

**SPECIAL MEETING OF THE MAYOR AND BOARD OF ALDERMEN
WEDNESDAY, FEBRUARY 15, 1996 - 8:00 P.M.
CITY HALL**

The Mayor and Board of Aldermen of the City of Clinton met at City Hall, 300 Jefferson Street, on Thursday, February 15, 1996, 8:00 p.m., for a **SPECIAL MEETING** called by Mayor Rosemary G. Aultman for the purpose of discussing items named in the Original Notice of said special meeting as found on page 577 of this Minute Book X.

CALL TO ORDER - Mayor Rosemary Aultman

ROLL CALL - City Clerk Nelson Byrd

Present - Jehu Brabham - Alderman-at-Large
O. C. George Ferrell - Alderman Ward 1
Rodney DePriest - Alderman Ward 2
Ben Todd - Alderman Ward 3
Phil Fisher - Alderman Ward 4
Herb Touchton - Alderman Ward 5
Sharbert Lott - Alderman Ward 6
Mayor Rosemary Aultman - Presiding

City Attorney Ken Dreher
City Prosecutor Bill Spell
City Clerk Nelson Byrd

Prior to discussion beginning, Alderman Todd expressed concern about having a conflict of interest with the litigation matter being discussed involving Anderson Engineers, Alderman Todd withdrew from conversation and left the Board Room at 8:01 p.m.

EXECUTIVE SESSION - 8:03 P.M.

MOTION made by Alderman Fisher and **SECONDED** by Alderman Lott to consider entering executive session for the purpose of discussing litigation matters. **MOTION CARRIED UNANIMOUSLY**. Alderman Todd not present for voting.

MOTION made by Alderman Touchton and **SECONDED** by Alderman Lott to enter executive session to discuss litigation. **MOTION CARRIED UNANIMOUSLY**. Alderman Todd not present for voting.

City Clerk Byrd left the Board Room during discussion of litigation matters with only the Mayor, Board Members (except Todd), and the attorneys present.

City Clerk Byrd was asked to re-enter the Board Room at 8:16 p.m. to record the following **MOTION** made by Alderman Touchton and **SECONDED** by Alderman Lott to exit executive session. **MOTION CARRIED UNANIMOUSLY**. Alderman Todd not present for voting.

SETTLEMENT OF TERRY ANDERSON ENGINEERS, P.A. et al. LAWSUIT

MOTION made by Alderman Brabham and **SECONDED** by Alderman Touchton to accept the settlement offer as outlined in the letters found on pages 579-581 of this Minute Book X that were received by the City through Attorney William Spell and to proceed with whatever necessary arrangement that has to be made to convey that to the other parties involved - Anderson Engineers, P.A. et al. **MOTION CARRIED 4-2** with nays from Aldermen Ferrell and DePriest. Alderman Todd not present for voting.

RETURN OF POLICE OFFICER

I, the undersigned Police Officer of the City of Clinton, Mississippi, personally delivered a true copy of the foregoing Notice of Special Meeting of the Mayor and Board of Aldermen to the following named persons at the date and time hereafter set out.

NAME	DATE	TIME
BEN L. TODD	2-15-96	2:20
George Small	2-15-96	2:30 PM
George Small	2-15-96	2:50 PM
George Small	2-15-96	11:16 AM
Marked K. Lott	2-15-96	4:17 PM
Ruth Fisher	2-15-96	4:24 PM
Neil Luchter	2-15-96	5:00 PM

STOP AT 5 PM

Witness my signature, this the 15th day of February 1996.

Capt. Curtis Banister
Police Officer of the City of Clinton

I, the undersigned Police Officer of the City of Clinton, Mississippi, do hereby certify that I made a diligent search and inquiry as to the whereabouts of the following named persons, but was unable to find said persons.

NAME	DATE	TIME

Witness my signature, this the 15th day of February 1996.

Police Officer of the City of Clinton

DAVID W. MOCKBEE
MARY ELIZABETH HALL
DANNY A. DRAKE
JOEL SNEYD MULLER
WILLIAM C. WALTER

MOCKBEE HALL & DRAKE
A PROFESSIONAL ASSOCIATION
ATTORNEYS AT LAW
THE PLAZA BUILDING, SUITE 900
120 N. CONGRESS STREET
JACKSON, MISSISSIPPI 39201

TELEPHONE: (601) 353-0035
FACSIMILE: (601) 353-0045

February 13, 1996

8308-6

VIA FACSIMILE

924-6066

William E. Spell, Esquire
Post Office Box 1138
Clinton, MS 39060

Re: City of Clinton, Mississippi v. Anderson Engineers, P.A.
et al. in the Circuit Court of the First Judicial
District of Hinds County, Mississippi; Cause No. 93-75-
304

Dear Bill:

Anderson Engineers, P.A., Terry L. Anderson, P.E., Joseph
Constructors and Transamerica Premier Insurance Company jointly
offer to settle the referenced lawsuit if a global settlement can
be reached among all parties according to the following terms:

1. Anderson's cash contribution of \$120,000.00;
2. Joseph Constructors and Transamerica Premier Insurance
cash contribution of \$30,000.00;
3. Anderson Engineers, P.A.'s waiver of its \$97,199.66
breach of contract claims;
4. Joseph Constructors' waiver of its \$201,987.06 claim for
retainage, additional costs, delay damages and lost
profits.
5. Mutual releases among all parties to this litigation of
all claims, one against the other, which is the subject
matter of this litigation.
6. Express statement in any settlement agreement that
settlement is to resolve a disputed claim and is not an
admission of liability on the part of any party.
7. Settlement of the second City of Clinton v. Anderson
Engineers lawsuit including mutual releases among all
parties to that litigation of all claims, one against the
other, which is the subject matter of that litigation.

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William E. Spell, Esquire
February 13, 1996
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As we all need to get to work if this case cannot be settled, I would respectfully request you advising me as soon as possible whether this case can be settled.

Pursuant to Rule 408, Miss. R. Evid., this letter and our prior discussions relating to settlement are not admissible in the event this settlement is not consummated.

Sincerely yours,

MOCKBEE HALL & DRAKE, P.A.



David W. Mockbee

DWM:sa

cc: Mr. Terry L. Anderson
Ron A. Yarbrough, Esquire

ca:docs\mockbeed\lfr\83060000.WG5

RON A. YARBROUGH
Direct Dial Number
601-960-4204

OTT & PURDY
A PROFESSIONAL ASSOCIATION
ATTORNEYS AT LAW
SECURITY CENTRE SOUTH, SUITE 1100
200 SOUTH LAMAR STREET
JACKSON, MISSISSIPPI 39201
TELEPHONE (601) 969-4140
TELECOPIER (601) 353-0185

MAILING ADDRESS:
P.O. DRAWER 1079
JACKSON, MS 39215-1079

February 12, 1996

Mr. William E. Spell
P.O. Box 1138
Clinton, Mississippi 39060

VIA FACSIMILE
601-924-6066

RE: City of Clinton, Mississippi v. Anderson Engineers, P.A.; Terry Anderson, P.E.; Joseph Contractors, Inc.; and Transamerica Premier Insurance Company; Circuit Court of the First Judicial District of Hinds County, Mississippi; Cause No. 93-75-304

Dear Bill:

Following up on our telephone conversation of February 12, 1996, David Mockbee will be sending you a letter that sets out a settlement proposal in the amount of \$150,000.00. Please remember that any acceptance of this proposal by the City of Clinton obligates Joseph to a maximum payment of \$30,000.00.

Sincerely,

OTT & PURDY



Ron A. Yarbrough

RAY:kei

cc: Mr. David Mockbee