

**REGULAR MEETING OF THE MAYOR AND BOARD OF ALDERMEN
TUESDAY, DECEMBER 6, 1994 - 7 P.M.
MUNICIPAL COURTROOM - 305 MONROE STREET**

The Mayor and Board of Aldermen of the City of Clinton, Mississippi, met in Regular Meeting on Tuesday, December 6, 1994, 7 P.M., at the Municipal Courtroom, 305 Monroe Street.

WELCOME AND CALL TO ORDER

Mayor Rosemary Aultman welcomed the audience and thanked those members who attended the Christmas Tree Lighting ceremony just prior to this Board Meeting.

INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG

The Invocation was led by Alderman DePriest followed by the Pledge of Allegiance to the Flag led by Alderman Todd.

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 Clerk Nelson Byrd

AGENDA CHANGES

Agenda Item #14, the new board appointments for the Planning and Zoning Board, and the Library Board are postponed until the January 1995 meeting.

NEW POLICE OFFICERS INTRODUCED

Police Chief Byington introduced three new police officers who recently graduated in the top ten percentile of their class of 45: Officer David Penson, graduated 8th; Officer Kenny Lewis, graduated 4th, and Officer Stephen Menotti, graduated 3rd.

APPROVAL OF CONSENT AGENDA ITEMS A-II:

MOTION made by Alderman Fisher and **SECONDED** by Alderman DePriest to approve Consent Agenda Items A-G and I-II as listed on page 918-919 of this Minute Book W, changing agenda item K to reflect \$1,350.00 to Bike Rack rather than Indian Cycle, and setting aside Item H to be voted on separately. **MOTION CARRIED UNANIMOUSLY.**

Following a brief discussion, **MOTION** made by Alderman Brabham and **SECONDED** by Alderman Touchton to adopt item H as listed. **ROLL CALL VOTE:** Alderman Lott - "aye", Alderman Touchton - "aye", Alderman Fisher - "nay", Alderman Todd - "aye", Alderman DePriest - "nay", Alderman Ferrell - "aye", Alderman Brabham - "aye". **MOTION CARRIED 5-2** to adopt Item H.

Consent Agenda Items C and P, will serve to advertise favorably the opportunities, possibilities, and resources of the City of Clinton. Quotes listed in items H, I, K, L, N, HH, and II are on file in the Office of the City Clerk.

PUBLIC HEARING FOR UNCLEAN LOTS

As shown on page 886 of this Minute Book W, that a public hearing was previously held on properties owned by O. T. Marshall at 409 Johnson Street and Parcel #2860-884 owned by Rosie Freeman on Vernon Road and said properties were granted an extension to be cleaned. Said properties were reviewed and found that the Freeman property was clean, but the Marshall property was not yet complete and no representative was present to speak to the issue, MOTION made by Alderman Todd and SECONDED by Alderman Fisher to authorize the Public Works Department to clean the Marshall property listed above per the City policy. MOTION CARRIED UNANIMOUSLY.

DEHMER RE-ZONING REQUEST APPROVED OFF SPRINGRIDGE ROAD PROPERTY

Acting upon the recommendation of the City of Clinton Planning and Zoning Board, MOTION made by Alderman Touchton and SECONDED by Alderman DePriest to approve the re-zoning request of Joe Dehmer to re-zone from R-1 to C-1 7.81 acres of property off Springridge Road south west of Clinton Center Drive behind Comfort Inn. MOTION CARRIED UNANIMOUSLY. Ord. BK II PG 12-614 Proof of Pub. CNB

SPECIAL EXCEPTION REQUEST FOR DAY CARE CENTER ON CYNTHIA ROAD DENIED

Acting upon the recommendation of the City of Clinton Planning and Zoning Board to deny that special exception request of Kent Graybar for a day care center on the corner of Cynthia and Monroe Streets noting neighbors opposition to said re-zoning due to traffic and sewage problems, MOTION made by Alderman Touchton and SECONDED by Alderman Brabham to accept the recommendation of the Planning and Zoning Board and deny said request. MOTION CARRIED UNANIMOUSLY.

SIGN VARIANCE REQUEST FOR HOLIDAY INN EXPRESS DENIED

Acting upon the recommendation of the City of Clinton Planning and Zoning Board to deny the request of Holiday Inn Express for a sign variance wherein they were requesting an additional 25' sign height, and noting opposition of neighboring residents represented by Michael McCollum, MOTION made by Alderman Fisher and SECONDED by Alderman Lott to deny said sign variance. MOTION CARRIED UNANIMOUSLY. At the request of Mr. McCollum, paperwork previously presented to the City of Clinton Planning and Zoning Board is being made a part of the official record found on pages 921-936 of this Minute Book W.

EXTENSION FOR CONSTRUCTION GRANTED TO MERCHANTS AND PLANTERS BANK

Acting upon the recommendation of the City of Clinton Planning and Zoning Board to approve a six month construction extension to Merchants and Planters Bank to complete construction of their permanent building, MOTION made by Alderman Lott and SECONDED by Alderman Todd to approve said extension. MOTION CARRIED UNANIMOUSLY.

EMPLOYEES APPOINTED TO COLLECT MONEY FOR MUNICIPAL COURT

MOTION made by Alderman Todd and SECONDED by Alderman Ferrell approving the appointment of Ron Jacobs, Penny Watras, Audrey Bingham, Trey Brister, Tracy Purvis, Carrie Lou Williams, Jo Anna Heath, and Stephanie Young to collect money for municipal court. MOTION CARRIED UNANIMOUSLY.

INTERLOCAL AGREEMENT WITH HINDS COUNTY FOR PAVING AND OVERLAY APPROVED

MOTION made by Alderman Ferrell and SECONDED by Alderman Lott to approve that interlocal agreement between the City of Clinton and Hinds County for street paving/overlay as found on pages 937-

945 of this Minute Book W. MOTION CARRIED UNANIMOUSLY.

INTERLOCAL AGREEMENT WITH HINDS COUNTY FOR PRELIMINARY ENGINEERING DESIGN OF NORTH-SOUTH PARKWAY APPROVED

MOTION made by Alderman Todd and SECONDED by Alderman Fisher to approve that interlocal agreement between the City of Clinton and Hinds County for the \$100,000.00 preliminary engineering design of the north-south parkway as found on pages 946-965 of this Minute Book W. MOTION CARRIED UNANIMOUSLY.

PRELIMINARY ENGINEERING DESIGN FOR NORTH-SOUTH PARKWAY AWARDED TO ABMB ENGINEERS, INC., AND NEEL-SCHAFER, INC., JOINTLY

As shown on page 887 of this Minute Book W that proposals would be received for the preliminary engineering design for the north-south parkway, and a selection committee appointed to review said proposals, said selection committee now brings forth the recommendation of awarding bid to ABMB Engineers, Inc., and Neel-Schaffer, Inc., jointly. MOTION made by Alderman Touchton and SECONDED by Alderman Lott to accept the recommendation of the selection committee as presented and authorize the Mayor and City Engineer to begin negotiations with ABMB & Neel-Schaffer for the design and study. MOTION CARRIED UNANIMOUSLY. Said proposals are on file in the Office of the City Clerk. Proof of publication of request for proposals may be found on page 966 of this Minute Book W.

APPROVAL OF RESOLUTION DECLARING CITY'S INTENT TO ISSUE WATER/SEWER BOND ISSUE

MOTION made by Alderman Todd and SECONDED by Alderman Fisher to adopt that Resolution found on pages 967-970 of this Minute Book W declaring the City's intent to issue a water/sewer bond in the amount of \$1,000,000.00. MOTION CARRIED UNANIMOUSLY. Proof of Publication may be found on pages 971 of this Minute Book W.

APPROVAL OF 1995 CDBG FUND APPLICATION FOR ECONOMIC DEVELOPMENT PROJECT WITH UNITED ARTIST

MOTION made by Alderman DePriest and SECONDED by Alderman Todd to adopt that Resolution found on page 972 of this Minute Book W approving authorization to begin the 1995 CDBG fund application for the economic development project with United Artist for a movie theatre building in Clinton. MOTION CARRIED UNANIMOUSLY.

APPROVAL OF CAPITAL IMPROVEMENTS REVOLVING LOAN PROGRAM FOR PROJECT WITH UNITED ARTIST AND FOR NEW FIRE STATION

MOTION made by Alderman Brabham and SECONDED by Alderman Lott to approve that Resolution found on page 973 of this Minute Book W authorizing application for a one million dollar capital improvements revolving loan program for the economic development project with United Artist and for a new fire station, noting that if only a partial loan is received the United Artist project shall be funded first, and authorizing a Resolution of Intent to be advertised by CMPDD found on page 974 of this Minute Book W. ROLL CALL VOTE: Alderman Lott - "aye", Alderman Touchton - "aye", Alderman Fisher - "aye", Alderman Todd - "aye", Alderman DePriest - "aye", Alderman Ferrell - "nay", Alderman Brabham - "aye". MOTION CARRIED 6-1 to approve said loan application.

ADOPTION OF REIMBURSEMENT RESOLUTION FOR PROPOSED ROAD EXPENSES

MOTION made by Alderman Todd and SECONDED by Alderman Fisher to adopt that Reimbursement Resolution found on pages 975-977 of this Minute Book W to re-coup engineering expenses required for the City to pay up front for the economic development project with United Artist. MOTION CARRIED UNANIMOUSLY.

AUTHORIZATION GRANTED TO PUBLISH INTENT TO RAISE GARBAGE RATES

Due to rate increase proposed by BFI Waste Systems and the new State Law Section 21-19-1 and 2 which no longer allows the City to subsidize garbage costs, **MOTION** made by Alderman Ferrell and **SECONDED** by Alderman Lott granting authorization for the City to publish notice of intent to raise garbage rates not more than \$1.00 per household. **MOTION CARRIED UNANIMOUSLY.** Proof of publication may be found on page 978 of this Minute Book W.

OTHER BUSINESS

The Mayor stated that this is the only meeting which will be held in December unless an emergency arises which would require a special meeting to be called, which of course would be duly noticed. Otherwise, the next meeting of the Mayor and Board of Aldermen will be January 3, 1995.

Citizens were asked to help with Christmas Tree recycling in Clinton by bringing their used Christmas trees to the various drop off points designated to help with the recycling/mulch program.

The Board Meeting was closed with the Mayor bidding everyone a "Merry Christmas" and safe holiday season.

ADJOURNMENT - 7:50 P.M.

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

Copy of Agenda may be found on Pages 918-920 of this Minute Book W.

APPROVED:

Rosemary Aultman
Rosemary Aultman, Mayor

December 14, 1994
Date

ATTEST:

Nelson Byrd
Nelson Byrd, City Clerk

December 14, 1994
Date

SEAL

MICHAEL T. McCOLLUM

ATTORNEY AT LAW
105 ROANWOOD COURT
CLINTON, MISSISSIPPI 39056-5515

(601) 924-4974

November 22, 1994

Honorable Fariss Crisler, Chairman,
and
Members of the Clinton, Mississippi
Planning and Zoning Board
Clinton, Mississippi 39056

Re: Sign Variance Application
of Holiday Inn Express

Gentlemen:

Holiday Inn Express has made application for a dimensional variance concerning proposed signs at its location on Johnston Place, south of I-20 and east of Springridge Road.

I respectfully request that you accept this letter in opposition to the granting of this dimensional variance. I am representing myself, my wife, and some neighbors in Trailwood, Part I, on Abbey Oak, Red Oak Cove, and Roanwood Court. I am out of the state and unable to attend the public hearing concerning this matter. Thus, please allow my neighbor to read this letter at the hearing. Further, I request this letter be made a part of the minutes and official record of the hearing, and attached to the minutes when they are completed.

