

**REGULAR MEETING OF THE MAYOR AND BOARD OF ALDERMEN
TUESDAY, JANUARY 6, 1998, 7:00 P.M.
MUNICIPAL COURTROOM - 305 MONROE STREET**

WELCOME AND CALL TO ORDER - Mayor Rosemary Aultman

INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG - The invocation was led by Alderman Fisher followed by the Pledge of Allegiance to the Flag led by Alderman Touchton.

ROLL CALL - City Clerk Nelson Byrd

Present	Jehu Brabham - Alderman-At-Large
	Tony Hisaw-Alderman Ward 1
	Rodney DePriest - Alderman Ward 2
	Clint Brantley - Alderman Ward 3
	Phil Fisher - Alderman Ward 4
	Herb Touchton - Alderman Ward 5
	Sharbert Lott - Alderman Ward 6
	Ken Dreher - City Attorney
	Nelson Byrd - City Clerk

AGENDA CHANGES:

Consent Agenda Item H should read \$1,822.73 to Sunbelt Fire Apparatus for annual maintenance & repair of 17 air packs. (001-160-571). Remove Agenda Item 9 A.

APPROVAL OF CONSENT AGENDA ITEMS A - BB:

MOTION made by Alderman Lott and **SECONDED** by Alderman Brantley to approve Consent Agenda Items A - BB as listed on page 233-234 of this Minute Book Z. Item C will serve to advertise favorably the opportunities, possibilities, and resources of the City of Clinton. Quotes listed in Items F, W and AA may be found on file in the office of the City Clerk. **MOTION CARRIED UNANIMOUSLY**

APPROVAL OF FINAL PLAT - INDIAN TRAILS - PART 3

Upon recommendation of City Engineer Richard Broome, **MOTION** made by Alderman Brantley and **SECONDED** by Alderman Lott to approve the final plat for Indian Trails Subdivision - Part 3 contingent upon final review of all documents. **MOTION CARRIED UNANIMOUSLY**

APPOINTMENTS:

JANET SHERER APPOINTED TO PLANNING AND ZONING BOARD

Upon recommendation of Alderman Brantley, **MOTION** made by Ward 3 Alderman Brantley and **SECONDED** by Alderman Fisher to appoint Janet Sherer to the Planning and Zoning Board to replace Mark McNeece. **MOTION CARRIED UNANIMOUSLY** Said term to expire January 1, 2001.

KATHY PEACE RE-APPOINTED TO PLANNING AND ZONING BOARD

Upon recommendation of Alderman Fisher, **MOTION** made by Ward 4 Alderman Fisher and **SECONDED** by Alderman Lott to re-appoint Kathy Peace to the Planning and Zoning Board. **MOTION CARRIED UNANIMOUSLY** Said term to expire January 1, 2001.

BETTYE KING RE-APPOINTED TO PLANNING AND ZONING BOARD

Upon recommendation of Ward 5 Alderman Touchton, **MOTION** made by Alderman Touchton and **SECONDED** by Alderman Lott to re-appoint Bettye King to the Planning and Zoning Board. **MOTION CARRIED UNANIMOUSLY** Said term to expire January 1, 2001.

DEBBIE PIERCE RE-APPOINTED TO LIBRARY BOARD

Upon recommendation of Mayor Rosemary Aultman, **MOTION** made by Alderman Brantley and **SECONDED** by Alderman Lott to re-appoint Debbie Pierce to the Library Board. **MOTION CARRIED UNANIMOUSLY** Said term to expire January 1, 2001.

THOMAS R. RUFFIN APPOINTED DEPUTY COURT CLERK

Upon recommendation of Mayor Rosemary Aultman, **MOTION** made by Alderman Brabham and **SECONDED** by Alderman Fisher to appoint Thomas R. Ruffin Deputy Court Clerk. **MOTION CARRIED UNANIMOUSLY**

BID APPROVED FOR PARKS AND RECREATION HEAVY DUTY WORK UTILITY VEHICLE

Upon recommendation of Parks and Recreation Director David Freeman, **MOTION** made by Alderman Touchton and **SECONDED** by Alderman Hisaw to approve that lowest and best bid of \$ 11,972..00 Jerry Pate Turf Supply for Parks and Recreation heavy duty work utility vehicle. **MOTION CARRIED UNANIMOUSLY** Bid Tabulation and Proof of Publication can be found on pages 235 & 236 of this Minute Book Z.

ADOPTION OF RESOLUTION AUTHORIZING CMPDD TO APPLY FOR CDBG FUNDS TO ASSIST IN EXTENDING SANITARY SEWER SERVICES TO HOBBY FARMS AND CLINTON-RAYMOND ROAD AREA

Upon recommendation of City Engineer Richard Broome, **MOTION** made by Alderman Brantley and **SECONDED** by Alderman Hisaw to adopt Resolution which is reduced in writing and is found on page 237 of this Minute Book Z authorizing CMPDD to apply for CDBG funds to assist in extending sanitary sewer services to Hobby Farms and Clinton-Raymond Road area. **MOTION CARRIED UNANIMOUSLY**

ADOPTION OF RESOLUTION REQUESTING PERMANENT FUNDING FOR THE MUNICIPAL CRIME PREVENTION PROGRAM

Upon recommendation of Police Chief Don Byington, **MOTION** made by Alderman Brantley and **SECONDED** by Alderman Brabham to adopt the resolution which is reduced to writing and is found on page 238 of this Minute Book Z approving the adoption of resolution requesting permanent funding in the amount of Six Million Dollars for the Municipal Crime Prevention Program. **MOTION CARRIED UNANIMOUSLY**

APPROVAL OF AD VALOREM TAX EXEMPTION - FINAL ORDERS TUB

MOTION made by Alderman Hisaw and **SECONDED** by Alderman Touchton to approve Ad Valorem Taxation Exemption for Gulf States Cannery, Inc. for 10 (ten) years from December 31, 1996 with a total true value of \$2,196,554, found on pages 239-241 of this Minute Book Z. **MOTION CARRIED UNANIMOUSLY**

MOTION made by Alderman Hisaw and **SECONDED** by Alderman Touchton to approve Ad Valorem Taxation Exemption for Gulf States Cannery, Inc. for 5 (five) years from December 31, 1996 with a total true value of \$2,745,113, found on pages 242-244 of this Minute Book Z. **MOTION CARRIED UNANIMOUSLY**

ADOPTION OF SPRINKLER ORDINANCE

Upon recommendation of Fire Chief Bryan Presson and presentation of supporting data regarding cost and reasons to install sprinkler systems that can be found on pages 252 and 253 of this Minute Book Z, MOTION made by Alderman Brabham and SECONDED by Alderman Touchton to adopt that Ordinance found on pages 748-753 and 245-250 respectively of City of Clinton Ordinance Book II and Minute Book Z regarding installation of automatic sprinkler systems in certain structures in the City of Clinton. MOTION CARRIED UNANIMOUSLY Proof of Publication can be found on pages 754 and 251 of the above mentioned Ordinance and Minute Book.

