CITY OF CLINTON
REGULAR MEETING OF THE MAYOR AND BOARD OF ALDERMEN
TUESDAY, AUGUST 18, 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 Reverend Bud Gordon, Pastor of First Methodist Church followed by the Pledge of Allegiance to the Flag led by Alderman Touchton.

ROLL CALL - City Clerk Nelson Byrd

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

Ken Dreher - City Attorney
Nelson Byrd - City Clerk

APPROVAL OF CONSENT AGENDA ITEMS A-LL

MOTION made by Alderman Brantley and **SECONDED** by Alderman Lott to approve Consent Agenda Items A-LL listed on pages 648-649 of this Minute Book Z. Items D, E, & KK will serve to advertise favorably the opportunities, possibilities, and resources of the City of Clinton. Quotes listed in Item G may be found in the office of the City Clerk. **MOTION CARRIED UNANIMOUSLY**

RESOLUTION APPROVED FOR POWERTEL/MEMPHIS, INC

Upon recommendation from Zoning Administrator Gary Ward and the Planning & Zoning Board , **MOTION** made by Alderman Touchton and **SECONDED** by Alderman Lott to approve that Resolution found on pages 650-653 of this Minute Book Z approving a conditional use for a public/quasi-public facility for Powertel/Memphis, Inc. at 478 Springridge Rd. **MOTION CARRIED UNANIMOUSLY**

RESOLUTION APPROVED FOR CELLULAR HOLDING, INC.

Upon recommendation from Zoning Administrator Gary Ward and the Planning & Zoning Board, **MOTION** made by Alderman DePriest and **SECONDED** by Alderman Brabham to approve that Resolution found on pages 654-657 of this Minute Book Z approving a conditional use for a public/quasi-public facility for Cellular Holding, Inc. in Section 14, T6N, R2W. **MOTION CARRIED UNANIMOUSLY**

APPROVAL FOR ADDITIONAL PARKING AREA AT 101 LAWSON

Upon recommendation from Zoning Administrator Gary Ward, Clinton Historical Preservation Commission, and the Planning & Zoning Board , **MOTION** made by Alderman Brabham and **SECONDED** by Alderman Lott to approve the request from Mr. Richard Baxter to construct additional parking area at 101 Lawson St. **MOTION CARRIED UNANIMOUSLY**

PUBLIC HEARING SET TO AMEND CERTAIN SECTIONS OF ZONING ORDINANCE

Upon recommendation of Zoning Administrator Gary Ward, **MOTION** made by Alderman Touchton and **SECONDED** by Alderman Fisher to approve that Motion To Set Public Hearing on September 22, 1998 before the Planning Commission to amend Zoning Ordinance sections 1304, 1504, 1604, 1704, 1804, 1904 and 2005 found on pages 658-659 of this Minute Book Z. **MOTION CARRIED UNANIMOUSLY**

PUBLIC HEARINGS FOR UNKEPT PROPERTY

Upon Recommendation of Zoning Administrator Gary Ward, **MOTION** made by Alderman Brabham and **SECONDED** by Alderman Lott to approve that Resolution found on pages 660-663 of this Minute Book Z to clean the Private Property at 312 Indian Mound. **MOTION CARRIED UNANIMOUSLY**

Upon Recommendation of Zoning Administrator Gary Ward, **MOTION** made by Alderman Brabham and **SECONDED** by Alderman Hisaw to approve that Resolution found on pages 664-667 of this Minute Book Z to clean Parcel 2862-165-252 on Johnson Street. **MOTION CARRIED UNANIMOUSLY**

Upon Recommendation of Zoning Administrator Gary Ward, **MOTION** made by Alderman Brabham and **SECONDED** by Alderman Lott to approve that Resolution found on pages 668-671 of this Minute Book Z to clean 810 Springridge Rd. **MOTION CARRIED UNANIMOUSLY**

APPROVAL OF ADM. CONTRACT WITH CMPDD FOR HOBBY FARMS/BANKS RD. BLOCK GRANT

Upon recommendation of City Engineer Richard Broome, **MOTION** made by Alderman Brantley and **SECONDED** by Alderman Hisaw to approve that $7,000.00 Administrative contract with the Central Mississippi Planning and Development District for the Hobby Farms/Banks Rd. Block Grant found on pages 672-679 of this Minute Book Z. **MOTION CARRIED UNANIMOUSLY**

