

**REGULAR MEETING OF THE MAYOR AND BOARD OF ALDERMEN  
TUESDAY, MARCH 3, 1998 - 7 P.M.  
MUNICIPAL COURTROOM-305 MONROE STREET**

**WELCOME AND CALL TO ORDER** - Mayor Rosemary Aultman

**INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG** - The invocation was led by Alderman Hisaw followed by the Pledge of Allegiance to the Flag by Alderman Brantley

**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**

Shelly Evans is unable to attend and will be recognized later. Add 17-b : Change order for additional cost of electrical requirements for E911 at the new Fire Station \$4,312.00.

**APPROVAL OF CONSENT AGENDA ITEMS A-Y**

**MOTION** made by Alderman Touchton and **SECONDED** by Alderman Brantley to approve Consent Agenda items A-Y listed on pages 424-425 of this minute book Z. Items E & F will serve to advertise favorably the opportunities, possibilities, and resources of the City of Clinton. Quotes listed in items K, Q, & S may be found in the office of the city clerk. **MOTION CARRIED UNANIMOUSLY**

**PUBLIC HEARING - APPROVAL TO CLEAN CARLSON PROPERTY**

A Public Hearing was held with no comments from the public. Upon recommendation of Gary Ward, Zoning Administrator, **MOTION** made by Alderman Brabham and **SECONDED** by Alderman Touchton to adopt that Resolution found on pages 426-429 of this minute book Z for the City to clean parcel # 2860-8340-501 owned by Dr. David Carlson. **MOTION CARRIED UNANIMOUSLY**

**APPROVAL TO CONSTRUCT RILEY HOUSE ON WARRENTON RD.**

**MOTION** made by Alderman Hisaw and **SECONDED** by Alderman Lott to approve the construction of a home in Olde Town Clinton next to 104 Warrenton Rd. by Marcus Riley and Kathleen Jelks. Unanimous approval has been received from Planning and Zoning and the Clinton Historical Commission. **MOTION CARRIED UNANIMOUSLY**

**ORDINANCE APPROVED REZONING 1101 NORTH MONROE**

**MOTION** made by Alderman Hisaw and **SECONDED** by Alderman Brantley to approve the request from Gerry Mitchell to rezone property located at 1101 N. Monroe St. from R-2 to C-2. **MOTION CARRIED UNANIMOUSLY**. Ordinance can be found on pages 430-433 and 761-764 respectively, of this minute book Z and Ordinance Book 2. Proofs of publication can be found on pages 434 and 765, respectively.

**ORDINANCE APPROVED REZONING 807 MONROE ST.**

**MOTION** made by Alderman Hisaw and **SECONDED** by Alderman Lott to approve the request from Richard Baxter to rezone property located at 807 Monroe St. from R-2 to C-2. **MOTION CARRIED UNANIMOUSLY**. Ordinance and proof of publication can be found on pages 435-439 and 766-770 respectively, of this minute book Z and Ordinance Book 2.

**APPROVAL OF BIDS ADVERTISED AND RECEIVED**

Upon recommendation of Public Works Director Tim Rogers, **MOTION** made by Alderman Touchton and **SECONDED** by Alderman Brabham to accept as the lowest and best bid for Herbicide Treatment of Drainage Channels the bid of Chem Spray North Inc. of Monroe, La., it being the finding of this Board that

the bid of VMSI of Duson, La. was not in compliance with the bid specifications in that an incomplete listing of licensed applicators was provided, no office is maintained within Hinds County, and no current permit from the State Tax Commission was supplied. Bid tabulation and Proof of Publication can be found on pages 440-441 of this minute book Z. **MOTION CARRIED UNANIMOUSLY**

Upon recommendation of Fire Chief Bryan Presson, **MOTION** made by Alderman Fisher and **SECONDED** by Alderman Touchton to accept the lowest and best bid of Shank Communications Co. for radio communications equipment for the fire station and police department. Bid tabulation, proposal, and proof of publication can be found on pages 442-444 of this minute book Z. **MOTION CARRIED UNANIMOUSLY**

Upon recommendation of Fire Chief Bryan Presson, **MOTION** made by Alderman Lott and **SECONDED** by Alderman Brantley to accept the lowest and best bid of Barefield & Co. for furniture for the new fire station. Bid tabulation and proof of publication can be found on pages 445-446 of this minute book Z. **MOTION CARRIED UNANIMOUSLY**

Upon recommendation of City Engineer Richard Broome, **MOTION** made by Alderman Touchton and **SECONDED** by Alderman Fisher to take under advisement the bids for 1998 Street Improvements Program until Hinds County approves an inter-local agreement for later Board consideration. **MOTION CARRIED UNANIMOUSLY**. Bid tabulation and proof of publication can be found on pages 447-448 of this minute book Z.

#### **MAYOR TO EXECUTE MDOT REVISED AGREEMENT ON ROAD PROJECT**

Upon recommendation of City Engineer Richard Broome, **MOTION** made by Alderman DePriest and **SECONDED** by Alderman Brabham to authorize the Mayor to execute the revised agreement memorandum of understanding with MDOT on the I-20 Clinton-Raymond Road Project found on pages 449-456 of this minute book Z. **MOTION CARRIED UNANIMOUSLY**

#### **MAYOR TO EXECUTE SERVICES AMENDMENT ON ROAD PROJECT**

Upon recommendation of City Engineer Richard Broome, **MOTION** made by Alderman Touchton and **SECONDED** by Alderman Fisher for the Mayor to execute the Amendment No. 2 to the Michael Baker general services agreement for the I-20/Clinton-Raymond Rd. project found on pages 457-459 of this minute book Z. **MOTION CARRIED UNANIMOUSLY**

#### **EMPLOYMENT OF SERVICES FOR SOUTHSIDE PROJECT APPROVED**

Upon recommendation of City Engineer Richard Broome, **MOTION** made by Alderman Lott and **SECONDED** by Alderman Brantley for the employment of Bobby L. Cloud to provide appraisal service for the Southside Project. **MOTION CARRIED UNANIMOUSLY**. Bid tabulation can be found on page 460 of this minute book Z.

Upon recommendation of City Engineer Richard Broome, **MOTION** made by Alderman Fisher and **SECONDED** by Alderman Lott to approve the employment of Joseph P. Long for review appraisal services for the Southside Project. **MOTION CARRIED UNANIMOUSLY** Bid tabulation can be found on page 460 of this minute book Z.

Upon recommendation of City Engineer Richard Broome, **MOTION** made by Alderman Touchton and **SECONDED** by Alderman Brabham to employ Travis Dye with Right of Way Technology, Inc. for acquisition services for the Southside Project. **MOTION CARRIED UNANIMOUSLY**. Proposal letter can be found on page 461 of this minute book Z.

#### **APPROVAL OF MEMORANDUM OF AGREEMENT FOR MARK JORDAN DEVELOPMENT**

Upon recommendation of City Attorney Ken Dreher, **MOTION** made by Alderman Hisaw and **SECONDED** by Alderman Fisher for the Mayor to enter into the Memorandum of Agreement for Mark Jordan Development found on pages 462-463 in this minute book Z. **MOTION CARRIED UNANIMOUSLY**

#### **PUBLIC HEARING SET TO AMEND PUD SECTION OF ZONING ORDINANCE**

**MOTION** made by Alderman Brantley and **SECONDED** by Alderman DePriest to set a public hearing, pursuant to the Zoning Ordinance of the City of Clinton to consider amendments to Article XII set out on pages 464-470 and that the public hearing take place on March 24, 1998, at 7:30 PM before the planning commission. **MOTION CARRIED UNANIMOUSLY**

**APPROVAL OF CHANGE ORDER FOR DRIVEWAY AT NEW FIRE STATION**

Upon recommendation from Fire Chief Bryan Presson, **MOTION** made by Alderman Touchton and **SECONDED** by Alderman DePriest to approve that change order for driveway alterations for the new fire station found on page 471 of this minute book Z. **MOTION CARRIED 6-1 WITH ALDERMAN FISHER VOTING 'NAY'**

**APPROVAL OF CHANGE ORDER FOR ADDITIONAL E911 ELECTRICAL REQUIREMENTS AT NEW FIRE STATION**

Upon recommendation from Fire Chief Bryan Presson, **MOTION** made by Alderman Fisher and **SECONDED** by Alderman Brantley to approve a change order for additional electrical E911 requirements for the new fire station as shown on Paul Jackson & Son proposal on page 472 of this minute book Z. **MOTION CARRIED UNANIMOUSLY**

**REFRESHMENT BREAK 7:30 TO 7:45 PROVIDED BY THE MAIDS AND MATRONS CLUB**

**EXECUTIVE SESSION**

**MOTION** made by Alderman Brabham and **SECONDED** by Alderman Fisher to consider entering executive session to discuss personnel matters. **MOTION CARRIED UNANIMOUSLY**

**MOTION** made by Alderman Brabham and **SECONDED** by Alderman Brantley at 8:06 PM to enter executive session for the stated matter. **MOTION CARRIED UNANIMOUSLY**

Present for the executive session were the Mayor and seven Aldermen, City Attorney, Police Chief Byington, and Municipal Judge Parker.

