it is a bona fide, not-for-profit eleemosynary corporation organized and existing under the laws of the State of Mississippi and that the Chamber has been granted a tax exempt status by the Internal Revenue Service. The Chamber agrees to use the contribution to advertise and bring favorable notice of the opportunities, possibilities and resources of the City of Clinton.

The City and the Chamber agree that the City shall have the right of audit and oversight concerning the expenditures of funds under this Agreement.

CITY OF CLINTON

By: Rosemary J. Aultman
Rosemary Aultman, Mayor

ATTEST:

Nelson Byrd
Nelson Byrd, City Clerk

CLINTON CHAMBER OF COMMERCE

By: Diana B. Sumner
Title: Executive Director

ATTEST:

Jan Heininen

CITY OF CLINTON

PERSONNEL RULES AND REGULATIONS

- 1.7.5 Frequent or repeated traffic violations may also be a reason for rejection.
- 1.7.6 Prior to being hired, all applicants must agree upon employment to maintain their domicile and principal residence as required by the City for regular employees.
- 1.7.7 Previous history of applicants shall be considered when determining qualifications, and a background investigation may be conducted.
- 1.7.8 An authorization to release information from educational institutions, personal references, past and present employers, consumer reporting agencies, financial institutions, and other persons, institutions organizations; and any department or agency of a city, town, county, state or federal government; or any law enforcement agency shall be required of all applicants.
- 1.7.9 A personal reference check shall be conducted when it is considered necessary.
- 1.7.10 No person shall be hired into the City if a spouse, parent, grandparent, child, brother or sister is currently employed by the City.
- If two employees become relatives in any manner as a result of marriage, both will not be allowed to work for the City. It will be necessary for one to resign effective on or before the date of marriage. This rules shall apply to any person re-employed as well as new employees.
- 1.7.11 Current employees who are related as set forth in paragraph 1.7.10 will not be allowed to have a supervisor - subordinate relationship.
- 1.8 FINAL SELECTION. A position shall not be considered filled until the applicant has been given a letter of employment from the City personnel office, and he/she has processed through the City personnel office.
- 1.8.1 The Mayor may hire all employees, other than department heads, and those required by Charter of the City, or State law to be hired by the Board of Mayor and Aldermen; provided, that the Mayor may delegate to any other official or employee the authority to hire.

AGREEMENT

This agreement is made as of the 1st day of October, 1997 between the City of Clinton, Mississippi (the "City") and the Clinton Community Christian Corporation (the 4 C's).

The Mayor and Board of Aldermen of the City have determined that the City should contribute \$10,000 annually to the 4 C's between October 1, 1997 and September 30, 1998 for the purpose of providing social services to those in need and bringing into favorable notice the opportunities, possibilities and resources of the City.

By approving and entering into this Agreement, the Mayor and Board of Aldermen of the City of Clinton find factually that the 4 C's will use the contribution to provide social services to those in need and bring favorable notice of the opportunities, possibilities and resources of the City of Clinton.

By entering into this Agreement, the 4 C's certifies that it is a bona fide, not-for-profit corporation organized and existing under the laws of the State of Mississippi and that the 4 C's has been granted a tax exempt status by the Internal Revenue Service. The 4 C's agrees to use the contribution to provide social services to those in need and bring favorable notice of the opportunities, possibilities and resources of the City of Clinton.

The City and the 4 C's agree that the City shall have the right of audit and oversight concerning the expenditures of funds under this Agreement.

CITY OF CLINTON

By: Rosemary S. Aultman
Rosemary Aultman, Mayor

CLINTON COMMUNITY CHRISTIAN CORPORATION

By: Laurie Lawson
Laurie Lawson, Director

ATTEST:

Attest: Nelson Byrd
Nelson Byrd, City Clerk



BOARD APPROVED

Certificate of Attendance

The University of Mississippi Law Center
Awards this Certificate to
Anita Wray

for having attended the
Municipal Court Clerk Initial Appearances Training
September 11, 1997

conducted by the
Mississippi Judicial College

Chad Murphy
Program Manager

John L. McMan
Director

**RECESSED MEETING OF THE MAYOR AND BOARD OF ALDERMEN
TUESDAY, OCTOBER 21, 1997
MUNICIPAL COURTROOM - 305 MONROE STREET**

The Mayor and Board of Aldermen of the City of Clinton met in Recessed Meeting at 7p.m., at the Municipal Courtroom, 305 Monroe Street, pursuant to a Recess Order adopted by said Mayor and Board of Aldermen at their meeting of October 7, 1997, as found on page 72 of this Minute Book Z.

WELCOME AND CALL TO ORDER - Mayor Rosemary Aultman

INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG - The invocation was led by Alderman Brabham followed by the Pledge of Allegiance to the flag led by Alderman Hisaw.

ROLL CALL - Deputy Clerk Donna Wilson

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

 City Attorney - Ken Dreher
 Deputy City Clerk - Donna Wilson (City Clerk Nelson Byrd out of town)

APPROVAL OF CONSENT AGENDA ITEMS A - R:

MOTION made by Alderman Touchton and **SECONDED** by Alderman Lott to approve Consent Agenda Items A-R as listed on page 116 of this Minute Book Z. Quotes listed in Items F & G may be found in the office of the City Clerk. **MOTION CARRIED UNANIMOUSLY**

PRELIMINARY SITE PLAN FOR WELLINGTON SUBDIVISION - TASK FORCE REPORT

Based on request of the developer, any consideration of Wellington Subdivision is tabled until later scheduled board meeting in November.