APPROVAL TO AUTHORIZE MAYOR TO EXECUTE MDOT MEMORANDUM OF UNDERSTANDING FOR CLINTON-RAYMOND ROAD/I-20 PROJECT

Upon recommendation of City Engineer Richard Broome, MOTION made by Alderman Hisaw and SECONDED by Alderman DePriest to authorize Mayor Aultman to execute the MDOT Memorandum of Understanding for Clinton-Raymond Road/I-20 Project found on pages 254-261 of this Minute Book Z. MOTION CARRIED UNANIMOUSLY

APPROVAL OF AMENDMENT NO. 1 TO GENERAL SERVICES AGREEMENT SUBMITTED BY MICHAEL BAKER, JR. INC. CLINTON RAYMOND ROAD/I-20 PROJECT

Upon recommendation of City Engineer Richard Broome, MOTION made by Alderman DePriest and SECONDED by Alderman Brabham to approve Amendment No. 1 to General Services Agreement submitted by Michael Baker, Jr. Inc. on Clinton Raymond Road/I-20 Project found on pages 262-263 of this Minute Book Z. MOTION CARRIED UNANIMOUSLY

ADOPTION OF ORDER AUTHORIZING MUNICIPAL COURT CLERK TO CONDUCT INITIAL APPEARANCES IN MISDEMEANOR CASES

Upon recommendation of Municipal Judge Mike Parker, MOTION made by Alderman Touchton and SECONDED by Alderman Brantley to adopt order found on pages 264-269 of this Minute Book Z, authorizing Municipal Court Clerk to conduct initial appearances in misdemeanor cases. MOTION CARRIED UNANIMOUSLY

ADJOURNMENT 7:30 P.M.

There being no further business to discuss, MOTION made by Alderman Fisher and SECONDED by Alderman Brantley to Recess until January 20, 1998, 7:00 p.m. in the Municipal Room. MOTION CARRIED UNANIMOUSLY

Copy of Agenda may be found on pages 233-234 of this Minute Book Z.

APPROVED: Rosemary G. Aultman January 7, 1998
Rosemary G. Aultman, Mayor Date

ATTEST: Nelson Byrd January 7, 1998
Nelson Byrd, City Clerk Date

SEAL:

BID OPENING REPORT

Project: Work Utility Vehicle
Parks and Recreation Dept.

Bid Date: January 5, 1998 at 10:00 a.m. p.m.

Location: City Hall
300 Jefferson Street
Clinton, MS 39056

Owner: City of Clinton

Engineer: _____

Pre Bid Estimate: _____

BIDDER	C.O.R. #	BID BOND	BASE BID	ALTERNATIVE #1	ALTERNATIVE #2	TOTAL BASE BID & ALTERNATIVES
Jerry Pate Turf Supply, Brandon, MS			\$11,972.00			\$11,972.00
Jerry Pate Turf Supply, Brandon, MS			\$11,972.00	W/Generator 120 Volt \$1,978.00		\$13,950.00
						9B

Signed: [Signature]
Date: 1/5/98

The above bid amounts have not been checked. The bid totals are subject to correction after the bids have been completely reviewed.

98

Proof of Publication

The State of Mississippi

Hinds County

PASTE PROOF HERE

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

Shirley Mize

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

NOTICE TO RECEIVE BIDS
Notice is hereby given that 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 5th day of January, 1998 for a Heavy Duty Work Utility Vehicle for turf and ground maintenance use. 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
Seal
Dec. 17, 24, 1997

Dates of Publication:

Wednesday, December 17, 1997
Wednesday, December 24, 1997

Lines: 24
Words: 106
Issues: 2
Total: \$15.78

SWORN to and subscribed before me on 12/24/97

My Commission Expires:

Signed

Shirley Mize

Authorized Clerk
of The Clarion-Ledger

Marie Mills

Notary Public

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

(SEAL)

RESOLUTION

WHEREAS, the City of Clinton, Mississippi, recognizes that community development is a priority concern in this area; and

WHEREAS, the Mayor and Board of Aldermen of Clinton, Mississippi, desire technical assistance from the Central Mississippi Planning and Development District for the purpose of improving the overall well-being of this area; and

WHEREAS, this technical assistance is for the specific function of submission of an application for FY 1998 Community Development Block Grant funds to extend sanitary sewer lines in the Hobby Farms and Clinton/Raymond Road areas; and

WHEREAS, the District is authorized to investigate, prepare and direct applications for funding to the State of Mississippi.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Board of Aldermen on behalf of Clinton, Mississippi do request assistance from the Central Mississippi Planning and Development District and show their intent to apply for Community Development Block Grant funds, and that the District is requested to aid Clinton, Mississippi in this matter. The Board of Aldermen further designates the Mayor to act as a representative of the City in this matter and to execute all necessary forms and documents on behalf of the City.

FURTHER, BE IT RESOLVED, that the Mayor and Board of Aldermen of Clinton, Mississippi do authorize the advertisement of public hearings to be held in conjunction with this CDBG project.

Dated this the 8th day of January, 1998.

Clinton, Mississippi

By: Rosemary S. Aultman
Mayor

ATTEST:

By: Nelson Byrd

Sprinkler Ordinance Data

Non-Sprinkled	Sprinkled
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Bldg.	\$ 3,763.00	\$ 1,234.00
Content	\$ 918.00	\$ 579.00

Bldg.	\$ 2,018.00	\$ 1,071.00
Content	\$ 640.00	\$ 524.00

Wood Frame*

Joist / Masonry

Buildings valued at \$50.00 per square foot. Based on a 5,000 square foot building in the City of Clinton, (class 5 fire rating).