**MOTION** made by Alderman Fisher and **SECONDED** by Alderman DePriest to exit executive session at 8:37 PM. **MOTION CARRIED UNANIMOUSLY**

**APPOINTMENT OF DARREN LAMARCA AS PUBLIC DEFENDER**

**MOTION** made by Alderman Brabham and **SECONDED** by Alderman Fisher to appoint Darren Lamarca as Public Defender for the City of Clinton and that the Mayor be authorized to negotiate details of a contract subject to approval by the Board of Aldermen. **MOTION CARRIED UNANIMOUSLY**

**RECESS 8:45 PM**

**MOTION** made by Alderman Touchton and **SECONDED** by Alderman Brabham to recess to March 17, 1998, - 7 PM. **MOTION CARRIED UNANIMOUSLY**

Copy of agenda may be found on pages 424-425 of this minute book Z.

**APPROVED:** Rosemary G. Aultman March 4, 1998  
Rosemary G. Aultman, Mayor Date

**ATTEST:** Nelson Byrd March 4, 1998  
Nelson Byrd, City Clerk Date

**SEAL**

### RESOLUTION

There came on for public hearing before the Mayor and Board of Aldermen of the City of Clinton, Mississippi, the matter of unclean property located at Parcel No. 2860-8340-501-BETWEEN CARWASH AND I 20, Clinton, Mississippi, and after full consideration of the matter, Alderman BRABHAM offered the following Resolution:

**RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CLINTON, MISSISSIPPI, DETERMINING THE NECESSITY FOR THE CLEANING OF PRIVATE PROPERTY LOCATED AT PARCEL No. 2860-8340-501, CLINTON, MISSISSIPPI, UNDER THE AUTHORITY GRANTED TO MUNICIPALITIES BY §21-19-11, MISSISSIPPI CODE OF 1972, AS AMENDED, AND OTHER APPLICABLE STATUTES AND ORDINANCES.**

WHEREAS, it has come to the attention of the Mayor and Board of Aldermen that the property located at PARCEL No. 2860-8340-501, Clinton, Mississippi, may constitute a menace to the public health and safety of the community because of its present condition and state of uncleanness; and

WHEREAS, notice was given to the owner of said property as required by §21-19-11 of the Miss. Code of 1972, as amended, of a public hearing on this matter; and

WHEREAS, a public hearing was held at 7:00 p.m., MARCH 3, 1998, at the Municipal Room of the Public Safety Complex, 305 Monroe Street, Clinton, Mississippi; and

WHEREAS, based upon the information and evidence provided at said public hearing, the Mayor and Board of Aldermen of the City of Clinton, Mississippi, has determined that this property, in its present condition and state of uncleanness, constitutes a menace to the public health and safety of the community and does adjudicate said property in its present condition to be a menace to the public health and safety of the community. The Director of the Public Works Department is directed to take such action as appropriate under §21-19-11 of the Miss. Code of 1972, as amended, and other applicable statutes and ordinances, to use municipal employees or, by contract, clean the property by cutting weeds, removing rubbish and dilapidated buildings and other debris.

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

1. It is hereby adjudicated that the property located at Parcel No. 2860-8340-501, Clinton, Mississippi, in its present condition, constitutes a menace to the public health and safety of the community.
2. The Director of Public Works is hereby directed to take such action as appropriate under §21-19-11, Miss. Code of 1972, as amended, and other applicable statutes and ordinances, to clean the property by cutting weeds, removing rubbish and dilapidated buildings and debris.

3. The Director of Public Works is hereby directed that upon completion of this cleaning that he advise the Mayor and Board of Aldermen of the City of Clinton, Mississippi, of the actual costs incurred in cleaning the property so that the Mayor and Board of Aldermen for the city of Clinton, Mississippi may adjudicate the costs of such action and impose such penalty as it adjudicates, all as provided by under §21-19-11, Miss. Code of 1972, as amended, and other applicable statutes and ordinances.

A Motion for adoption was seconded by Alderman TOUCHTON and the foregoing having been first reduced to writing, and no request by the Mayor or any member of the Board of Aldermen that it be read by the City Clerk, before the vote was taken, 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 Resolution approved and adopted.

The foregoing Resolution was approved this the 380 day of MARCH, 1998.

CITY OF CLINTON

BY: Rosemary G. Aultman  
ROSEMARY AULTMAN, Mayor

ATTEST:

Nelson Byrd  
NELSON BYRD, City Clerk

( S E A L )

CLEAN.RES  
3/3/98-MMH

## OFFICIAL FORM

AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMEN OF  
THE CITY OF CLINTON, HINDS COUNTY, MISSISSIPPI AMENDING THE  
OFFICIAL ZONING ORDINANCE AND THE ZONING MAP OF THE CITY  
OF CLINTON, MISSISSIPPI, FOR 1101 NORTH MONROE STREET,  
CLINTON, MISSISSIPPI, FROM R-2 TO C-2

WHEREAS, Mr. Gerry W. Mitchell did file a Petition to Rezone certain property from its present R-2 use district classification to a C-2 use district classification; and,

WHEREAS, a public hearing, pursuant to Section 2406.05 of the Zoning Ordinance of the City of Clinton, Mississippi, was set for the 24th day of February, 1998, at 7:30 o'clock P.M.; and,

WHEREAS, the City of Clinton did cause notice of said hearing to be published in the *Clarion Ledger*, a newspaper published in Hinds County, Mississippi, in the manner and for the time required by law, and did post notice upon the affected property in the manner and for the time required by law; and,

WHEREAS, at the time, date and place specified in the Notice, the Planning Commission of the City of Clinton, Mississippi, did conduct a full and complete hearing, and thereafter, did recommend that the petition of Mr. Mitchell be approved, pursuant to Section 2406 of the Zoning Ordinance; and,

WHEREAS, the matter was presented to the Mayor and Board of Aldermen of the City of Clinton, along with the recommendation of the Planning Commission, and after discussion thereof, Alderman HISAW offered the following ordinance and moved that it be adopted, to-wit:

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Clinton, Hinds County, Mississippi as follows, to-wit:

Section 1. That the matters and facts stated in the preamble hereof are found to be true and correct.

Section 2. That this matter was presented as required by §2406 of the City of Clinton Zoning Ordinance and that the Board of Aldermen hereby find that this request meets the requirements of §2406.03(b) Criteria for Rezoning.

Section 3. That the following described tract of real property be, and the same is, hereby rezoned from its present R-2 use district classification to C-2 use district classification and that said rezoning is consistent with the current Comprehensive Plan of the City of Clinton, to-wit:

A tract of land situated in the City of Clinton, the First Judicial District of Hinds County, Mississippi and more completely described in Exhibit "A" attached hereto and made a part thereof.

Section 4. That the City of Clinton Zoning Ordinance be, and the Official Zoning Map be, and the same hereby are, amended to reflect the foregoing change in the zoning of the above-described real property.

Section 5. That this ordinance shall take effect thirty 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 3RD day of March, 1998.

A Motion for adoption was seconded by Aldermen BRANTLEY and the foregoing ordinance having been first reduced to writing, and no request being made by the Mayor or any member of the Board of Aldermen that the Ordinance be read by the City Clerk, before any note was taken, 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 3RD day of March, 1998.

CITY OF CLINTON

BY: Rosemary Aultman  
ROSEMARY AULTMAN, Mayor

ATTEST:

Nelson Byrd  
NELSON BYRD, City Clerk

( S E A L )

c:\wp60\clinton\monroe.ord\jb

Location: 1101 N MONROE ST  
Owner: MITCHELL GERRY W

Parcel ID : 28610065000  
Map Reference: 066110000001001100

>>> LOCATION & OWNERSHIP <<<

Address: 1101 N MONROE ST

Unit:

8B

Owner : MITCHELL GERRY W  
Mail Address: 1101 NORTH MONROE ST  
: CLINTON MS 39056  
:

Legal : 90 FT W/S MONROE ST X 150 FT N/S CYNTHIA RD  
: IN W 1/2 NW 1/4 SEC 20 T6 R1W CITY OF CLINTON  
:  
:  
:

EXHIBIT A:

OFFICIAL FORM

AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CLINTON, HINDS COUNTY, MISSISSIPPI AMENDING THE OFFICIAL ZONING ORDINANCE AND THE ZONING MAP OF THE CITY OF CLINTON, MISSISSIPPI, FOR 1101 NORTH MONROE STREET, CLINTON, MISSISSIPPI, FROM R-2 TO C-2

WHEREAS, Mr. Gerry W. Mitchell did file a Petition to Rezone certain property from its present R-2 use district classification to a C-2 use district classification; and,

WHEREAS, a public hearing, pursuant to Section 2406.05 of the Zoning Ordinance of the City of Clinton, Mississippi, was set for the 24th day of February, 1998, at 7:30 o'clock P.M.; and,

WHEREAS, the City of Clinton did cause notice of said hearing to be published in *The Clarion-Ledger*, a newspaper published in Hinds County, Mississippi, in the manner and for the time required by law, and did post notice upon the affected property in the manner and for the time required by law; and,

WHEREAS, at the time, date and place specified in the Notice, the Planning Commission of the City of Clinton, Mississippi, did conduct a full and complete hearing, and thereafter, did recommend that the petition of Mr. Mitchell be approved, pursuant to Section 2406 of the Zoning Ordinance; and,

WHEREAS, the matter was presented to the Mayor and Board of Aldermen of the City of Clinton, along with the recommendation of the Planning Commission, and after discussion thereof, Alderman Hisaw offered the following ordinance and moved that it be adopted, to-wit:

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Clinton, Hinds County, Mississippi as follows, to-wit:

Section 1. That the matters and facts stated in the preamble hereof are found to be true and correct.

