

**REGULAR MEETING OF THE MAYOR AND BOARD OF ALDERMEN
TUESDAY, NOVEMBER 5, 1991 - 7 P.M.
A. E. WOOD MEMORIAL LIBRARY**

The Mayor and Board of Aldermen of the City of Clinton, Mississippi, met in Regular Meeting on Tuesday, November 5, 1991, 7 P.M., at the A. E. Wood Memorial Library, 111 Clinton Boulevard.

WELCOME AND CALL TO ORDER - Mayor Billy Ray Smith

INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG

The Invocation was led by Alderman Jean Johnson followed by the Pledge of Allegiance to the Flag led by Alderman Ed Valente.

ROLL CALL - City Clerk Nelson Byrd

Present - O. C. George Ferrell - Alderman Ward 1
Edward Valente - Alderman Ward 2
Ronnie Chappell - Alderman Ward 3
Jean Johnson - Alderman Ward 5
Sharbert Lott - Alderman Ward 6
Mayor Billy Ray Smith - Presiding

City Attorney William E. Spell
City Clerk Nelson Byrd

Absent - Willard Ryan - Alderman-at-Large
Keith Montgomery - Alderman Ward 4

APPROVAL OF CONSENT AGENDA ITEMS A-S:

- A. Minutes of the Regular Meeting of the Mayor and Board of Aldermen of October 1, 1991, and the Adjourned Meeting of October 15, 1991, as printed and distributed
- B. Claims Docket - manual and computer claims numbered 1-549 for the month of October, 1991
- C. \$200.00 to MS High School Activities Association for full page ad in the Championship Football Playoffs Program to be held in Clinton 12-6/7-91 (Adm.)
- D. Permission for vo-tech to proceed forming picnic and grill pads at approximate cost of \$1500 for concrete materials for 12 tables and 6 grills in hand (P&R)
- E. \$25.00 to MS Center for Tech. Transfer for Otis Ward to attend workshop on road maintenance at the University Center in Jackson 11-20-91 (PWD)
- F. \$1,326.51 plus \$1,353.88 plus \$1,603.61 to Apac-MS for asphalt for street repairs (PWD)
- G. \$1,060.00 plus \$900.00 to Cap-weld for chlorine for water treatment (PWD)
- H. \$1,060.40 to Central Pipe for emergency sewer pipes for creek crossings (PWD)
- I. \$1,410.00 to Central Pipe for bronze meters, fistings, and boxes (PWD)
- J. \$585.20 to Central Pipe for emergency replacement of fire hydrant at Bill Will Motel (PWD)
- K. \$975.61 to Consolidated Pipe for repair of tapping machine (PWD)
- L. \$960.00 to Custom Prod. for 24 30" stop signs for traffic control (PWD)
- M. \$778.14 to Lampton-Love Gas for diesel (various depts.)
- N. \$1,042.50 to SW Paving for tack used with asphalt for street repairs (PWD)
- O. \$1,975.00 low quote to Casco, Inc., for purchase of hose testing equipment (Fire)
- P. \$67,725.48 to Delta Constructors, Inc., and \$7,653.62 to Anderson Engineers for Oct. work at SW Wastewater Treatment Facility to be paid by DGNB 1.6 Million Bond Issue
- Q. \$18,795.27 to Joseph Contractors for Est. #6 on Lovett/Sumner Hill WWTP

- R. \$119,682.00 to Adcamp, Inc., for Phase 4, 1991, Street Improvements
- S. \$12,620.41 to Anderson Engineers for eng. services on various Oct. projects

The Board having found as fact that said advertisement or dues in Consent Agenda Item C will serve to advertise favorably the opportunities, possibilities and resources of the City of Clinton, MOTION made by Alderman Ferrell and SECONDED by Alderman Lott to approve Consent Agenda Items A-S as listed above. MOTION CARRIED UNANIMOUSLY. Quotes listed in Item O are on file in the Office of the City Clerk.

APPROVAL OF HIGH-RISE SIGN FOR SHONEY'S

MOTION made by Alderman Valente and SECONDED by Alderman Ferrell to approve the recommendation of the City of Clinton Planning and Zoning Board for the variance requested for a high-rise sign along I-20 for Shoney's. MOTION CARRIED UNANIMOUSLY.

OTHER PLANNING AND ZONING ITEMS POSTPONED

Upon the request of Mayor Smith, MOTION made by Alderman Johnson and SECONDED by Alderman Lott to carryover Planning and Zoning Items #6B-G as listed on the agenda until November 19, 1991. MOTION CARRIED UNANIMOUSLY.