Source - Bryson & Co., MS State Rating Bureau

Sprinkler System Cost:*

Average cost is \$1.25 - 1.50 per square foot
*Source - American Fire Sprinkler Co.

The cost to install a sprinkler system in the quoted building is approximately \$6,250.00.

Sprinkler Ordinance Data

3 Reasons to Sprinkle a Building:

1. Saves Lives	% Reduction (lives lost)
Manufacturing	25%
Health Care	68%
Hotels & Motels	84%
Public Assembly	100%
Stores & Offices	100%

2. Saves Property	% Reduction (property lost)
Manufacturing	56%
Health Care	64%
Hotels & Motels	58%
Public Assembly	71%
Stores & Offices	41%

3. Economics	Wood Frame Bldg.	
	Non-sprinkled Insurance Cost:	Sprinkled Insurance Cost:
Bldg. value @ \$250,000.00		
(5,000 x \$50.00 per foot)	\$3,763.00 per year	1234.00 per year
	x 15 years	x 15 years
	\$ 56,445.00	\$ 18,510.00
		Savings
		\$ 37,935.00
	Joist / Masonry	
	Non-sprinkled Insurance Cost:	Sprinkled Insurance Cost:
	\$2,018.00	\$1,071.00
	x 15 years	x 15 years
	\$30,270.00	\$ 16,065.00
		Savings
		\$ 14,205.00

**RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF CLINTON
MISSISSIPPI REQUESTING PERMANENT FUNDING FOR THE MUNICIPAL
CRIME PREVENTION PROGRAM**

MOTION made by Alderman BRANTLEY and **SECONDED** by Alderman BRABHAM
to adopt the following resolution:

WHEREAS, the Mississippi Legislature has sought to help local governments fight crime through the Municipal Crime Prevention Program for purposes of law enforcement, new equipment, training, matching grants and multi-jurisdictional prevention programs; and,

WHEREAS, the Mississippi Legislature funded Senate Bill 3160 in the amount of One Million Dollars (\$1,000,000.00) for FY 1997; and

WHEREAS, City of Clinton elected and appointed officials expressed their desire for permanent funding of the Municipal Crime Prevention Program during their 1998 Hinds County Legislative Working Session; and,

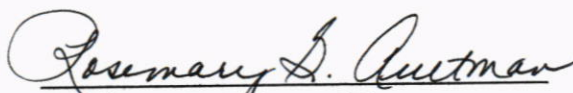
WHEREAS, City of Clinton elected and appointed officials overwhelmingly supported additional dollars for law enforcement training, equipment, grants and programs.

NOW, THEREFORE BE IT RESOLVED that the Mayor and Board of Aldermen hereby supports a permanently funded Municipal Crime Prevention Program in the amount of Six Million Dollars for FY 1998.

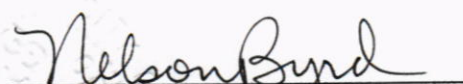
Alderman Brabham voted:	<u>AYE</u>
Alderman Hisaw voted:	<u>AYE</u>
Alderman DePriest voted:	<u>AYE</u>
Alderman Brantley:	<u>AYE</u>
Alderman Fisher voted:	<u>AYE</u>
Alderman Touchton voted:	<u>AYE</u>
Alderman Lott voted:	<u>AYE</u>

SO RESOLVED AND ORDERED, this the 6TH day of JANUARY, 1998.

CITY OF CLINTON, MISSISSIPPI


Rosemary G. Aultman, Mayor

ATTEST:


Nelson Byrd, City Clerk

SEAL

FINAL RESOLUTION GRANTING EXEMPTION
FROM AD VALOREM TAXES

The Board next took up for consideration the matter of granting tax exemption for ad valorem taxes for Gulf States Cannery, Inc., and the following Resolution, being first reduced to writing, was introduced.

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN
OF THE CITY OF CLINTON,
HINDS COUNTY, MISSISSIPPI, GRANTING
FINAL APPROVAL OF AD VALOREM TAX EXEMPTION
TO GULF STATES CANNERS, INC.,
HINDS COUNTY, MISSISSIPPI.

WHEREAS, heretofore Gulf States Cannery, Inc., authorized to do business and doing business in Clinton, Hinds County, Mississippi, filed with the Mayor and Board of Aldermen of the City of Clinton, Hinds County, Mississippi, an Application for exemption of ad valorem taxes, except State and School District ad valorem taxes for a period of ten (10) years as authorized by Section 27-31-105, et seq., of the Mississippi Code of 1972, as amended, which said Application was approved by the Mayor and Board of Aldermen of the City of Clinton, Hinds County, Mississippi, subject to the approval of the State Tax Commission of the State of Mississippi;

WHEREAS, on the 19 day of DECEMBER, 1997, the State Tax Commission of the State of Mississippi approved said Application; and,

WHEREAS, a certified copy of the aforesaid State Tax Commission's approval has been received by the Mayor and Board of Aldermen of the City of Clinton, Hinds County, Mississippi, and recorded in its minutes.

NOW, THEREFORE, in consideration of the premises, the Mayor

and Board of Aldermen of the City of Clinton, Hinds County, Mississippi, do hereby finally approve said Application for ad valorem tax exemption, except State and School District ad valorem taxes for a period of ten (10) years from December 31, 1996. The foregoing Resolution granting ad valorem tax exemption except State and School District ad valorem taxes to Gulf States Cannery, Inc., was made on motion of Alderman HISAW, seconded by Alderman TOUCHTON, and unanimously adopted on this the 6TH day of JANUARY, 1998.

CITY OF CLINTON, MISSISSIPPI

BY: Rosemary S. Aetman
MAYOR

ATTEST:

Nelson Byrd
CITY CLERK

EXHIBIT "A"

<u>DESCRIPTION</u>	<u>COST</u>
FILTEC	\$17,339.78
FILTEC	17,339.78
FLOW PANELS	28,723.45
AMMONIA SYSTEM	48,149.76
AIR VALVES	7,455.99
12PK - PLC	5,407.77
AIR DUCTS	5,778.00
SUGAR TANKOR	10,161.06
POWER METER	5,821.90
MAIN DRIVE	4,117.51
PHONE SYSTEM	22,580.68
R/O WATER	14,670.00
FILLER GEAR	9,008.67
TOTAL	\$196,554.35

FINAL RESOLUTION GRANTING EXEMPTION
FROM AD VALOREM TAXES

The Board next took up for consideration the matter of granting tax exemption for ad valorem taxes for Gulf States Cannery, Inc., and the following Resolution, being first reduced to writing, was introduced.

