

**REGULAR MEETING OF THE MAYOR AND BOARD OF ALDERMEN  
TUESDAY, MAY 5, 1998 - 7:00 P.M.  
MUNICIPAL COURTROOM - 305 MONROE STREET**

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

**INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG**

The invocation was led by Alderman Touchton followed by the Pledge of Allegiance to the Flag led by Alderman Brabham.

**ROLL CALL** - City Clerk Nelson Byrd

Present:      Jehu Brabham - Alderman-At-Large  
                 Tony Hisaw - Alderman Ward 1  
                 Rodney DePriest - Alderman Ward 2  
                 Clint Brantley - Alderman Ward 3  
                 Phil Fisher - Alderman Ward 4  
                 Herb Touchton - Alderman Ward 5  
                 Sharbert Lott - Alderman Ward 6

Ken Dreher - City Attorney  
Nelson Byrd - City Clerk

**AGENDA CHANGES**

Item 7C and 7F will be postponed until a later meeting.

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

**MOTION** made by Alderman Lott and **SECONDED** by Alderman Brantley to approve Consent Agenda Items A-X listed on page 538 of this Minute Book Z. Item X will serve to advertise favorably the opportunities, possibilities, and resources of the City of Clinton. Quotes listed in ItemD may be found in the office of the City Clerk. **MOTION CARRIED UNANIMOUSLY**

**APPROVAL OF PRELIMINARY SITE PLAN FOR WINDSHIELD REPAIR SHOP**

Upon recommendation of Gary Ward, Zoning Administrator, and Planning and Zoning, **MOTION** made by Alderman Lott and **SECONDED** by Alderman Touchton to approve the preliminary site plan for a windshield repair shop on Highway 80 for Mid State glass. **MOTION CARRIED UNANIMOUSLY**

## **APPROVAL OF PRELIMINARY SITE PLAN FOR MS. HIGH SCHOOL ACTIVITIES**

Upon recommendation of Gary Ward, Zoning Administrator, and Planning and Zoning, **MOTION** made by Alderman Brabham and **SECONDED** by Alderman DePriest to approve the preliminary site plan for Ms. High School Activities Assoc. building expansion. **MOTION CARRIED UNANIMOUSLY**

## **REZONING APPROVED NEAR COTTON ACRES**

Upon recommendation of Gary Ward, Zoning Administrator, and Planning and Zoning, **MOTION** made by Alderman Fisher and **SECONDED** by Alderman DePriest to adopt the ordinance and proof of publication found on pages 539-544 of this minute book Z and pages 780-785 of ordinance book 2 to rezone approximately 94 acres on Clinton/Raymond Rd. near Cotton Acres from A-1 to R-1. **MOTION CARRIED UNANIMOUSLY**

## **REQUEST DELAYED FOR R-1 TO R-3 NEAR COTTON ACRES**

**MOTION** made by Alderman DePriest and **SECONDED** by Alderman Brabham to table the request for rezoning of 31 acres from R-1 to R-3 near Cotton Acres on Clinton/Raymond Rd. to allow sufficient time for the Mayor and Board of Aldermen to perform due diligence in determining the factual situation that would permit proper action on the request. **MOTION CARRIED UNANIMOUSLY**

## **AMENDMENT TO ARTICLE 12 (PUD) OF THE ZONING ORDINANCE**

Upon recommendation of Gary Ward, Zoning Administrator, **MOTION** made by Alderman Fisher and **SECONDED** by Alderman Lott to approve that Ordinance and proof of publication amending Article 12 (PUD) of the City of Clinton Zoning Ordinance found on pages 545-554 and 786-795 of this minute book Z and zoning book 2. **MOTION CARRIED UNANIMOUSLY**

## **RESOLUTION TO CLEAN PARCEL 2860-154 MAGNOLIA RD.**

**MOTION** made by Alderman Brabham and **SECONDED** by Alderman Brantley to adopt that Resolution found on pages 555-558 of this minute book Z authorizing the cleaning of parcel 2860-154 Magnolia Rd. **MOTION CARRIED UNANIMOUSLY**

## **APPROVAL OF NAMING MAYOR AS PROJECT REPRESENTATIVE AND AUTHORIZING THE SUBMITTAL OF THE LOAN APPLICATION FOR THE SOUTHSIDE SEWER PROJECT**

Upon recommendation of City Engineer Richard Broome, **MOTION** made by Alderman Touchton and **SECONDED** by Alderman Lott to name Mayor Rosemary Aultman as Project Representative and authorizing the submittal of the Loan Application for the Southside Sewer Project. **MOTION CARRIED UNANIMOUSLY**

## **APPROVAL OF AMENDED BUDGET FOR FISCAL YEAR ENDING 9-30-98**

**MOTION** made by Alderman Brabham and **SECONDED** by Alderman Lott to approve the 1997-1998 Budget as amended found on pages 559-561 of this minute book Z. **MOTION CARRIED UNANIMOUSLY** Pop 9561 TB

**RECESS 7:48 PM**

**MOTION** made by Alderman Brantley and **SECONDED** by Alderman DePriest to recess to May 19, 1998 - 7 PM. **MOTION CARRIED UNANIMOUSLY**

Copy of Agenda can be found on page 538 of this Minute Book Z.

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

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

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 93 ACRES (MORE OR LESS) LOCATED ON CLINTON/RAYMOND ROAD, CLINTON, MISSISSIPPI, AND DESCRIBED IN EXHIBIT "A" FROM A-1 TO R-1

WHEREAS, Mrs. E. Shirley Faucette (the "Applicant") did file a Petition to Rezone certain property from its present A-1 use district classifications to a R-1 use district classifications: and,

WHEREAS, a public hearing, pursuant to Section 2406.05 of the Zoning Ordinance of the City of Clinton, Mississippi, was set for the 28th day of April 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 the applicants 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 FISHER offered the following ordinance and moved that it be adopted, to-wit:

180  
539

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 Section 2406 of the City of Clinton Zoning Ordinance and that the Mayor and Board of Aldermen hereby find that this request meets the requirements of Section 2406.03(b) Criteria for Rezoning, the Mayor and Board of Aldermen specifically finding that the character of the neighborhood has changed with the rezoning of property in the area from A-1 to R-1, and that there is a public need for single-family housing within the City of Clinton.