Section 2. That this matter was presented as required by §2406 of the City of Clinton Zoning Ordinance and that the Board of Aldermen hereby find that this request meets the requirements of §2406.03(b) Criteria for Rezoning.

Section 3. That the following described tract of real property be, and the same is, hereby rezoned from its present R-2 use district classification to C-2 use district classification and that said rezoning is consistent with the current Comprehensive Plan of the City of Clinton, to-wit:

A tract of land situated in the City of Clinton, the First Judicial District of Hinds County, Mississippi.

Section 4. That the City of Clinton Zoning Ordinance be, and the Official Zoning Map be, and the same hereby are, amended to reflect the foregoing change in the zoning of the above-described real property.

Section 5. That this ordinance shall take effect thirty days from and after passage.

ORDAINED, ADOPTED AND APPROVED BY THE MAYOR AND BOARD OF THE CITY OF CLINTON, MISSISSIPPI, at a meeting thereof held on the 3rd day of March, 1998.

A Motion for adoption was seconded by Aldermen Brantley and the foregoing ordinance having been first reduced to writing, and no request being made by the Mayor or any member of the Board of Aldermen that the Ordinance be read by the City Clerk, before any vote was taken, 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 the 3rd day of March, 1998.

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

ATTEST:  
/s/ Nelson Byrd  
NELSON BYRD, City Clerk  
(SEAL)  
December 7, 1998

## 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 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:

Monday, December 7, 1998

|         |         |
|---------|---------|
| Lines:  | 182     |
| Words:  | 633     |
| Issues: | 1       |
| Total:  | \$81.96 |

Signed

Authorized Clerk  
of The Clarion-Ledger

Notary Public

SWORN to and subscribed before me on  
12/07/98

My Commission Expires:

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

(SEAL)

## OFFICIAL FORM

AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMEN OF  
THE CITY OF CLINTON, HINDS COUNTY, MISSISSIPPI AMENDING THE  
OFFICIAL ZONING ORDINANCE AND THE ZONING MAP OF THE CITY  
OF CLINTON, MISSISSIPPI FOR 807 MONROE STREET,  
CLINTON, MISSISSIPPI, FROM R-2 TO C-2

WHEREAS, Mr. Richard H. Baxter did file a Petition to Rezone certain property from its present R-2 use district classification to a C-2 use district classification; and,

WHEREAS, a public hearing, pursuant to Section 2406.05 of the Zoning Ordinance of the City of Clinton, Mississippi, was set for the 24th day of February, 1998, at 7:30 o'clock P.M.; and,

WHEREAS, the City of Clinton did cause notice of said hearing to be published in the *Clarion Ledger*, a newspaper published in Hinds County, Mississippi, in the manner and for the time required by law, and did post notice upon the affected property in the manner and for the time required by law; and,

WHEREAS, at the time, date and place specified in the Notice, the Planning Commission of the City of Clinton, Mississippi, did conduct a full and complete hearing, and thereafter, did recommend that the petition of Mr. Baxter be approved, pursuant to Section 2406 of the Zoning Ordinance; and,

WHEREAS, the matter was presented to the Mayor and Board of Aldermen of the City of Clinton, along with the recommendation of the Planning Commission, and after discussion thereof, Alderman HISAW offered the following ordinance and moved that it be adopted, to-wit:

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Clinton, Hinds County, Mississippi as follows, to-wit:

Section 1. That the matters and facts stated in the preamble hereof are found to be true and correct.

Section 2. That this matter was presented as required by §2406 of the City of Clinton Zoning Ordinance and that the Board of Aldermen hereby find that this request meets the requirements of §2406.03(b) Criteria for Rezoning.

Section 3. That the following described tract of real property be, and the same is, hereby rezoned from its present R-2 use district classification to C-2 use district classification and that said rezoning is consistent with the current Comprehensive Plan of the City of Clinton, to-wit:

A tract of land situated in the City of Clinton, the First Judicial District of Hinds County, Mississippi and more completely described in Exhibit "A" attached hereto and made a part thereof.

Section 4. That the City of Clinton Zoning Ordinance be, and the Official Zoning Map be, and the same hereby are, amended to reflect the foregoing change in the zoning of the above-described real property.

Section 5. That this ordinance shall take effect thirty 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 3RD day of March, 1998.

A Motion for adoption was seconded by Aldermen Lott and the foregoing ordinance having been first reduced to writing, and no request being made by the Mayor or any member of the Board of Aldermen that the Ordinance be read by the City Clerk, before any note was taken, 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 3RD day of March, 1998.

CITY OF CLINTON

BY: Rosemary G. Aultman  
ROSEMARY AULTMAN, Mayor

ATTEST:

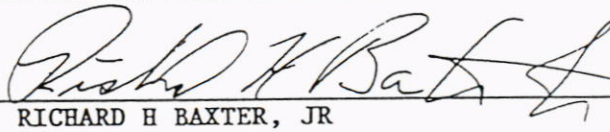
Nelson Byrd  
NELSON BYRD, City Clerk

( S E A L )

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BEGINNING AT A POINT 590 FEET FROM THE NORTHWEST CORNER OF THE INTERSECTION OF MONROE STREET AND SPROLES STREET IN SAID TOWN OF CLINTON, ALONG THE WEST SIDE OF MONROE STREET, THENCE RUN WEST 285 FEET TO NEAL AVENUE; THENCE SOUTH 314 FEET ALONG NEAL AVENUE TO THE DITCH; THENCE NORTHEASTERLY 375 FEET ALONG THE DITCH TO MONROE STREET; THENCE NORTH ALONG THE WEST SIDE OF MONROE STREET 105 FEET TO THE POINT OF BEGINNING. SAID PROPERTY LIES IN AND IS PART OF SECTION 20, TOWNSHIP 6, RANGE 1 WEST, AND IS THE SAME PROPERTY WHICH WAS CONVEYED BY J.W. PROVINE TO JOHN H PRUETT, JR., BY WARRANTY DEED DATED MARCH 19, 1947, AND OF RECORD IN THE OFFICE OF THE CHANCERY CLERK OF HINDS COUNTY AT JACKSON, MISSISSIPPI IN DEED BOOK 484 AT PAGE 447, THEREOF, REFERENCE TO WHICH IS HEREBY MADE IN AID OF THIS DESCRIPTION.

SIGNED FOR IDENTIFICATION PURPOSES ONLY THIS 8TH DAY OF SEPTEMBER, 1997.

  
RICHARD H BAXTER, JR

  
MARJORIE C BAXTER

OFFICIAL FORM

AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMEN  
OF THE CITY OF CLINTON, HINDS COUNTY, MISSISSIPPI  
AMENDING THE OFFICIAL ZONING ORDINANCE AND THE  
ZONING MAP OF THE CITY  
OF CLINTON, MISSISSIPPI FOR 807 MONROE STREET,  
CLINTON, MISSISSIPPI, FROM R-2 TO C-2

WHEREAS, Mr. Richard H. Baxter did file a Petition to Rezone certain property from its present R-2 use district classification to a C-2 use district classification; and,

WHEREAS, a public hearing, pursuant to Section 2406.05 of the Zoning Ordinance of the City of Clinton, Mississippi, was set for the 24th day of February, 1998, at 7:30 o'clock P.M.; and,

WHEREAS, the City of Clinton did cause notice of said hearing to be published in *The Clarion-Ledger*, a newspaper published in Hinds County, Mississippi, in the manner and for the time required by law, and did post notice upon the affected property in the manner and for the time required by law; and,

WHEREAS, at the time, date and place specified in the Notice, the Planning Commission of the City of Clinton, Mississippi, did conduct a full and complete hearing, and thereafter, did recommend that the petition of Mr. Baxter be approved, pursuant to Section 2406 of the Zoning Ordinance; and,

WHEREAS, the matter was presented to the Mayor and Board of Aldermen of the City of Clinton, along with the recommendation of the Planning Commission, and after discussion thereof, Alderman Hisaw offered the following ordinance and moved that it be adopted, to-wit:

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Clinton, Hinds County, Mississippi as follows, to-wit:

Section 1. That the matters and facts stated in the preamble hereof are found to be true and correct.