The Law. a. General Mississippi Law. The Mississippi Supreme Court has established planning and zoning law over a period of time through decisions. There is a presumption that a city's original zoning, as adopted in its zoning ordinance, is well planned and designed to be permanent. Therefore, for a rezoning or variance the applicant bears the burden of proving a necessity for the zoning change or variance by clear and convincing evidence. This proof must consist of facts, data and statistics. Further, zoning decisions are made on a neighborhood basis, not a city-wide approach. A good synopsis of this law is found in Board of Aldermen, City of Clinton v. Conerly, 509 So.2d 877 (Miss. 1987), a 1987 Mississippi Supreme Court decision involving Clinton.

There is very little Mississippi law specifically focusing on variances. In City of Jackson v. Wilson, 195 So.2d 470 (Miss. 1966), the Supreme Court considered a request to rezone land from residential to commercial for use as a service station. The Court stated as follows:

"A variance ... should not be granted merely because such use of the property will be more convenient or profitable to the owner, or because he will suffer some financial disadvantage or hardship if denied such use; it is essential that applicant should suffer some unusual hardship from the

21-936

literal enforcement of the regulation different from, and greater than, that suffered by other property owners in the district. The variance or exception should not be granted unless the proposed use of the property is within the spirit of the zoning regulations." 195 So.2d at 473.

This financial aspect will be further addressed later in this letter.

b. Clinton's Zoning Ordinance. The Clinton Zoning Ordinance allows a 35-foot tall sign on land zoned C-2, Highway Commercial, such as the subject property. A higher sign takes a dimensional variance. The definition of "Variance" is found on page 19 of the Ordinance. Among other things, when considering a variance, conditions peculiar to the subject property must be addressed, and the variance is granted only where a literal enforcement of the ordinance would result in unnecessary and undue hardship. Also, just because someone else received a variance due to peculiarities or conditions on other property in C-2 or C-1 districts is not a reason to grant the subject variance.

Section 2005, "Dimensional Variances," found on pages 149 through 151 of the ordinance, is the applicable law covering the present situation. This section states, among other things, that a variance is granted to relieve such difficulties or hardships as exceptional narrowness, shallowness, or shape of the property concerned, or trees, natural drainage courses, lakes, etc. Further, a dimensional variance SHALL NOT be granted unless and until the applicant demonstrates that the property and applicant's situation meets five check-list style items found on page 150. If the applicant cannot meet these requirements, then, by law, he does not meet the requirements for a variance; and the variance should be denied. Later in this letter, I shall discuss the physical characteristics of this lot.

Zoning Decision vs. Business Decision. Let us all please always remember our relative role, relationship, and responsibility in this scenario. The applicant comes before the Planning and Zoning Board and Board of Aldermen as a businessman. He has made a business decision to locate his motel in Clinton, and for his business reasons he seeks a taller sign.

However, you sit as the Planning and Zoning Board, not the Planning and Finance Board or the Planning and Business Board. That is, your ultimate decision, based on the law and facts, should be a zoning decision, not a business decision. You should not find yourself lured into a business, or commerce, argument, but should focus on the zoning ordinance. This is the law stated in the Conerly and Wilson cases, cited above, as well as several other Supreme Court cases.

Also, when the applicant made his business decision to purchase the subject lot the current 1977 Zoning Ordinance, with its sign height provisions, was in effect. The law holds reasonable prudent businessmen to the standard that they knew, or should have known, such matters when they make business decisions.

Precedence and Consistency. In May, 1992, the Texaco station approximately 500 feet to the west of the subject property in this neighborhood requested a variance identical to this. The Planning and Zoning Board unanimously recommended against granting the variance for a tall sign. In August, 1992, the Aldermen affirmed this recommendation and denied the variance.

In October, 1993, the Days Inn, located across the Interstate, came before the Planning and Zoning Board requesting a variance for a tall sign. Once again, the Board unanimously recommended denial of the variance request.

Consistency in the application of the law, regulations and ordinances is one of the cornerstones of American law. See, e.g., Conerly at 885-86. The Planning and Zoning Board has been consistent in its reading and application of the zoning ordinance concerning variances for tall signs. In the past, if the applicant has not carried the burden of proof, nor met the criteria stated in the ordinance, the Board has recommended denial. I thank you for this, and request that you continue with this consistency.

October 24, 1994, Clinton City Engineer Memo. A memorandum from the City Engineer to the Alderman at Large, dated October 24, 1994, and concerning Sign Heights at the Springridge Road Interchange, has coincidentally appeared in the middle of these proceedings (copy enclosed). Because of its existence and introduction into this proceeding, I feel compelled to comment.

The memo contains a "table of elevations of signs in the Springridge Road Intersection area." Listed are Shoney's, McDonald's, Days Inn, and the Waffle House, and their ground elevations, sign height, and top of sign elevation, all compared to mean sea level elevation.

To be brutally frank: As concerns the current variance application, this memo is incomplete, inapplicable, irrelevant, and inappropriate, as discussed below.

Incomplete. What is striking about the memo is what it does NOT show. It does NOT show the fact that the Texaco was denied a variance for a tall sign in August, 1992, located closer to the subject property than any of those listed in the memo. It does NOT show the new Comfort Inn and its standard-height sign adjacent to the Interstate and closer to the subject property than most of those listed. It does NOT list those other businesses within this area that elected normal height signs, such as the Shell station.

The memo does NOT show the relative difference in elevation between various appropriate points on the Interstate and the respective listed signs' ground elevations, which could tend to help prove or disprove a necessity for a taller sign.

The memo does NOT show the distance of the listed signs from the interstate; or whether they are directly adjacent to the interstate or a street

or two away, such as the Texaco which was denied a taller sign. Further, the memo does NOT show the use of the immediate surroundings, such as the Kroger shopping center and huge parking lot complex involving the Days Inn, McDonald's, and Waffle House, three of the four listed.

Finally, the memo does NOT show the relative distance of the listed signs from R-1, Single Family dwellings. Thus, the memo is woefully incomplete for a thorough analysis and for our present analysis.

In summary, to compare the memo to the present situation would be like "comparing apples and oranges."

Inapplicable and Irrelevant. Although the concept of the memo is innovative and creative, it is not a proper application under the current zoning ordinance. That is, from the front cover to the rear cover of the current Clinton Zoning Ordinance no such formula is found. Under our ordinance, Section 2005 and the definition of "Variance" focus on the applicant's lot and whether there is a current necessity for a taller sign on his lot - not on other lots considering other signs located elsewhere throughout the city. As a matter of fact, consideration of other lots and other signs is a downright patent contradiction of Section 2005 (a) (5), itself, which forbids giving a variance just because someone else has previously received one on another lot.

Inappropriate. If the Aldermen desire to amend our zoning ordinance at some time in the future to include a comparison formula as implied in the memo, then this should be done at another time and under a different agenda pursuant with applicable guidance for amending city ordinances found in the Mississippi Code. However, that is NOT the issue here tonight. We are here to consider the current application concerning the subject lot under the current zoning ordinance - not an amendment to the ordinance.

For the combination of reasons discussed above, this incomplete, inapplicable, irrelevant, and inappropriate memo serves only to cloud and confuse the current issue. Therefore, I respectfully request that as you consider the current application and make your recommendation to the Mayor and Aldermen, you ignore this memo.

Physical Facts of this Situation. Now, let us consider the physical facts of the Holiday Inn Express lot and whether there is a necessity for granting this variance, or whether not granting the variance would put the applicant in an unnecessary and undue hardship. (Please see attached map.)

Johnston Place is a short drive which runs due east off Springridge Road across the street from the Shoney's Restaurant. Of the five lots in Johnston Place business development, the Holiday Inn is on the furthest most southeast lot. Immediately adjacent to the east is the drainage catch pond; not suitable for development. The interstate itself, the southeast entrance ramp, and the

northeast exit ramp are all arranged at an angle with Johnston Place; thus, forming a triangular relationship with Johnston Place. That is, they are not perpendicular nor parallel to Johnston Place, and do not form a checkerboard arrangement.

East to West - Jackson towards Vicksburg. When driving towards this interchange from Jackson, the entire interchange is blocked from view, by trees on the interstate median and due to the motorist being in a low spot, until just a few seconds before reaching the northeast exit ramp. As the entire interchange comes into view, an unobstructed view of the Holiday Inn Express is presented within some three-to-four seconds of the Shoney's and its sign and the new, standard-height Comfort Inn sign are visible above the Springridge Road bridge. Because of the angular relationship between Johnston Place and the interstate, the motorist is allowed an unobstructed view at the Holiday Inn Express directly up Johnston Place from east to west. Construction on the Johnston Place lot across the street from the Holiday Inn Express will not block this view. Thus, a sign taller than the standard 35 feet will make no difference, and is not necessary for the Holiday Inn Express to be seen from this direction.

West to East - Vicksburg towards Jackson. When driving towards this interchange from Vicksburg, the entire interchange is blocked from view; by trees on both sides of the interstate, due to the motorist being in a low spot, and by the curvature of the earth and large earthen knoll south of the interstate; until just a moment before reaching the Southwest exit ramp. Then, as the Shoney's and its sign and the Comfort Inn and its standard-height sign come into view, directly across Springridge Road just south of the interstate bridge the entire top floor and roof of the new Holiday Inn Express is in full view. Since a standard-height, 35-foot sign will equal or exceed the height of the roof, a taller sign is not necessary to be seen. Thus, again the applicant cannot prove a "necessity" for a taller sign; or "undue hardship" if the variance is denied.

In summary, the subject lot sits on a hillside in full view of the interstate, and a taller sign is not merited.

As a matter of fact, since the Comfort Inn has a sign of standard height, and since both the Comfort Inn and Holiday Inn Express standard-height signs would be visible from the interstate, granting this variance request would give the Holiday Inn Express a "special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district." A direct violation of Section 2005 (a) (4) of the Clinton Ordinance.

Neighborhood. The applicant has been heard to state that a lot on the corner of Springridge Road and Johnston Place has been sold to BP Petroleum for a service station. That in some two to three years the new service station will obstruct the view to his motel or sign. This is pure conjecture and speculation. Zoning decisions are not made on such conjecture and speculation. Zoning decisions must be made on facts in the present tense - not on guesses about what may possibly occur in the future tense. If such a situation arises two or three

Planning and Zoning Board
Clinton, Mississippi
Nov 22, 1994 - Page 6

years in the future, then the applicant can make application for a variance at that future date and prove the necessity and hardship on the facts at that time.

In conclusion, I assert that when all the facts concerning the subject property are considered under the Mississippi law and Clinton Zoning Ordinance, the logical and legal result is that the applicant cannot meet the burden of proof. That is, due to the physical characteristics of the Holiday Inn Express and its lot the applicant cannot prove by clear and convincing evidence a necessity for a taller sign; and that denial of the variance will create an undue and unnecessary hardship for the applicant. Thus, I request that you recommend to the Mayor and Board of Aldermen denial of the variance request for a taller sign.

Sincerely,

Michael J. McEllen

Enclosures

To: F. Cr...