NOTICE OF INTENT AND REIMBURSEMENT RESOLUTION FOR 1.6 MILLION DOLLAR BOND ISSUE FOR SOUTHSIDE SEWER PROJECT

Upon recommendation of City Engineer Richard Broome, **MOTION** made by Alderman Touchton and **SECONDED** by Alderman Brantley to adopt resolution declaring the intention of the Mayor and Board of Aldermen to issue general obligation bonds in the maximum principal amount of one million, six hundred thousand dollars to raise money for the purpose of paying the costs of construction, improving, enlarging, renovating and equipping the municipality's water and sewer system, and paying the cost of such borrowing at a total project cost estimated to be approximately equal to the maximum principal amount of the bonds authorized herein; adjudicating no funds are available to the City of Clinton for such purposes; ordering said resolution to be published; and setting the date upon which the Mayor and Board of Aldermen are to take final action upon the question of authorizing the issuance of said bonds.

MOTION CARRIED UNANIMOUSLY Copy of Resolution can be found on pages 118-122 of this Minute Book Z. *Proof of Publication P-122A.*

APPROVAL OF CLINTON PARKWAY PROJECT - RIGHT-OF-WAY ACQUISITION

Upon recommendation of City Attorney Ken Dreher, **MOTION** made by Alderman Brabham and **SECONDED** by Alderman Fisher to approve that Resolution authorizing the condemnation of a right a way for the Clinton North - South Connector Project found on pages 123-125 of this Minute Book Z. **MOTION CARRIED UNANIMOUSLY**

APPROVAL OF VALUE ENGINEERING SERVICES AGREEMENT FOR THE SOUTHSIDE WASTEWATER PROJECT WITH MONTGOMERY WATSON

Upon recommendation of City Engineer Richard Broome and City Attorney Ken Dreher, **MOTION** made by Alderman Touchton and **SECONDED** by Alderman Brantley to approve value engineering services agreement for engineering services found on pages 126-134 of this Minute Book Z, for the Southside Wastewater Project with City Engineer Richard Broome being representative for the City of Clinton. **MOTION CARRIED UNANIMOUSLY**

ADJOURNMENT 7:20 P.M.

There being no further business to discuss, **MOTION** made by Alderman Fisher and **SECONDED** by Alderman Touchton to adjourn. **MOTION CARRIED UNANIMOUSLY**

Copy of Agenda may be found on Pages 116-117 of this Minute Book Z.

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

October 31, 1997
Date

ATTEST: Nelson Byrd
Nelson Byrd, City Clerk

October 31, 1997
Date



**RECESSED MEETING OF THE MAYOR AND BOARD OF ALDERMEN
TUESDAY, OCTOBER 21, 1997 - 7 P.M.
MUNICIPAL COURTROOM - 305 MONROE STREET
AGENDA**

1. Welcome and Call to Order - Mayor Rosemary Aultman
2. Invocation - Alderman Jehu Brabham
3. Pledge of Allegiance - Alderman Tony Hisaw
4. Roll Call - City Clerk Nelson Byrd
5. Recognitions:
6. Approval of Consent Agenda Items A -R :
 - A. Manual claims docket through October 17, 1997.
 - B. \$100.00 to the Arts Council of Clinton for patron membership fee. (001-040-681)
 - C. \$200.00 to Mississippi Volunteer Summit for registration fee for Mayor Aultman and Alderman Brabham to attend on November 4 & 5, 1997. (001-040-618)
 - D. \$90.00 to International Institute of Municipal Clerks for annual membership for Nelson Byrd. (001-040-681-0)
 - E. \$50.00 to International Institute of Municipal Clerks for annual membership for Donna Wilson. (001-040-681-0)
 - F. ~~NB~~ ~~Approximately~~ \$6,000.00 (Low Quote) to Clinton Body Shop for repair of wrecked 1995 Crown Victoria. (001-105-570)
 - G. ~~NB~~ ~~Approximately~~ \$5,123.00 (Low Quote) to Clinton Body Shop for repair of wrecked 1997 Crown Victoria. (001-105-570)
 - H. \$754.00 to State Fire Academy for fire apparatus driver/operator trainer course for Darrel McQuirter, fire apparatus driver/operator field test for Darrel McQuirter, and fire apparatus driver/operator for Charles Warren. (001-160-682)
 - I. \$853.50 to Williford, Gearhart & Knight, Inc. for Battery Drive Water Well (August - September, 1997) (400-650-720-0)
 - J. \$1,790.00 to Williford, Gearhart & Knight, Inc. for Water System Modeling (April - August, 1997) (400-650-604-0)
 - K. \$1,065.41 to Williford, Gearhart & Knight, Inc. for E-911 Services (July - August, 1997) (001-105-604-0/\$532.71) (001-160-604-0/\$532.70)
 - L. \$17,476.80 to Williford, Gearhart & Knight, Inc. for Southside Wastewater Improvements. (400-650-720)
 - M. \$81,580.00 to Williford, Gearhart & Knight, Inc. for Southside Wastewater Improvements. (400-650-720)
 - N. \$200.00 to Richard Broome, City Engineer for registration and fees for American Public Works Association - Mississippi Chapter Fall Meeting. (400-650-681-0)
 - O. \$1,680.00 to Tubb Equipment for rental on backhoe (board approved). (400-650-640)
 - P. \$10,200.74 to Pyle, Dreher, Mills & Dye for September, 1997 Legal Services. (various)
 - Q. \$5,000.00 to Clinton Chamber of Commerce for Quarterly Contribution. (001-400-683)
 - R. \$1,808.80 to Dickerson & Bowen for asphalt for Street Repair. (001-215-590)
7. Planning and Zoning Item: Preliminary Site Plan for Wellington Subdivision - Task Force Report. *Tabled upon request of developer. NB*
8. Discussion/Action - Notice of Intent and Reimbursement Resolution for 1.6 Million Dollar Bond Issue for Southside Sewer Project. City Engineer Richard Broome