Section 2. That this matter was presented as required by §2406 of the City of Clinton Zoning Ordinance and that the Board of Aldermen hereby find that this request meets the requirements of §2406.03(b) Criteria for Rezoning.

Section 3. That the following described tract of real property be, and the same is, hereby rezoned from its present R-2 use district classification to C-2 use district classification and that said rezoning is consistent with the current Comprehensive Plan of the City of Clinton, to-wit:

A tract of land situated in the City of Clinton, the First Judicial District of Hinds County, Mississippi.

Section 4. That the City of Clinton Zoning Ordinance be, and the Official Zoning Map be, and the same hereby are, amended to reflect the foregoing change in the zoning of the above-described real property.

Section 5. That this ordinance shall take effect thirty 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 3rd day of March, 1998.

A Motion for adoption was seconded by Aldermen Lott and the foregoing ordinance having been first reduced to writing, and no request being made by the Mayor or any member of the Board of Aldermen that the Ordinance be read by the City Clerk, before any note was taken, 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 the 3rd day of March, 1998.

CITY OF CLINTON

BY: /s/ Rosemary G. Aultman  
ROSEMARY AULTMAN, MAYOR

ATTEST:  
/s/ Nelson Byrd  
NELSON BYRD, City Clerk

(SEAL)

December 7, 1998

## 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 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:

Monday, December 7, 1998

|         |         |
|---------|---------|
| Lines:  | 182     |
| Words:  | 630     |
| Issues: | 1       |
| Total:  | \$81.60 |

Signed

*Shirley Mize*

Authorized Clerk  
of The Clarion-Ledger

*Marne Mills*

Notary Public

SWORN to and subscribed before me on  
12/07/98

My Commission Expires:

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

(SEAL)

# BID OPENING REPORT

Project: HERBICIDE TREATMENT OF  
DRAINAGE CHANNELS

Bid Date: Feb. 25, 1998 at 10:00 <sup>a.m.</sup> ~~PM~~

Location: City Hall  
300 Jefferson Street  
Clinton, MS 39056

Owner: City of Clinton  
DEPT. HEAD TIM ROGERS  
Engineer: TIM ROGERS

Pre Bid Estimate: \_\_\_\_\_

| BIDDER                 |  | TOTAL BID    |  |  |  |    |
|------------------------|--|--------------|--|--|--|----|
| Chem Spray North, Inc. |  | \$ 11,980.00 |  |  |  |    |
| V.M.S.I.               |  | \$ 7,800.00  |  |  |  |    |
|                        |  |              |  |  |  |    |
|                        |  |              |  |  |  |    |
|                        |  |              |  |  |  |    |
|                        |  |              |  |  |  |    |
|                        |  |              |  |  |  | 9A |

Signed: Nelson Byrd  
Date: 2-25-98

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

## Proof of Publication

### The State of Mississippi

#### Hinds County

**PASTE PROOF HERE**

**ADVERTISEMENT FOR BIDS**  
**CITY OF CLINTON**  
 Clinton, Mississippi  
 Notice is hereby given that City of Clinton will receive written, sealed bids for providing HERBICIDE TREATMENT OF DRAINAGE CHANNELS, until the hour 1000 o'clock A.M., local time, on Wednesday, February 25, 1998, at the office of the City Clerk, City Hall, 300 Jefferson Street, Clinton, Mississippi 39056 and immediately thereafter bids will be opened and publicly read.  
 A map showing all locations and specifications and special provision has been prepared and is on file at the office of the Director of Public Works at the Public Works Department located at 200 west Leake Street, Clinton, Mississippi and copies thereof may be obtained without charge, on request. A contract for service will be prepared from the lowest and/or best bid submitted, however the City of Clinton reserves the right to reject any or all bids.  
**CITY OF CLINTON**  
 By /s/ Nelson Byrd  
 Nelson Byrd, City Clerk  
 Approved by:  
 Rosemary Aultman, Mayor  
 Feb. 4, 11, 1998

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

Shirley Mize

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

#### Dates of Publication:

Wednesday, February 4, 1998  
 Wednesday, February 11, 1998

Lines: 37  
 Words: 169  
 Issues: 2  
 Total: \$23.97

SWORN to and subscribed before me on  
 02/11/98

My Commission Expires:

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

Signed

*Shirley Mize*  
 \_\_\_\_\_  
 Authorized Clerk  
 of The Clarion-Ledger

*Nancy Mills*  
 \_\_\_\_\_

Notary Public

(SEAL)

Bid Tabulation Sheet

**Project:** Radio Communications Equipment

**Bid Date:** 17-Feb-98

**Location:** Clinton City Hall, 300 Jefferson St. Clinton, MS 39056

**Signed:**



| <b>Bidder:</b> | <b>C.O.R. #</b> | <b>Bid Bond</b> | <b>Base Bid</b> | <b>Alt. # 1</b> | <b>Alt. # 2</b> | <b>Total Bid</b> |
|----------------|-----------------|-----------------|-----------------|-----------------|-----------------|------------------|
|----------------|-----------------|-----------------|-----------------|-----------------|-----------------|------------------|

|                            |  |  |  |  |  |                     |
|----------------------------|--|--|--|--|--|---------------------|
| <b>Shank Communication</b> |  |  |  |  |  | <b>\$ 84,222.00</b> |
|----------------------------|--|--|--|--|--|---------------------|



# SHANK COMMUNICATIONS COMPANY

105 E. Porter Street  
Jackson, MS 39201  
(601) 355-5023 • Fax (601) 355-5050



## BID PROPOSAL FOR CLINTON FIRE DEPARTMENT FEBRUARY 17, 1998

We at Shank Communications thank you for the opportunity to bid on this communication equipment package. We understand all Special Instructions to Bidders and we meet all specifications in bid with only one exception to base station antenna. Also, we had to add a few items required to make this a working system. These items will be listed by a letter after the numeric item number. If you have any questions with any part of this bid, please feel free to give us a call.

Below is an itemized listing of our bid package. A more detailed listing will be on the pages following this cover letter.

|                              |                     |
|------------------------------|---------------------|
| RECORDER SECTION             | \$ 17,245.00        |
| CONSOLE SECTION              | 36,407.00           |
| PAGER SECTION                | 16,000.00           |
| BASE STATION SECTION         | 9,136.00            |
| BASE STATION ANTENNA SECTION | 2,534.00            |
| TOWER SECTION                | 2,900.00            |
| <b>BID TOTAL</b>             | <b>\$ 84,222.00</b> |

We again thank you for this opportunity,

Minor Norman  
Sales Representative

Clay Shank  
Vice President

## Proof of Publication

### The State of Mississippi

#### Hinds County

PASTE PROOF HERE

Notice to receive Bids  
Notice is hereby given that the City of Clinton will receive bids in the office of the City Clerk, 300 Jefferson St., Clinton, MS 39056, until 1:00 PM on February 17th, 1998 for Communication Equipment to be installed into the New Central Fire Station and the Clinton Police Department. For specific information concerning the communication equipment please contact the Chief's Office of the Clinton Fire Department at 924-6421. The City of Clinton reserves the right to reject all bids or to accept the bid most favorable to the City of Clinton.  
All bids must be in a sealed envelope plainly marked "Communication Equipment Bid".  
/s/ Rosemary G. Aultman  
Rosemary Aultman, Mayor  
/s/ Nelson Byrd  
Nelson Byrd, City Clerk  
Seal  
Jan. 28, Feb. 4, 1998

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

Shirley Mize

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

#### Dates of Publication:

Wednesday, January 28, 1998  
Wednesday, February 4, 1998

Lines: 28  
Words: 128  
Issues: 2  
Total: \$17.64

SWORN to and subscribed before me on  
02/04/98

My Commission Expires:

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

Signed

*Shirley Mize*  
Authorized Clerk  
of The Clarion-Ledger

*Marie Mills*

Notary Public

(SEAL)

# Bid Tabulation Sheet

Project: Office Furniture for Central Fire Station  
 Signed: Bryan E. Lamm

Bid Date: 18-Feb-98

Location: Clinton City Hall, 300 Jefferson St. Clinton, MS 39056

| Bidder: | C.O.R. # | Bid Bond | Base Bid | Alt. # 1 | Alt. # 2 | Total Bid |
|---------|----------|----------|----------|----------|----------|-----------|
|---------|----------|----------|----------|----------|----------|-----------|

|                 |  |  |  |  |  |              |
|-----------------|--|--|--|--|--|--------------|
| Barefield & Co. |  |  |  |  |  | \$ 15,378.40 |
|-----------------|--|--|--|--|--|--------------|

Budget Office Furniture

\$ 15,388.60

Business Interiors

\$ 16,041.42

Indoff

\$ 18,279.00



# CLINTON FIRE DEPARTMENT

Bryan E. Presson, Fire Chief



9C

## Proof of Publication

### The State of Mississippi

### Hinds County

PASTE PROOF HERE

Notice to receive Bids  
Notice is hereby given that the City of Clinton will receive bids in the office of the City Clerk, 300 Jefferson St., Clinton, MS 39056, until 1:00 PM on February 17th, 1998 for New Office Furniture to be placed into the New Central Fire Station. For specific information concerning the new office furniture please contact the Chief's Office of the Clinton Fire Department at 924-6421. The City of Clinton reserves the right to reject all bids or to accept the bid most favorable to the City of Clinton. All bids must be in a sealed envelope plainly marked "Office Furniture Bid".  
/s/ Rosemary G. Aultman  
Rosemary Aultman, Mayor  
/s/ Nelson Byrd  
Nelson Byrd, City Clerk  
Seal  
Feb. 9, 16, 1998