Section 3. That pursuant to Article XX of the Zoning Ordinance, the proposed facility shall be "R-1, Single-Family Residential District."

Section 4. That the following described tract of real property be, and the same is, hereby rezoned from its present A-1 use district classifications to R-1 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 5. 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 6. 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 5<sup>TH</sup> day of May, 1998.

A Motion for adoption was seconded by Alderman DEPRIEST 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: 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 5<sup>TH</sup> day of May, 1998.

CITY OF CLINTON

BY: Rosemary J. Aultman  
ROSEMARY AULTMAN, Mayor

ATTEST:

Nelson Byrd  
NELSON BYRD, City Clerk

(SEAL)

EXHIBIT (A)

All that part of the Southeast quarter of the Northwest quarter ( $SE\frac{1}{4}NW\frac{1}{4}$ ) which lies south of the Raymond to Clinton Road; all that part of the west-half of the Southwest quarter of the Northeast quarter ( $W\frac{1}{2}SW\frac{1}{4}NE\frac{1}{4}$ ) which lies south of said Raymond to Clinton Road; the Easthalf of the Southwest quarter ( $E\frac{1}{2}SW\frac{1}{4}$ ); and the West half of the West half of the Southeast quarter ( $W\frac{1}{2}W\frac{1}{2}SE\frac{1}{4}$ ); all of said above described land lying and being in Section thirty-six (36), Township six (6) , North, Range Two (2) West of the Choctaw Survey;

ALSO the Northeast quarter of the Northwest quarter ( $NE\frac{1}{4}NW\frac{1}{4}$ ); the West half of the West half of the Northeast quarter ( $W\frac{1}{2}W\frac{1}{2}NE\frac{1}{4}$ ) and the Northwest quarter of the Southeast quarter ( $NW\frac{1}{4}SE\frac{1}{4}$ ), all of said said last described tracts of land being and lying in Section One (I) Township five (5), ~~Range Two (2)~~ Range Two (2) West , of said Choctaw Survey.

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 93 ACRES (MORE OR LESS) LOCATED ON CLINTON/RAYMOND ROAD, CLINTON, MISSISSIPPI, AND DESCRIBED IN EXHIBIT "A" FROM A-1 TO R-1

WHEREAS, Mrs. E. Shirley Faucette (the "Applicant") did file a Petition to Rezone certain property from its present A-1 use district classifications to a R-1 use district classifications; and, WHEREAS, a public hearing, pursuant to Section 2406.05 of the Zoning Ordinance of the City of Clinton, Mississippi, was set for the 28th day of April 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 the applicants 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 Fisher 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 Section 2406 of the City of Clinton Zoning Ordinance and that the Mayor and Board of Aldermen hereby find that this request meets the requirements of Section 2406.03(b). Criteria for Rezoning, the Mayor and Board of Aldermen specifically finding that the character of the neighborhood has changed with the rezoning of property in the area from A-1 to R-1, and that there is a public need for single-family housing within the City of Clinton. Section 3. That pursuant to Article XX of the Zoning Ordinance, the proposed facility shall be "R-1, Single-Family Residential District." Section 4. That the following described tract of real property be, and the same is, hereby rezoned from its present A-1 use district classification to R-1 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 5. 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 6. 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 5th W day of May, 1998. A Motion for adoption was seconded by Alderman Depriest 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 5th day of May, 1998. CITY OF CLINTON BY: /s/ Rosemary G. Aultman ROSEMARY AULTMAN, Mayor ATTEST: /s/ Nelson Byrd NELSON BYRD, City Clerk (SEAL) EXHIBIT (A) All that part of the Southeast quarter of the Northwest quarter (SE1/4 NW1/4) which lies south of the Raymond to Clinton Road; all that part of the west-half of the Southwest quarter of the Northeast quarter (W 1/2 SW1/4 NE1/4) which lies south of said Raymond to Clinton Road; the East-half of the Southwest quarter (E1/2 SW1/4); and the West half of the West half of the Southeast quarter (W1/2 SW 1/4); all of said above described land lying and being in Section thirty-six (36), Township six (6), North, Range Two (2) West of the Choctaw survey; ALSO the Northeast quarter of the Northwest quarter (NE1/4 NW1/4); the West half of the West half of the Northeast quarter (W1/2 W1/2 NE1/4) and the Northwest quarter of the Southeast quarter (NW1/4 SE1/4), all of said last described tracts of land being and lying in Section One (1) Township five (5) North, Range Two (2) West, of said Choctaw Survey. May 13, 1998

# of Publication State of Mississippi Hinds County

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

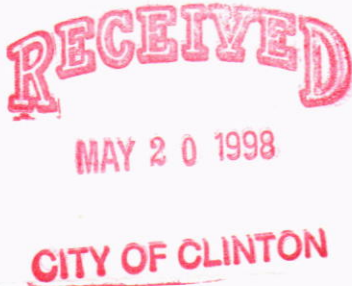
Shirley Mize

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:

Lines: 193  
Words: 888  
Issues: 1  
Total: \$73.04

Wednesday, May 13, 1998



Signed

*Shirley Mize*  
Authorized Clerk  
of The Clarion-Ledger

*L. Arie Mills*  
Notary Public

SWORN to and subscribed before me on  
05/13/98

My Commission Expires:

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

(SEAL)

544

**AN ORDINANCE AMENDING THE ZONING ORDINANCE  
OF THE CITY OF CLINTON BY AMENDING  
ARTICLE XII, AND FOR RELATED PURPOSES**

WHEREAS, notice of a public hearing to amend Article XII of the Zoning Ordinance of the City of Clinton was published in the Clarion Ledger on March 9, 1998; and

WHEREAS, a public hearing on the proposed amendment was held on March 24, 1998, at 7:30 P.M.; and

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

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

**AMENDMENT TO ZONING ORDINANCE**

Article XII is hereby amended by deleting the existing Article XII and substituting therefore a new Article XII as set forth in Exhibit "A" hereto.