From: R. Broome

City of Clinton

W. Harold Alderman
Director

Mississippi

Richard L. Broome, P.E.
City Engineer

Department of Public Works

MEMO TO: Jehu W. Brabham
Alderman at Large

FROM: Richard L. Broome, P.E.
City Engineer

R. Broome

DATE: October 24, 1994

RE: Sign Heights at Springridge Road Interchange

Listed below is a table of elevations of signs in the Springridge Road Intersection area:

Name	Ground Elevations	Sign Height	Top of Sign Elevation
Shoney's	346.6	90'	436.6
McDonald's	347.5	100'	447.5
Days Inn	347.5	60'	407.5
Waffle House	339.4	40'	379.1

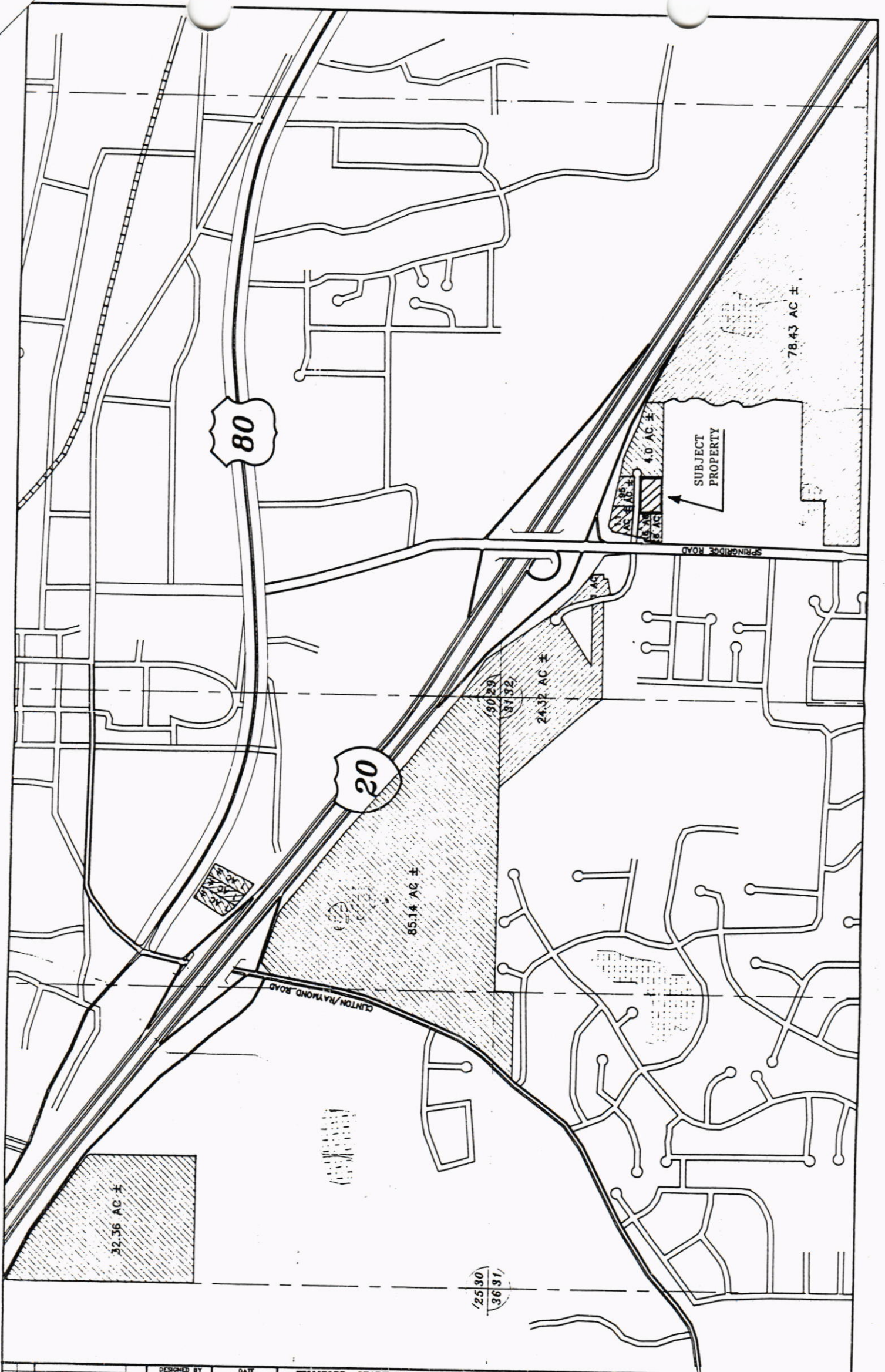
All elevations are mean sea level datum.

I hope this information will be of assistance in developing a uniform sign policy.

If you need further assistance, please let me know.

cc: Mayor Rosemary G. Aultman
W. Harold Alderman
Julion Lowther
Planning Board
Board of Aldermen

P.O. Box 156 • 200 W. Leake St. • Clinton, MS 39060 • (601) 924-2239 • Fax (601) 924-8532



NO. DATE REVISIONS BY	DESIGNED BY CC DRAWN BY SK	DATE APRIL 1994 SCALE 1" = 100' HORIZ.	WILLIFORD, GEARHART & KNIGHT, INC. ENGINEERS & SURVEYORS CLINTON HAZLEHURST CANTON	CITY OF CLINTON, MISSISSIPPI ECONOMIC DEVELOPMENT DEPARTMENT INTERSTATE FRONTAGE PROPERTIES	C:\ADCAD0\1\13-150\PARCELDWG WK-8-84-147 SHEET NO. 1 OF 1
-----------------------------	-------------------------------------	---	---	--	--

BEFORE THE PLANNING AND ZONING BOARD
AND
THE MAYOR AND BOARD OF ALDERMEN
OF THE CITY OF CLINTON, MISSISSIPPI

IN THE MATTER OF THE VARIANCE
APPLICATION OF HOLIDAY INN EXPRESS

PETITION IN OPPOSITION OF A VARIANCE FOR SIGN HEIGHT

I, the undersigned, understand that Holiday Inn Express has applied with the City of Clinton, Mississippi, for a zoning variance to erect an 60-foot sign on a parcel of land on the east side of Springridge Road, south of US Interstate 20, and south of Johnston Place Drive. I believe that such an 60-foot sign at this location would not benefit the City of Clinton and certainly would not promote the public welfare.

As the owner of R-1 Residential property in the neighborhood of the subject property, I am familiar with the subject tract. I am familiar with the definition of "Variance," found on page 19 of the Clinton, MS, Zoning Ordinance; and with "Section 2005 - Dimensional Variances," found on pages 149 through 151 of the Ordinance. A literal enforcement of the Clinton, MS Zoning Ordinance would NOT result in unnecessary and undue hardship on the applicant for the variance. Further, a strict application of the sign height Ordinance would NOT result in peculiar and exceptional practical difficulties to or exceptional hardship upon the applicant. As a matter of fact, the subject property has no such difficulties or hardships as exceptional narrowness, shallowness, shape, trees, natural drainage courses, lakes or other problems which would merit a taller sign. There are no special conditions and circumstances peculiar to this property, structure, or building involved which are not applicable to other lands, structures, or buildings in other C-2 areas in this neighborhood.

In 1992, Waring Oil Texaco requested a sign height variance concerning a parcel approximately 500 feet to the west, at the southwest corner of Springridge Road and Dehmer Park Drive/Clinton Center Drive. The Clinton Planning and Zoning Board recommended unanimously against the variance; and August 4, 1992, the Clinton Aldermen denied the variance.

As the owner of R-1 Residential property in the neighborhood of the subject property, I oppose the granting of such a variance and the placement of an 60-foot tall sign. I petition the Planning and Zoning Board and the Mayor and Board of Aldermen of the City of Clinton to deny the requested variance.

This the 7TH day of November, 1994.

Michael T. McCollum
Signature

Michael T. McCollum
Printed Name

105 ROANWOOD CT.
Address

Joey J. McCollum
Signature

Joey J. McCollum
Printed Name

105 Roanwood Court
Address

Michael A. McCollum
Signature

MICHAEL A. MCCOLLUM
Printed Name

104 ROANWOOD CT.
Address

Lisa McCollum
Signature

Lisa McCollum
Printed Name

104 Roanwood Ct.
Address

BENJAMIN L. PHILLIPS
Signature

BENJAMIN L. PHILLIPS
Printed Name

103 Roanwood Ct.
Address

Faye Phillips
Signature

FAYE PHILLIPS
Printed Name

103 Roanwood Ct.
Address

Signature

Printed Name

Address

Signature

Printed Name

Address

Signature

Printed Name

Address

Signature

Printed Name

Address

Signature

Printed Name

Address

Signature

Printed Name

Address

BEFORE THE PLANNING AND ZONING BOARD
AND
THE MAYOR AND BOARD OF ALDERMEN
OF THE CITY OF CLINTON, MISSISSIPPI

IN THE MATTER OF THE VARIANCE
APPLICATION OF HOLIDAY INN EXPRESS

PETITION IN OPPOSITION OF A VARIANCE FOR SIGN HEIGHT

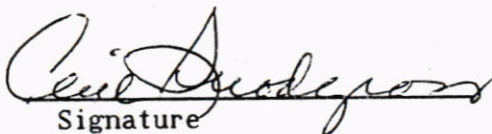
I, the undersigned, understand that Holiday Inn Express has applied with the City of Clinton, Mississippi, for a zoning variance to erect an 60-foot sign on a parcel of land on the east side of Springridge Road, south of US Interstate 20, and south of Johnston Place Drive. I believe that such an 60-foot sign at this location would not benefit the City of Clinton and certainly would not promote the public welfare.

As the owner of R-1 Residential property in the neighborhood of the subject property, I am familiar with the subject tract. I am familiar with the definition of "Variance," found on page 19 of the Clinton, MS, Zoning Ordinance; and with "Section 2005 - Dimensional Variances," found on pages 149 through 151 of the Ordinance. A literal enforcement of the Clinton, MS Zoning Ordinance would NOT result in unnecessary and undue hardship on the applicant for the variance. Further, a strict application of the sign height Ordinance would NOT result in peculiar and exceptional practical difficulties to or exceptional hardship upon the applicant. As a matter of fact, the subject property has no such difficulties or hardships as exceptional narrowness, shallowness, shape, trees, natural drainage courses, lakes or other problems which would merit a taller sign. There are no special conditions and circumstances peculiar to this property, structure, or building involved which are not applicable to other lands, structures, or buildings in other C-2 areas in this neighborhood.

In 1992, Waring Oil Texaco requested a sign height variance concerning a parcel approximately 500 feet to the west, at the southwest corner of Springridge Road and Dehmer Park Drive/Clinton Center Drive. The Clinton Planning and Zoning Board recommended unanimously against the variance; and August 4, 1992, the Clinton Aldermen denied the variance.

As the owner of R-1 Residential property in the neighborhood of the subject property, I oppose the granting of such a variance and the placement of an 60-foot tall sign. I petition the Planning and Zoning Board and the Mayor and Board of Aldermen of the City of Clinton to deny the requested variance.

This the 12TH day of November, 1994.


Signature

CECIL SNODGRASS
Printed Name

104 Abby Oak
Address

Signature

Printed Name

Address

BEFORE THE PLANNING AND ZONING BOARD
AND
THE MAYOR AND BOARD OF ALDERMEN
OF THE CITY OF CLINTON, MISSISSIPPI

IN THE MATTER OF THE VARIANCE
APPLICATION OF HOLIDAY INN EXPRESS

PETITION IN OPPOSITION OF A VARIANCE FOR SIGN HEIGHT

I, the undersigned, understand that Holiday Inn Express has applied with the City of Clinton, Mississippi, for a zoning variance to erect an 60-foot sign on a parcel of land on the east side of Springridge Road, south of US Interstate 20, and south of Johnston Place Drive. I believe that such an 60-foot sign at this location would not benefit the City of Clinton and certainly would not promote the public welfare.