Upon request of Dr. Charles Farmer, a resident and neighbor interested in Planning and Zoning Item #6-C but will not be able to attend the November 19, 1991, Board Meeting, MOTION made by Alderman Valente and SECONDED by Alderman Lott to delay Planning and Zoning Item 6-C until December 3, 1991. MOTION CARRIED UNANIMOUSLY. Dr. Valente is to contact Annie Jackson regarding postponement.

BANKS ROAD DRAINAGE PROJECT AWARDED TO CLEAR RIVER CONSTRUCTION

As shown by Proof of Publication found on Page 46 of this Minute Book V, said bids were opened with copy of Bid Tabulation found on Page 47 of this Minute Book V. Upon recommendation of Public Works Director Alderman, MOTION made by Alderman Ferrell and SECONDED by Alderman Chappell to accept the low bid of Clear River Construction, Inc., Alternate Bid #1, for the Banks Road Drainage Project. MOTION CARRIED UNANIMOUSLY.

ADOPTION OF RESOLUTION AUTHORIZING 13TH CHECK TO CLINTON POLICE AND FIRE DISABILITY AND RELIEF FUND RETIREES

MOTION made by Alderman Valente and SECONDED by Alderman Lott to adopt that Resolution found on pages 48-50 of this Minute Book V authorizing a 13th check to Clinton Police and Fire Disability and Relief Fund Retirees. MOTION CARRIED UNANIMOUSLY.

MAGNOLIA STATE DISPOSAL CONTRACT ADDENDUM APPROVED

MOTION made by Alderman Johnson and SECONDED by Alderman Chappell to approve that Addendum found on Pages 51-52 of this Minute Book V with Magnolia State Disposal Service. MOTION CARRIED UNANIMOUSLY.

SEWER PROPOSAL - TULANE, AUBURN DR., AND DREXEL CIRCLE POSTPONED

Upon request by Alderman Valente, City Engineer Anderson was asked to bring information to the next Board Meeting regarding a 1986 sewer proposal in the College Hills area. Changes in the law since 1986 were brought to the attention of the Board by Attorney Spell regarding sewage assessments on lots and payments spread over a longer period of time. NO BOARD ACTION.

SEWER FLOODING - HOLLYBERRY/ABBY OAK DRIVE; ROANWOOD COURT IN TRAILWOOD PART I DISCUSSED

Alderman Valente presented a film of April, 1991, flooding in Trailwood Part I that apparently resulted in part from a violation of a City Silting Ordinance where dirt contractors caused an existing ditch to fill and later flood, causing damage to two homes. The City has been named in a lawsuit as a result of this flooding. Public Works Director Alderman stated that the owner and contractors have been presented with copies of the City Erosion and Silting Ordinance and contacted on two other occasions by certified letter regarding their total responsibility for the siltation. Alderman further stated that the parties have not responded with a plan of correction and are planning to present a plat to the Board for acceptance regarding the construction of a Shoney's Restaurant in this area and that until all items are completed as requested by the Public Works Department, this plat will not be presented to the Board.

Attorney Spell suggested that the Board adopt a motion instructing that the lawsuit be defended and a cross-claim be authorized and filed against the other defendants in the above mentioned lawsuit, namely the property owners and the contractor. MOTION made by Alderman Valente and SECONDED by Alderman Lott authorizing the Attorney, in defense of the City, to file a cross-claim against the property owner and the contractor and to defend the City vigorously in this matter. MOTION CARRIED UNANIMOUSLY.

OTHER BUSINESS

Mayor Smith proposed that a letter be mailed to Mr. Boone, President of the Clinton School Board, asking that the City be allowed to bid on a lease for 47.13 acres of school land. MOTION made by Alderman Valente and SECONDED by Alderman Johnson endorsing the letter and authorizing the Mayor to enter a bid pending favorable outcome of discussions with the School Board to enter the bid. MOTION CARRIED UNANIMOUSLY.

ADJOURNMENT - 7:33 P.M.

There being no further business to discuss, MOTION made by Alderman Chappell and SECONDED by Alderman Lott to Recess until November 19, 1991, 7 P.M. MOTION CARRIED UNANIMOUSLY.

Copy of Agenda may be found on Pages 53-55 of this Minute Book V.