This Ordinance shall be effective thirty (30) days from and after passage.

ORDAINED, ADOPTED AND APPROVED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CLINTON, MISSISSIPPI, at a meeting thereof held on the 5th day of May, 1998.

A Motion for adoption was made by Alderman FISHER and seconded by Aldermen LOTT. The foregoing ordinance having been first reduced to writing, and there being no request by the Mayor or any member of the Board of Aldermen that the Ordinance 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> |

786  
545

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 5<sup>th</sup> day of May, 1998.

CITY OF CLINTON

BY: Rosemary J. Aultman  
ROSEMARY AULTMAN, Mayor

ATTEST:

Nelson Byrd  
NELSON BYRD, City Clerk

( S E A L )

ZO-ARXILAMD  
5/5/98-MMH

PLANNED UNIT DEVELOPMENT (PUD) DISTRICT

SECTION 1200

PURPOSE OF THIS DISTRICT

- (a) To encourage the development of properly planned residential communities on sites greater than 5 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.

SECTION 1201

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).

SECTION 1202

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.

SECTION 1203

REZONING REQUIRED FOR DEVELOPMENT OF PORTION OF PUD FOR 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.

#### SECTION 1204

##### 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.

## SECTION 1205

### 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

## SECTION 1206

### DIMENSION REQUIREMENTS

- (a) Minimum size of PUD - The minimum size of any PUD shall be five (5) 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. Such minimum dimensions shall not permit a dwelling or other structure to be located closer than fifteen (15) feet to the right-of-way or easement line of a public or private street.

- (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.

#### SECTION 1207

##### 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) No more than fifty percent (50%) of the required amount of open space may be covered by water (lakes, ponds, streams, etc.)
- (c) 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.
- (d) 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.
- (e) 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.

- (f) 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).
- (g) 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.
- (h) 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.
- (i) 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.

#### SECTION 1208

##### 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.

#### SECTION 1209

##### 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 simultaneously 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.



## 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. 2860-154 MAGNOLIA Rd, 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 2860-154 MAGNOLIA Rd., 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 2860-154 MAGNOLIA Rd., Clinton, Mississippi, may constitute a menace to the public health and safety of the community because of its present condition and state of uncleanliness; 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., MAY 5, 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 2860-154  
MAGNOLIA Rd., 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 BRANTLEY 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 5<sup>th</sup> day of MAY, 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

Printed on 18-May-98

CITY OF CLINTON

GENERAL FUND (001)

Budget of Estimated Revenues and Expenditures  
For the Year Ended September 30, 1998

|                                             | 1997-98<br>Budget as<br>Adopted | 1st<br>Amendment<br>Addition<br>(Reduction) | 1997-98<br>Budget After<br>1st<br>Amendment |
|---------------------------------------------|---------------------------------|---------------------------------------------|---------------------------------------------|
| <b>REVENUES</b>                             |                                 |                                             |                                             |
| Licenses and permits                        | \$ 600,000                      | \$ (59,000)                                 | \$ 541,000                                  |
| Intergovernmental revenues                  | 3,197,185                       | (279,400)                                   | 2,917,785                                   |
| Charges for services                        | 4,000                           | 0                                           | 4,000                                       |
| Fines and forfeitures                       | 237,000                         | 100,000                                     | 337,000                                     |
| Interest earned                             | 46,000                          | 0                                           | 46,000                                      |
| Miscellaneous                               | 1,157,875                       | (177,245)                                   | 980,630                                     |
| Total from all sources, other than taxation | 5,242,060                       | (415,645)                                   | 4,826,415                                   |
| Beginning cash and investment balance       | 646,709                         | 80,897                                      | 727,606                                     |
| Total receipts other than ad valorem tax    | 5,888,769                       | (334,748)                                   | 5,554,021                                   |
| Amount to be raised by ad valorem tax       | 3,373,668                       | 5,000                                       | 3,378,668                                   |
| Total Revenues From All Sources             | \$ 9,262,437                    | \$ (329,748)                                | \$ 8,932,689                                |
| <b>EXPENDITURES</b>                         |                                 |                                             |                                             |
| General Government:                         |                                 |                                             |                                             |
| Administration (040):                       |                                 |                                             |                                             |
| Personal services                           | \$ 480,239                      | \$ (2,360)                                  | \$ 477,879                                  |
| Operating supplies                          | 36,400                          | 39,600                                      | 76,000                                      |
| Other services and charges                  | 132,200                         | (46,258)                                    | 85,942                                      |
| Capital outlay                              | 16,500                          | (10,000)                                    | 6,500                                       |
| Total administration                        | 665,339                         | (19,018)                                    | 646,321                                     |
| Planning and zoning (090):                  |                                 |                                             |                                             |
| Personal services                           | 42,653                          | 0                                           | 42,653                                      |
| Other services and charges                  | 30,520                          | 976                                         | 31,496                                      |
| Total planning and zoning                   | 73,173                          | 976                                         | 74,149                                      |
| Total General Government Expenditures       | 738,512                         | (18,042)                                    | 720,470                                     |
| Public Safety:                              |                                 |                                             |                                             |
| Police (105):                               |                                 |                                             |                                             |
| Personal services                           | 1,847,782                       | (104,035)                                   | 1,743,747                                   |
| Operating supplies                          | 135,556                         | 0                                           | 135,556                                     |
| Other services and charges                  | 185,170                         | (3,805)                                     | 181,366                                     |
| Capital outlay                              | 77,640                          | 0                                           | 77,640                                      |
| Total police expenditures                   | 2,246,148                       | (107,839)                                   | 2,138,309                                   |