REJECTION OF BID ON INTERSECTION IMPROVEMENTS

Upon recommendation from City Engineer Richard Broome that the only bid received on the Springridge Road @ Clinton Center Drive Intersection Improvements project was from APAC totaling $168,107 and was twice as high as the Engineer's estimate, and that the project should be re-bid, **MOTION** made by Alderman Lott and **SECONDED** by Alderman DePriest to reject the bid from APAC and to re-advertise and to re-bid the project **MOTION CARRIED UNANIMOUSLY**

HINDS COUNTY PAVING ALLOCATION REMOVED FROM AGENDA

MOTION made by Alderman Fisher and **SECONDED** by Alderman DePriest to remove item 12- "$100,000.00 Hinds County Paving Allocation" from the agenda because it is a major item of significant importance with strong feelings on both sides and was not submitted until the Monday before this Tuesday Board Meeting and that the City would be better served to hold off until the next meeting. **MOTION CARRIED 4-3** with Aldermen Brabham, Hisaw, DePriest and Fisher voting "AYE" and Aldermen Brantley, Touchton, and Lott voting "NAY"

EXECUTIVE SESSION

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

MOTION made by Alderman Brantley and **SECONDED** by Alderman Brabham at 7:28 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, City Engineer Richard Broome, and John Smith with Michael Baker, Engineers.

MOTION made by Alderman Brabham and **SECONDED** by Alderman Fisher to exit executive session at 8:27 PM. **MOTION CARRIED UNANIMOUSLY**

CITY ATTORNEY AUTHORIZED TO PROCEED WITH EMINENT DOMAIN ACTION

MOTION made by Alderman Fisher and **SECONDED** by Alderman Brantley that the City Attorney be authorized to prepare the appropriate documents to file an eminent domain action to acquire the necessary rights-of-ways on the SOS Truck Stop property for the water and sewer relocations of the Clinton-Raymond Road/Interstate 20 Interchange Modifications. **MOTION CARRIED UNANIMOUSLY**

ADJOURN 8:28 PM

MOTION made by Alderman Fisher and **SECONDED** by Alderman Brantley to adjourn. **MOTION CARRIED UNANIMOUSLY**

Copy of Agenda can be found on pages 648-649 of this Minute Book Z.

APPROVED: Rosemary G. Aultman August 21, 1998
Rosemary G. Aultman, Mayor Date

ATTEST: Nelson Byrd August 21, 1998
Nelson Byrd, City Clerk Date

SEAL:

RESOLUTION APPROVING A CONDITIONAL USE FOR A DESIGNATION OF PUBLIC/QUASI-PUBLIC FACILITY AND UTILITY FOR POWERTEL/MEMPHIS, INC. FOR PROPERTY LOCATED AT 478 SPRINGRIDGE ROAD CLINTON, MISSISSIPPI

WHEREAS, Powertel/Memphis, Inc. did file a request for a designation of the property described in Exhibit "A" attached hereto as a public/quasi-public facility and utility, and,

WHEREAS, all notice requirements of the Zoning Ordinance of the City of Clinton were accomplished and a public hearing was held on July 28, 1998, as required: and,

WHEREAS, the Planning and Zoning Commission upon conclusion of the public hearing on July 28, 1998, adopted a motion to approve the request for a public/quasi-public facility and that the motion be forwarded to the next meeting of the Mayor and Board of Aldermen for their consideration.

WHEREAS, the Mayor and Board of Aldermen of the City of Clinton, Mississippi, have the final authority with regard to all matters involving the Zoning Ordinances; and

WHEREAS, the Mayor and Board of Aldermen are fully familiar with the request and the area involved in the request; and

BE IT RESOLVED by the Mayor and Board of Aldermen of the City of Clinton, Mississippi that the request of Powertel/Memphis, Inc. for designation of the property described in Exhibit "A" attached as a public/quasi-public facility and hereby granted and such action is taken pursuant to the findings of fact set out as follows:

CSO

1. The Mayor and Board of Aldermen of the City of Clinton, Mississippi, have the final authority with regard to all matters involving the Zoning Ordinance.

2. The recommendation of the Planning and Zoning Commission is advisory in nature.

3. The Mayor and Board of Aldermen have knowledge of the area involved and and are aware of the need for the conditional use.