9. Discussion/Action - Clinton Parkway Project - Right-Of-Way Acquisition. City Attorney Ken Dreher
10. Discussion/Action - Value Engineering Services Agreement for the Southside Wastewater Project with Montgomery Watson. City Engineer Richard Broome
11. Other Business
12. Motion to adjourn

GOVERNING BODY

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

City Attorney - Ken Dreher
City Clerk - Nelson Byrd

8.

The Mayor and the Board of Aldermen took up for consideration the matter of the issuance of general obligation bonds of the City of Clinton for certain public improvements, and following a discussion of the matter, Alderman Taughton offered and moved the adoption of the following resolution, which motion was seconded by Alderman Brantley :

A RESOLUTION DECLARING THE INTENTION OF THE MAYOR AND THE BOARD OF ALDERMEN OF THE CITY OF CLINTON, MISSISSIPPI, TO ISSUE GENERAL OBLIGATION BONDS OF SAID MUNICIPALITY IN THE MAXIMUM PRINCIPAL AMOUNT OF ONE MILLION, SIX HUNDRED THOUSAND AND NO/100 DOLLARS (\$1,600,000) TO RAISE MONEY FOR THE PURPOSE OF PAYING THE COSTS OF CONSTRUCTING, IMPROVING, ENLARGING, RENOVATING AND EQUIPPING THE MUNICIPALITY'S WATER AND SEWER SYSTEM, AND PAYING THE COST OF SUCH BORROWING, AT A TOTAL PROJECT COST ESTIMATED TO BE APPROXIMATELY EQUAL TO THE MAXIMUM PRINCIPAL AMOUNT OF THE BONDS AUTHORIZED HEREIN; ADJUDICATING NO FUNDS ARE AVAILABLE TO THE CITY OF CLINTON, MISSISSIPPI FOR SUCH PURPOSES; ORDERING SAID RESOLUTION TO BE PUBLISHED; AND SETTING THE DATE UPON WHICH THE MAYOR AND BOARD OF ALDERMEN ARE TO TAKE FINAL ACTION UPON THE QUESTION OF AUTHORIZING THE ISSUANCE OF SAID BONDS.

WHEREAS, the Mayor and the Board of Aldermen (the "Governing Authority") of the City of Clinton, Mississippi (the "Municipality"), acting for and on behalf of the Municipality does hereby find, determine, adjudicate, and declare as follows:

1. That it is necessary and advisable and in the best public interest of the Municipality and its inhabitants to issue, under the authority contained in Sections 21-33-301 through 21-33-329 (the "Act") of the Mississippi Code of 1972, as amended, (the "Code") general obligation bonds of the

Municipality in the maximum principal amount of One Million, Six Hundred Thousand and No/100 Dollars (\$1,600,000) to raise money for and toward the Project, as defined herein;

2. That no other funds are available with which to pay the costs of the Project, as defined herein;

3. That the net assessed value of all taxable property within the Municipality, according to the last completed assessment for taxation, is \$103,742,507; that the Municipality presently has outstanding bonded indebtedness subject to the fifteen percent (15%) debt limit prescribed by Section 21-33-303 of the Code, in the amount of \$3,600,000 and outstanding bonded and floating indebtedness subject to the twenty percent (20%) debt limit prescribed by Section 21-33-303 of the Code (which amount includes the sum set forth above subject to the fifteen percent (15%) debt limit), in the amount of \$7,836,335; that the issuance of the bonds hereinafter proposed to be issued, when added to the outstanding bonded indebtedness of the Municipality will not result in: (a) bonded indebtedness of the Municipality, exclusive of indebtedness not subject to the aforesaid debt limits, in excess of either fifteen percent (15%) of the assessed value of taxable property within the Municipality according to the last completed assessment for taxation, or ten percent (10%) of the assessment upon which taxes were levied for its fiscal year ending September 30, 1984, whichever is greater, or (b) bonded and floating indebtedness, exclusive of indebtedness not subject to the aforesaid debt limits, in excess of either twenty percent (20%) of the assessed value of all taxable property within such Municipality according to the last completed assessment for taxation, or fifteen percent (15%) of the assessment upon which taxes were levied for its fiscal year ending September 30, 1984, whichever is greater; and will not exceed any constitutional or statutory limitation upon indebtedness which may be incurred by the Municipality; and

4. That any machinery and equipment proposed to be purchased with a part of the proceeds of the bonds shall have an expected useful life in excess of ten (10) years; and

5. That the purposes for which the proposed bonds are to be issued as herein set forth in this resolution are purposes authorized by the Act, and that the Governing Authority is authorized and required to declare the necessity and its intention of borrowing money and issuing the bonds of the District as evidence of the same.

6. Pending the completion of the Project plans and specifications and the issuance of the bonds, the Municipality needs to pay certain expenses incurred in connection with the performance of the Project, with such expenditures to be reimbursed from the proceeds of the bonds, when issued.