Printed on 18-May-98

CITY OF CLINTON  
GENERAL FUND (001)  
Budget of Estimated Revenues and Expenditures  
For the Year Ended September 30, 1998

|                                         | 1997-98<br>Budget as<br>Adopted | 1st<br>Amendment<br>Addition<br>(Reduction) | 1997-98<br>Budget After<br>1st<br>Amendment |
|-----------------------------------------|---------------------------------|---------------------------------------------|---------------------------------------------|
| EXPENDITURES (Cont'd)                   |                                 |                                             |                                             |
| Public Safety:                          |                                 |                                             |                                             |
| Fire (160):                             |                                 |                                             |                                             |
| Personal services                       | \$ 1,566,207                    | \$ (40,010)                                 | \$ 1,526,197                                |
| Operating supplies                      | 68,950                          | (3,000)                                     | 65,950                                      |
| Other services and charges              | 219,180                         | (10,731)                                    | 208,449                                     |
| Capital outlay                          | 222,025                         | 711,297                                     | 933,322                                     |
| Debt service                            | 89,265                          | 0                                           | 89,265                                      |
| Emergency medical services              | 6,350                           | 0                                           | 6,350                                       |
| Total fire expenditures                 | 2,171,977                       | 657,556                                     | 2,829,533                                   |
| Inspection (180):                       |                                 |                                             |                                             |
| Personal services                       | 46,907                          | 0                                           | 46,907                                      |
| Operating supplies                      | 3,000                           | 0                                           | 3,000                                       |
| Other services and charges              | 9,490                           | (800)                                       | 8,690                                       |
| Capital outlay                          | 14,200                          | 0                                           | 14,200                                      |
| Total inspection expenditures           | 73,597                          | (800)                                       | 72,797                                      |
| Total Public Safety Expenditures        | 4,491,722                       | 548,917                                     | 5,040,639                                   |
| Public Works:                           |                                 |                                             |                                             |
| Street (215):                           |                                 |                                             |                                             |
| Personal services                       | 660,659                         | (45,850)                                    | 614,809                                     |
| Operating supplies                      | 1,392,250                       | (462,000)                                   | 930,250                                     |
| Other services and charges              | 297,010                         | 916                                         | 297,926                                     |
| Capital outlay                          | 64,250                          | (61,000)                                    | 3,250                                       |
| Debt service                            | 14,449                          | 0                                           | 14,449                                      |
| Total street expenditures               | 2,428,618                       | (567,934)                                   | 1,860,684                                   |
| Total Public Works Expenditures         | 2,428,618                       | (567,934)                                   | 1,860,684                                   |
| Culture and Recreation:                 |                                 |                                             |                                             |
| Parks and recreation (305):             |                                 |                                             |                                             |
| Personal services                       | 344,608                         | (10,425)                                    | 334,183                                     |
| Operating supplies                      | 38,000                          | 0                                           | 38,000                                      |
| Other services and charges              | 51,840                          | 1,458                                       | 53,298                                      |
| Parks repair and maintenance            | 60,500                          | 0                                           | 60,500                                      |
| Capital outlay                          | 93,200                          | (1,200)                                     | 92,000                                      |
| Debt service                            | 14,046                          | 0                                           | 14,046                                      |
| Total parks and recreation expenditures | 602,194                         | (10,167)                                    | 592,027                                     |

Printed on 18-May-98

CITY OF CLINTON

GENERAL FUND (001)

Budget of Estimated Revenues and Expenditures  
For the Year Ended September 30, 1998

EXPENDITURES (Cont'd)

Culture and Recreation:

Library (350):

Personal services

Operating supplies

Other services and charges

Capital outlay

Total library expenditures

Total Culture and Recreation Expenditures

Economic Development:

Operating supplies

Other services and charges

Capital outlay

Total Economic Development Expenditures

Transfers and Other Charges

Total expenditures

Ending cash and investment balance

Total Expenditures and Ending Balance

| 1997-98<br>Budget as<br>Adopted | 1st<br>Amendment<br>Addition<br>(Reduction) | 1997-98<br>Budget After<br>1st<br>Amendment |
|---------------------------------|---------------------------------------------|---------------------------------------------|
|---------------------------------|---------------------------------------------|---------------------------------------------|

|              |              |              |
|--------------|--------------|--------------|
| \$ 0         | \$ 0         | \$ 0         |
| 21,000       | 0            | 21,000       |
| 3,080        | (980)        | 2,100        |
| 6,000        | 0            | 6,000        |
| 30,080       | (980)        | 29,100       |
| 632,274      | (11,147)     | 621,127      |
| 1,250        | 0            | 1,250        |
| 91,950       | (15,000)     | 76,950       |
| 3,000        | 0            | 3,000        |
| 96,200       | (15,000)     | 81,200       |
| 305,280      | 0            | 305,280      |
| 8,692,606    | (63,206)     | 8,629,399    |
| 569,831      | (266,542)    | 303,289      |
| \$ 9,262,437 | \$ (329,748) | \$ 8,932,689 |

May 28, 1998 Clinton News

May 19 at G.V. "Sonny" Montgomery Veterans Affairs Hospital. Services were May 22 at Lakewood Memorial Home with burial in Lakewood Memorial Park Cemetery.

Mr. Owen was a Athens native. He moved to Clinton in 1958 and lived there until he moved to the State Veteran's Home in 1993. He was a veteran of World War II, serving in the Army Air Corps, and was in the 8th Air Force when he was shot down over Germany, captured and was a POW in Stalag III for one year. He retired as a

Graveside service were May 22 at Marianna Memorial Park in Marianna, Ark. Mak E. Seepe Funeral Directors handle local arrangements.

Mr. Yancy was a Ramsey, Tenn., native. He moved to Marianna in 1912 and was a graduate of Marianna High School. He attended Hedrix College and was a Methodist. He served as a Lee County justice of the peace, chairman of the Lee County Library Board for 30 years and a member of the State Board of Alcohol and Drug Abuse Prevention. He designed the golf course at the Marianna Country Club.

Survivors include: wife, Maxine; sons, Keith Garner of Magee and Harold Garner of Raleigh; daughters, Renee Hall and Lisa Dukes, both of Magee; brothers, Kenneth Garner of Magee and Tom Garner of Clinton; sisters, Fay Anderson and Nelda Anderson, both of Magee, Sue Bishop of Arlington, Texas, Irene Cooper and Jean Cooper, both of Silver Hill, Ala.; and six grandchildren.

Forest D. Weaver

Forest D. "Don" Weaver of Lakewood



Decrease is the result of promotional projects not initiated during the 1997 - 1998 budget year.

Amendments were unanimously approved by the Board of Aldermen.