As the owner of R-1 Residential property in the neighborhood of the subject property, I am familiar with the subject tract. I am familiar with the definition of "Variance," found on page 19 of the Clinton, MS. Zoning Ordinance; and with "Section 2005 - Dimensional Variances," found on pages 149 through 151 of the Ordinance. A literal enforcement of the Clinton, MS Zoning Ordinance would NOT result in unnecessary and undue hardship on the applicant for the variance. Further, a strict application of the sign height Ordinance would NOT result in peculiar and exceptional practical difficulties to or exceptional hardship upon the applicant. As a matter of fact, the subject property has no such difficulties or hardships as exceptional narrowness, shallowness, shape, trees, natural drainage courses, lakes or other problems which would merit a taller sign. There are no special conditions and circumstances peculiar to this property, structure, or building involved which are not applicable to other lands, structures, or buildings in other C-2 areas in this neighborhood.

In 1992, Waring Oil Texaco requested a sign height variance concerning a parcel approximately 500 feet to the west, at the southwest corner of Springridge Road and Dehmer Park Drive/Clinton Center Drive. The Clinton Planning and Zoning Board recommended unanimously against the variance; and August 4, 1992, the Clinton Aldermen denied the variance.

As the owner of R-1 Residential property in the neighborhood of the subject property, I oppose the granting of such a variance and the placement of an 60-foot tall sign. I petition the Planning and Zoning Board and the Mayor and Board of Aldermen of the City of Clinton to deny the requested variance.

This the 13TH day of November, 1994.

James M. Logan
Signature

James M. Logan
Printed Name

122 Abby Ct. W.
Address

Norma Logan
Signature

NORMA LOGAN
Printed Name

100 Abby Ct. W.
Address

Sandra E. Logan
Signature

SANDRA E. Logan
Printed Name

100 ABBY Oak DR.
Address

Eugene Hoover
Signature

EUGENE HOOVER
Printed Name

104 RED OAK CL
Address

Jo Hoover
Signature

Jo Hoover
Printed Name

104 Red Oaks Cove
Address

Nancy Bowlin
Signature

NANCY Bowlin
Printed Name

105 RED OAK COVE
Address

Signature

Printed Name

Address

Signature

Printed Name

Address

Signature

Printed Name

Address

Signature

Printed Name

Address

Signature

Printed Name

Address

Signature

Printed Name

Address

BEFORE THE PLANNING AND ZONING BOARD
AND
THE MAYOR AND BOARD OF ALDERMEN
OF THE CITY OF CLINTON, MISSISSIPPI

IN THE MATTER OF THE VARIANCE
APPLICATION OF HOLIDAY INN EXPRESS

PETITION IN OPPOSITION OF A VARIANCE FOR SIGN HEIGHT

I, the undersigned, understand that Holiday Inn Express has applied with the City of Clinton, Mississippi, for a zoning variance to erect an 60-foot sign on a parcel of land on the east side of Springridge Road, south of US Interstate 20, and south of Johnston Place Drive. I believe that such an 60-foot sign at this location would not benefit the City of Clinton and certainly would not promote the public welfare.

As the owner of R-1 Residential property in the neighborhood of the subject property, I am familiar with the subject tract. I am familiar with the definition of "Variance," found on page 19 of the Clinton, MS, Zoning Ordinance; and with "Section 2005 - Dimensional Variances," found on pages 149 through 151 of the Ordinance. A literal enforcement of the Clinton, MS Zoning Ordinance would NOT result in unnecessary and undue hardship on the applicant for the variance. Further, a strict application of the sign height Ordinance would NOT result in peculiar and exceptional practical difficulties to or exceptional hardship upon the applicant. As a matter of fact, the subject property has no such difficulties or hardships as exceptional narrowness, shallowness, shape, trees, natural drainage courses, lakes or other problems which would merit a taller sign. There are no special conditions and circumstances peculiar to this property, structure, or building involved which are not applicable to other lands, structures, or buildings in other C-2 areas in this neighborhood.

In 1992, Waring Oil Texaco requested a sign height variance concerning a parcel approximately 500 feet to the west, at the southwest corner of Springridge Road and Dehmer Park Drive/Clinton Center Drive. The Clinton Planning and Zoning Board recommended unanimously against the variance; and August 4, 1992, the Clinton Aldermen denied the variance.

As the owner of R-1 Residential property in the neighborhood of the subject property, I oppose the granting of such a variance and the placement of an 60-foot tall sign. I petition the Planning and Zoning Board and the Mayor and Board of Aldermen of the City of Clinton to deny the requested variance.

This the 13TH day of November, 1994.

Rebecca Dalton
Signature

REBECCA DALTON
Printed Name

102 ROANWOOD CT.
Address CLINTON, MS

Signature

Printed Name

Address

BEFORE THE PLANNING AND ZONING BOARD
AND
THE MAYOR AND BOARD OF ALDERMEN
OF THE CITY OF CLINTON, MISSISSIPPI

IN THE MATTER OF THE VARIANCE
APPLICATION OF HOLIDAY INN EXPRESS

PETITION IN OPPOSITION OF A VARIANCE FOR SIGN HEIGHT

I, the undersigned, understand that Holiday Inn Express has applied with the City of Clinton, Mississippi, for a zoning variance to erect an 60-foot sign on a parcel of land on the east side of Springridge Road, south of US Interstate 20, and south of Johnston Place Drive. I believe that such an 60-foot sign at this location would not benefit the City of Clinton and certainly would not promote the public welfare.

As the owner of R-1 Residential property in the neighborhood of the subject property, I am familiar with the subject tract. I am familiar with the definition of "Variance," found on page 19 of the Clinton, MS, Zoning Ordinance; and with "Section 2005 - Dimensional Variances," found on pages 149 through 151 of the Ordinance. A literal enforcement of the Clinton, MS Zoning Ordinance would NOT result in unnecessary and undue hardship on the applicant for the variance. Further, a strict application of the sign height Ordinance would NOT result in peculiar and exceptional practical difficulties to or exceptional hardship upon the applicant. As a matter of fact, the subject property has no such difficulties or hardships as exceptional narrowness, shallowness, shape, trees, natural drainage courses, lakes or other problems which would merit a taller sign. There are no special conditions and circumstances peculiar to this property, structure, or building involved which are not applicable to other lands, structures, or buildings in other C-2 areas in this neighborhood.

In 1992, Waring Oil Texaco requested a sign height variance concerning a parcel approximately 500 feet to the west, at the southwest corner of Springridge Road and Dehmer Park Drive/Clinton Center Drive. The Clinton Planning and Zoning Board recommended unanimously against the variance; and August 4, 1992, the Clinton Aldermen denied the variance.

As the owner of R-1 Residential property in the neighborhood of the subject property, I oppose the granting of such a variance and the placement of an 60-foot tall sign. I petition the Planning and Zoning Board and the Mayor and Board of Aldermen of the City of Clinton to deny the requested variance.

This the 20th day of November, 1994.

Mack R. Shannon Sr
Signature

MACK R. SHANNON
Printed Name

103 Abby OAK Dr
Address

Paul H. Ponder
Signature

PAUL H. PONDER
Printed Name

409 Holly Berry Drive
Address

Norma Shannon
Signature

Norma Shannon
Printed Name

103 Abby Oak Dr
Address

Donald L. Kelley
Signature

DONALD L. KELLEY
Printed Name

108 RED OAK ROAD
Address
CLINTON, MISSISSIPPI

Thelma Kelley
Signature

THELMA Kelley
Printed Name

108 Red Oak Rd
Address

Richard Evans
Signature

RICHARD EVANS
Printed Name

103 RED OAK ROAD
Address

Eva Evans
Signature

EVA EVANS
Printed Name

103 Red Oak Road
Address

Signature

Printed Name

Address

Signature

Printed Name

Address

Signature

Printed Name

Address

Signature

Printed Name

Address

Signature

Printed Name

Address

INTERLOCAL COOPERATION AGREEMENT
(Mississippi Interlocal Cooperation Act of 1974, as amended)
HINDS COUNTY, MISSISSIPPI AND THE CITY OF CLINTON, MISSISSIPPI

In Re: Clinton, Mississippi - Paving/Overlaying of Streets

THIS AGREEMENT is entered into on the date(s) shown at the end of this document by and between HINDS COUNTY, MISSISSIPPI, a political subdivision of the State of Mississippi, and the CITY OF CLINTON, MISSISSIPPI, a municipal corporation, pursuant to and in accordance with Section 17-13-1 et seq. of the Mississippi Code of 1972, as amended, titled the "Interlocal Cooperation Act of 1974".

IN CONSIDERATION of the mutual benefits described herein, the parties agree as follows:

I. PURPOSE AND GENERAL PROVISIONS

A. AGREEMENT. This Agreement is entered into pursuant to and in accordance with the authorization of the "Interlocal Cooperation Act of 1974", found at Section 17-13-1 et seq. of the Mississippi Code of 1972, as amended, as it now appears or is hereafter amended, and all provisions set forth in that Act are incorporated herein and made a part hereof as if fully set forth in words and figures, it being the intent of the parties to this Agreement that such authority as is granted by the Act shall be exercisable by the parties to enable them to accomplish the paving or overlaying of various streets in Clinton, Hinds County, Mississippi.

*Amended 1002-1010
CMB*

B. **SCOPE.** The nature and scope of the project contemplated by this Agreement is the paving or overlaying of various streets in the City of Clinton, as more fully described in the document attached hereto and incorporated herein as Exhibit "A".

C. **AUTHORITY.** The specific authority under which the County and the City may exercise the powers necessary to fulfill the terms of this Agreement are found, respectively, in Sections 19-3-41 and 21-37-3 of the Mississippi Code of 1972, as amended.

D. **PUBLIC BENEFIT.** It is acknowledged that each of the parties has formally considered this matter and has determined that it is in the public interest that it participate and cooperate in this project, and that substantial benefits are anticipated to inure to citizens of the County and the City by virtue of completion of the project.

E. **PARTICIPATION AND FINANCING.** Hinds County will participate in this project by funding improvements to City streets in an amount not to exceed One Hundred Thousand Dollars (\$100,000.00). Funding will occur through reimbursing the City of Clinton for work performed to pave or overlay the streets described in Exhibit "A". The City of Clinton will participate in this project by performing or contracting for the performance of work necessary to accomplish the paving or overlaying of the subject streets.

F. **MINORITY PARTICIPATION.** It is acknowledged that all activities undertaken by either of the parties to fulfill the requirements of this project will be accomplished in conformity with the minority participation statement utilized by Hinds County, a copy of which statement is attached hereto and incorporated herein as Exhibit "B".

G. **SCHEDULE.** It is estimated that the activities necessary to complete this project will take approximately twelve (12) months.

II. AMENDMENTS OR TERMINATION

This Agreement may be amended or terminated only with the mutual consent of both parties and such action shall be taken by resolution in the same procedural manner as required in the instance of the adoption of this Agreement.

III. ADMINISTRATION

The Director of Public Works for Hinds County and the City Engineer of the City of Clinton shall be responsible for insuring that there is full compliance with the terms of this Agreement.

IV. DURATION

This Agreement shall be in full force and effect from the effective date as explained in Section V, below, and shall continue in effect until such time as the parties acknowledge, through the project administrators described in Section III, above, that the activities contemplated by this Agreement have been completed. This project is intended to be completed on or before December 1,

1995. However, the citing of this intended completion date shall in no way limit the ability or authority of the parties to continue the activities contemplated by this Agreement beyond that date, if necessary, to complete the project.