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN
OF THE CITY OF CLINTON,
HINDS COUNTY, MISSISSIPPI, GRANTING
FINAL APPROVAL OF AD VALOREM TAX EXEMPTION
TO GULF STATES CANNERS, INC.,
HINDS COUNTY, MISSISSIPPI.

WHEREAS, heretofore Gulf States Cannery, Inc., authorized to do business and doing business in Clinton, Hinds County, Mississippi, filed with the Mayor and Board of Aldermen of the City of Clinton, Hinds County, Mississippi, an Application for exemption of ad valorem taxes, except State and School District ad valorem taxes for a period of five (5) years as authorized by Section 27-31-101, et seq., of the Mississippi Code of 1972, as amended, which said Application was approved by the Mayor and Board of Aldermen of the City of Clinton, Hinds County, Mississippi, subject to the approval of the State Tax Commission of the State of Mississippi;

WHEREAS, on the 19th day of DECEMBER, ^{1997 718}~~1996~~, the State Tax Commission of the State of Mississippi approved said Application; and,

WHEREAS, a certified copy of the aforesaid State Tax Commission's approval has been received by the Mayor and Board of Aldermen of the City of Clinton, Hinds County, Mississippi, and recorded in its minutes.

NOW, THEREFORE, in consideration of the premises, the Mayor

and Board of Aldermen of the City of Clinton, Hinds County, Mississippi, do hereby finally approve said Application for ad valorem tax exemption, except State and School District ad valorem taxes for a period of five (5) years from December 31, 1996. Applicant is granted the right to apply for a second five (5) year exemption before December 31, 2001.

The foregoing Resolution granting ad valorem tax exemption except State and School District ad valorem taxes to Gulf States Cannery, Inc., was made on motion of Alderman HISAW, seconded by Alderman TOUCHTON, and unanimously adopted on this the 6TH day of JANUARY, 1998.

CITY OF CLINTON, MISSISSIPPI

BY: Rosemary J. Aultman
MAYOR

ATTEST:

Nelson Byrd
CITY CLERK

DESCRIPTION	EXHIBIT "A"	COST
DIFUSED AIR SYSTEM		\$ 24,649.94
RIGHT ANGLE DIVERTER CAN LINE 1		20,300.00
DENSITY METER		13,356.87
SYRUP ROOM COMPUTER		57,956.50
NISSAN NI C35 FORKLIFT		19,549.31
NISSAN NI C35 FORKLIFT		19,549.31
NISSAN NI C35 FORKLIFT		19,549.31
NISSAN NI C35 FORKLIFT		19,549.31
SYRUP RECOVERY TANK		34,865.44
VIDEO JET 1701 PRINTER		12,442.89
1 LITER BLOW MOLD		14,430.23
NISSAN NI C35 FORKLIFT		19,549.31
OIL/WATER SEPARATOR		25,416.61
#1218-2-25 COOLING TOWER		60,631.03
REFURBISH 2L HUSKY PREFORM MOLD		39,658.08
16/20 OZ. LOWER LOCKING RING-SIDEL		8,341.53
2L LOWER LOCKING RING FOR SIDEL		8,341.53
20 OZ. CONTR SPRT BLOW MOLD INSERTS		95,562.25
20 OZ. CONTR COKE BLOW MOLD INSERTS		86,267.15
INSERT HOLDERS - 2 PC CONTOUR MOLDS		56,807.52
HEAT EXCHAMBER FOR CIP SYSTEM		19,843.25
1993 OTTAWA COMMANDO YARD TRUCK		33,990.00
IBM 6408 LINE MATRIX PRINTER		7,627.76
IBM 6408 LINE MATRIX PRINTER		7,627.76
VILIER AMMONIA COMPRESSOR		<u>19,250.45</u>
TOTAL		\$745,113.34

ORDINANCE REQUIRING THE INSTALLATION OF
AUTOMATIC SPRINKLER SYSTEMS IN CERTAIN STRUCTURES
IN THE CITY OF CLINTON, MISSISSIPPI

WHEREAS, it has been found and determined by the Mayor and Board of Aldermen of the City of Clinton that the installation of automatic sprinkler systems in structures in the City can be effective in reducing losses resulting from fire; and

WHEREAS, it is further found and determined that it is in the best interest on the City of Clinton and its citizens that the City adopt and enforce rules and regulations requiring the installation of automatic sprinkler systems in certain structures within the City.

NOW, THEREFORE, BE IT ORDAINED BY the Mayor and Board of Aldermen of the City of Clinton as follows:

Section 1- Approved Equipment and Layout: Only approved sprinklers and devises shall be used in automatic sprinkler systems. Plans for all sprinkler systems shall be submitted to the Building Official for review. Information as outlined in National Fire Protection Association Pamphlet 13, Section 1-9 must be provided, plus;

- i. A note indicating that proper marking will be provided for all controlling values.
- ii. Names, address and telephone number of sprinkler contractors.

- iii. A reminder noted on the drawings and specifications stating:
"Contact the Clinton Fire Department not less than twenty-four (24) hours in advance to witness any required test"
- iv. Date of preparation of shop drawings.

Section 2 - Construction Requirements: Every automatic sprinkler system shall conform to National Fire Protection Association Pamphlet 12, as modified by other pamphlets of the National Fire Protection Association that pertain to specific hazards or processes. All material used in construction of every automatic sprinkler system installed in any structure within the City, including piping, shall be new and as specified in NFPA 13.

Section 3 - Hose Threads: All hose threads shall be as specified by the Clinton Fire Department.

Section 4 - Requirements by Occupancy: The following structures shall be equipped with automatic sprinkler systems:

- i. Assembly All buildings with an occupant capacity of three hundred (300) persons or more, with no exceptions.
- ii. Business All business exceeding ten thousand (10,000) square feet gross floor area.