#373-0800

**RECESSED MEETING OF THE MAYOR AND BOARD OF ALDERMEN  
TUESDAY, MAY 19, 1998 - 7:00 P.M.  
MUNICIPAL COURTROOM - 305 MONROE STREET**

The Mayor and Board of Aldermen of the City of Clinton, Mississippi, met in Recessed Meeting on Tuesday, May 19, 1998, 7:00 p.m. at the Municipal Courtroom, 305 Monroe Street, pursuant to a Recess Order adopted by said Mayor and Board of Aldermen at their Regular Meeting of May 5, 1998, as found on page 537 of this Minute Book Z.

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

**INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG**

The invocation was led by Alderman Lott followed by the Pledge of Allegiance to the Flag led by Alderman Brabham.

**ROLL CALL** - Deputy Clerk Christine Walls

|         |                                   |
|---------|-----------------------------------|
| Present | Jehu Brabham - Alderman-At-Large  |
|         | Tony Hisaw - Alderman Ward 1      |
|         | Rodney DePriest - Alderman Ward 2 |
|         | Clint Brantley - Alderman Ward 3  |
|         | Herb Touchton - Alderman Ward 5   |
|         | Sharbert Lott - Alderman Ward 6   |

Ken Dreher - City Attorney

|        |                               |
|--------|-------------------------------|
| Absent | Phil Fisher - Alderman Ward 4 |
|        | Nelson Byrd - City Clerk      |

**AGENDA CHANGES**

Mayor Rosemary Aultman announced that Item 10. "Personnel Matters" would also include litigation.

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

**MOTION** made by Alderman Lott and **SECONDED** by Alderman Brantley to approve Consent Agenda Items A-J as listed on page 564 of this Minute Book Z. Item J will serve to advertise favorably the opportunities, possibilities, and resources of the City of Clinton. Quotes for item C can be found in the office of the City Clerk.  
**MOTION CARRIED UNANIMOUSLY**

**APPROVAL OF PRELIMINARY SITE PLAN FOR CAMP GARAYWA EXPANSION**

Upon recommendation of Planning and Zoning and Gary Ward, Zoning Administrator, **MOTION** made by Alderman Touchton and **SECONDED** by Alderman Brabham to approve as presented the preliminary site plan for Camp Garaywa Expansion. **MOTION CARRIED UNANIMOUSLY**

**APPROVAL OF AMENDMENT NO. 3 ON SOUTH FRONTAGE RD/CLINTON-RAYMOND RD**

After a status report from Mr. Glenn Callaway, and upon recommendation of City Engineer Richard Broome, **MOTION** made by Alderman DePriest and **SECONDED** by Alderman Brantley to approve the Amendment No. 3 to Baker Engineering to relocate utilities on the Clinton-Raymond Rd. project and that the cost be borne based on participating and non-participating percentages and if there is a significant non-participating portion, then the Board of Aldermen will need to meet to make plans and budget review. Copy of amendment can be found on pages 565-566 of this minute book Z. **MOTION CARRIED UNANIMOUSLY**

**APPROVAL FOR MAYOR TO SIGN AGREEMENTS WITH MDOT ON AMENDMENT 3 ABOVE**

**MOTION** made by Alderman Brabham and **SECONDED** by Alderman Touchton to authorize the Mayor to sign utility agreements with MDOT on the Clinton-Raymond Rd. project, contingent on the Board of Aldermen reviewing the final cost figures. Copy of agreement can be found on pages 567-568 of this minute book Z.  
**MOTION CARRIED UNANIMOUSLY**

**EXECUTIVE SESSION**

**MOTION** made by Alderman Brabham and **SECONDED** by Alderman Lott to consider entering Executive Session for the purpose of discussing personnel and litigation matters. **MOTION CARRIED UNANIMOUSLY**

**MOTION** made by Alderman Brantley and **SECONDED** by Alderman Brabham to enter Executive Session at 7:40 PM for the stated matters. **MOTION CARRIED UNANIMOUSLY**

Present for the Executive Session were the Mayor and six Aldermen, City Attorney, and City Engineer Richard Broome who left the session at 8:10 PM.

**MOTION** made by Alderman Touchton and **SECONDED** by Alderman Brabham to exit Executive Session at 8:40 PM. **MOTION CARRIED UNANIMOUSLY**

**RESOLUTION ADOPTED FOR CONSTRUCTION EASEMENT ON NORTH-SOUTH PROJECT**

**MOTION** made by Alderman Brabham and **SECONDED** by Alderman Lott to adopt that resolution found on pages 569-572 authorizing the condemnation of a temporary construction easement for the Clinton North-South Connector Project. **MOTION CARRIED UNANIMOUSLY**

**ADJOURNMENT 8:42 P.M.**

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

Copy of Agenda can be found on pages 564 of this Minute Book Z.

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

May 27, 1998  
Date

ATTEST: Nelson Byrd  
Nelson Byrd, City Clerk

May 27, 1998  
Date

SEAL:

8

**Amendment No. 3  
to  
General Services Agreement  
for  
Improvements to the Interchange at  
Interstate Highway 20 and Clinton-Raymond Road**

This Amendment No. 3 to the General Services Agreement dated March 4, 1997, by and between the City of Clinton (Owner) and Michael Baker Jr., Inc. (Engineer) is hereby executed on \_\_\_\_\_, 1997.

**WITNESSETH:**

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

**SCOPE OF WORK:**

The scope of work includes the following activities:

1. Field surveys to establish existing locations of the Owner's water and sanitary sewer facilities and for engineering design at the following locations:
  - A. Along Clinton-Raymond Road from south of the WorldCom entrance north to the existing exit ramp in the Southwest quadrant at I-20.
  - B. Along the existing frontage road in the Southwest quadrant of I-20.
  - C. Along the existing entrance ramp in the Southeast quadrant of I-20.
2. Engineering design to relocate the existing water and sanitary sewer facilities in the vicinity of and within the interchange of Interstate 20 and Clinton-Raymond Road. This will consist of preparing plans and specifications suitable for construction bidding, attending the bid opening and evaluating the received bids. It will also include the preparation of required permit drawings and application forms for execution by the Owner and submittal to the Mississippi Department of Transportation (MDOT). The Engineer will also assist the Owner in its coordination with MDOT by providing the required information for you to negotiate the relocations. The following locations are included:
  - A. Along Clinton-Raymond Road from south of the WorldCom entrance north to the existing exit ramp in the Southwest quadrant of I-20.
  - B. Along the relocated frontage road adjacent to the west bound lanes of I-20.