APPROVED: Billy R Smith 11-8-91
Billy Ray Smith, Mayor Date

ATTEST: Nelson Byrd 11-8-91
Nelson Byrd, City Clerk Date

SEAL

ALDERMEN
O. C. George Ferrell
Ward One
Edward J. Valente
Ward Two
Ronnie Chappell
Ward Three
Keith N. Montgomery
Ward Four



ALDERMEN
Jean W. Johnson
Ward Five
Sharbert K. Lott
Ward Six
Willard A. Ryan
Alderman-At-Large
Julia M. Todd
City Clerk

Billy Ray Smith, Mayor

MEMO TO: Board of Aldermen and
Any Interested Party

FROM: Mayor Billy Ray Smith

SUBJECT: Additional "Consent Agenda" Items to be considered at
Nov. 5, 1991, Meeting - copies of invoices attached

DATE: November 5, 1991

The following additional items will be considered under the
Consent Agenda at the Nov. 5, 1991, Board Meeting:

- 5. P. \$67,725.48 to Delta Constructors, Inc., and \$7,653.62 to Anderson Engineers for Oct. work at SW Wastewater Treatment facility to be paid by DGNB 1.6 Million Bond Issue
- Q. \$18,795.27 to Joseph Contractors for Est. #6 on Lovett/Sumner Hill WWTP
- R. \$119,682.00 to Adcamp, Inc., for Phase 4, 1991, Street Improvements
- S. \$12,620.41 to Anderson Engineers for Eng. services on various Oct. projects.

Sincerely,

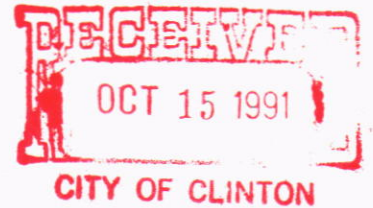
A handwritten signature in cursive script that reads "Billy Ray Smith".

Billy Ray Smith
Mayor

bls

P. O. Box 156 / 300 Jefferson Street / Clinton, Mississippi 39060 / (601) 924-5462

PROOF OF PUBLICATION
THE STATE OF MISSISSIPPI
HINDS COUNTY



PASTE PROOF HERE

ADVERTISEMENT
FOR BIDS
Sealed bids for the clearing,
shaping, and realigning of
ditch sections in the vicinity
of Banks Road in Clinton,
Mississippi, will be received
by the Mayor and Board of
Aldermen at City Hall, 300
Jefferson Street, Clinton, Mis-
sissippi, until 1:30 P.M. local
time on October 24, 1991, and
immediately thereafter will be
opened and publicly read.
All documents required for
bidding purposes, including
specifications, may be ob-
tained from Anderson Engi-
neers, P.A., 541 Highway 80
West, Suite B, P.O. Box 254,
Clinton, MS 39060, for a de-
posit of \$25.00, non-refund-
able. A copy of the specifica-
tions may be examined at
the office of the Project En-
gineers, as specified above;
the Clinton City Hall, and the
AGC, ABC, and F.W. Dodge
plan rooms in Jackson, Mis-
sissippi.
Bid preparation will be in ac-
cordance with the Instruction
to Bidders bound in the
Specifications. The City of
Clinton reserves the right to
waive irregularities and to
reject any or all bids.
CITY OF CLINTON,
MISSISSIPPI
BY: /s/ Nelson Byrd
Nelson Byrd
City Clerk
APPROVED BY:
/s/ Billy R. Smith
Billy Ray Smith
Mayor
October 3, 10, 1991

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

Kim Hemphill

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

Date October 3, 19 91

Date October 10, 19 91

Date _____, 19____

Date _____, 19____

Date _____, 19____

Number of Lines 47

Published 2 Times

Total \$ 26.44

Signed Kim Hemphill
Authorized Clerk
of The Clarion-Ledger

SWORN to and subscribed before me the 10th day of October,
19 91.

James Boatner
Notary Public

My Commission Expires:

My Commission Expires Nov. 17, 1992

(Seal)

7.

BID TABULATION

PROJECT: DRAINAGE IMPROVEMENTS
BANKS ROAD

OWNER: CITY OF CLINTON, CLINTON, MS

ENGINEER: ANDERSON ENGINEERS, P.A.

BID DATE: OCTOBER 24, 1991 1:30 P.M.
CITY HALL
300 JEFFERSON STREET
CLINTON, MISSISSIPPI

<u>CONTRACTOR</u>	<u>ALTERNATE BID #1</u>	<u>ALTERNATE BID #2</u>
DELTA CONSTRUCTORS, INC. C.O.R.# 7487 BID BOND _____	<u>\$21,200.00</u>	<u>\$18,700.00</u>
HUBCO, INC. C.O.R.# 4557 BID BOND _____	<u>\$28,000.00</u>	<u>\$18,000.00</u>
GREAT RIVER STONE CO., INC. C.O.R.# 8520 BID BOND _____	<u>\$17,125.00</u>	<u>\$12,625.00</u>
ROXCO, LTD. C.O.R.# 5286 BID BOND _____	<u>\$34,800.00</u>	<u>\$19,800.00</u>
CLEAR RIVER CONSTRUCTION, INC. C.O.R.# 6659 BID BOND _____	<u>\$13,680.00</u>	<u>\$ 9,900.00</u>

This is to certify that the above bid amounts are a true and accurate tabulation of the construction bids received on this project.

BY:


Terry L. Anderson, P.E.
Anderson Engineers, P.A.