NOW, THEREFORE, be it resolved by the Mayor and the Board of Aldermen of the City of Clinton, Mississippi:

SECTION 1. That the Governing Authority does hereby find, determine and adjudicate that the foregoing premises are true and correct.

SECTION 2. That the Governing Authority does hereby declare its intention to issue general obligation bonds of the Municipality, under the provisions of the Act, in the maximum principal amount of One Million, Six Hundred Thousand and No/100 Dollars (\$1,600,000.00) (the "Bonds") to raise money for the purpose of paying the costs of constructing, improving, enlarging, renovating, replacing and equipping the municipality's water and sewer system, including, but not limited to, wastewater system plants, wastewater collection systems, and related facilities within the Municipality, and paying the costs of such borrowing, at a total project cost estimated to be

approximately equal to the maximum principal amount of the bonds authorized herein (the "Project").

SECTION 3. That unless a petition signed by the lesser of 10% or fifteen hundred (1,500) of the qualified electors of said Municipality, requesting that an election be called on the question of issuing said bonds, is filed prior to 5:00 p.m. on November 18, 1997, at the office of the City Clerk of the Municipality or the meeting of the Governing Authority scheduled for 7:00 p.m. on November 18, 1997, at the City Hall, 300 Jefferson Street, in Clinton, Mississippi, final approval of the issuance of said bonds and authority for the issuance of said bonds shall be given by the Governing Authority at the aforesaid meeting.

SECTION 4. That the City Clerk of the Municipality be and is hereby authorized and directed to cause this resolution as adopted to be published in the *The Clarion-Ledger*, a newspaper having general circulation in the City of Clinton, Mississippi, and qualified under the provisions of Section 13-3-31 of the Mississippi Code of 1972, as amended. Said resolution shall be published once a week for three consecutive weeks, with the first publication thereof to be made not less than 21 days prior to November 18, 1997, on which date the Governing Authority will take final action on the question of issuance of said bonds. In addition, the City Clerk shall post a copy of the resolution for at least twenty-one (21) days next preceding November 18, 1997, at three (3) public places in the Municipality.

SECTION 5. The Municipality shall use funds currently available in its Water and Sewer Operations Fund to pay certain initial costs of the acquisition and construction of the Project, as subsequently identified by the Governing Authority, with such expenditures to be reimbursed from a portion of the proceeds of the Bonds, when issued. The allocation of the Bond proceeds to

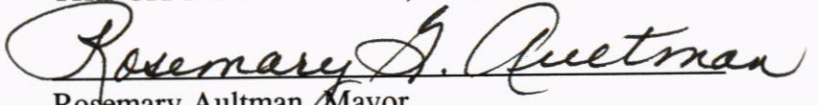
reimburse the Municipality's Water and Sewer Operations Fund shall be made in writing not later than 18 months after the later of: (a) the date the original expenditure is paid or (b) the date the Project is placed in service or abandoned, but in no event more than three years after the original expenditure is paid. The expenditures to be reimbursed from the Bond proceeds shall be incurred solely to acquire, renovate, construct, or improve property having a reasonably expected economic life of at least one year and to pay the cost of such acquisition, construction and improvements. The Bond proceeds shall be used to reimburse these expenditures, and not for the reimbursement of operating costs or similar working capital items. This resolution is the official action of the Governing Authority adopted as required by regulations promulgated by the Internal Revenue Service governing the reimbursement of prior expenses from bond proceeds.

Following the reading of the foregoing resolution, the question being put to a roll call vote, the result was as follows:

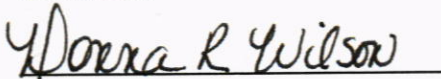
Alderman Tony Hisaw	Voted: <u>aye</u>
Alderman Rodney W. DePriest	Voted: <u>aye</u>
Alderman Clint Brantley	Voted: <u>aye</u>
Alderman Phil Fisher	Voted: <u>aye</u>
Alderman Herb Touchton	Voted: <u>aye</u>
Alderman Sharbert K. Lott	Voted: <u>aye</u>
Alderman Jehu W. Brabham	Voted: <u>aye</u>

The motion having received the affirmative vote of a majority of the members present, the Mayor declared the motion carried and the resolution adopted, on this the 21st day of October, 1997.

THE CITY OF CLINTON, MISSISSIPPI


Rosemary Aultman, Mayor

ATTEST:


Nelson Byrd, City Clerk

**RESOLUTION AUTHORIZING THE
CONDEMNATION OF A RIGHT OF WAY FOR THE
CLINTON NORTH-SOUTH CONNECTOR PROJECT**

WHEREAS, it has been reported to the Mayor and Board of Aldermen of the City of Clinton, State of Mississippi, that the attempt to obtain a right-of-way required for construction, expansion, maintenance and repair of the Clinton North-South Connector Project, has been unsuccessful, and condemnation proceedings will have to be instituted in order to acquire the right-of-way across certain land because of the failure of efforts to enter into a voluntary agreement with Edward C. Ratliff, III and Barbara M. Ratliff for a road right-of-way running from the South to the North through the entire lot and improvements of the Ratliffs' property located on East Main Street in Lots 118 and 119, Town of Clinton, Clinton, First Judicial District of Hinds County, Mississippi; and

WHEREAS, it is necessary to obtain this right-of-way for construction of the Clinton North-South Connector Project to improve access and safe passage on the roadways of Clinton and the long range transportation plans of the City of Clinton, Mississippi; and

WHEREAS, the Mayor and Board of Aldermen of the City of Clinton, Mississippi, have previously found and determined that the Clinton North-South Connector Project is necessary to promote the health, safety, and welfare of the citizens of the City of Clinton, Mississippi.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Board of Aldermen of the City of Clinton, Mississippi, hereby direct its legal counsel to prepare the necessary

documents to present a Complaint in Condemnation to the Special Court of Eminent Domain of the First Judicial District of Hinds County, Mississippi, against Edward C. Ratliff, III and Barbara C. Ratliff, and all other parties in interest, for the condemnation of a right-of-way on the land mentioned above, such right-of-way being more particularly described as follows, to-wit:

TRACT I.