- C. Along the proposed location of the future entrance ramp in the Southeast quadrant of I-20.

**PERIOD OF SERVICE:**

The work shall be commenced immediately after receipt from the Owner of a notice to proceed and shall be completed within 60 calendar days thereafter.

**COMPENSATION TO THE ENGINEER:**

The Owner shall compensate the Engineer for the services authorized under this Amendment No. 3 a lump sum fee of Twenty-Four Thousand, Five Hundred Dollars (\$24,500.00) as full and complete compensation for all labor and related costs incurred by the Engineer.

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

**IN WITNESS WHEREOF**, the Owner and Engineer have executed this Amendment No. 3 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  
A. Glenn Calloway, P.E., P.L.S.  
Regional Office Manager

ATTEST:

ATTEST:

\_\_\_\_\_  
Nelson Byrd  
City Clerk

\_\_\_\_\_  
Martha N. Nelson  
Manager, Support Services Administrator

MISSISSIPPI DEPARTMENT OF TRANSPORTATION

UTILITY AGREEMENT

FEDERAL AID PROJECT NUMBER 46-0020-01-136-10

HINDS COUNTY

This agreement entered into this day by and between City Of Clinton  
hereinafter referred to as the COMPANY,  
and the Mississippi Transportation Commission, hereinafter referred to as the COMMISSION, for the adjustment of  
the transmission and/or distribution facilities of the Company necessitated by the construction of a highway under the  
Mississippi Federal Aid Program.

1. That the COMMISSION will submit a project for highway construction, being a section of the  
modification at Clinton - Raymond Road Interchange

known as Interstate No. 20 in Hinds  
County V, and to be designated as 46-0020-01-136-10;  
and will recommend its approval by the Federal Highway Administration for construction with funds apportioned to the  
State under Federal Aid allotment; and,

2. That right of way for the proposed new road will pass over and include certain property interests of the COMPANY  
as defined by Paragraph 107 (a) of Federal Highway Administration 23CFR645A upon which it has heretofore  
constructed and is now maintaining its  
facilities, which property interest will be more particularly described and located according to plans agreeable to both  
parties; and,

3. That the proposed highway construction will necessitate certain adjustments, removals and/or alterations of the  
existing facilities of the COMPANY as shown by the COMPANY'S plans and estimate of cost attached hereto and made  
a part of this agreement by reference; and,

4. That the proposed adjustment (will/will not) result in a credit for accrued depreciation of the  
COMPANY'S system; and,

5. That the COMPANY will make the necessary adjustments, removals or alterations in its facilities at a total  
estimated cost of approximately \$ as shown by the COMPANY'S estimate. That the total estimated  
cost to the COMMISSION for actual nonbetterment work will be approximately \$ % ;  
and that the total estimated cost of the work to be done at the expense of the COMPANY will be approximately;  
\$ , % ; and,

6. That the COMPANY will commence the work on or before the day of , 199 and  
have it completed on or before the day of , 199 . The COMPANY shall be responsible  
for any delay to the construction of the project caused by the failure of the COMPANY to have its facilities moved on  
the aforementioned date.

7. That the COMPANY will perform the work provided for in this agreement by the method checked below:

☐ **BY COMPANY'S REGULAR FORCES:** The COMPANY proposes to use their regular construction or maintenance  
crews and personnel at its standard schedule of wages and working hours and working in accordance with the  
terms of its agreement with such employees.

☐ **BY CONTRACT:** The COMPANY does not have adequate staff or equipment to perform the necessary work with  
its own forces. Therefore, the COMPANY subject to prior approval of the COMMISSION and Federal Highway  
Administration proposes to contract the work covered by this agreement in accordance with the provisions of  
23CFR645A. The items of work to be accomplished by contract and the names of the qualified contractors whose  
services will be solicited are shown in the COMPANY'S estimate; and,

☐ **BY EXISTING CONTINUING CONTRACT:** Subject to prior approval of the COMMISSION and the Federal  
Highway Administration the COMPANY proposes to use an existing continuing contract under which certain work as  
shown by the COMPANY'S estimate is regularly performed for the COMPANY and under which the lowest available  
costs are developed. The name of the Contractor is listed in the COMPANY'S estimate; and,

8. That the method used by the COMPANY in developing the relocation costs except for Lump-Sum shall be in  
accordance with Paragraph 117 of 23CFR645A. Indicate here if Lump-Sum or Actual Cost , and,

9. That the COMPANY shall make the most economical type adjustments, removal, and/or alterations of its facilities  
as will satisfactorily meet the same service requirements of the old facility; and,

10. That the COMMISSION will reimburse the COMPANY the cost of work done here under, as hereinbefore provided  
for, but the liability of the COMMISSION shall not exceed 15% of the estimated cost nor shall it exceed the amount  
approved for payment by the Federal Highway Administration; and,

11. That all cost records of the COMPANY pertaining to the project will be subject at any time before final audit to inspection by representatives of the COMMISSION and the Federal Highway Administration; and,

12. It is understood that the project herein contemplated is to be financed from funds appropriated by the Federal Government and expended under Federal regulations; that all plans, estimates of cost, specifications, awards of contracts, acceptance of work and procedure in general are subject at all times to all Federal laws, rules, regulations, orders and approval applying to it as a Federal Project; and that the COMMISSION shall reimburse the COMPANY as provided above for only such items of work and expense and in such amounts and forms as are proper and eligible for payment according to 23CFR645A; and,