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

Shirley Mize

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

#### Dates of Publication:

Monday, February 9, 1998  
Monday, February 16, 1998

Lines: 26  
Words: 124  
Issues: 2  
Total: \$17.12

001-160-615

BBP

SR  
PDA

SWORN to and subscribed before me on  
02/16/98

My Commission Expires:

Signed

Shirley Mize

Authorized Clerk  
of The Clarion-Ledger

Maire Mills

Notary Public

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

(SEAL)

446  
423B

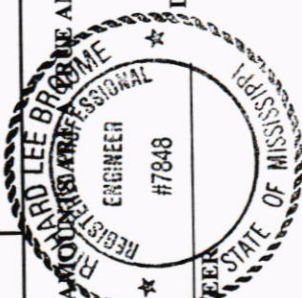
BID TABULATION  
1998 STREET IMPROVEMENTS PROGRAM

CITY OF CLINTON, MS  
March 2, 1998  
10:00 A.M.

| Item Number     | Item Description                                       | Proposal Quantity | Item Unit    | Superior Asphalt, Inc. |              | Dickerson & Bowen, Inc. |              | Clear River Con. Co., Inc. |              | APAC - Mississippi, Inc. |              | Adcamp, Inc. |             |
|-----------------|--------------------------------------------------------|-------------------|--------------|------------------------|--------------|-------------------------|--------------|----------------------------|--------------|--------------------------|--------------|--------------|-------------|
|                 |                                                        |                   |              | Unit Price             | Total Price  | Unit Price              | Total Price  | Unit Price                 | Total Price  | Unit Price               | Total Price  | Unit Price   | Total Price |
| S-403-C         | Hot Bituminous Pavement Surface Course, SC-1, Type 2   | 14,000            | Tons         | \$29.84                | \$417,760.00 | \$30.45                 | \$426,300.00 | \$34.25                    | \$479,500.00 | \$29.85                  | \$417,900.00 | No Bid       |             |
| S-301-A         | Base Failure Repair Dig Out and Repair with BB-1       | 300               | Tons         | \$40.00                | \$12,000.00  | \$30.45                 | \$9,135.00   | \$48.00                    | \$14,400.00  | \$36.50                  | \$10,950.00  |              |             |
| S-304           | Granular Material Class 5, Group C (For Shoulder Work) | 300               | Tons         | \$14.00                | \$4,200.00   | \$11.00                 | \$3,300.00   | \$15.00                    | \$4,500.00   | \$13.00                  | \$3,900.00   |              |             |
| 406-A           | Cold Milling of Bituminous Pavement (All Depths)       | 15,000            | Square Yards | \$1.30                 | \$19,500.00  | \$2.05                  | \$30,750.00  | \$2.00                     | \$30,000.00  | \$2.25                   | \$33,750.00  |              |             |
| 901-S-619-C     | Traffic Stripe (Continuous White)                      | 15,400            | Feet         | \$0.20                 | \$3,080.00   | \$0.17                  | \$2,618.00   | \$0.20                     | \$3,080.00   | \$0.20                   | \$3,080.00   |              |             |
| 901-S-619-D     | Traffic Stripe (Continuous Yellow)                     | 18,540            | Feet         | \$0.20                 | \$3,708.00   | \$0.17                  | \$3,151.80   | \$0.20                     | \$3,708.00   | \$0.20                   | \$3,708.00   |              |             |
| TOTAL BID PRICE |                                                        |                   |              |                        | \$460,248.00 |                         | \$475,254.80 |                            | \$535,188.00 |                          | \$473,288.00 |              |             |

THIS IS TO CERTIFY THAT THE ABOVE BID IS TRUE AND ACCURATE TABULATION OF THE CONSTRUCTION BIDS RECEIVED ON THIS PROJECT.

BY: Richard L. Broome  
RICHARD L. BROOME, P.E., CITY ENGINEER  
CITY OF CLINTON, MS



DATE: 3/2/98

**Proof of Publication**  
**The State of Mississippi**  
**Hinds County**

**PASTE PROOF HERE**

**NOTICE TO RECEIVE BIDS:**  
 Sealed bids for the 1998 Street Improvements Program in Clinton, Mississippi will be received by the Clinton Mayor and Board of Aldermen at City Hall, 300 Jefferson Street, P. O. Box 156, Clinton, Mississippi 39060 until 10:00 A.M. local time on March 2, 1998 and immediately thereafter will be opened and publicly read.  
 The work involved in the project includes repair and/or maintenance overlay of approximately 12 miles of residential streets. All documents required for bidding purposes, including specifications, may be obtained from the City of Clinton, Engineering Department, Clinton, Mississippi and copies thereof may be obtained without charge, on request. A copy of the specifications may be examined at the office of the City Engineer, located at 300 Jefferson Street, Clinton, Mississippi, (telephone (601) 924-5462); Clinton Public Works Department, Clinton, Mississippi, and the AGC, ABC, American Subcontractors, and F. W. Dodge plan rooms in Jackson, Mississippi.  
 Bid preparation will be in accordance with the Instruction to Bidders bound in the Specifications. The City of Clinton reserves the right to waive irregularities and to reject any or all bids.  
**CITY OF CLINTON, MISSISSIPPI**  
 BY: /s/ Nelson Byrd  
 Nelson Byrd, City Clerk  
**APPROVED BY:**  
 Rosemary Aultman, Mayor  
 Feb. 11, 1998

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

Shirley Mize

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

**Dates of Publication:**

Wednesday, February 11, 1998  
 Wednesday, February 18, 1998

Lines: 47  
 Words: 206  
 Issues: 2  
 Total: \$28.78

SWORN to and subscribed before me on  
 02/18/98

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)

**Amendment No. 2  
to  
General Services Agreement  
for  
Improvements to the Interchange at  
Interstate Highway 20 and Clinton-Raymond Road**

This Amendment No. 2 to the General Services Agreement dated March 4, 1998, by and between the City of Clinton (Owner) and Michael Baker Jr., Inc. (Engineer) is hereby executed on FEBRUARY 13, 1998.

**WITNESSETH:**

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

**SCOPE OF WORK:**

The scope of work includes the following activities:

1. Field surveys to establish proposed right of way for the following:
  - A. Widening of Clinton-Raymond Road from a point south of the WorldCom entrance north to the existing frontage road in the Southwest quadrant at I-20.
  - B. 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.
2. Engineering and related services for the following:
  - A. Right of Way Plats
  - B. Right of Way Legal Documents
  - C. Title Investigations
  - D. Timber Cruise
  - E. Appraisals
  - F. Acquisitions

457

**PERIOD OF SERVICE:**

The work shall be commenced immediately after receipt from the Owner of a notice to proceed and shall be completed within 30 calendar days thereafter.

**COMPENSATION TO THE ENGINEER:**

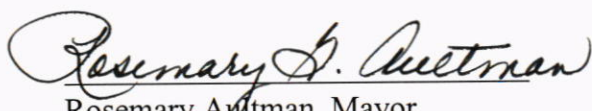
The Owner shall compensate the Engineer for the services authorized under this Amendment No. 2 a lump sum fee of Thirty-Six Thousand Dollars (\$36,000.00) as full and complete compensation for all labor and related costs incurred by the Engineer.

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

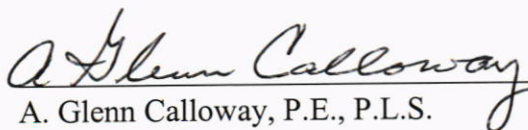
**IN WITNESS WHEREOF**, the Owner and Engineer have executed this Amendment No. 2 as of the day and year first above written.

CITY OF CLINTON, MISSISSIPPI

MICHAEL BAKER JR., INC.