4. The requested designation meets the definitions of a Conditional Use of the Zoning Ordinance.

5. The Conditional-Use will promote the general welfare of the City of Clinton and will not adversely affect adjacent property. Future projects within the designation area will remain subject to the Zoning Ordinance and approval of site plans or other matter will allow the City to continue to monitor the area.

6. The Mayor and Board of Aldermen find that Section 402 of the Zoning Ordinance has been complied with and that the requirements of Section 2405.01 of the Zoning Ordinances are satisfied based upon the presentation of the applicants and the site plan presented to the Planning Commission and to the Mayor and Board of Aldermen.

7. The granting of this conditional-use does not relieve the requested from compliance with any applicable law, court order, covenants or contracts.

Designation is hereby granted with the following conditions:

1. Maximum tower height of 150' plus 15' antenna
2. Tower shall be of a slim line design.
3. Capable of accomodating two additional carriers.
4. No warning lights shall be installed on tower unless required by Federal Aviation Authority (FAA).

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

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 18TH day of August, 1998.

CITY OF CLINTON

BY: Rosemary Aultman
ROSEMARY AULTMAN, MAYOR

ATTEST:

Nelson Byrd
Nelson Byrd, City Clerk

(SEAL)

Legal Description
Powertel/Memphis, Inc.

Commence at the SW corner of the aforesaid Section 29, T6N, R1W and run east , 1323.48 feet, run thence north 489.52 feet to an iron bar marking the NE corner of the Pritchard Oil Company property, as recorded in Deed Book 2426 at page 175 in the Office of the Chancery Clerk of Hinds County, Mississippi; run thence north 89°48'00" west, along the northern boundry of said Pritchard Oil Company property, 668.68 feet to an iron bar marking the Point of Beginning of the property herein described and conveyed; run thence south, along the western boundry of said Pritchard Oil Company property, 112.38 feet to an iron bar in the northern right-of-way line of Interstate Highway 20, as it is now (May, 1981) in use, run thence north 56°03'57" west, along said northern right-of-way line 518.07 feet to a point; continue thence along said right-of-way north 51°37'43" west 144.60 feet to an iron bar; thence east 528.10 feet to an iron bar; thence run south 03°14'30" east for a distance of 267.02 feet to the Point of Beginning. Said parcel containing 2.3 acres more or less.

EXHIBIT "A"

RESOLUTION APPROVING A CONDITIONAL USE FOR A DESIGNATION OF PUBLIC/QUASI-PUBLIC FACILITY AND UTILITY FOR CELLULAR HOLDING, INC. FOR PROPERTY LOCATED IN SECTION 14, T6N, R2W CLINTON, MISSISSIPPI

WHEREAS, Cellular Holding, Inc. did file a request for a designation of the property described in Exhibit "A" attached hereto as a public/quasi-public facility and utility, and,

WHEREAS, all notice requirements of the Zoning Ordinance of the City of Clinton were accomplished and a public hearing was held on July 28, 1998, as required: and,

WHEREAS, the Planning and Zoning Commission upon conclusion of the public hearing on July 28, 1998, adopted a motion to approve the request for a public/quasi-public facility and that the motion be forwarded to the next meeting of the Mayor and Board of Aldermen for their consideration.

WHEREAS, the Mayor and Board of Aldermen of the City of Clinton, Mississippi, have the final authority with regard to all matters involving the Zoning Ordinances; and

WHEREAS, the Mayor and Board of Aldermen are fully familiar with the request and the area involved in the request; and

BE IT RESOLVED by the Mayor and Board of Aldermen of the City of Clinton, Mississippi that the request of Cellular Holding, Inc. for designation of the property described in Exhibit "A" attached as a public/quasi-public facility and hereby granted

and such action is taken pursuant to the findings of fact set out as follows:

1. The Mayor and Board of Aldermen of the City of Clinton, Mississippi, have the final authority with regard to all matters involving the Zoning Ordinance.

2. The recommendation of the Planning and Zoning Commission is advisory in nature.

3. The Mayor and Board of Aldermen have knowledge of the area involved and and are aware of the need for the conditional use.