- | | |
|---------------------------|--|
| iii. Education | All buildings |
| iv. Hazardous | All buildings |
| v. Factory-
Industrial | All buildings exceeding ten thousand
(10,000) square feet gross floor area. |
| vi. Institutional | All buildings. |
| vii. Mercantile | All buildings exceeding ten thousand
(10,000)square feet gross floor area. |
| viii. Residential | All apartments, hotels, motels, rooming
houses, lodging houses, dormitories,
convents and monasteries regardless of
size. |
| ix. Storage | All buildings exceeding ten thousand
(10,000) square feet gross floor area. |
| x. Mixed-
Occupancies | All buildings exceeding ten thousand
(10,000) square feet gross floor area. |

Section 5 - Other structures that shall be equipped with automatic sprinkler systems: In addition to those stated above, the following structures shall be equipped with automatic sprinkler systems:

- i. All basements in other than single family dwellings shall be equipped with automatic sprinklers regardless of size.
- ii. All buildings that are windowless or do not have suitable access shall be equipped with automatic sprinklers regardless of size.
- iii. Enclosed parking garages in other than single family dwellings, that exceed one thousand (1,000) square feet gross floor area.
- iv. Enclosed repair garages that exceed one thousand (1,000) square feet gross floor area.

Section 6 - Remodeling and/or additions: This ordinance will apply to all buildings whenever one or more of the following occurs:

- i. Change in occupancy classification as defined by the Standard Building Code.
- ii. When additions are made to any existing building that would result in the total gross floor area to exceed any of the thresholds established by this ordinance.
- iii. When remodeling is done that has a value of twenty-five percent (25%) of the current cost of construction.

Section 7 - 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.

Section 8 - Regardless of language In other ordinances of the City , this Ordinance shall establish the requirement for the installation of automatic sprinkler systems within the City of Clinton and shall supersede all other ordinances, including the Ordinance Adopting the Standard Building Code.

Section 9 - Effective Date: This Ordinance shall take effect thirty (30) days from and after its passage as provided by law.

The above and foregoing Ordinance was first reduced to writing and offered by Alderman BRABHAM, who moved its adoption, which motion was seconded by Alderman TOUCHTON, and no request having been made by the Mayor or any member of the Board of Aldermen that the Ordinance be read by the City Clerk before a vote was taken. The Ordinance was adopted by the Board of Alderman with the results being 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	<u>AYE</u>
Alderman Lott	<u>AYE</u>

The motion having received the affirmative vote of ALL members of the Board of Aldermen present, the Mayor declared the motion so carried and this Ordinance ordained and adopted on this the 6th, day of JANUARY, 1998.

CITY OF CLINTON, MISSISSIPPI

BY: Rosemary G. Aultman
ROSEMARY AULTMAN, MAYOR

ATTEST:

Nelson Byrd
Nelson Byrd, City Clerk

ORDINANCE REQUIRING THE
INSTALLATION OF AUTO-
MATIC SPRINKLER SYSTEMS
IN CERTAIN STRUCTURES IN
THE CITY OF CLINTON,
MISSISSIPPI

WHEREAS, it has been found
and determined by the Mayor
and Board of Aldermen of the
City of Clinton that the installa-
tion of automatic sprinkler sys-
tems in structures in the City can
be effective in reducing losses
resulting from fire; and

WHEREAS, it is further found
and determined that it is in the
best interest of the City of Clinton
and its citizens that the City
adopt and enforce rules and regu-
lations requiring the installation
of automatic sprinkler systems in
certain structures within the city.

NOW, THEREFORE, BE IT
ORDAINED BY the Mayor and
Board of Aldermen of the City of
Clinton as follows:

Section 1 - Approved Equipment
and Layout: only approved sprin-
klers and devices shall be used
in automatic sprinkler systems.
Plans for all sprinkler systems
shall be submitted to the Build-
ing Official for review. Informa-
tion as outlined in National Fire
Protection Association Pamphlet
13, Section 1-9 must be provid-
ed, plus:

i. A note indicating that proper
marking will be provided for all
controlling valves.

ii. Names, address and tele-
phone number of sprinkler
contractors.

iii. A reminder noted on the
drawings and specifications stat-
ing: "Contact the Clinton Fire
Department not less than
twenty-four (24) hours in
advance to witness any required
test."

iv. Date of preparation of shop
drawings.

Section 2 - Construction
Requirements: Every automatic
sprinkler system shall conform to
National Fire Protection Associa-
tion Pamphlet 12, as modified by
other pamphlets of the National
Fire Protection Association that
pertain to specific hazards or
processes. All material used in
construction of every automatic
sprinkler system installed in any
structure within the City, includ-
ing piping, shall be new and as
specified in NFPA 13.

Section 3 - Hose Threads: All
hose threads shall be as speci-
fied by the Clinton Fire
Department.

Section 4 - Requirements by
Occupancy: The following struc-
tures shall be equipped with
automatic sprinkler systems:

i. Assembly

All buildings with an occupant
capacity of three hundred (300)
persons or more, with no
exceptions.

ii. Business

All business exceeding ten thou-
sand (10,000) square feet gross
floor area.

iii. Education

All buildings.

iv. Hazardous

All buildings.

v. Factory-

Industrial

All buildings exceeding ten thou-
sand (10,000) square feet gross
floor area.

vi. Institutional

All buildings.

vii. Mercantile

All buildings exceeding ten thou-
sand (10,000) square feet gross
floor area.

viii. Residential

All apartments, hotels, motels,
rooming houses, lodging hous-
es, dormitories, convents and
monasteries regardless of size.

ix. Storage

All buildings exceeding ten thou-
sand (10,000) square feet gross
floor area.

x. Mixed-

Occupancies

All buildings exceeding ten thou-
sand (10,000) square feet gross
floor area.

Section 5 - Other structures that
shall be equipped with automatic
sprinkler systems: In addition to
those stated above, the following
structures shall be equipped with
automatic sprinkler systems:

i. All basements in other than
single family dwellings shall be
equipped with automatic sprin-
klers regardless of size.

ii. All buildings that are window-
less or do not have suitable
access shall be equipped with
automatic sprinklers regardless
of size.

iii. Enclosed parking garages in
other than single family dwell-
ings, that exceed one thousand
(1,000) square feet gross floor
area.

iv. Enclosed repair garages that
exceed one thousand (1,000)
square feet gross floor area.

Section 6 - Remodeling and/or
additions: This ordinance will
apply to all buildings whenever
one or more of the following
occurs:

i. Change in occupancy classifi-
cation as defined by the Stan-
dard Building Code.

ii. When additions are made to
any existing building that would
result in the total gross floor area
to exceed any of the thresholds
established by this ordinance.

iii. When remodeling is done that
has a value of twenty-five per-
cent (25%) of the current cost of
construction.