100 feet off the East side of Lot 118, LESS AND EXCEPT that portion of the property located further North than 313.7 feet from the South line of said Lot 118 in the Town of Clinton, Mississippi, a subdivision according to a map or plat thereof which is on file and of record in the office of the Chancery Clerk of Hinds County, Mississippi in Plat Book 2 at Page 43, reference to which is hereby made in aid of and as a part of this description.

TRACT II.

A previously existing alley being 8.25 feet on the West side of Lot 119, extending to the North for 270 feet from the South line, Town of Clinton, Mississippi, a subdivision according to a map or plat thereof which is on file and of record in the office of the Chancery Clerk of Hinds County, Mississippi in Plat Book 2 at Page 43, reference to which is hereby made in aid of and as a part of this description

and be it further,

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

RESOLVED, that legal counsel be and it is hereby authorized and directed to commence any and all proceedings necessary for the condemnation of such right-of-way,

to include the employment of appropriate expert witnesses to give testimony concerning the location and value of the property to be obtained.

SIGNED, this the 21ST day of October, 1997.

CITY OF CLINTON, MISSISSIPPI

BY: Rosemary S. Aultman
ROSEMARY AULTMAN, Mayor

ATTEST:

Nelson Byrd
NELSON BYRD, City Clerk

RATLIF:RES
9/2/97-MMH

AGREEMENT FOR ENGINEERING SERVICES

THIS AGREEMENT is by and between City of Clinton (hereinafter called "OWNER") and MONTGOMERY WATSON AMERICAS, INC., a corporation organized under the laws of the State of California, (hereinafter called "MONTGOMERY WATSON").

WITNESSETH:

WHEREAS, OWNER desires to obtain engineering services relating to the Project as hereinafter defined, Value Engineering Services for the Southside Wastewater Project (hereinafter the "PROJECT"); and

WHEREAS, OWNER desires to employ an engineering firm having broad and extensive experience to be responsible for the overall planning and engineering for the entire PROJECT as more specifically described herein below; and,

WHEREAS, the method of approach appearing in MONTGOMERY WATSON'S written proposal dated August 29, 1997 is the basis for the services to be performed under this AGREEMENT; and

WHEREAS, OWNER desires to engage MONTGOMERY WATSON for the work and MONTGOMERY WATSON is willing and able to undertake the work upon the terms and conditions hereinafter set forth:

NOW THEREFORE, it is mutually agreed as follows: OWNER hereby employs MONTGOMERY WATSON and MONTGOMERY WATSON hereby accepts such employment to perform the services hereinafter defined upon the terms and conditions set forth herein.

ARTICLE 1 - GENERAL CONDITIONS

1. OWNER hereby retains MONTGOMERY WATSON on an independent contractor basis.
2. MONTGOMERY WATSON agrees to furnish certain professional engineering services, as hereinafter described in the Detailed Scope of Work, marked as Attachment A, and incorporated herein.
3. The Agreement shall commence on the date of signature and terminate three months from date of signature.

ARTICLE 2 - COMPENSATION

1. OWNER will pay to MONTGOMERY WATSON as full compensation for the services described in this Agreement a lump sum fee of \$ 36,000.
2. In the event of any legal proceedings or other claims requiring the services of MONTGOMERY WATSON in providing expert testimony on behalf of OWNER in connection with the PROJECT, except suits or claims by third parties against OWNER arising out of alleged errors or omissions of MONTGOMERY WATSON, OWNER shall pay MONTGOMERY WATSON for services rendered in regard to such legal or other claims, on a basis to be negotiated.

3. OWNER will pay MONTGOMERY WATSON for labor and expenses incurred in satisfying the requirements and assisting in any audit required by OWNER, the Comptroller General, the United States Department of Labor, the State Regulatory Agency, or any other federal, state and local agencies or any of their duly authorized representatives. The basis of payment will be defined later by an Amendment to this Agreement.

ARTICLE 3 - PAYMENT

Payment to MONTGOMERY WATSON, as described in Article 2, is to be made as follows:

1. MONTGOMERY WATSON shall submit its standard monthly invoice describing the work performed during the preceding month and percent completion of the work at the end of the invoice period. OWNER shall make payment to MONTGOMERY WATSON within 30 days after receipt of MONTGOMERY WATSON's monthly invoice.

2. OWNER agrees that timely payment, as provided herein, is a material term of this Agreement, and failure to make timely payment as agreed constitutes a breach hereof. In the event payment for services rendered has not been made within 60 days from the receipt of invoice, MONTGOMERY WATSON may, after giving 7 days written notice and without penalty or liability of any nature, and without waiving any claim against OWNER, suspend all work on all authorized services as set forth herein. Upon receipt of payment in full for services rendered, plus interest charges, MONTGOMERY WATSON will continue with all services not inconsistent with Article 7 herein.

Payment of all compensation due MONTGOMERY WATSON pursuant to this Agreement shall be a condition precedent to the OWNER using any of MONTGOMERY WATSON'S professional services work product furnished under this Agreement.