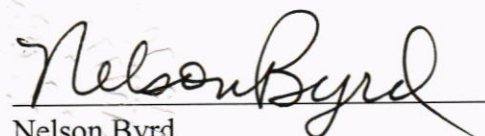
Rosemary Aultman, Mayor  
City of Clinton, Mississippi



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

ATTEST:

ATTEST:



Nelson Byrd  
City Clerk



~~Martha N. Nelson~~  
~~Manager, Support Services Administrator~~

clirrow

CLINTON-RAYMOND ROAD / 120  
RIGHT OF WAY ESTIMATE

13-Feb-98

| ITEM NO. | SCOPE DESCRIPTION                                                      | ENG. MGR. | SENIOR ENGINEER | ENGINEER | REG. LAND | 3 PERSON | SECRETARY | TOTAL HOURS | DIRECT LABOR |
|----------|------------------------------------------------------------------------|-----------|-----------------|----------|-----------|----------|-----------|-------------|--------------|
|          |                                                                        | \$ 35.50  | \$ 34.50        | \$ 20.00 | \$ 25.00  | \$ 30.00 | \$ 13.00  |             |              |
| 1.a.     | Perform Field Survey of Right of Way                                   | 8         |                 |          | 24        | 40       |           | 152         | \$ 2,084.00  |
| 1.b.     | Prepare Plats for Right of Way                                         | 4         |                 | 150      | 24        |          |           | 178         | \$ 3,733.13  |
| 1.c.     | Prepare Legal Descriptions                                             | 8         |                 |          | 25        |          | 12        | 45          | \$ 1,065.00  |
|          | SUBTOTALS - ITEM 2                                                     | 20        | 0               | 150      | 73        | 40       | 12        | 375         | \$ 6,882.13  |
|          | SUBTOTAL : DIRECT LABOR                                                |           |                 |          |           |          |           |             | \$ 6,882.13  |
|          | PAYROLL BURDEN, GENERAL OVERHEAD, AND ADMINISTRATION COST - 140%       |           |                 |          |           |          |           |             | \$ 9,634.98  |
|          | SUBTOTAL : DIRECT LABOR AND OVERHEAD COSTS                             |           |                 |          |           |          |           |             | \$ 16,517.10 |
|          | FIXED FEE: 12.5% OF DIRECT LABOR AND OVERHEAD COSTS                    |           |                 |          |           |          |           |             | \$ 2,064.64  |
|          | SUBTOTAL : DIRECT LABOR, OVERHEAD COSTS AND FIXED FEE                  |           |                 |          |           |          |           |             | \$ 18,581.74 |
|          | TITLE INVESTIGATIONS - 9 @ \$300 EACH                                  |           |                 |          |           |          |           | 9           | \$ 2,700.00  |
|          | APPRAISALS - 6 @ \$1000 EACH                                           |           |                 |          |           |          |           | 6           | \$ 6,000.00  |
|          | APPRAISALS - 1 @ \$1600 EACH ( MS HIGH SCHOOL ACTIVITIES ASSOC., INC.) |           |                 |          |           |          |           | 1           | \$ 1,600.00  |
|          | TIMBER CRUISE - 1 @ \$350 EACH                                         |           |                 |          |           |          |           | 1           | \$ 350.00    |
|          | ACQUISITIONS - 7 @ \$800 EACH                                          |           |                 |          |           |          |           | 7           | \$ 5,600.00  |
|          | PER DIEM @ \$56.00 PER DAY PER PERSON                                  |           |                 |          |           |          |           | 15          | \$ 840.00    |
|          | SURVEY VEHICLE MILEAGE @ \$0.31 PER MILE                               |           |                 |          |           |          |           | 750         | \$ 243.75    |
|          | OFFICE VEHICLE MILEAGE @ \$0.31 PER MILE                               |           |                 |          |           |          |           | 100         | \$ 32.50     |
|          | OTHER DIRECT COSTS - MISCELLANEOUS SURVEY COSTS @ \$5.00 PER Day       |           |                 |          |           |          |           | 5           | \$ 25.00     |
|          | SUBTOTAL : OTHER DIRECT COSTS                                          |           |                 |          |           |          |           |             | \$ 17,391.25 |
|          | ESTIMATED TOTAL COST FOR THIS PHASE OF ADDITIONAL WORK ITEMS           |           |                 |          |           |          |           |             | \$ 35,972.99 |
|          |                                                                        |           |                 |          |           |          |           | PROPOSED    | \$ 36,000.00 |

11.

**AGREEMENT**

**MEMORANDUM OF UNDERSTANDING**

This Memorandum of Understanding, dated as of \_\_\_\_\_ day of \_\_\_\_\_, 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 \_\_\_\_\_, 1998, 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. The MDOT hereby agrees to provide funding as follows:

1. Reimbursement of costs incurred by the Political Subdivision for providing administrative services, except for review appraisal and review relocation services, required to acquire the right of way for the Project.
2. Review appraisal and review relocation services for the Project.
3. Payment to the property owners for right of way acquired for the Project.

4. Construction costs for the Project as defined in Exhibit "A".
5. Maintenance of the reconstructed Clinton-Raymond Road from U.S. 80 to the end of the no access limits south of the intersection with the relocated frontage road.

B. Political Subdivision. The Political Subdivision hereby agrees to provide the following contributions;

1. Construction plans 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.
3. Administration of the right of way services, except review appraisal and review relocation services, necessary to acquire the right of way for the Project. All work shall be performed in accordance with 49 CFR, Part 24 Uniform Relocation and Assistance and Real Property Acquisition for Federal and Federally Assisted Programs and the MDOT's Standard Operating Procedures.
4. Authorization for the MDOT to remove the existing frontage road in the southwest quadrant when traffic is routed on the relocated frontage road.
5. Maintenance of the relocated frontage road from the existing west maintenance termini on the frontage road east to the no access limits of the relocated frontage road and its intersection with Clinton-Raymond Road.

**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.

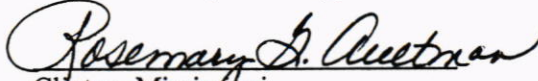
- f. It is not in default under any previous agreement with MDOT or the State.
- g. All information furnished by the Political Subdivision to MDOT for the purpose of MDOT's participation in the Project, including, is true, accurate and complete as of the date hereof and thereof.

#### SECTION 6. Miscellaneous

- a. MDOT may terminate its obligation to make any disbursement of the MDOT funding 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: Mayor Rosemary Aultman

MDOT:

Mississippi Department of Transportation

Jackson, Mississippi

Attention: Kenneth I. Warren, Executive Director

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.
- g. 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.
- h. This Memorandum shall be governed as to its validity, construction and performance by the laws of the State of Mississippi.
- i. 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.
- j. 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.

IN WITNESS WHEREOF, the parties hereto have executed this Memorandum of Understanding on the date first mentioned above.

**MISSISSIPPI DEPARTMENT OF TRANSPORTATION**

By: \_\_\_\_\_

Title: \_\_\_\_\_

Book: \_\_\_\_\_ Page \_\_\_\_\_

**CITY OF CLINTON, MISSISSIPPI**

By: \_\_\_\_\_

Title: \_\_\_\_\_

Book: \_\_\_\_\_ Page \_\_\_\_\_

Attest: \_\_\_\_\_

Deputy City Clerk

[Seal]

**ACKNOWLEDGMENT OF MDOT**

STATE OF MISSISSIPPI                    )  
                                                  )ss:  
COUNTY OF HINDS                    )

Personally appeared before me, the undersigned notary public in and for the jurisdiction aforesaid, the within named Kenneth I. Warren, to me known, who acknowledged he is the Executive Director, of the Mississippi Department of Transportation, ("MDOT") and that for and on behalf of MDOT and as its act and deed, he signed and delivered the foregoing instrument as of the date therein mentioned with actual execution on the date of this acknowledgment, after having been first authorized by MDOT so to do.

\_\_\_\_\_  
Notary Public

My Commission Expires:

\_\_\_\_\_

[ SEAL ]

**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) Relocation and reconstruction of the existing frontage road in the southwest quadrant of the existing I-20/Clinton-Raymond Road Interchange. Removal of the existing frontage road when traffic is routed on the relocated frontage road.
- 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.
- 4) Temporary signalization of intersection at relocated frontage road and Clinton-Raymond Road.

The design plans and specifications for the Project following review and approval thereof by the parties hereto shall be substituted for Items 1) through 4) 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 4) of this Exhibit and the approved final design plans and specifications, the approved final design plans and specifications shall govern.



## RIGHT OF WAY TECHNOLOGY, INC.

212 WILLIAM DRIVE  
CLINTON, MISSISSIPPI 39056  
(601) 924-4372

February 14, 1998

Mr. Richard Broome  
City of Clinton Engineer  
300 Jefferson  
Clinton, MS 39056

RE: City of Clinton Proposed South Treatment Facility, South Interceptor, Reach #1  
Proposal For Right of Way Acquisition Services

Dear Mr. Broome:

Thank you for the opportunity to give the City of Clinton a proposal to provide right of way acquisition services for the referenced project.

In accordance with Federal and State Laws and Regulations, I propose to provide right of way acquisition services for the above referenced project for approximately 20 parcels for \$550.00 per parcel. I further propose to have all of the right of way acquisition services completed within 30 days from execution of contract for such services and notice to proceed is received.

I am enclosing a Resume on Travis E. Dye, who is president of Right of Way Technology, Inc.

If you have questions or if I can furnish additional information, Please advise.