V. ENFORCEABILITY

A. **APPROVAL.** The parties understand that, as a condition precedent to this Agreement being enforceable, this Agreement shall be submitted to the Attorney General of the State of Mississippi for his approval and that this Agreement shall not be enforceable unless:

1. approved by the Attorney General, or until,
2. sixty (60) days has passed since its submission and he has failed to disapprove same, in which event the Agreement shall be considered approved and enforceable.

The Attorney for the Hinds County Board of Supervisors shall be responsible for submitting the Agreement to the Attorney General.

B. **FILING.** Upon approval by the Attorney General, or the passage of sixty (60) days after submission without his disapproval, copies of this Agreement shall be filed with the Chancery Clerk of Hinds County, and the Secretary of State and the State Department of Audit of the State of Mississippi. In accordance with the terms of the Interlocal Cooperation Act, the Agreement will not be deemed in force until proof of filing of the Agreement has been received from the Chancery Clerk of Hinds County and the Secretary of State of the State of Mississippi. The Attorney for the Hinds County Board of Supervisors shall be

responsible for filing the Agreement and for notifying the project administrators that the Agreement is properly in force.

A copy of the Agreement will also be forwarded to the Clerk of the City of Clinton for record keeping purposes.

APPROVED AND EXECUTED by the respective parties on the dates indicated below.

HINDS COUNTY, MISSISSIPPI

by:

PEGGY HOBSON CALHOUN, President
Hinds County Board of
Supervisors

THIS, the _____ day of _____, 1994.

Attest:

ALICE JAMES, Chancery Clerk
Hinds County, Mississippi
CLERK OF THE BOARD

by: _____

CITY OF CLINTON, MISSISSIPPI

by:

Rosemary Aultman
ROSEMARY AULTMAN, Mayor

THIS, the 7th day of December, 1994.

Attest:

CLAUDE NELSON BYRD, JR., Clerk
City of Clinton, Mississippi

by: *Claude Nelson Byrd, Jr.*

STATE OF MISSISSIPPI
COUNTY OF HINDS

PERSONALLY APPEARED before me, the undersigned authority in and for the jurisdiction mentioned above, PEGGY HOBSON CALHOUN and ALICE JAMES, who acknowledged to me that they are the President of the Board of Supervisors and Chancery Clerk, respectively, of HINDS COUNTY, MISSISSIPPI, and that, as such, they did sign, affix the County seal thereto and deliver the foregoing document on the date and for the purposes herein stated in the name of, for and on behalf of the said Hinds County, Mississippi, they being first duly authorized to do so.

GIVEN under my hand and official seal on this, the _____ day of _____, 1994.

NOTARY PUBLIC

(Seal)

My Commission Expires:

STATE OF MISSISSIPPI
COUNTY OF HINDS

PERSONALLY APPEARED before me, the undersigned authority in and for the jurisdiction mentioned above, ROSEMARY AULTMAN and CLAUDE NELSON BYRD, JR., who acknowledged to me that they are the Mayor and Clerk, respectively, of the CITY OF CLINTON, MISSISSIPPI, and that, as such, they did sign, affix the County seal thereto and deliver the foregoing document on the date and for the purposes therein stated in the name of, for and on behalf of the said City of Clinton, Mississippi, they being first duly authorized to do so.

GIVEN under my hand and official seal on this, the 7th day of December, 1994.

Christine E. Walls
NOTARY PUBLIC

(Seal)

My Commission Expires:

My Commission Expires July 24, 1998

EXHIBIT "A"

PROPOSED PAVING LIST FOR HINDS COUNTY INTERLOCAL AGREEMENT

<u>WARD</u>	<u>CLASS</u>	<u>STREET INDEX</u>	<u>ESTIMATED COST</u>
1	A	NORTH FRONTAGE ROAD	\$40,038
1	A	SOUTH FRONTAGE ROAD	60,767
1 & 5	A	MONROE STREET	9,047
TOTAL			\$109,852

LEGEND: A = ARTERIAL STREET

Amended See P-1009

HINDS COUNTY, MISSISSIPPI

MINORITY PARTICIPATION

IT IS THE INTENT of Hinds County, Mississippi, in the interest of providing equal opportunity and participation to all segments of the community, to achieve a goal of minority participation in all activities and projects conducted or sponsored by Hinds County. In furtherance of this goal, it is the desire of Hinds County to include a minimum of twenty percent (20%) minority/minority business participation in connection with all services/commodities provided in connection with this activity/project. It is the intent of Hinds County that this participation be construed to mean that at least twenty percent (20%) of the services/commodities provided shall be provided by a minority business and that said minority business shall receive at least twenty percent (20%) of the compensation paid by Hinds County for the services/commodities rendered in connection with this activity/project.

Pursuant to Sections 27-104-7(2)(d) and 57-69-3(j) of the Mississippi Code of 1972, as amended, "minority business" is defined as

a business which is owned by a person who is a citizen of lawful permanent resident of the United States and who is:

(i) Black: having origins in any of the black racial groups of Africa.

(ii) Hispanic: of Mexican, Puerto Rican, Central or South American, or other Spanish or Portuguese culture or origin regardless of race.

(iii) Asian American: having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands.

(iv) American Indian or Alaskan Native: having origins in any of the original peoples of North America.

(v) Female.

All persons/entities wishing to provide services/commodities to Hinds County shall submit a specific written statement describing their status and the manner in which they propose to comply with this provision. Failure to demonstrate compliance to the satisfaction of Hinds County shall result in a proposal being deemed non-responsive to the specifications required by Hinds County for the fulfillment of this activity/project.

Following the acceptance of a proposal for services/commodities, the successful candidate shall, within forty-five (45) days of such acceptance, substantiate compliance with this provision by submitting a second written statement delineating the specific method(s) of compliance, including identities and areas of participation of minority participants.

The Hinds County Board of Supervisors shall have the authority and discretion to determine whether a proposal is responsive to this statement of intent.

EXHIBIT

"B"

INTERLOCAL COOPERATION AGREEMENT
(Mississippi Interlocal Cooperation Act of 1974, as amended)

HINDS COUNTY, MISSISSIPPI AND THE CITY OF CLINTON, MISSISSIPPI

In Re: Clinton, Mississippi - Preliminary Engineering Design -
North South Parkway

THIS AGREEMENT is entered into on the date(s) shown at the end of this document by and between HINDS COUNTY, MISSISSIPPI, a political subdivision of the State of Mississippi, and the CITY OF CLINTON, MISSISSIPPI, a municipal corporation, pursuant to and in accordance with Section 17-13-1 et seq. of the Mississippi Code of 1972, as amended, titled the "Interlocal Cooperation Act of 1974".

IN CONSIDERATION of the mutual benefits described herein, the parties agree as follows:

I. PURPOSE AND GENERAL PROVISIONS

A. AGREEMENT. This Agreement is entered into pursuant to and in accordance with the authorization of the "Interlocal Cooperation Act of 1974", found at Section 17-13-1 et seq. of the Mississippi Code of 1972, as amended, as it now appears or is hereafter amended, and all provisions set forth in that Act are incorporated herein and made a part hereof as if fully set forth in words and figures, it being the intent of the parties to this Agreement that such authority as is granted by the Act shall be exercisable by the parties to enable them to accomplish the paving or overlaying of various streets in Clinton, Hinds County, Mississippi.

B. **SCOPE.** The nature and scope of the project contemplated by this Agreement is the conducting of the preliminary engineering design phase as more fully described in the City of Clinton Board of Aldermen's resolution attached and described as Attachment "A".

C. **AUTHORITY.** The specific authority under which the County and the City may exercise the powers necessary to fulfill the terms of this Agreement are found, respectively, in Sections 19-3-41 and 21-37-3 of the Mississippi Code of 1972, as amended.

D. **PUBLIC BENEFIT.** It is acknowledged that each of the parties has formally considered this matter and has determined that it is in the public interest that it participate and cooperate in this project, and that substantial benefits are anticipated to insure to citizens of the County and the City by virtue of completion of the project.

E. **PARTICIPATION AND FINANCING.** Hinds County will participate in this project by funding this preliminary engineering design phase in an amount not to exceed One Hundred Thousand Dollars (\$100,000.00). Funding will occur through reimbursing the City of Clinton for work performed to conduct this preliminary engineering design phase described in Exhibit "C". The City of Clinton will participate in this project by performing or contracting for the performance of work necessary to accomplish the preliminary engineering design phase.

F. **MINORITY PARTICIPATION.** It is acknowledged that all activities undertaken by either of the parties to fulfill the requirements of this project will be accomplished in conformity with the minority participation statement utilized by Hinds County, a copy of which statement is attached hereto and incorporated herein as Exhibit "B".

G. **SCHEDULE.** It is estimated that the activities necessary to complete this project will take approximately twelve (12) months.

II. AMENDMENTS OR TERMINATION

This Agreement may be amended or terminated only with the mutual consent of both parties and such action shall be taken by resolution in the same procedural manner as required in the instance of the adoption of this Agreement.

III. ADMINISTRATION

The Director of Public Works for Hinds County and the City Engineer of the City of Clinton shall be responsible for insuring that there is full compliance with the terms of this Agreement.

IV. DURATION

This Agreement shall be in full force and effect from the effective date as explained in Section V, below, and shall continue in effect until such time as the parties acknowledge, through the project administrators described in Section III, above, that the activities contemplated by this Agreement have been completed. This project is intended to be completed on or before December 1,

1995. However, the citing of this intended completion date shall in no way limit the ability or authority of the parties to continue the activities contemplated by this Agreement beyond that date, if necessary, to complete the project.

V. ENFORCEABILITY

A. **APPROVAL.** The parties understand that, as a condition precedent to this Agreement being enforceable, this Agreement shall be submitted to the Attorney General of the State of Mississippi for his approval and that this Agreement shall not be enforceable unless:

1. approved by the Attorney General, or until,
2. sixty (60) days has passed since its submission and he has failed to disapprove same, in which event the Agreement shall be considered approved and enforceable.

The Attorney for the Hinds County Board of Supervisors shall be responsible for submitting the Agreement to the Attorney General.

B. **FILING.** Upon approval by the Attorney General, or the passage of sixty (60) days after submission without his disapproval, copies of this Agreement shall be filed with the Chancery Clerk of Hinds County, and the Secretary of State and the State Department of Audit of the State of Mississippi. In accordance with the terms of the Interlocal Cooperation Act, the Agreement will not be deemed in force until proof of filing of the Agreement has been received from the Chancery Clerk of Hinds County and the Secretary of State of the State of Mississippi. The Attorney for the Hinds County Board of Supervisors shall be

responsible for filing the Agreement and for notifying the project administrators that the Agreement is properly in force.

A copy of the Agreement will also be forwarded to the Clerk of the City of Clinton for record keeping purposes.

APPROVED AND EXECUTED by the respective parties on the dates indicated below.

HINDS COUNTY, MISSISSIPPI

BOOK 2 PAGE E-165

HINDS COUNTY, MISSISSIPPI

by:

Ronnie Chappell
RONNIE CHAPPELL, President
Hinds County Board of
Supervisors

THIS, the 3rd day of January, 1995.

Attest:

ALICE JAMES, Chancery Clerk
Hinds County, Mississippi
CLERK OF THE BOARD

by:

Alice James

CITY OF CLINTON, MISSISSIPPI

by:

Rosemary Aultman
ROSEMARY AULTMAN, Mayor

THIS, the 7th day of December, 1994.