4. The requested designation meets the definitions of a Conditional Use of the Zoning Ordinance.

5. The Conditional-Use will promote the general welfare of the City of Clinton and will not adversely affect adjacent property. Future projects within the designation area will remain subject to the Zoning Ordinance and approval of site plans or other matter will allow the City to continue to monitor the area.

6. The Mayor and Board of Aldermen find that Section 402 of the Zoning Ordinance has been complied with and that the requirements of Section 2405.01 of the Zoning Ordinances are satisfied based upon the presentation of the applicants and the site plan presented to the Planning Commission and to the Mayor and Board of Aldermen.

7. The granting of this conditional-use does not relieve the requested from compliance with any applicable law, court order, covenants or contracts.

Designation is hereby granted with the following conditions:

1. Maximum tower height of 250'.
2. Capable of accomodating additional carriers.
3. Lighting of tower as required by Federal Aviation Authority (FAA).

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

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 18TH day of AUGUST, 1998.

CITY OF CLINTON

BY: Rosemary G. Aultman
ROSEMARY AULTMAN, MAYOR

ATTEST:

Nelson Byrd
Nelson Byrd, City Clerk

(SEAL)

Legal Description
Cellular South, Inc.

A parcel of land in the Clinton Industrial Park in the SE 1/4 of the SW 1/4 and the SW 1/4 of the SE 1/4 of Section 14, T6N, R2W, of the Second Judicial District of Hinds County, Mississippi, containing 2.70 acres more or less, being more particularly described as follows:

Commence at the northwest corner of the SE 1/4 of Section 14, T6N, R2W, said point being located 48 feet east of a fence corner marking the southwest corner of a proposed subdivision as per deed to Mississippi Power and Light recorded in deed book 241, page 169-172; Thence run west for 128.85 feet; Thence run south for 1522.14 feet to a 1/2" rebar and the point of beginning. From the point of beginning run S72°05'57"E for 420.33 feet to a 1/2" rebar; Thence run S12°05'57"E for 60.00 feet to a 1/2" rebar; Thence run S47°54'03"W for 420.33 feet to a 1/2" rebar; Thence run N72°05'57"W for 60.00 feet to a 1/2" rebar; Thence run N12°05'57"W for 420.33 feet to a 1/2" rebar; Thence run N47°54'03"E for 60.00 feet back to the Point of Beginning.

EXHIBIT "A"

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Chase Mort.

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 810 Springridge Road, 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 810 Springridge Road, 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 810 Springridge Road, 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., August 18, 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 uncleanliness, 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 810 Springridge Road, 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 Lott 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: 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 Resolution approved and adopted.

The foregoing Resolution was approved this the 18th day of August, 1998.

CITY OF CLINTON

BY: Rosemary J. Aultman
ROSEMARY AULTMAN, Mayor

ATTEST:

Nelson Byrd
NELSON BYRD, City Clerk

(SEAL)

CLEAN.RES
3/3/98-MMH

7D

MOTION TO SET PUBLIC HEARING TO AMEND ZONING ORDINANCE BY AMENDING SECTIONS 1304, 1504, 1604, 1704, 1804, 1904 & 2005

I move that, pursuant to the Zoning Ordinance of the City of Clinton, a public hearing be set, as required, to amend the Zoning Ordinance by amending Sections 1304, 1504, 1604, 1704, 1804, 1904 & 2005 as set out below and that said hearing take place on September ~~29~~ 22 nd, 1998, or as soon thereafter as possible before the Planning Commission.

AMENDMENT TO ZONING ORDINANCE

Sections 1304, 1504, 1604, 1704, 1804, 1904 & 2005 are hereby amended by adding the following:

> ***Proposed structures with less than ten thousand (10,000) square feet of gross floor area and having met all zoning ordinances and other regulations do not have to submit a site plan to the Planning Commission.***

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

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

approved on the 18TH day of AUG., 1998.

CITY OF CLINTON, MISSISSIPPI

Rosemary D. Aultman

ROSEMARY AULTMAN, Mayor

ATTEST:

Nelson Byrd

NELSON BYRD, City Clerk

Mulrenin

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 312 Indian Mound, 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 312 Indian Mound, 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 312 Indian Mound, 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., August 18, 1998, at the Municipal Room of the Public Safety Complex, 305 Monroe Street, Clinton, Mississippi; and

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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 uncleanliness, 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 312 Indian Mound _____, 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 LOTT 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: 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 Resolution approved and adopted.