13. It is understood and agreed by and between the parties hereto that adjustments, removals, and/or alterations of the facilities to be made shall be made according to the plans and estimates attached hereto, which plans and estimates are hereby approved as to sufficiency thereof, and are incorporated herein and made a part hereof, and the COMMISSION shall pay the cost hereof according to the terms of this agreement, subject only to the provisions of paragraph 10 above. For the same consideration to be paid herein, the COMPANY does hereby agree to subordinate unto the COMMISSION such surface rights, subsurface rights or air rights, as the case may be, in and to the property interests covered by this agreement, to the full extent of the needs and demands of the COMMISSION in its use thereof for the purposes of this agreement. Further, should the COMMISSION find it necessary or desirable to change the design, construction, and/or maintenance plans to an extent that will require additional adjustments, removals, and/or alterations in the facilities covered hereby, which remained within the existing easement or other property interest of the COMPANY, the COMPANY will make such further adjustments, removals, and/or alterations as may be necessary according to the methods hereinabove set out, and the COMMISSION will pay therefore such sums as may be mutually agreed upon, subject only to the provisions of paragraph 10 above. However, should the COMPANY for its own purposes need or desire to expand, alter, adjust, remove, relocate, service or maintain the facilities covered by this agreement, the COMPANY agrees to make application to the COMMISSION for a proper permit to cover such changes, and any such changes made shall be at the expense of the COMPANY.

IN WITNESS WHEREOF, the parties hereto have affixed their respective corporate names and seals through their duly authorized officers this the \_\_\_\_\_ day of \_\_\_\_\_, A. D., 19\_\_\_\_.

City Of Clinton

NAME OF COMPANY

Witness as to Company

BY

Title

Attest

(CORPORATE SEAL)

MISSISSIPPI TRANSPORTATION COMMISSION

Witness as to Commission

By

Executive Director

BOOK \_\_\_\_\_ PAGES \_\_\_\_\_ & \_\_\_\_\_

Attest:

Secretary

(SEAL)

APPROVED: FEDERAL HIGHWAY ADMINISTRATION

Date

Division Administrator

568

**RESOLUTION AUTHORIZING THE CONDEMNATION  
OF A TEMPORARY CONSTRUCTION EASEMENT FOR  
THE CLINTON NORTH-SOUTH CONNECTOR PROJECT**

WHEREAS, it has been reported to the Mayor and Board of Aldermen of the City of Clinton, State of Mississippi, that the attempt to obtain a temporary construction easement required for construction, expansion, maintenance and repair of the Clinton North-South Connector Project, has been unsuccessful, and condemnation proceedings will have to be instituted in order to acquire the temporary construction easement across certain land because of the failure of efforts to enter into a voluntary agreement with Kitty Griffith Riley for a temporary construction easement running from the South to the North through the entire lot of the Riley property located on New Prospect Street, (Part of Lot 120), Town of Clinton, Clinton, First Judicial District of Hinds County, Mississippi; and

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

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

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

documents to present a Complaint in Condemnation to the Special Court of Eminent Domain of the First Judicial District of Hinds County, Mississippi, against Kitty Griffith Riley and all other parties in interest, for the condemnation of a temporary construction easement on the land mentioned above, such temporary construction easement being more particularly described in Exhibit "A" attached hereto and made a part hereof and shown in the Plat attached as Exhibit "B" hereto.

and be it further,

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

RESOLVED, that legal counsel be and it is hereby authorized and directed to commence any and all proceedings necessary for the condemnation of such temporary construction easement to include the employment of appropriate expert witnesses to give testimony concerning the location and value of the property to be obtained.

SIGNED, this the 19<sup>th</sup> day of May, 1998.

CITY OF CLINTON, MISSISSIPPI

BY: Rosemary J. Aultman  
ROSEMARY AULTMAN, Mayor

ATTEST:

Nelson Byrd  
NELSON BYRD, City Clerk

RILEY.RES  
5/19/98-MMH

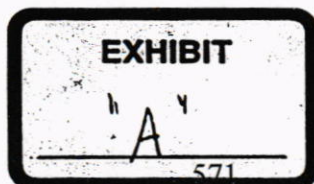
PARCEL 10

KITTY GRIFFITH RILEY  
D.B. 3042 PG. 7

CONSTRUCTION EASEMENT

Commencing at the Northeast corner of Section 29, Township 6 North, Range 1 West, as marked by a found 1/2" iron pin, go South 00°00'00" East, a distance of 1,409.09 feet; thence South 90° 00' 00" West, a distance of 4,379.44 feet to the southwest corner of the Kitty Griffith Riley property, as marked by a found 1/2" iron pin, said point also being the Point of Beginning; said point of beginning also being 53 feet right of centerline at Survey Station 27+98.64 of the Proposed Clinton Parkway, Project No. STP-7312(2), said point also being at the intersection of the south property line of Kitty Griffith Riley property and the east right-of-way line of New Prospect Street (30' ROW) as it is now laid out and exist March 28, 1997. From said point of beginning run thence North 00° 52' 27" West, a distance of 123.89 feet along the easterly right-of-way line of New Prospect Street, also being the west property line of Kitty Griffith Riley property, to the southerly right-of-way line of East Main Street (50 feet right-of-way) as it is laid out and exist March 28, 1995, said point of intersection being the northwest corner of Kitty Griffith Riley property; thence South 89° 28' 05" East along East Main Street southerly right-of-way, also being the north property line of Kitty Griffith Riley property, a distance of 10.00 feet; thence South 00° 52' 27" East, a distance of 123.89 feet to a point on the south property line of Kitty Griffith Riley property; thence North 89° 28' 05" West, a distance of 10.00 feet along the south property line of Kitty Griffith Riley property to the easterly right-of-way line of New Prospect Street, also being the southwest corner of Kitty Griffith Riley property, and the point of beginning and being situated in and a part of the Northwest 1/4 of Section 29, Township 6 North, Range 1 West, City of Clinton, First Judicial District, Hinds County, Mississippi.

The above described construction easement contains 0.028 acres (1,239 square feet), more or less, and is more particularly shown on a plat by ABMB Engineers, Inc. dated October 24, 1997, said plat attached and made a part hereof.