Attest:

CLAUDE NELSON BYRD, JR., Clerk
City of Clinton, Mississippi

by: Claude Nelson Byrd Jr.

STATE OF MISSISSIPPI
COUNTY OF HINDS

PERSONALLY APPEARED before me, the undersigned authority in and for the jurisdiction mentioned above, Ronnie Chappell and ALICE JAMES, who acknowledged to me that they are the President of the Board of Supervisors and Chancery Clerk, respectively, of HINDS COUNTY, MISSISSIPPI, and that, as such, they did sign, affix the County seal thereto and deliver the foregoing document on the date and for the purposes herein stated in the name of, for and on behalf of the said Hinds County, Mississippi, they being first duly authorized to do so.

GIVEN under my hand and official seal on this, the 3rd day of January, 1995.

Annita P. Sherry
NOTARY PUBLIC

(Seal)

My Commission Expires:

BOOK 2 PAGE E-166

(Seal)

My Commission Expires:

NOTARY PUBLIC STATE OF MISSISSIPPI AT LARGE

COMMISSION EXPIRES: January 21, 1997

BONDED THRU HEIDEN-MARCHETTI, INC.

STATE OF MISSISSIPPI
COUNTY OF HINDS

PERSONALLY APPEARED before me, the undersigned authority in and for the jurisdiction mentioned above, ROSEMARY AULTMAN and CLAUDE NELSON BYRD, JR., who acknowledged to me that they are the Mayor and Clerk, respectively, of the CITY OF CLINTON, MISSISSIPPI, and that, as such, they did sign, affix the County seal thereto and deliver the foregoing document on the date and for the purposes therein stated in the name of, for and on behalf of the said City of Clinton, Mississippi, they being first duly authorized to do so.

GIVEN under my hand and official seal on this, the 7th day of December, 1994.

Christine E. Walls
NOTARY PUBLIC

(Seal)
My Commission Expires:
My Commission Expires July 24, 1998

RESOLUTION

1. WHEREAS, the Mayor and Board of Aldermen have determined that the future development of the City of Clinton, its growth and prosperity can be greatly promoted through improvements to and development of the transportation facilities of the City; and

2. WHEREAS, the Mayor and Board of Aldermen have carefully reviewed all previous technical data and studies of the feasibility and construction of a corridor road connecting the northern and southern sections of the City; and

3. WHEREAS, the Mayor and Board of Aldermen have noted the increased urgency of the development of a transportation corridor based upon a number of factors, including:

- (a) increased traffic and congestion throughout the inner City with the location and construction of the new high school in north Clinton near Pinehaven Road;
- (b) emergency and public safety problems and general inconvenience created by the lack of a grade separation crossing of the railroad tracks which split the City and have grown due to the increase in volume of railroad traffic; and
- (c) increased need to provide all areas of the City with easy access to Interstate 20, schools, recreational facilities, businesses and residential areas and to encourage and promote the general development of all areas of the City.

HINDS COUNTY, MISSISSIPPI

MINORITY PARTICIPATION

IT IS THE INTENT of Hinds County, Mississippi, in the interest of providing equal opportunity and participation to all segments of the community, to achieve a goal of minority participation in all activities and projects conducted or sponsored by Hinds County. In furtherance of this goal, it is the desire of Hinds County to include a minimum of twenty percent (20%) minority/minority business participation in connection with all services/commodities provided in connection with this activity/project. It is the intent of Hinds County that this participation be construed to mean that at least twenty percent (20%) of the services/commodities provided shall be provided by a minority business and that said minority business shall receive at least twenty percent (20%) of the compensation paid by Hinds County for the services/commodities rendered in connection with this activity/project.

Pursuant to Sections 27-104-7(2)(d) and 57-69-3(j) of the Mississippi Code of 1972, as amended, "minority business" is defined as

a business which is owned by a person who is a citizen of lawful permanent resident of the United States and who is:

(i) Black: having origins in any of the black racial groups of Africa.

(ii) Hispanic: of Mexican, Puerto Rican, Central or South American, or other Spanish or Portuguese culture or origin regardless of race.

(iii) Asian American: having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands.

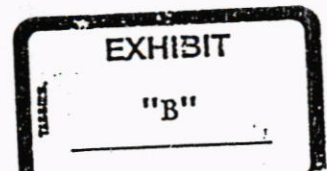
(iv) American Indian or Alaskan Native: having origins in any of the original peoples of North America.

(v) Female.

All persons/entities wishing to provide services/commodities to Hinds County shall submit a specific written statement describing their status and the manner in which they propose to comply with this provision. Failure to demonstrate compliance to the satisfaction of Hinds County shall result in a proposal being deemed non-responsive to the specifications required by Hinds County for the fulfillment of this activity/project.

Following the acceptance of a proposal for services/commodities, the successful candidate shall, within forty-five (45) days of such acceptance, substantiate compliance with this provision by submitting a second written statement delineating the specific method(s) of compliance, including identities and areas of participation of minority participants.

The Hinds County Board of Supervisors shall have the authority and discretion to determine whether a proposal is responsive to this statement of intent.



PRELIMINARY ENGINEERING DESIGN CLINTON PARKWAY

The following work plan chart describes the tasks and phases that the consultant will conduct to accomplish the work on this project. Below is a description of the tasks to be accomplished during this phase of the design process.

Phase 1 - Data Collection

Conduct Initial Meeting with City

To begin the project, the consultant will conduct an initial meeting to discuss ideas, schedules, points of contact, planned and anticipated roadway improvements in the project area, and sources of data and information. This meeting will be used as a forum to share ideas, philosophies and goals which should be considered during the design process. The City may invite other entities as they deem appropriate to attend this meeting for the purpose of establishing lines of communication so that ideas and concerns about the project can be addressed.

Collect Available Maps and Data

The consultant will secure and review available reference materials such as aerial photography, maps, existing and future highway and street plans, quadrangle maps, traffic counts, utilities, floodplain and flood study maps, planning studies and any other identified information available to assist in the design.

Conduct Cultural Resources Assessments

A field assessment will be performed to identify those areas which may be of historical or cultural significance. Also, contact with the Mississippi Department of Archives will be made to determine if any cultural significant sites have been identified in the vicinity of the project.

Identify Noise Sensitive Areas

Identification and inventory of noise sensitive receptors such as schools, churches, hospitals, etc., in the study area will be made. Assessment of the potential noise impact on these locations will be provided as part of the preliminary engineering design phase. If required, ambient noise measurements will be made under additional services.

Identify Residential and Business Displacements

City and county tax maps will be secured and reviewed to identify parcels of property along the alignment under consideration. The number of, types of property (developed, undeveloped or undevelopable), zoning of the property and approximate size of the parcels will be identified. A general estimate figure for the value of those properties which will be required for the proposed project will be provided as part of the preliminary engineering design.

Assess Utility Conflicts

The relocation of utilities may be required to accommodate the proposed roadway alignment. In some cases it may be more justifiable to alter the alignment of the roadway to avoid the utility conflict. Impacts of major utilities both above and below ground will be identified and described as part of the preliminary engineering design.

Assess Wetlands

The wetlands and soils information provided will be reviewed to make an estimate of the amount of wetlands area each alternative will impact. Adjustments in alignment may be beneficial to reduce wetlands impacts identified by this assessment. An evaluation of the wetlands determination will be provided as part of the preliminary engineering design.

Assess Floodplain

An estimate will be made for the alignment as to the area of floodplain it may occupy. An evaluation of the impacts due to crossing the floodplain will be included in the preliminary engineering design phase.

Assess Hazardous Waste Site Potential

An aerial photo reconnaissance and an on site visit of any potential hazardous waste sites will be made. If sites are suspected, their location will be identified along with their impact on the project.

Assess Publicly Owned Parks, Recreation Areas and Wildlife and Waterfowl Refuge

Publicly owned parks, recreation areas, and wildlife and waterfowl refuges will be identified and noted on maps. An assessment will be made on the impacts the project will have on these sensitive areas and provided as part of the preliminary engineering design.

Compute Levels of Service

The capacities and level of service (LOS) for roadways and intersections created by the alternatives will be computed using Highway Capacity Software which is based on *Transportation Research Board Special Report 209*. Projected traffic volumes will be used for the basis of these calculations. The results of the capacity analysis will be used to identify potential traffic operations problem

locations and to make geometric refinements to improve capacity and operations.

Identify Other Street Improvements

The development of a new parkway will force the long term improvement of existing roadways and intersections to accommodate future traffic. Certain intersections and roadways at the termini and access locations will require improvements to accommodate the new traffic caused by diverted travel patterns and new development as a result of the new corridor. The consultant will identify the need for other long range improvements to existing routes and intersections to accommodate the traffic demand. In addition the consultant will provide a general traffic control plan for the construction period.

Assess Visual Impacts

Due to the urban nature of the project areas, the visual resources will be assessed to evaluate the quality and relative impact of the proposed parkway. Graphic presentations will be prepared to illustrate the high visual quality of the proposed route and the manner of site development utilized to blend the parkway into the landscape with the least impact.

Refine Preliminary Cost Estimates

Preliminary cost estimates developed for the project will be updated with more defined costs from the refinement process. Approximate bridge or drainage structure lengths and typical sections will be established to enable the costs to be better defined.

Second Progress Review Meeting with the City

A second progress review meeting will be conducted at the end of Phase 3. The purpose of the meeting will be to review the refined alignment, capacity analyses and other facilities improvements identified.

Phase 4 - Finalize Preliminary Engineering Design

Information developed from each of the analyses developed during this design process will be summarized and compiled into a preliminary design document. As a minimum, this document will include detailed construction cost estimates, right-of-way limits, right-of-way costs, proposed landscape sketches in rendered form, number and types of displaced housing units and structure, intersection schematics, typical sections, and preliminary horizontal and vertical alignments. Comments from the City will be evaluated by the consultant. Modifications and responses to the comments as appropriate will be made before the final printing.

Presentation

The consultant will prepare exhibits and make a presentation to the Clinton Board of Alderman at a mutually agreeable time. The consultant may also be required to attend other public meetings as deemed necessary by the City.