Section 7 - Severability: In the
event any section or provision of
this Ordinance is declared to be
unenforceable by a court of com-
petent jurisdiction, such shall
not affect the validity and
enforceability of the remaining
provisions hereof.

Section 8 - Regardless of k. n.

AD HERE

PROOF OF PUBLICATION
THE STATE OF MISSISSIPPI
HINDS COUNTY

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

Shirley Mize

an authorized clerk of THE CLARION-LEDGER, a daily
newspaper as defined and prescribed in Sections 13-3-31 and
13-3-32, of 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 January 14, 19 98

Date, 19

Date, 19

Date, 19

Date, 19

Number of Lines/Words 214/879

Published 1 Times

Total \$ 72.32

Signed Shirley Mize
Authorized Clerk
of The Clarion-Ledger

Sworn to and subscribed before me the 14 day of
January 19 98.

Marie Mills
Notary Public

My Commission Expires:

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

(SEAL)

DRAFT

AGREEMENT

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding, dated as of 6TH day of JANUARY, 1998 (this "Memorandum") by and between the **Mississippi Department of Transportation** (acting for and on behalf of the Mississippi Transportation Commission) ("MDOT"), and the **City of Clinton, Mississippi** (The "Political Subdivision").

WITNESSETH:

WHEREAS, Section 65-1-27 Mississippi Code of 1972, as amended (the "Act"), was enacted for the purpose of promoting construction and improvement of highways in areas of the State of Mississippi; and

WHEREAS, pursuant to the Act, the Political Subdivision contacted the MDOT for assistance under the Act in order to improve the I-20 and Clinton-Raymond Road Interchange, as more particularly described in Exhibit "A" (the Project).

WHEREAS, based upon the request and other relevant factors, by resolution of MDOT dated the _____ Day of _____, 1997, MDOT approved the Project and agreed to provide the Political Subdivision with the assistance requested, and

WHEREAS, the parties hereto agree that it is necessary to set forth their understanding of their individual and collective responsibilities with regard to the construction and financing of the Project; and

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, that the parties hereto intending to be legally bound hereby and in consideration of the mutual covenants hereinafter contained do hereby agree as follows:

SECTION 1. Construction of the Project. The parties hereto agree that the Project is as specified in Exhibit "A". The MDOT shall cause the Project to be constructed subject to the terms and provisions of this Memorandum and the Act.

SECTION 2. Funding of the Project.

- A. MDOT. MDOT hereby agrees to provide funding for acquisition of the required right of way and construction of the Project.
- B. Political Subdivision. The Political Subdivision hereby agrees to provide the following contributions;
 - 1. Construction plans prepared to MDOT standards and specifications for the construction of the Project.
 - 2. Transfer of the property owned by the Political Subdivision necessary for the construction of the Project without cost to the MDOT.

SECTION 3. Conditions of Disbursements. MDOT will make disbursements in accordance with MDOT's standard operating conditions.

SECTION 4. Representations of MDOT. MDOT represents and warrants that:

- a. MDOT is an agency of the State of Mississippi and is authorized pursuant to the provisions of the ACT to enter into the transactions contemplated by this Memorandum.
- b. MDOT has full power and authority to enter into the transactions contemplated by this Memorandum and to carry out its obligations hereunder.
- c. MDOT is not in default under any provision of the laws of the State of Mississippi material to the performance of its obligations under this Memorandum.
- d. MDOT has been duly authorized to execute and deliver this Memorandum and by proper action has duly authorized the execution and delivery hereof and as to MDOT, this Memorandum is valid and legally binding and enforceable in accordance with its terms except to the extent that the enforceability hereof may be limited by bankruptcy, reorganization, or similar laws limiting the enforceability of creditors' rights generally or by the availability of any discretionary equitable remedies.
- e. MDOT shall comply with the terms and provisions of this Memorandum and the Act.

SECTION 5. Representations of the Political Subdivision. The Political Subdivision represents and warrants that:

- a. The Political Subdivision has all necessary power and authority to enter into and perform its duties under this Memorandum and, when executed and delivered by the respective parties hereto, this Memorandum will constitute a legal, valid and binding obligation of the Political Subdivision enforceable in accordance with its terms except to the extent that the enforceability of the rights set forth herein may be limited by bankruptcy, reorganization, insolvency, moratorium or other laws affecting creditor's rights generally and except to the extent that the enforceability of the rights set forth herein may be limited by the validity of any particular remedy.
- b. The execution and delivery of this Memorandum and compliance with the provisions hereof will not conflict with, or constitute a breach of or default under, the Political Subdivisions's duties under any law, administrative regulation, court decree, resolution, charter, bylaws or other agreement to which the Political Subdivision is subject or by which it is bound.
- c. There is no consent, approval, authorization or other order of, filing with, or certification by, any regulatory authority having jurisdiction over the Political Subdivision required for the execution, delivery or the consummation by the Political Subdivision of any of the transactions contemplated by this Memorandum and not already obtained.
- d. There is no action, suit, proceeding or investigation at law or in equity before or by any court or governmental agency or body pending or, to the best knowledge of the Political Subdivision, after reasonable investigation and due inquiry, threatened against the Political Subdivision in any way contesting or affecting the validity of this Memorandum or the Project, or contesting the powers of the Political Subdivision to adopt, enter into or perform its obligations under this Memorandum or materially and adversely affecting the properties or condition (financial or otherwise) or existence of powers of the Political Subdivision.
- e. It shall comply with the terms and provisions of this Memorandum and the Act.
- f. It is not in default under any previous agreement with MDOT or the State.

- g. All information furnished by the Political Subdivision to MDOT for the purpose of MDOT's participation in the Project, is true, accurate and complete as of the date hereof and thereof.

SECTION 6. Miscellaneous

- a. MDOT may terminate its obligation if any event occurs which would constitute a default under this Memorandum, unless within sixty (60) days after the date written notice of such default is received by the Political Subdivision from MDOT such default has been cured; provided, however, if a cure of such default is not possible within sixty (60) day period, then the sixty (60) day period shall be extended to the time required for the Political Subdivision commences a cure within such sixty (60) day period and diligently pursues such cure to completion.
- b. All notices required hereunder shall be in writing and shall be served by certified mail, return receipt requested, postage prepaid, or by overnight delivery by a nationally recognized overnight delivery carrier, to the following address identified for each party.