The foregoing Resolution was approved this the 18TH day of August, 1998.

CITY OF CLINTON

BY: Rosemary D. Aultman
ROSEMARY AULTMAN, Mayor

ATTEST:

Nelson Byrd
NELSON BYRD, City Clerk

(SEAL)

CLEAN.RES
3/3/98-MMH

Williams

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 Number 2862-165-252 (Johnson Street), 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 2862-165-252 (Johnson Street), 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 2862-165-252 (Johnson Street), 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., August 18, 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 uncleanliness, 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 2862-165-252 (Johnson Street), 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 HISAW 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: 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 Resolution approved and adopted.

The foregoing Resolution was approved this the 18th day of August, 1998.

CITY OF CLINTON

BY: Rosemary J. Aultman
ROSEMARY AULTMAN, Mayor

ATTEST:

Nelson Byrd
NELSON BYRD, City Clerk

(SEAL)

CLEAN.RES
3/3/98-MMH

CMPDD CONTRACT
CONTRACT # 318-ACF
CITY OF CLINTON, MS
CDBG CONTRACT

CONTRACT FOR PROFESSIONAL SERVICES

THIS AGREEMENT, entered into as of the 21st day of August, 1998, by and between the City of Clinton, Mississippi, (herein called the "Local Government") and the Central Mississippi Planning and Development District (herein called the "Planning Agency"). WITNESSETH THAT:

WHEREAS, the Local Government desires to engage the Planning Agency to render certain technical or professional services, hereafter described:

NOW, WHEREFORE, the parties hereto do mutually agree as follows:

1. Employment of Planning Agency

   The Local Government hereby agrees to engage the Planning Agency and the Planning Agency hereby agrees to provide the services hereinafter described.

2. Scope of Services

   The Planning Agency will furnish all personnel to perform the services described in the "Scope of Services", which is attached hereto and made a part hereof by reference.

3. Period of Performance

   The Planning Agency will undertake and complete performance of the services referred to in "Scope of Services", with the period beginning March, 1998 and ending upon completion of the project.

4. Termination for Convenience of the Planning Agency

The Planning Agency may terminate this Contract at any time by giving thirty (30) days written notice to the Local Government of such termination. If this Contract is terminated by the Planning Agency as provided herein, the Local Government will be reimbursed equal to its contribution, less any costs actually incurred by the Planning Agency which are directly attributable to the services covered by this Contract.

5. Termination for Convenience of the Local Government

The Local Government may terminate this Contract at any time by giving written notice to the Planning Agency of such termination. If this Contract is terminated by the Local Government as provided herein, the Planning Agency will be reimbursed equal to its contribution, less any costs actually incurred by the Local Government which are directly attributable to the services covered by the Contract.

6. Changes

This contract may be altered from time to time with the approval of both the parties. Such changes, including any increase or decrease in the amount of the Local Government's contribution, shall be incorporated in written amendments to this Contract.

7. Interest of Members of Local Government

No officer, member, or employee of the Local Government who exercises any functions or responsibilities in the review or approval of the undertaking or carrying out of this Contract shall participate in any decision relating to this Contract which affects his personal interest or the interest of any corporation, partnership, or association in which he is directly or indirectly interested.

8. Compensation

Compensation to the Planning Agency for work performed shall be on cost reimbursement basis and shall be comprised of the actual costs of personnel, travel, printing, overhead, et.al. costs as related to the performance of the contract. The Local Government agrees to pay for actual costs incurred not to exceed Seven Thousand Dollars ($7,000), $3,000 for the actual preparation of the CDBG application, and, $4,000 for: (1) selection of all consultants in accordance with all applicable State and Federal procurement regulations, (2) carrying out the work required to clear all environmental regulations as required by State and Federal regulations, and, (3) completion of all other technical assistance related to gaining approval of the project.

9. Office Space

The Local Government hereby agrees to make available to the Planning Agency reasonable office space needed, in addition to their usual place of business, for the performance of the services agreed to under this Contract, and the Local Government hereby agrees not to require any charge for such additional space.

10. Local Government Cooperation

The Local Government hereby agrees that its officials and employees will cooperate with the Planning Agency in the discharge of its responsibility under this Contract and will be available for consultation at such times as may be mutually agreeable to both parties. The Local Government shall make available to the Planning Agency or its designated agents, all data, records, reports, maps, or other information as are existing, available, and necessary for carrying out this Contract.