3. In order to defray carrying charges resulting from delayed payments, simple interest at the rate of 18% per annum (not to exceed the maximum rate allowed by law) shall be added to the unpaid balance of each invoice. Payments shall first be credited to interest and then to principal.

4. It is further agreed that the above payments for engineering services, as described herein, have been arrived at after meaningful negotiations between OWNER and MONTGOMERY WATSON.

5. It is also mutually agreed that the above payments for engineering services shall be compensation only for those services specifically identified in Article 1, and more fully described in Attachment A. Provisions for additional compensation will be separately negotiated to pay for Additional Services, when requested by the OWNER.

ARTICLE 4 - OWNER'S RESPONSIBILITIES.

1. OWNER shall designate in writing a person to act as OWNER's representative with respect to the services to be rendered under this Agreement. Such person will have complete authority to transmit instructions, receive information, interpret and define OWNER's policies and decisions with respect to MONTGOMERY WATSON's services.

2. OWNER shall furnish to MONTGOMERY WATSON all nonconfidential technical data in OWNER's possession which OWNER may lawfully release, including but not limited to, As-Built drawings, maps, performance data, studies, plans, reports and any other information required by MONTGOMERY WATSON, all of which MONTGOMERY WATSON may use and rely upon

without independent verification as accurate in performing services under this Agreement.

3. OWNER shall arrange for access to and make all provisions for MONTGOMERY WATSON to enter upon public and private property as required for MONTGOMERY WATSON to perform services under this Agreement.

4. OWNER shall examine all studies, reports, sketches, drawings, specifications, and other documents presented by MONTGOMERY WATSON, seek legal advice, the advice of an insurance counselor, or other consultant(s) as OWNER deems appropriate for such examination, and render in writing decisions pertaining thereto within a reasonable time.

5. In addition to all costs incurred, as set forth in paragraphs 1 through 4, inclusive above, OWNER shall obtain and pay for, where applicable, the following:

- (a) All costs of published advertisements for bids;
- (b) All costs for obtaining permits and licenses that may be required of OWNER by local, State, or Federal authorities;
- (c) All costs to insure necessary land, easements, and rights-of-way;
- (d) All other charges not specifically covered by the terms of this Agreement.

ARTICLE 5 - MONTGOMERY WATSON'S RESPONSIBILITIES.

1. MONTGOMERY WATSON shall provide the services of a Project Manager for the duration of the Project.

2. MONTGOMERY WATSON has designated Phil O. Nelson, P.E. as Project Manager.

3. MONTGOMERY WATSON will not commence performance of the services identified in Article 1, until execution of this Agreement by both parties.

4. MONTGOMERY WATSON will not begin work on any Additional Services, not included in the original Scope of Work, until OWNER has authorized the performance of the same in writing, said Amendment signed by MONTGOMERY WATSON and OWNER, specifying the work to be performed, basis for payment, and the time for performance.

5. Opinions of construction cost to be prepared pursuant to this Agreement will be based upon data presently available, and adjusted where necessary to reflect anticipated future changes. In preparation of these cost estimates MONTGOMERY WATSON will apply its experience and judgment. Since MONTGOMERY WATSON has no control over future changes or competitive bidding procedures, and market conditions or other factors affecting cost, MONTGOMERY WATSON makes no warranty, whether expressed or implied, as to the accuracy of said opinions of cost.

ARTICLE 6 - INSURANCE, INDEMNIFICATION, AND COMPLIANCE WITH LAWS

1. MONTGOMERY WATSON will purchase and maintain during the term of Agreement insurance in accordance with the following:

- (a) MONTGOMERY WATSON will maintain insurance coverage for Workers' Compensation, and Employer's Liability Insurance as well as General Liability and Automobile Liability Insurance and will name OWNER as an additional insured on the General Liability and Automobile Liability Insurance policies.

(b) MONTGOMERY WATSON asserts that it is skilled in the professional calling necessary to the services and duties proposed to be performed, and that it shall perform such services and duties in conformance to and consistent with the standards generally recognized as being employed by professionals of MONTGOMERY WATSON's caliber in the same locality, and to that end MONTGOMERY WATSON agrees to indemnify and hold harmless OWNER, its officers, and employees from and against any and all liability, claims, suits, loss, damages, costs, and expenses arising out of or resulting from any negligent acts, errors, or omissions of MONTGOMERY WATSON, its officers, employees, agents, or consultants in the performance of its services and duties hereunder, but not from the negligence or willful misconduct of OWNER, its officers, and employees. However in no event shall MONTGOMERY WATSON be liable for any special, indirect, or consequential damages as a result of its performance of the services hereunder. Further, MONTGOMERY WATSON maintains professional liability insurance. Notwithstanding the availability of professional liability insurance, the total aggregate of MONTGOMERY WATSON's liability to all parties related to this Agreement shall not exceed \$50,000, or the amount of MONTGOMERY WATSON's fee, whichever is greater.