MANHOUR AND FEE ESTIMATE **CLINTON PARKWAY PRELIMINARY ENGINEERING DESIGN**

WORK ITEM	MANHOURS						
	PROJECT MANAGER	SENIOR ENGINEER	PROJECT ENGINEER	TECHNICIAN	CLERICAL	SURVEYOR	SURVEY CREW
*PHASE I – DATA COLLECTION							
INITIAL MEETING WITH CITY	8	24	8		2		
COLLECT MAPS AND DATA		12	8				
COLLECT ADDITIONAL TRAFFIC COUNT DATA	2	4	16		2		
*PHASE II – PRELIMINARY ALIGNMENT							
IDENTIFY PHYSICAL FEATURES	3	8	8	24			
PRELIMINARY ALIGNMENT	3	30	16	16			
SURVEY ALIGNMENT (HORZ. & VERT.)	2	4	8	16		8	40
SURVEY PROPERTY LOCATION	2	4	8	20		8	30
PROPERTY RESEARCH	2	4	8	16		24	
ANALYZE TRAFFIC DATA	2	16	40	24			
PROJECT FUTURE TRAFFIC	8	8	24				
PROGRESS REVIEW MEETING	4	12	4		1		
*PHASE III – ALIGNMENT REFINEMENT & IMPACT ANALYSIS							
REFINE ALIGNMENT	4	40	32	40			
CULTURAL RESOURCES ASSESSMENTS	2	SUB. #2					
NOISE ASSESSMENT	2		4	2			
DISPLACEMENT ASSESSMENT	2	4	8	4			
UTILITY CONFLICTS ASSESSMENTS	8	16	24	24		2	16
WETLANDS ASSESSMENT	2	SUB. #1					
FLOODPLAIN IMPACT ASSESSMENT	2	SUB. #1					
HAZARDOUS WASTE ASSESSMENT	2	4	8	4			
PUBLIC LAND/WILDLIFE REFUGE ASSESSMENT	2	SUB. #1					
COMPUTE LEVELS OF SERVICE	4	24	56	16			
IDENTIFY OTHER STREET IMPROVEMENTS	4	16	16	8			
VISUAL IMPACTS ASSESSMENT	4	16	16	16			
REFINE COST ESTIMATES	2	16	12	16			
PROGRESS REVIEW MEETING	4	12	4		1		
*PHASE IV – FINAL REPORT							
PREPARE DRAFT REPORT	12	20	32	32	4		
REVISE DRAFT REPORT	2	4	8		2		
PRINT FINAL REPORT	4	8			8		
PRESENTATION (1) & PUBLIC MTGS.	12	8	4		2		
TOTAL MANHOURS	110	314	372	366	22	42	86

MANHOUR AND FEE ESTIMATE CLINTON PARKWAY PRELIMINARY ENGINEERING DESIGN

PAGE 2 OF 2

1. Labor Cost

	HOURS	RATE	TOTAL COST
Project Manager	110	\$85.00 =	\$9,350
Senior Engineer	314	\$75.00 =	\$23,550
Project Engineer	372	\$70.00 =	\$26,040
Technical	366	\$45.00 =	\$16,470
Clerical	22	\$30.00 =	\$660
Surveyor	42	\$55.00 =	\$2,310
Survey Crew	86	\$75.00 =	\$6,450
TOTAL LABOR COSTS		=	\$84,830

2. Direct Nonsalary Expenses

Mileage	\$200	
Long Distance Communications	\$50	
Reprographics/Printing	\$3,000	
Overnight Mail	\$100	
	=	\$3,350

Total Direct Nonsalary Expenses

5. Expert Subconsultants

# 1 Environmental Impact	\$3,500
# 2 Cultural Resources Impacts	\$3,200

Subtotal – Subconsultants = \$6,700

GRAND TOTAL \$94,880

PASTE AD HERE

CLINTON, MISSISSIPPI
REQUEST FOR
PROPOSALS FOR
ENGINEERING SERVICES
The CITY OF CLINTON,
Mississippi, will accept sealed
proposals from qualified engi-
neering firms for providing
the professional services re-
quired for the preliminary
engineering design and report
for the North-South Parkway
in the City of Clinton, MS.
The CITY OF CLINTON,
Mississippi, has developed a
proposed Scope of Services
for informational purposes.
The CITY OF CLINTON,
Mississippi reserves the right
to amend or modify this
Scope of Services prior to the
awarding of a contract for
engineering services. A copy
of this Scope of Services may
be obtained in the office of
the City Engineer, 300 Jeff-
erson Street, Clinton, Missis-
sippi 39056 or by mail at Post
Office Box 156, Clinton, Mis-
sissippi 39060.
This design and report shall
be conducted in accordance
with Federal Highway Ad-
ministration regulations for
complying with the National
Environmental Policy Act.
This project is being funded
by both the City of Clinton
and the Hinds County Board
of Supervisors. Both parties
have minority participation
goals. Evidence of ability to
meet these goals should be
submitted with the proposal.
The proposal as a minimum
shall contain the following:
1. A resume for each princi-
pal member of the firm who
may be assigned to this work
listing each person's experi-
ence and qualifications.
2. A description of all similar
type work completed during
the past five years which
qualifies the firm for this
work; and
3. Standard GSA-254 Form.
Firms or individuals should
submit a list of their experi-
ence, qualifications, and abili-
ty.
Proposals for this project will
be rated according to the fol-
lowing criteria:
1. EXPERIENCE with simi-
lar projects;
2. QUALIFICATIONS, knowl-
edge, and technical expertise
in these similar projects;
3. ABILITY to perform re-
quired services in a timely
manner, given current work-
load and staff.
Contracts will be awarded to
the qualified offeror whose
proposal is determined to be
most advantageous to the
CITY OF CLINTON, Missis-
sippi. The Board reserves the
right to reject any and all
proposals and to waive any
irregularities or informalities
in the proposal process.
Six copies of the proposal
should be sealed and prop-
erly labeled as North-South
Parkway project, and may
be delivered or mailed to:
Nelson Byrd, City Clerk, Post
Office Box 156, Clinton, Mis-
sissippi 39060 and received at
City Hall, 300 Jefferson
Street, Clinton, Mississippi
39056, no later than 12:00
o'clock noon, November 23,
1994. The proposals will be
opened and the selection
committee will make their
recommendations to the
Mayor and Board soon
thereafter.
CITY OF CLINTON
APPROVED:
Rosemary G. Aultman,
Mayor
/s/ Rosemary G. Aultman
ATTESTED:
Nelson Byrd,
City Clerk
/s/ Nelson Byrd
October 25, 1994
October 31, Nov. 7, 1994

PROOF OF PUBLICATION
THE STATE OF MISSISSIPPI
HINDS COUNTY

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

Tim Lee

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

Date October 31, 19 94

November 7 94

Date _____, 19 _____

Date _____, 19 _____

Date _____, 19 _____

Date _____, 19 _____

Number of Lines 113/438 words

Published 2 Times

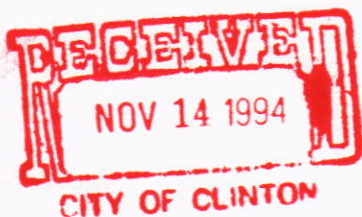
Total \$ 58.94

Signed Tim Lee
Authorized Clerk
of The Clarion-Ledger

Sworn to and subscribed before me the 7 day of
November 19 94.

Marie Mills
Notary Public

My Commission Expires:
NOTARY PUBLIC STATE OF MISSISSIPPI AT LARGE.
MY COMMISSION EXPIRES: Nov. 8, 1996.
BONDED THRU NOTARY PUBLIC UNDERWRITERS



(Seal)

The Mayor and the Board of Aldermen took up for consideration the matter of the issuance of general obligation bonds of the City of Clinton for certain public improvements, and following a discussion of the matter, Alderman Todd offered and moved the adoption of the following resolution, which motion was seconded by Alderman Fisher :

A RESOLUTION DECLARING THE INTENTION OF THE MAYOR AND THE BOARD OF ALDERMEN OF THE CITY OF CLINTON, MISSISSIPPI, TO ISSUE GENERAL OBLIGATION BONDS OF SAID MUNICIPALITY IN THE MAXIMUM PRINCIPAL AMOUNT OF ONE MILLION AND NO/100 DOLLARS (\$1,000,000.00) TO RAISE MONEY FOR THE PURPOSE OF PAYING THE COSTS OF CONSTRUCTING, RENOVATING, REFURBISHING, AND IMPROVING THE CITY OF CLINTON WATER AND SEWER SYSTEM, AND PAYING THE COST OF SUCH BORROWING, AT A TOTAL PROJECT COST ESTIMATED TO BE \$1,000,000; ADJUDICATING NO FUNDS ARE AVAILABLE TO THE CITY OF CLINTON, MISSISSIPPI FOR SUCH PURPOSES; ORDERING SAID RESOLUTION TO BE PUBLISHED; AND SETTING THE DATE UPON WHICH THE MAYOR AND BOARD OF ALDERMEN ARE TO TAKE FINAL ACTION UPON THE QUESTION OF AUTHORIZING THE ISSUANCE OF SAID BONDS.

WHEREAS, the Mayor and the Board of Aldermen (the "Governing Authority") of the City of Clinton, Mississippi (the "Municipality"), acting for and on behalf of the Municipality do hereby find, determine, adjudicate, and declare as follows:

1. That it is necessary and advisable and in the best public interest of the Municipality and its inhabitants to issue, under the authority contained in Sections 21-33-301 through 21-33-329 (the "Act") of the Mississippi Code of 1972, as amended, (the "Code") general obligation bonds of the Municipality in the maximum principal amount of One Million and No/100 Dollars (\$1,000,000.00) to raise money for and toward the Project, as defined herein;

2. That no other funds are available with which to pay the costs of the Project, as defined herein;

3. That the assessed value of all taxable property within the Municipality, according to the last completed assessment for taxation, is \$85,705,941; that the assessment upon which taxes were levied for its fiscal year ending September 30, 1984, was \$70,399,087; that the Municipality presently has outstanding bonded indebtedness subject to the fifteen percent (15%) or ten percent (10%) debt limit prescribed by Section 21-33-303 of the Code, in the amount of \$2,312,000 and outstanding bonded and floating indebtedness subject to the twenty percent (20%) or fifteen percent (15%) debt limit prescribed by Section 21-33-303 of the Code (which amount includes the sum set forth above subject to the fifteen percent (15%) or ten percent (10%) debt limit), in the amount of \$3,056,554; that the issuance of the bonds hereinafter proposed to be issued, when added to the outstanding bonded indebtedness of the Municipality will not result in: (a) bonded indebtedness of the Municipality, exclusive of indebtedness not subject to the aforesaid debt limits, in excess of either fifteen percent (15%) of the assessed value of taxable property within the Municipality according to the last completed assessment for taxation, or ten percent (10%) of the assessment upon which taxes were levied for its fiscal year ending September 30, 1984, whichever is greater, or (b) bonded and floating indebtedness, exclusive of indebtedness not subject to the aforesaid debt limits, in excess of either twenty percent (20%) of the assessed value of all taxable property within such Municipality according to the last completed assessment for taxation, or fifteen percent (15%) of the assessment upon which taxes were levied for its fiscal year ending September 30, 1984, whichever is greater; and will not exceed any constitutional or statutory limitation upon indebtedness which may be incurred by the Municipality; and

4. That any machinery and equipment proposed to be purchased with a part of the proceeds of the bonds shall have an expected useful life in excess of ten (10) years, provided,

however, that machinery and equipment proposed to be purchased hereunder shall not include motor vehicles weighing less than 12,000 pounds; and

5. That the purposes for which the proposed bonds are to be issued as herein set forth in this resolution are purposes authorized by the Act, and that the Governing Authority is authorized and required to declare the necessity and its intention of borrowing money and issuing the bonds of the District as evidence of the same.

NOW, THEREFORE, be it resolved by the Mayor and the Board of Aldermen of the City of Clinton, Mississippi:

SECTION 1. That the Governing Authority does hereby find, determine and adjudicate that the foregoing premises are true and correct.

SECTION 2. That the Governing Authority does hereby declare its intention to issue general obligation bonds of the Municipality, under the provisions of the Act, in the maximum principal amount of One Million and No/100 Dollars (\$1,000,000.00) (the "Bonds") to raise money for the purpose of paying the costs of constructing, renovating, refurbishing and improving the City water and sewer system, including, but not limited to, the Southeast Lagoon and Sand Filter, the South Central Lagoon and Sand Filter, consolidating the Clinton Industrial Park system with Lovett Biolac, renovating and refurbishing water tanks and wells, making other improvements to the water system and its operations, performing all other work necessary or desirable to effectuate the Project, and paying the costs of such borrowing, at a total Project cost estimated to be \$1,000,000 (the "Project").