POLITICAL SUBDIVISION

City of Clinton, Mississippi

Clinton, Mississippi

Attention: _____

MDOT:

Mississippi Department of Transportation

Jackson, Mississippi

Attention: _____

Notice will be deemed to have been given upon receipt of said notice or upon receipt of actual knowledge of the information contained in said notice by any means. The addresses for the purposes of this subsection may be changed by giving notice hereunder. Unless and until notice of a change of address is given and received hereunder, the last addresses as provided herein will be deemed to continue in effect for all purposes hereunder.

- c. This Memorandum has been made by MDOT and the Political Subdivision, and no person other than the foregoing and their successors or assigns shall acquire or have any right under or by virtue of this Memorandum.
- d. This Memorandum shall become effective upon the execution and delivery hereof by the parties hereto and shall be valid and enforceable from and after the time of such execution and delivery.
- e. If any paragraph or part of a paragraph of this Memorandum shall be declared null and void or unenforceable against any of the parties hereto by any court of competent jurisdiction, such declaration shall not affect the validity or enforceability of any other section or part of a paragraph of this Memorandum.
- f. In the event any agreement contained in this Memorandum shall be breached and such breach shall thereafter be waived, such waiver shall be limited to the particular breach so waived and shall not be deemed to waive any other breach hereunder.
- f. This Memorandum shall inure to the benefit of MDOT and the Political Subdivision and their respective successors and assigns and shall be binding upon MDOT and the Political Subdivision and their respective successors and assigns.
- g. This Memorandum shall be governed as to its validity, construction and performance by the laws of the State of Mississippi.
- h. This Memorandum may be executed in any number of counterparts, each of which, when so executed and delivered, shall be an original; but such counterparts shall together constitute but one and the same agreement.
- I. No amendment, change, modification, alteration or termination of this Memorandum shall be made other than pursuant to a written instrument by the parties to this Memorandum.

ACKNOWLEDGMENT OF POLITICAL SUBDIVISION

STATE OF MISSISSIPPI)
)ss:
COUNTY OF HINDS)

Personally appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Rosemary Aultman and NELSON BYRD, to me known, who acknowledged they are the Mayor and City Clerk, respectively of the City of Clinton, Mississippi, and that for and on behalf of said City and as its act and deed, they signed and delivered the above and foregoing instrument, as of the date therein mentioned with actual execution on the date of this acknowledgment, after first having been duly authorized by said City so to do.

Notary Public

My Commission Expires:

[SEAL]

EXHIBIT A

to

Memorandum of Understanding

Item 1: City of Clinton, Clinton, Mississippi

- Item 2:**
- 1) Relocation and reconstruction of the existing frontage road in the Southwest quadrant of the existing I-20/Clinton-Raymond Road Interchange.
 - 2) Reconstruction of Clinton-Raymond Road from south of the WorldCom entrance north to the existing frontage road in the southwest quadrant at I-20 to a minimum four (4) lane roadway.
 - 3) Extension of the box culvert under Clinton-Raymond Road within the limits of 2 above.

The design plans and specifications for the Project following review and approval thereof by the parties hereto shall be substituted for Items 1) through 3) of this Exhibit and shall thereupon constitute the Project. In the event of any conflicts between the description of the Project set forth in Items 1) through 3) of this Exhibit and the approved final design plans and specifications, the approved final design plans and specifications shall govern.

Amendment No. 1
to
General Services Agreement
for
Improvements to the Interchange at
Interstate Highway 20 and Clinton-Raymond Road

This Amendment No. 1 to the General Services Agreement dated March 4, 1997, by and between the City of Clinton (Owner) and Michael Baker Jr., Inc. (Engineer) is hereby executed on January 6, 1997.⁸

WITNESSETH:

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

SCOPE OF WORK:

The scope of work includes the following activities:

1. Field surveys to establish existing conditions and for engineering design on Clinton-Raymond Road south of the WorldCom entrance north to the existing frontage road in the Southwest quadrant at I-20.
2. Engineering design of improvements to the existing interchange at Interstate 20 and Clinton-Raymond Road as follows:
 - A. Provision of four lanes on Clinton-Raymond Road
 - B. Provision of a relocated frontage road along the west bound lanes of Interstate 20 and a relocated intersection at Clinton-Raymond Road and the relocated frontage road.
 - C. Provision of turn lanes and signalization of the relocated intersection at Clinton-Raymond Road.

PERIOD OF SERVICE:

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

COMPENSATION TO THE ENGINEER:

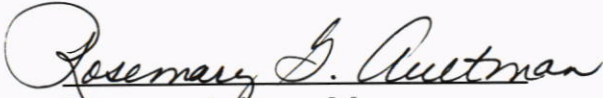
The Owner shall compensate the Engineer for the services authorized under this Amendment No. 1 a lump sum fee of Seventy-Six Thousand, Five Hundred Dollars (\$76,500.00) as full and complete compensation for all labor and related costs incurred by the Engineer.

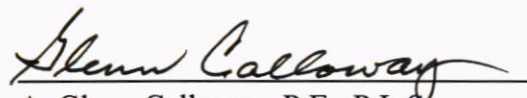
The Engineer shall submit monthly invoices based upon the estimated percentage of completion.

IN WITNESS WHEREOF, the Owner and Engineer have executed this Amendment No. 1 as of the day and year first above written.

CITY OF CLINTON, MISSISSIPPI

MICHAEL BAKER JR., INC.

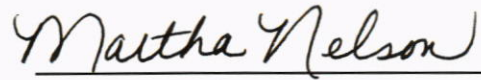

Rosemary Aultman, Mayor
City of Clinton, Mississippi


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

ATTEST:

ATTEST:


Nelson Byrd
Deputy City Clerk


Martha N. Nelson
Manager, Support Services Administrator

11 0
16

IN THE MUNICIPAL COURT OF THE CITY OF CLINTON, MISSISSIPPI

**ORDER AUTHORIZING MUNICIPAL COURT CLERK TO
CONDUCT INITIAL APPEARANCES IN MISDEMEANOR CASES**

In an effort to eliminate unnecessary delays in the conduct of initial appearances for persons charged with the commission of misdemeanor violations within the City of Clinton, Mississippi, and to further provide for the handling of initial appearances when the Judge is unavailable, the Court hereby finds and orders as follows:

1. Anita Wray, Clerk of the Municipal Court of the City of Clinton, Mississippi, has satisfactorily completed a course of training and education conducted by the Mississippi Judicial College of the University of Mississippi Law Center on the subject of handling the initial appearances for persons charged with misdemeanor violations as evidenced by the document or certificate attached hereto as Exhibit "A" and incorporated by reference; and

2. The Court has approved the form attached hereto as Exhibit "B," which, along with this order, shall serve as the written guidelines to be followed by the Clerk of the Court to discharge this function.