Sincerely,

Travis E. Dye  
President, Right of Way Technology, Inc.  
TIN: 64-0859070

**RECEIVED**  
FEB 16 1998  
CITY OF CLINTON  
ENGINEER DEPARTMENT

ENGINEERING • APPRAISALS • TITLE • NEGOTIATIONS • RELOCATION • PROPERTY MANAGEMENT

**APPRAISAL SERVICES  
SOUTHSIDE WASTEWATER FACILITY**

| APPRAISER             | APPRAISAL BID                                                               | REVIEW APPRAISAL<br>BID             |
|-----------------------|-----------------------------------------------------------------------------|-------------------------------------|
| Morrow Realty, Inc.   | 20 Easements @ \$350 each<br>1 Fee Simple @ \$500 each<br>Total = \$7,500   | No Quote                            |
| Bobby L. Cloud        | 20 Easements @ \$250 each<br>1 Fee Simple @ \$1,000 each<br>Total = \$6,000 | \$150 Per Parcel<br>Total = \$3,150 |
| Jerry D. Mask<br>MAI  | 21 Parcels @ \$400 each<br>Total = \$8,400                                  | No Quote                            |
| Joseph P. Long<br>MAI | No Quote                                                                    | \$95 Per Parcel<br>Total = \$1,995  |

15.

**DRAFT**

February 4, 1998

Internet Address:  
msmith@tclaw.com

The Honorable Rosemary Aultman  
Mayor, City of Clinton  
Post Office Box 156  
Clinton, Mississippi 39060

**RE: Mark S. Jordan, Inc./Property Situate in Section 25, Township 6 North, Range 2  
West, Second Judicial District of Hinds County, Mississippi/ WGK No. 97-238**

Dear Mayor Aultman:

The purpose of this letter is to memorialize certain Agreements between Mark S. Jordan, Inc. ("Jordan") and the City of Clinton ("Clinton"). As you are aware, a copy of this agreement will be transmitted to the Mississippi Department of Transportation, as well as the United States Department of Interior, so that they might proceed to process and approve Jordan's proposed residential development, and particularly the entrance, on the above referenced tract of land. I have enclosed a copy of the Williford, Gearhart and Knight, Inc. Site Vicinity Map for your easy reference. Of course, these understandings are subject to Jordan purchasing the property from the current owners and will have no effect if the transaction is not completed.

With the above facts in mind, please allow me to summarize the terms of the Agreement between Jordan and Clinton as follows:

1. Mark S. Jordan, Inc. desires to plan and construct his proposed Clinton development as generally set forth on the Site Vicinity Map referenced herein above.
2. Access to the development will be by virtue of a street (boulevard type) abutting the south frontage road as shown on said map.
3. The City of Clinton has reviewed the plans and drawings and desire that this development proceed accordingly. Clinton will cooperate with Jordan and execute and/or accept delivery of such documents as are necessary, including deeds of dedication and other instruments, to fulfill the Agreements set forth herein and promote the development as a whole.

462

The Honorable Rosemary Aultman  
February 4, 1998  
Page 2

4. The City of Clinton agrees to accept the dedication of that certain 60 foot (more or less) street, including the flared entrance, for dedication and use by the public and will accept said street for maintenance upon proper construction and completion by Jordan according to the usual specifications of Clinton. Further, Clinton is in agreement that the proposed street entrance location meets all appropriate engineering standards and will enhance the City of Clinton and favorably impact the surrounding area.
5. Jordan agrees to revegetated the old entrance sometimes referred to as "Field Road" located northeast of the proposed entrance.
6. Clinton and Jordan will use their best efforts to cause to be modified The Public Road System's Plan.
7. It is the understanding of Clinton and Jordan that Jordan will endeavor to cooperate and take such steps as are necessary to gain the approval of MDOT and the United States Department of the Interior concerning this development.

Please execute this letter below where indicated signifying your agreement to the terms set forth herein.

Thank you for your help and cooperation.

With warmest regards, I remain

Sincerely yours,

William C. Smith III  
WCSIII/cmh

**D R A F T**

APPROVED AND AGREED TO

APPROVED AND AGREED TO

THE CITY OF CLINTON

MARK S. JORDAN, INC.

By: Rosemary A. Aultman

By: \_\_\_\_\_

Title: Mayor

Title: \_\_\_\_\_

D:\DOC\WM\LETTERS\AULTMAN.WPD

MOTION TO SET PUBLIC HEARING TO AMEND  
ARTICLE XII PLANNED UNIT DEVELOPMENT ("PUD")  
DISTRICT OF THE ZONING ORDINANCE OF  
THE CITY OF CLINTON MOTION

Motion by Alderman Brantley, second by Alderman DePriest  
to set a public hearing, pursuant to the Zoning Ordinance of the City of Clinton to  
consider amendments to the Zoning Ordinance by amending Article XII as set out  
below and that such hearing take place on March 24, 1998, at 7:30 p.m. before the  
Planning Commission. MOTION CARRIED UNANIMOUSLY.

PROPOSED AMENDMENT TO ZONING ORDINANCE

Delete existing Article XII and substitute attached proposed Article XII  
therefore.

## PLANNED UNIT DEVELOPMENT (PUD) DISTRICT

1. PURPOSE OF THIS DISTRICT

- (a) To encourage the development of properly planned residential communities on sites greater than 20 acres.
- (b) To permit more flexible and advantageous use of sites, especially with regard to natural features of the landscape, through the relaxation of conventional zoning requirements.
- (c) To reduce the cost of maintaining public streets and providing public utilities.
- (d) To create and maintain effective open areas, to provide recreational amenities, to provide safer pedestrian circulation.

2. PLANNED UNIT DEVELOPMENT SHALL BE SUPERIMPOSED DISTRICT

A Planned Unit Development shall be a superimposed designation on an existing low density residential district (either R-1 or R-2).

3. PRELIMINARY SUBDIVISION PLAT APPROVAL REQUIRED PRIOR TO DESIGNATION OF PLANNED UNIT DEVELOPMENT ON OFFICIAL ZONING MAP.

Any person desiring to subdivide land for purposes of creating a PUD shall first prepare and submit a sketch plat (or "Development Plan" if the PUD is proposed to contain uses other than single-family detached residences) to the Director of Public Works in accordance with the Subdivision Regulations. All sketch plats for proposed PUD shall be reviewed by the Planning Commission as well as the Director of Public Works and the City Engineer.

4. REZONING REQUIRED FOR DEVELOPMENT OF PORTION OF PUD FOR TOWNHOUSES, PATIO HOME, MULTIPLE-FAMILY RESIDENTIAL, OR COMMERCIAL USES.

If a person desires to reserve a portion of a proposed Planned Unit Development for townhouses, patio homes or multiple-family residential uses (condominiums or apartments), and such areas are not zoned appropriately for such densities, he shall submit an application for rezoning in accordance with Section 2405 of this Ordinance indicating which areas he desires to be rezoned to R-3, R-4, or R-5.

Likewise, portions of a PUD may be reserved for commercial use by applying for the appropriate commercial zoning if the subject land is not zoned commercial on the Official Zoning Map.

If the subdivider wishes to reserve portions of the proposed PUD for moderate density or high density residential development or commercial use, such areas shall be shown on a sketch plat or "Development Plan", which shall be submitted with an application for rezoning. A rezoning to permit such residential densities or commercial uses shall only be approved upon the condition that the preliminary plat and individual site plans (for the high density residential or commercial development ) substantially conform to the sketch plat or development plan.

5. LAND USES PERMITTED

- (a) Single-family detached dwellings (only one main structure per lot).
- (b) Accessory uses and structures as defined under Article II of this Ordinance.
- (c) Horticultural uses not involving the sale of produce on the premises.
- (d) The keeping of animals in compliance with the City of Clinton's Animal Control Ordinance.
- (e) Home occupation in compliance with Section 405 of the ordinance.
- (f) Public streets and highways
- (g) Private recreational or open space facilities, excluding country clubs and the like which shall be regulated as public/quasi-public facilities and utilities subject to the provisions of Section 402 of this ordinance. Lakes deeded to a homeowner's association or dedicated (public) to the City of Clinton shall comply with Clinton Subdivision Regulations.

6. CONDITIONAL USES AND STRUCTURES (SPECIAL EXCEPTIONS) AS PROVIDED IN SECTION 2405

- (a) Public or quasi-public facilities or utilities may be considered for location in a PUD district in compliance with Section 402 of this ordinance.
- (b) Child care facilities

7. DIMENSION REQUIREMENTS

- (a) Minimum size of PUD - The minimum size of any PUD shall be twenty (20) acres.
- (b) Development within PUD districts shall be limited to the number of residential units stipulated by the Mayor and Board of Aldermen and shall not exceed the theoretical maximum number of lots and/or dwelling units which could be constructed in the basic residential districts on which the PUD district is superimposed.

The theoretical maximum density for a development within a PUD district shall be the number of lots and/or dwelling units that a conventionally designed preliminary lot layout (of a conceptual residential development situated within the property boundaries and on the topography of the site proposed for a PUD) would show could reasonable be constructed on the site following the lot area, lot width and yard requirements for the site's basic zoning, the requirements of this ordinance, and the requirements of the Subdivision Ordinance.