2. OWNER hereby understands and agrees that MONTGOMERY WATSON has not created nor contributed to the creation or existence of any or all types of hazardous or toxic wastes, materials, chemical compounds, or substances, or any other type of environmental hazard or pollution, whether latent or patent, at OWNER'S premises, or in connection with or related to this project with respect to which MONTGOMERY WATSON has been retained to provide professional engineering services. The compensation to be paid MONTGOMERY WATSON for said professional engineering services is in no way commensurate with, and has not been calculated with reference to, the potential risk of injury or loss which may be caused by the exposure of persons or property to such substances or conditions. Therefore, to the fullest extent permitted by law, OWNER agrees to defend, indemnify, and hold MONTGOMERY WATSON, its officers, directors, employees, and consultants, harmless from and against any and all claims, damages, and expenses, whether direct, indirect, or consequential, including but not limited to, attorney's fees and court costs, arising out of, or resulting from the discharge, escape, release, or saturation of smoke, vapors, soot, fumes, acid, alkalies, toxic chemicals, liquids, gases, or any other materials, irritants, contaminants, or pollutants in or into the atmosphere, or on, onto, upon, in, or into the surface or subsurface of soil, water, or watercourses, objects, or any tangible or intangible matter, whether sudden or not.

3. Nothing contained within this Agreement shall be construed or interpreted as requiring MONTGOMERY WATSON to assume the status of a generator, storer, transporter, treater, or disposal facility as those terms appear within the Resource Conservation and Recovery Act, 42 USCA, §6901 et seq., as amended, or within any state statute governing the generation, treatment, storage, and disposal of waste. Further, the contents of this Agreement shall not be construed or interpreted as requiring MONTGOMERY WATSON to arrange for the transportation, treatment, or disposal of hazardous substances, as described in the Comprehensive Environmental Response, Compensation, and Liability Act, 42 USCA §9601, et seq., as amended.

4. All documents including Drawings and Specifications prepared or furnished by MONTGOMERY WATSON (and MONTGOMERY WATSON'S independent professional associates and consultants) pursuant to this Agreement are instruments of service in respect of the Project and MONTGOMERY WATSON shall retain an ownership and property interest therein whether or not the Project is completed. OWNER may make and retain copies for information and reference in connection with the use and occupancy of the Project by OWNER and others; however, such documents are not intended or represented to be suitable for reuse by OWNER or on any other extensions of the Project, or on any other project. Any reuse without written verification or adaptation by MONTGOMERY WATSON for specific purpose intended will be at OWNER'S sole risk and without liability or legal exposure to MONTGOMERY WATSON, or to

MONTGOMERY WATSON'S independent professional associates and consultants. OWNER agrees to defend, indemnify, and hold MONTGOMERY WATSON harmless from all claims, damages, losses and expenses including attorneys' fees arising out of or resulting therefrom.

5. To the extent applicable hereto, MONTGOMERY WATSON shall, in the performance of this Agreement comply with:

(a) The Fair Labor Standards Act of 1939 (20 U.S.C. 201-219); The Walsh-Healey Public Contracts Act (41 U.S.C. 35-45); The Contract Work Hours Standards Act - Overtime Compensation (40 U.S.C. 327-330); Laws restraining the Use of Convict Labor; Utilization of Small Business and Small Disadvantaged Business Concerns (Public Law 95-507); all other federal, state and local laws; and all regulations and orders issued under any applicable law.

(b) The Equal Employment Opportunity clause in Section 202 of Executive Order (E. O.) 11246, as amended, and the implementing rules and regulations (41 CFR Part 60) are incorporated herein by reference, unless this order is exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of E. O. 11246 or provisions of any superseding E. O. As used in this clause, "Contractor" means Seller. Unless this order is exempted, the applicable Equal Employment Opportunity Compliance Certificate previously submitted by Seller to Buyer is by reference also incorporated herein.

(c) The Affirmative Action for Handicapped Workers Clause in Title 41, Code of Federal Regulations, Part 60, Subsection 741.4 and the implementing rules and regulations of the Department of Labor associated therewith are incorporated herein by reference unless this order is under \$2,500. As used in said clause, "Contractor" means Seller.

(d) The Affirmative Action for Disabled Veterans and Veterans of the Vietnam Era Clause of Title 41, Code of Federal Regulations, Part 60, Subsection 250.4 and the implementing rules and regulations of the Department of Labor associated therewith are incorporated herein by reference, unless this order is under \$10,000. As used in said clause, "Contractor" means Seller, and "Contract" means this order.

ARTICLE 7 - SUSPENSION OR TERMINATION

1. OWNER may, at any time and without cause, suspend the services of MONTGOMERY WATSON, or any portion thereof for a period of not more than 90 days by notice in writing to MONTGOMERY WATSON. MONTGOMERY WATSON shall resume the services on receipt from OWNER of a written notice of resumption of services. MONTGOMERY WATSON may be allowed an increase in fee or an extension of time, or both, if MONTGOMERY WATSON makes an approved claim therefor, as provided in paragraph 2 below. In the event that the period of suspension exceeds 90 days, the terms of this Agreement are subject to renegotiation.

2. OWNER, within the general scope of this AGREEMENT may, at any time, by written notice to MONTGOMERY WATSON, issue additional instructions, require Additional Services, or direct the omission of services covered by this AGREEMENT. In such event, there will be made an equitable adjustment in price and/or time of performance, but any claim for such an adjustment must be made within 30 days of the receipt of said written notice.

3. OWNER may cancel this AGREEMENT at any time upon 10 days written notice to MONTGOMERY WATSON. MONTGOMERY WATSON agrees to cease all work under this AGREEMENT on or before the effective date of such notice. Nothing contained in any part of this AGREEMENT shall be deemed or construed to lessen, limit or derogate from OWNER'S absolute right of cancellation set forth herein.

In the event of cancellation of this AGREEMENT by OWNER, MONTGOMERY WATSON shall receive as full compensation for all services and work performed to the date of cancellation.