IT IS, THEREFORE, ORDERED AND ADJUDGED as follows:

1. Anita Wray, Clerk of the Clinton Municipal Court is hereby authorized to conduct initial appearances of persons charged with the commission of a misdemeanor within the City Limits of Clinton, Mississippi when the Municipal Judge is otherwise

unavailable as provided by Miss. Code Ann. § 21-23-11 (1972, as amended). The Clerk of Court shall conduct the initial appearances in substantial compliance with the form attached hereto as Exhibit "B" which, along with this order, shall serve as the guidelines for conducting initial appearances. The Clerk shall complete the form, verbally provide the information on the form to the defendant, and provide the defendant with a copy of the completed form, a copy of the charging affidavit, and a blank application for appointment of counsel in applicable cases (Exhibit "C"). If the defendant requests appointment of counsel, the Clerk of the Court shall have the defendant complete an affidavit of indigency for consideration by the Court.

3. Absent unusual or exigent circumstances, the Clerk shall conduct initial appearances as authorized by this order without unnecessary delay and within forty-eight (48) hours of the defendant's arrest. If the arrest was made without a warrant, the Clerk shall determine whether a sworn affidavit has been filed charging the defendant. If no such affidavit has been filed, the defendant shall be released.

4. Appearance bonds shall be set in the amount set forth on the arrest warrant. In cases involving a warrantless arrest, the clerk shall set the bond in the amount shown on the Court's standard bond schedule.

5. The Clerk of Court shall note the entry of this order and the accompanying guidelines or form in the docket or minute book of the Court and shall maintain the original of this order in the Court's permanent records. Copies of this order

and any attachments thereto shall be deemed public records and shall be made available to any defendant or counsel upon request.

SO ORDERED, this the 14 day of October, 1997.

Mike Parker
MUNICIPAL JUDGE



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

Chris Murphy
Program Manager

John R. Wilson
Director

EXHIBIT

A

THE STATE OF MISSISSIPPI
MUNICIPAL COURT
CITY OF

CERTIFICATE OF INITIAL APPEARANCE
(Misdemeanor)

I certify that _____ whose address is _____

was granted an initial appearance before me on the _____ day of _____, 19____.
The following information was given to the defendant verbally and a copy of this certificate was also given the said defendant.

TO: _____, defendant:

1. **CHARGE AND PENALTY.** You have been charged with the following violations of law and if you are ultimately convicted you may be sentenced to the penalty shown after the offense(s).

Offense	Statute	Penalty
A. _____	_____	_____
B. _____	_____	_____
C. _____	_____	_____
D. _____	_____	_____

A copy of the complaint against you is attached to this certificate.

If your name and address as shown above are incorrect, the error should be pointed out to the Court, or any officer of the Court in which you appear.

2. **RIGHT TO REMAIN SILENT.** You are not required to speak and any statements you make may be used against you.
3. **RIGHT TO AN ATTORNEY.** You are entitled to be represented by a lawyer on the charges made against you if you so desire and if you are unable to afford an attorney you should ask the judge or the clerk of court to appoint an attorney to represent you which they will do if you qualify for appointed counsel. You may represent yourself if you so desire.
4. **RIGHT TO COMMUNICATION.** You have the right to communicate with your attorney, family or friends and reasonable means will be provided by the officer in charge of the jail to enable you to do so.
5. **ARRAIGNMENT AND TRIAL.** You will appear before the municipal court for arraignment on the _____ day of _____. At this time you are to enter a plea of guilty, not guilty, or nolo contendere to the charge(s) made against you. If you enter a plea of not guilty a date for trial will be set at arraignment. You have the right to a trial in which the prosecution must prove your guilt beyond a reasonable doubt, you may not be required to testify but you may testify and may have witnesses subpoenaed in your own behalf and cross examine any witnesses testifying against you.
6. **RIGHT TO PRELIMINARY HEARING.** If you are not released from jail at the time you are arraigned and your case is not promptly tried thereafter you are entitled to a preliminary hearing to determine whether sufficient evidence exists to justify keeping you in jail and you may ask the judge or clerk of court to conduct a preliminary hearing.
7. **APPEAL.** You have the right to appeal an adverse judgement of the municipal court to county court or circuit court if there is no county court, within 30 days of judgement entry by filing with the clerk of the court to which an appeal is taken, simultaneously a written notice of appeal and cost bond to be approved by the municipal judge. If you are unable to make bond by reason of poverty you may appeal without bond if you make an affidavit of poverty as provided in Sec. 99-35-7 of the Mississippi Code.
8. **BAIL.** You have the right to bail. Your bail corresponding to the charges set forth in paragraph 1 above is:

A. _____ B. _____ C. _____ D. _____
The _____ must approve any bail bond.

9. **COMMITMENT:** You are hereby committed to the custody of the Chief of Police to await the arraignment and further action of the municipal court.

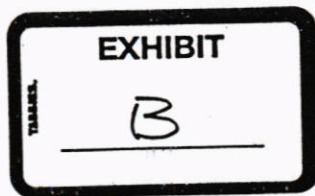
This is the _____ day of _____, 19____.

Municipal Judge/Court Clerk

(SEAL)

Original — Municipal Court
Copy — Defendant

MC Form 8
8/95



APPLICATION FOR APPOINTMENT OF COUNSEL

TO: THE JUDGE OF THE MUNICIPAL COURT OF _____, MISSISSIPPI.

I have been charged with the commission of a crime in said court and I desire to be represented by an attorney. I am unable to afford counsel and request that an attorney be appointed for me for counsel and representation.

Signature of Defendant;

Receipt

I hereby acknowledge receipt of the foregoing Application for Appointment of Counsel.

Signature

Date

Officer _____

Original — Officer receiving Application from defendant

Copy — Defendant

MC Form 6
8/95