SECTION 3. That unless a petition signed by the lesser of 10% or fifteen hundred (1,500) of the qualified electors of said City, requesting that an election be called on the question of issuing said bonds, is filed prior to 7:00 p.m. on January 17, 1995, at the office of the City Clerk of the City of Clinton or the meeting of the Board of Aldermen scheduled for 7:00 p.m.

on January 17, 1995, in the Municipal Courtroom located at 305 Monroe Street, Clinton, Mississippi, final approval of the issuance of said bonds and authority for the issuance of said bonds shall be given by the Governing Authority at the aforesaid meeting.

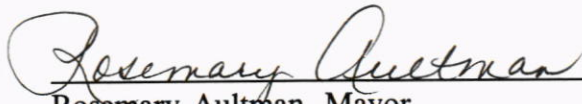
SECTION 4. That the City Clerk of the Municipality be and is hereby authorized and directed to cause this resolution as adopted to be published in the Clinton News, a newspaper published in the City of Clinton, Mississippi, and qualified under the provisions of Section 13-3-31 of the Mississippi Code of 1972, as amended. Said resolution shall be published once a week for three consecutive weeks, with the first publication thereof to be made not less than 21 days prior to January 17, 1995, on which date the Governing Authority will take final action on the question of issuance of said bonds.

Following the reading of the foregoing resolution, the question being put to a roll call vote, the result was as follows:

Alderman O.C. George Ferrell	Voted: <u>AYE</u>
Alderman Rodney W. DePriest	Voted: <u>AYE</u>
Alderman Ben L. Todd	Voted: <u>AYE</u>
Alderman Phil Fisher	Voted: <u>AYE</u>
Alderman Herb Touchton	Voted: <u>AYE</u>
Alderman Sharbert K. Lott	Voted: <u>AYE</u>
Alderman-at-Large Jehu Brabham	Voted: <u>AYE</u>

The resolution having received the affirmative vote of a majority of the members, the Mayor declared the resolution adopted on this the 6th day of December, 1994.

THE CITY OF CLINTON, MISSISSIPPI


Rosemary Aultman, Mayor

ATTEST:


Nelson Byrd, City Clerk

RESOLUTION

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

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

WHEREAS, this technical assistance is for the specific function of submission of an application for FY 1995 Community Development Block Grant funds; and

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

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

FURTHER, BE IT RESOLVED, that the Mayor and Board of Aldermen of Clinton, Mississippi do authorize the advertisement of two (2) public hearings to be held in conjunction with this CDBG project.

Dated this the 6th day of December, 1994

Clinton, Mississippi

By: Rosemary Aetman
Mayor

ATTEST:

By: Nelson Byrd

RESOLUTION

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

WHEREAS, the Mayor and Board of Aldermen of Clinton, Mississippi, desire technical assistance from the Central Mississippi Planning and Development District for the purpose of preparing a loan application for submission under the Capital Improvements Revolving Loan Program (CAP); and

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Board of Aldermen on behalf of Clinton, Mississippi do request assistance from the Central Mississippi Planning and Development District and show their intent to apply for a loan under the Capital Improvements Revolving Loan Program (CAP), and that the District is requested to aid Clinton, Mississippi in this matter. The Board of Aldermen further designates the Mayor to act as a representative of the City in this matter and to execute all necessary forms and documents on behalf of the City.

FURTHER, BE IT RESOLVED, that the Mayor and Board of Aldermen of Clinton, Mississippi do authorize the advertisement of a "Resolution of Intention" regarding the City of Clinton's intent to apply for a CAP loan.

Dated this the 6th day of December, 1994

Clinton, Mississippi

By: Rosemary Guezman
Mayor

ATTEST:

By: Nelson Byrd

RESOLUTION

The Mayor and Board of Aldermen, acting for and on behalf of the City of Clinton, Mississippi (the "City") took up for consideration the matter of authorizing and approving a loan on behalf of the City from the Mississippi Department of Economic and Community Development (the "Department") for the purpose of completing capital improvements identified as:

CONSTRUCTION OF A FRONTAGE ROAD ON THE SOUTHSIDE OF
INTERSTATE 20 BETWEEN SPRINGRIDGE ROAD AND CLINTON-RAYMOND ROAD
AND
CONSTRUCTION OF A NEW CENTRAL FIRE STATION

BE RESOLVED BY THE GOVERNING BODY OF THE CITY, AS FOLLOWS:

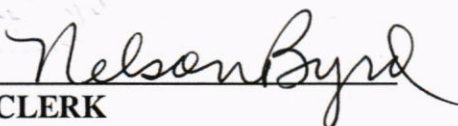
Section 1. The Governing Body of the City does hereby declare its intention to enter into a loan agreement with the Department in the principal amount not to exceed one million dollars (\$1,000,000) for the purpose of completing the capital improvements identified above.

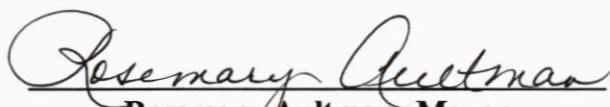
Section 2. The Loan will be secured by a Note executed and delivered by the City to the Department. Failure of the City to meet its repayment obligations shall result in the forfeiture of sales tax allocation and/or homestead exemption reimbursement in an amount sufficient to repay obligations due until such time as the indebtedness has been discharged or arrangements to discharge such indebtedness satisfactory to the Department have been made.

Section 3. The Governing Body proposes to authorize and approve the Loan from the Department in the amount and for the aforesaid purposes at a meeting of the Governing Body to be held at its regular meeting place at the Municipal Court Room in Clinton, Mississippi at 7:00 p.m. on the 17th day of January, 1995, or at some meeting held subsequent thereto. Execution of the loan documents will be at a subsequent date, after allowing sufficient time for comments.

The motion having received the foregoing vote of the Governing Body, the Mayor declared the motion carried and the Resolution adopted, on this the 6th day of December, 1994.

(SEAL)


CLERK


Rosemary Aultman, Mayor
City of Clinton

The Mayor and Board of Aldermen of the City of Clinton, Mississippi, acting for and on behalf of the City of Clinton, Mississippi, took up for further consideration the matter of the assuming of debt for South Frontage Road, of the City of Clinton, Mississippi. After discussion of the subject, Alderman T O D D offered and moved the adoption of the following resolution:

RESOLUTION SETTING FORTH THE OFFICIAL INTENT OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CLINTON, MISSISSIPPI (THE "CITY"), TO REIMBURSE SAID CITY FOR CERTAIN EXPENDITURES TO BE MADE FOR THE PROJECT (SOUTH FRONTAGE ROAD) TO BE CONSTRUCTED WITH THE PROCEEDS OF THE STATE INFRASTRUCTURE LOAN (THE "LOAN"), SAID EXPENDITURES BEING MADE PRIOR TO THE ISSUANCE OF SAID LOAN, AND THE AGREEMENT BY THE CITY TO COMPLY WITH ALL REGULATIONS GOVERNING THE FINAL REIMBURSEMENT OF EXPENDITURE MADE PRIOR TO THE ISSUANCE OF GOVERNMENTAL OBLIGATIONS.

WHEREAS, the Mayor and Board of Aldermen (the "Governing Body") of the City of Clinton, Mississippi, acting for and on behalf of the City of Clinton, Mississippi (the "City") will authorize the State Infrastructure Loan (the "Loan") of the City of Clinton, Mississippi, a portion of the proceeds of which are to be used in relationship to South Frontage Road (the "Project");

WHEREAS, the City has incurred and/or will incur certain expenditures prior to the loan for the Project (the "Expenditures");

WHEREAS, it is necessary that the Governing Body on behalf of the City declare its intent (the "Intent") to reimburse said City for these certain Expenditures;

WHEREAS, the Governing Body reasonably expects to reimburse the Expenditures with the proceeds of the Loan;

WHEREAS, the Governing Body certifies that those expenditures to be reimbursed are only those Expenditures incurred in the construction of the Project; and

WHEREAS, the maximum principal amount of proceeds of the Loan to be used for reimbursement of the Expenditures is ONE MILLION Dollars (\$ 1,000,000.00)

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY AS FOLLOWS:

Section 1. The Governing Body declares its Intent to reimburse the City for certain Expenditures incurred by the City, prior to the issuance of the Loan, in the construction of the Project.

Section 2. The fund from which the Expenditures were paid is the WATER AND SEWER and the purpose of this fund is for South Frontage Road improvements.

Section 3. The Governing Body reasonably expects to reimburse itself from the proceeds received from the Loan.

Section 4. The Governing Body declares that those expenditures to be reimbursed are only those expenditures incurred in the construction of the Project.

Section 5. The governing Body certifies that the maximum principal amount of proceeds of the Loan to be used for reimbursement of Expenditures is FIFTY THOUSAND Dollars (\$ 50,000.00).

Section 6. All orders, resolutions or proceedings of the Governing Body in conflict with any provision hereof shall be, and the same are hereby repealed, rescinded and set aside, but only to the extent of such conflict. For cause, this Resolution shall become effective upon the adoption hereof.

Following the reading of the foregoing Resolution, Alderman FISHER seconded the motion for its adoption. The Mayor put the question to a roll call vote, and the result was as follows:

Alderman <u>BRABHAM</u>	voted: <u>AYE</u>
Alderman <u>FERRELL</u>	voted: <u>AYE</u>
Alderman <u>DEPRIEST</u>	voted: <u>AYE</u>
Alderman <u>TODD</u>	voted: <u>AYE</u>
Alderman <u>FISHER</u>	voted: <u>AYE</u>
Alderman <u>TAUCHTON</u>	VOTED: <u>AYE</u>
Alderman <u>LOTT</u>	VOTED: <u>AYE</u>

The motion having received the affirmative vote of a majority of the members present, the Mayor declared the motion carried and the resolution adopted, on this the 6th day of DECEMBER, 1994.

Rosemary Guezman
Mayor

ATTEST:

Nelson Byrd
City Clerk

(SEAL)

Hancock, Young to pledge wedding vows

Mr. and Mrs. W.O. Hancock Jr. of Taylorsville announce the engagement of their daughter, Angela Joelle, to Jason Joel Young, son of Mr. and Mrs. Max J. Young of Clinton.

The bride-elect is the granddaughter of Mrs. Joyce Massengale of Collins, and Mrs. Charlene Hornick of Taylorsville.

Miss Hancock is a graduate of Taylorsville High School and the University of Southern Mississippi where she was a member of Phi Mu sorority. She is employed by Associated General Contractors of Mississippi in Jackson.

The prospective groom is the grandson of Mr. and Mrs. C.W. Young of Indiana.

Mr. Young is a graduate of Pillow Academy in Greenwood and Mississippi State University where he was a



Angela Joelle Hancock

member of Sigma Chi fraternity. He is a board member of the Central Mississippi MSU Alumni Association. He is employed by Bottrell Agency in Jackson as an account executive.

Vows will be exchanged at 3 p.m. Jan. 7 at Taylorsville United Methodist Church. A reception will follow at the church. All family and friends are invited to attend.

How to submit news

News may be brought to the Clinton News office at 311 Jefferson St., or mailed to P. O. Box 66, Clinton, Miss. 39060.

The deadline for submitting news is noon Thursday, a week prior to publication.

News should be submitted as far in advance as possible.

NOTICE OF PROPOSED INCREASE IN GARBAGE COLLECTION FEES

Due to an increase in contracted garbage collection rates, the City of Clinton, Mississippi is proposing to increase its monthly garbage collection fees in the amount of \$1.00. The average proposed monthly increase is 15.4% and annual revenues will increase 11.6%. Said proposed increase is required in order to comply with Mississippi Code 21-19-1 and 2.

monthly increase is 15.4% and annual revenues will increase 11.6%. Said proposed increase is required in order to comply with Mississippi Code 21-19-1 and 2.