11. Records

All records of the CMPDD shall be maintained for a minimum period of three years from the date of project closeout.

CMPDD CONTRACT
CONTRACT # 318-ACF

IN WITNESS WHEREOF, the Planning Agency and the Local Government have executed this Agreement as of this date first above written.

ATTEST:

Dan L. Thompson
Director of Finance

CENTRAL MISSISSIPPI PLANNING AND DEVELOPMENT DISTRICT

PLANNING AGENCY

F. Clarke Holmes
Chief Executive Officer

ATTEST:

Nelson Byrd
City Clerk

CITY OF CLINTON, MISSISSIPPI

LOCAL GOVERNMENT

Rosemary Aultman
Mayor

CMPDD CONTRACT
CONTRACT # 318-ACF

STATE OF MISSISSIPPI

COUNTY OF HINDS

Personally appeared before me, the undersigned in and for said County and State, the within named Nelson Byrd and Rosemary Aultman, who acknowledged to me that they are the City Clerk and Mayor of the City of Clinton, Mississippi, respectively and that as such they did sign, execute and deliver the foregoing instrument, having affixed the City seal thereto, for the purposes therein stated, in the name of, for and on behalf of said City, they being first duly authorized to do so.

Given under my hand and official seal, this the 19th day of August, 1998.

Denise B. Gable
NOTARY PUBLIC

My Commission Expires:

MISSISSIPPI STATEWIDE NOTARY PUBLIC
MY COMMISSION EXPIRES OCT. 27, 2000
BONDED THRU STEGALL NOTARY SERVICE

CMPDD CONTRACT
CONTRACT # 318-ACF

STATE OF MISSISSIPPI

COUNTY OF HINDS

Personally appeared before me, the undersigned individual in and for said County and State, the within named F. Clarke Holmes and Dan L. Thompson, who acknowledged to me that they are the Chief Executive Officer and Director of Finance of the Central Mississippi Planning and Development District, Incorporated, respectively, and that as such they did sign, execute and deliver the above foregoing instrument, having affixed the corporate seal thereto, for the purposes therein stated, in the name of, for and on behalf of said corporation, they being first duly authorized so to do.

Given under my hand and official seal, this the 1st day of August, 19 98

Debbie Johnson
Notary Public

My Commission Expires:

NOTARY PUBLIC STATE OF MISSISSIPPI AT LARGE.
MY COMMISSION EXPIRES: Feb. 26, 2002.
BONDED THRU NOTARY PUBLIC UNDERWRITERS.

CMPDD CONTRACT
CONTRACT # 318-ACF

SCOPE OF SERVICES

CITY OF CLINTON, MISSISSIPPI

The Planning Agency shall carry out in an expedient and satisfactory manner:

The submission and subsequent technical assistance required in the Grant process:

A. Assist in Preparation of CDBG Application

This service will entail the coordination of all activities connected with the preparation and submission of the CDBG Application. The District will confer with all parties, write an application, assist with the public hearings, and all such activities related to the submission of the application.

B. Assist in Meeting Selection Procedures of Professional Services for the Grant Program

This service will entail assisting the Local Government in meeting all Federal requirements, concerning the selection of Preparer, Engineer, CDBG Administrator, Architect, Appraisers/Review Appraisers and any other consultant in accordance with the procurement standards as set forth in 24 CFR Part 85.

C. Assist in Meeting Environmental Requirements

This service will entail the preparation of an Environmental Review Record; the preparation of a Cultural Resource Assessment; the preparation of a Notice of No Adverse Environmental Effect on the Environment, Request for Release of Funds to be published in the local newspaper, and the preparation and submission of the environmental certification to the Mississippi Department of Economic and Community Development.

D. Provision of Technical Assistance

The District shall work as a liaison between the Local Government and the State of Mississippi, Office of Community Development on a day to day basis after the application has been filed to assist both parties in gaining approval of the application. This service will require the Planning Agency to be in constant contact with all parties to answer questions and be available to accompany the State on site visits and act as the Local Government's agent. The duties involved will require the Planning Agency to submit all data and follow up materials requested by the Funding Agency in a timely manner and in a moments notice.