ARTICLE 8 - MISCELLANEOUS

1. This Agreement shall be governed and interpreted in accordance with the laws of the State of Mississippi.
2. Any written notice permitted or required to be given under this Agreement may be given or served either in person or by certified mail. Such notice shall be effective upon receipt thereof by the party to whom it is addressed, whether it is personally delivered or sent by certified mail. Any such written notice delivered by certified mail shall, if not actually received earlier, be deemed to have been effectively delivered at the expiration of 48 hours after deposit in the United States Mail. Such notice shall be delivered or sent to the address of the party concerned as shown below. Either party may change such address by giving written notice to the other party as provided below.

OWNER

City of Clinton

300 Jefferson Street

Clinton, Mississippi 39056

Attn: Richard L. Broome, P.E., City Engineer

MONTGOMERY WATSON

MONTGOMERY WATSON

3501 N. Causeway Blvd., Suite 400
Metairie, Louisiana 70002

Attn: Raymond G. Hartley, P.E., Vice-President

3. MONTGOMERY WATSON's books, papers, records, and accounts, as well as those of any structural, mechanical, and electrical subcontractors, or any other consultant retained by MONTGOMERY WATSON, relating to or in any way connected with the professional services herein contemplated, shall be open, at all reasonable times, for inspection and audit by the agents and authorized representatives of OWNER. The original books, papers, records, and other documents described herein shall be retained for a minimum of 3 years after completion of services.

4. This Agreement is to be binding on the heirs, successors, and assigns of the parties hereto, but is not to be assigned without first obtaining the written consent of the other; consent not to be unreasonably withheld.

5. NOT USED

6. This represents the entire understanding of OWNER and MONTGOMERY WATSON as to those matters contained herein. No prior oral or written understanding shall be of any force or effect with respect to those matters covered hereunder. This Agreement may only be modified by

amendment in writing signed by each party.

7. MONTGOMERY WATSON'S waiver of any term, condition, or covenant, or breach of any term, condition or covenant, shall not constitute the waiver of any other term, condition, or covenant, or the breach of any term, condition or covenant.

8. If any term, condition, or covenant of this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions of this Agreement shall be valid and binding on each party.

Executed this 27th day of October, 1997.

CITY OF CLINTON

MONTGOMERY WATSON AMERICAS, INC.
a California corporation,

By: Rosemary G. Aultman

By: Raymond G. Hartley

Title: Rosemary Aultman, Mayor

Title: Raymond G. Hartley, P.E., Vice-President

Dated: October 22, 1997

Dated: October 27, 1997

Witness: Donna Wilson

Witness: Phil Nelson

ATTACHMENT A
CITY OF CLINTON
VALUE ENGINEERING SERVICES FOR THE SOUTHSIDE WASTEWATER PROJECT
SCOPE OF SERVICES

Task 1 - Prior to the Value Engineering (VE) Workshop, the Value Engineering Team Coordinator (VETC) will:

- A. Hold discussions with representatives of the Designer and the City to determine materials required, number of copies to be furnished, timing for submission of report and design data, workshop timing and to define any project constraints.
- B. Review the project in detail with the Designer.
- C. Perform preliminary functional analysis and prepare a cost model based upon the Designer's data of the proposed project.
- D. Plan the team study and subdivide the project according to various disciplines.
- E. Plan all details of the workshop, including meeting area, logistics and scheduling.

Task 2 - Conduct a 40-hour workshop with an inter-disciplinary team selected specifically for this project which will be at the 20 to 30 percent design stage. The VE Team will define possible areas of potential costs savings using VE techniques. The workshop will consider process design and equipment, project design life, general layout, proposed materials of construction, hydraulic capacity, mechanical and structural design, electrical work, instrumentation and control, architectural improvements, constructability, and maintaining the operation of any existing facilities during construction.

The VE Team shall include in the review any relevant historical information, regulatory agency requirements, assessment of treatment needs and process plans in their VE analysis. The VE Team shall review all facets of the current design and offer comments based upon the team's experience and expertise in each area of specialization.

Technical efforts during the Workshop will include five (5) general consideration phases as follows:

- A. Information Phase - The VE Team will review the basic project data and utilize VE techniques to identify aspects of the project having good potential for cost savings.
- B. Creative Phase - In an uninhibited atmosphere encouraging free interplay of ideas, the VE Team will develop a broad list of alternative methods for performing the essential functions of the recommended alternative under review.
- C. Evaluation Phase - The alternatives and ideas generated in the Creative Phase will be subjected to critical evaluation, whereby professional judgement, state-of-the-art technology and VE Team experience will be applied to ascertain the most viable of these alternatives.

D. Development Phase - Each alternative determined to be viable and cost-worthy in the Evaluation Phase will be evaluated in detail for conformance with the project goals and requirements. In this phase of the Workshop, detailed life-cycle costs will also be prepared for comparative purposes.

E. Recommendation Phase - The results and conclusions of the Development Phase will be summarized, and the rationale for recommended cost saving changes will be consolidated for presentation.

The Team will make an oral presentation of the VE Team's findings to the Designer and City on the final day of the workshop.

Task 3 - Prepare and submit within two weeks of completion of the VE Study a written report of the VE Team's findings from the workshop including an executive summary, description of the project, study procedure, and team recommendations. The recommendations will fully describe proposed changes, initial and life-cycle cost savings, and sketches of the alterations of design. Six (6) copies of the report will be submitted to the City and to the Designer for their review and comments. It will be the Designer's responsibility to respond to the City with recommendations as to accept or reject any of the VE Team's recommendations.