- (c) Residential Lot area, Lot width and Yards and Design Standards No minimum lot area or lot width for dwellings is required by this Ordinance in PUD districts. The developer shall set reasonable and uniform minimum requirements for the various parts or phases of the development including lot size, setbacks, street widths, horizontal and vertical alignment, right of way widths, curb and gutter or any other aspect of current zoning and subdivision ordinances. Should these minimum requirements be less than that of the basic residential district(s) on which the PUD designation is superimposed or less than is required by the current subdivision ordinance then they shall be subject to approval by the Mayor and board of Aldermen at site plan review.
- (d) Commercial Lot Area, Lots Width and Yards- The minimum lot area, lot width and yards for commercial structures shall be the same as those required in the C-1 district.

#### 8. COMMON AREA AND OPEN SPACE REQUIREMENT

- (a) For a development within a PUD district, the developer shall set aside and convey,

to the developer's successive owners of developed properties associated in a Maintenance Organization

and/or

to an acceptable structured and economically viable country club,

at least ten percent (10%) of the gross area of the development as common area and/or open space, which areas

shall be accessible subject to reasonable rule, assessments and fees to all residents of the district.

- (b) The developer shall set aside, improve and donate unencumbered to a Maintenance organization as common area an amount of land and such improved facilities as are sufficient to permit and justify the operation of the Maintenance organization as a entity functioning to fulfill its purposes as provided in the covenants, conditions and restrictions to which developed lots and parcels within the development are to be subjected.
- (c) The amount of land to be set aside and donated to a Maintenance Organization, and the amount of land, if any to be set aside and conveyed to a country club, shall be substantiated by the developer to the satisfaction of the Mayor and Board of Aldermen.
- (d) Open space may be any reasonable use of land that causes spaciousness between groupings lots or dwelling units. Open spaces areas may include areas that are lakes, parks, golf courses, wide medians in boulevard boundaries, and similar land uses which provide aesthetic views and/or provide areas adequate for low-impact recreation and pedestrian movement by residents living within the district. Common areas may contain improvements and must be owned and maintained by a Maintenance Organization or Country Club. Common areas may include lands that are open space.
- (e) To be considered as common area or open space which meet the requirements of this section of this ordinance, the lands set aside and conveyed as common area or open space must be adequate in size and topography to be practically used for or serve their intended purpose(s).
- (f) Because subdivision construction within PUD districts is anticipated to be logically phased or staged in parts, at initial Site Plan Review, the developer shall provide to the Mayor and Board of Aldermen a general description of and donation schedule for the total amount of required common area and open space. Such description and schedule shall designate which parts if not all of said proposed common areas and open space will be improved, if any, and thereafter when, relative to the development, the developer shall convey to the Maintenance Organization or Country Club such common areas and open space.
- (g) Such schedule shall reasonable and cumulatively relate the amount of land to be set aside, the cost of common area improvements, if any, to be made by the developer, the estimated cost of maintaining such common area and open space by a Maintenance Organization or Country Club, and the number of lots and/or dwelling units anticipated to be completed at the time of such donation. Such description and schedule

shall be approved by the Mayor and Board of Aldermen.

- (h) Should improvements to proposed common areas and open space not be completed in accordance with the approved donation schedule, prior to granting its approval of the record plat of a corresponding part or phase of the development, the Mayor and Board of Aldermen shall require that a performance bond or other sufficient surety be posted with a disinterested Trustee who is empowered to complete the proposed common area and open space improvements should the developer fail to do so within a timely manner.

9. MAINTENANCE OF COMMON AREAS AND OPEN SPACE

- (a) As a part of the plans and documents submitted for the Site Plan Review of a proposed development within the PUD district, the developer shall include a draft of those covenants, conditions and restrictions to which those covenants, conditions and restrictions to which developed lots and parcels within the development shall be subjected.
- (b) Such covenants, conditions and restrictions shall provide for the organization and operation of a Maintenance Organization in which each successive property owner (including successive purchasers) within the development shall be a mandatory member subject to reasonable rules, assessments and fees. Such covenants, conditions restrictions shall also provide that any Country Club to which required common areas and/or open space is conveyed shall permit, subject to reasonable rules, assessments and fees, all residents of the development to be members.
- (c) The Maintenance Organization or Country Club must be responsible for liability insurance, property taxes, and the administration, operation, security, repair and maintenance of all common areas and open space areas, including any improvements thereon, owned and maintained by such organization or club.
- (d) The Maintenance Organization must provide for the reasonable and pro rata collection from the owners of developed lots and properties within the development of monies sufficient to pay the costs for such insurance, taxes, administration, operation, security, repair and maintenance. The collection of such monies from such owners shall be enforceable by the Maintenance Organization having the authorities to assess such costs to such owners and to enforce the collection of unpaid assessments by placing a lien on the property of owners not paying proper assessments.
- (e) The legal structure of a Country Club accepting ownership and maintenance responsibility for common areas and/or open space shall provide that the owner(s) of such club are responsible for such insurance, taxes, administration,

operation, security, repair and maintenance.

10. COORDINATION WITH SUBDIVISION REGULATIONS

- (a) Prior to the initiation of construction, a comprehensive site plan of a proposed development within a PUD district shall be submitted to the Mayor and Board of Aldermen for site Plan Review in accordance with Section 2409.01 of this Ordinance.
- (b) Subdivision review under the Subdivision Ordinance may be carried out simulataneously with the Site Plan Review required by this Ordinance.
- (c) The development plan submitted for Site Plan Review shall be submitted in a form which satisfies the requirements of the Subdivision Ordinance for preliminary plats, or in such other form (or forms) as is necessary to show the infrastructure and other important features of the development and to present generally how the developer intends to progress construction the development.
- (d) There shall be no substantial or material deviation from an approved Site Plan until such deviation has been approved by the Mayor and Board of Aldermen.
- (e) The Mayor and Board of Aldermen has the authority to require as a prerequisite to approval of a Site Plan for a development within a PUD district such features, infrastructure, covenants, conditions and restrictions as the Board deems necessary to promote and preserve the health, safety, welfare and properties of the citizens of Clinton, Mississippi.

since 1953

17A

**Paul Jackson & Son, Inc.****General Construction**

P.O. Box 1166 / 319 Hwy. 550  
 Brookhaven, Mississippi 39601  
 Ph: (601) 833-3453 / Fax: 833-3474

February 26, 1998

Mr. John Murray  
 Larry Sones / Architect  
 P.O. Box 279  
 Brandon, MS 39042

RE: Central Fire Station  
 Clinton, MS

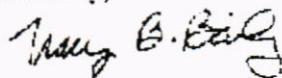
Dear Mr. Murray:

In response to your request, please find listed below the cost breakdown relevant to the revised site plan we were issued. Please forward this document to Glen Calloway of Michael Baker, as he requested.

|                    |                                                                                                                                               |                             |
|--------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|
| Sitework:          | Birdsong: fill, gravel, compaction, under excavation & placement of select fill, approx. 1,000 cu. yds. & 218 yds. clay gravel (see attached) | \$ 8,750.00                 |
| Concrete Drive:    | Concrete, labor, testing, saw cutting, reinforcing                                                                                            | 11,160.00                   |
| Asphalt Reduction: |                                                                                                                                               | <del>5,351.00</del>         |
| Sub-Total:         |                                                                                                                                               | \$ 14,559.00                |
| Contractor's Fee:  |                                                                                                                                               | 1,455.00                    |
| Bond:              |                                                                                                                                               | 240.00                      |
| MPC:               |                                                                                                                                               | 569.00                      |
| TOTAL:             |                                                                                                                                               | \$ 16,824.00 X<br>16,823.00 |

We reserve the right to ask for time extensions that may be incurred in the performance of this change in the work and associated costs related to it's implementation. Time is of the essence for an answer. Thank you and the City of Clinton for expediting the decision so that we may move forward.

Sincerely,



Tracy B. Bailey  
 Secretary/Treasurer

TBB/tr

*Integrity - Quality - Performance*  
*"New Commitments to Old Values"*

since 1953

**Paul Jackson & Son, Inc.****General Construction**

P.O. Box 1166 / 319 Hwy. 550  
Brookhaven, Mississippi 39601  
Ph.: (601) 833-3453 / Fax: 833-3474

17B

February 26, 1998

Mr. John Murray  
Larry Sones / Architect  
P.O. Box 279  
Brandon, MS 39042

RE: Central Fire Station  
Clinton, MS

Dear Mr. Murray:

In response to your request, please find listed below the cost breakdown for adding the 911 system to the above referenced project.

|                               |               |
|-------------------------------|---------------|
| Laird Electric (see attached) | \$ 3,732.00   |
| Contractor's Fee:             | 373.00        |
| Bond:                         | 61.00         |
| MPC:                          | <u>146.00</u> |
| TOTAL:                        | \$ 4,312.00   |

We reserve the right to ask for time extensions that may be incurred in the performance of this change in the work and associated costs related to its implementation. Time is of the essence for an answer. Thank you and the City of Clinton for expediting the decision so that we may move forward.

Sincerely,



Tracy B. Bailey  
Secretary/Treasurer

TBB/tr

*Integrity - Quality - Performance*  
*"New Commitments to Old Values"*

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03/03/98 16:50

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