CLASS "B" SURVEY AS PER RULES AND REGULATIONS  
OF MISSISSIPPI STATE BOARD OF REGISTRATION FOR  
PROFESSIONAL ENGINEERS AND LAND SURVEYORS

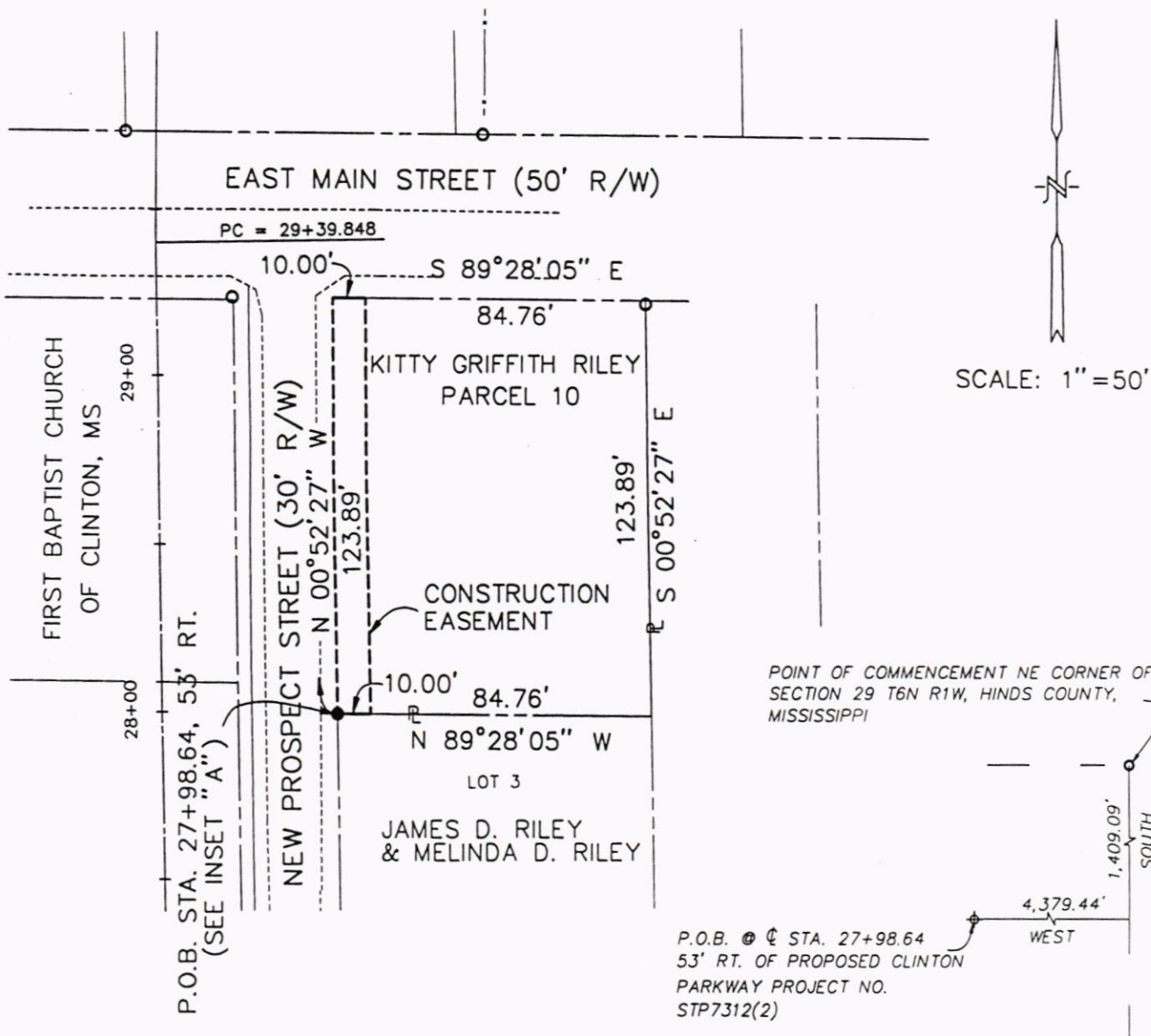
PROPERTY LINES WERE ESTABLISHED USING  
THE PHYSICAL EXISTENCE OF STREETS  
AND THE DOCUMENTS OF RECORD

BEARINGS SHOWN ON THIS PLAT WERE  
DERIVED FROM A SOLAR OBSERVATION  
AT STATION 10+68.73 OFFSET 18.13' LEFT  
FORESIGHTING A POINT AT STATION 15+49.72  
OFFSET 62.96' RT. (N 05° 17' 09"E)

IMPROVEMENTS ARE NOT INDICATED ON  
THIS SURVEY.

LEGEND

- ⊙ 1/2" SET IRON PIN
- 1/2" FOUND IRON PIN
- - - - - EXISTING RIGHT-OF-WAY
- — — — — REQUIRED RIGHT-OF-WAY
- P — PROPERTY LINE
- X — FENCE LINE
- - - - - REQ'D CONSTRUCTION EASEMENT



REFERENCE MATERIALS

DEED BOOK 3042 PAGE 7

**EXHIBIT**

"B"

INSET "A"

DESCRIPTION: PARCEL 10  
KITTY GRIFFITH RILEY  
DEED BOOK 3042 PAGE 7  
PORTION OF LOT 3  
ADAMS SURVEY  
TOWN OF CLINTON  
SECTION 29, T6N, R1W  
CITY OF CLINTON  
HINDS COUNTY, MISSISSIPPI

CONSTRUCTION EASEMENT 1,239 SQ. FT. 0.028 AC.

SAID PARCEL MAY BE SUBJECT TO RECORDED,  
UNRECORDED OR MISINDEXED INSTRUMENTS OR  
FACTS WHICH WOULD BE REVEALED BY A COM-  
PETENT TITLE EXAMINATION OF SAID PARCEL.

CLINTON PARKWAY  
CITY OF CLINTON  
HINDS COUNTY, MISSISSIPPI  
PROJECT NO. STP-7312(2)

**ABMB**  
ENGINEERS  
INCORPORATED  
401 E. CAPITOL, SUITE 400  
JACKSON, MS (601)354-0696

DRAWN BY:  
RLC

CHECKED BY:  
DMR



SURVEY BY:  
JCK

SURVEY DATE:  
3/28/95

DATE:  
10/24/97