RESOLUTION

WHEREAS, on October 16, 1990, a Resolution was adopted by the City of Clinton requesting the Mississippi Legislature to enact legislation to authorize the City of Clinton to establish the payment of one (1) additional payment per year from the monies accumulated in the Clinton Police and Fire Disability and Relief Fund to be paid directly to retired members of said fund, or the beneficiaries thereof, who on December 1 of each year are receiving a retirement allowance under Section 21-29-139 of the Mississippi Code of 1972. The amount shall be equal to the annual percentage change in each fiscal year of the consumer price index set by the United States Government, not to exceed two and one-half percent (2½%) of the annual retirement of the allowance, for each full fiscal year that the retired member of beneficiary has actually drawn retirement payments from the date of retirement or the passage of this Act, whichever is the later date. The first additional payment as described herein will, however, be payable to recipients as of December 1, 1991, who were recipients as of June 30, 1991; and

WHEREAS, the Senate approved such request in the form of House Bill No. 751, approved by the Governor on April 9, 1991, authorizing the governing authorities of the City of Clinton to establish the payment of an additional payment each year to retired members of the Clinton Police and Fire Disability and Relief Fund based on the change in the consumer price index; to provide that payment of the additional payments shall not be established unless the disability and relief fund currently is actuarially sound and will remain actuarially sound if the additional payments are made; and for related purposes; and

WHEREAS, the governing authorities wish to establish the additional payments authorized in House Bill No. 1712, as amended, by House Bill No. 751, and request the Board of Trustees of the Public Employees' Retirement System to make payments

directly to the persons authorized and entitled to receive the payments.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Aldermen of the City of Clinton, Mississippi, that the City is hereby authorized to establish the payment of one (1) additional payment each year from monies accumulated in the Clinton Police and Fire Disability and Relief Fund to retired members of such disability and relief fund or beneficiaries thereof who on December 1 of each year are receiving a retirement allowance under Section 21-29-139, Mississippi Code of 1972. The amount of such payment shall be equal to the annual percentage change in each fiscal year of the consumer price index set by the United States Government, not to exceed two and one-half percent (2½%) of the annual retirement allowance for each full fiscal year after June 30, 1990, that the retired member or beneficiary has actually drawn retirement payments from the date of retirement.

BE IT FURTHER RESOLVED that the governing authorities of the City of Clinton hereby request the Board of Trustees of the Public Employees' Retirement System to make payments directly to the persons authorized and entitled to receive the payments in accordance with Section 3 of House Bill No. 751.

Alderman VALENTE moved that the foregoing Resolution be adopted. Alderman LOTT seconded. The vote was as follows:

Alderman Ryan voted:	<u>Absent</u>
Alderman Ferrell voted:	<u>YES</u>
Alderman Valente voted:	<u>YES</u>
Alderman Chappell voted:	<u>YES</u>
Alderman Montgomery voted:	<u>Absent</u>
Alderman Johnson voted:	<u>YES</u>
Alderman Lott voted:	<u>YES</u>

APPROVED on the 5TH day of NOVEMBER, 1991.



Billy R Smith
BILLY RAY SMITH, MAYOR

ATTEST:

Nelson Byrd
NELSON BYRD, CITY CLERK

**ADDENDUM TO
MAGNOLIA STATE DISPOSAL SERVICE, INC.
CITY OF CLINTON, MISSISSIPPI
SOLID WASTE COLLECTION CONTRACT**

THIS ADDENDUM is made and entered into by and between MAGNOLIA STATE DISPOSAL SERVICE, INC., hereinafter called MAGNOLIA, and the CITY OF CLINTON, MISSISSIPPI, a municipal corporation, hereinafter called CLINTON, to the Solid Waste Collection Contract between MAGNOLIA and CLINTON.

MODIFICATIONS

The following modifications are made to the Solid Waste Collection Contract:

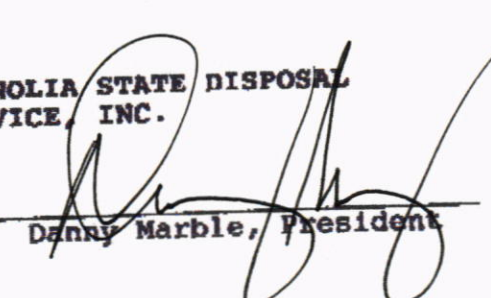
1. The Solid Waste Collection Contract provides for refuse to be picked up at several Clinton public school locations. A separate Solid Waste Collection Contract has been entered into between the Clinton public schools and MAGNOLIA. Any and all requirements in the Contract for MAGNOLIA to collect refuse at the Clinton public schools is considered deleted and any and all requirements of CLINTON to pay for refuse collection at Clinton public schools is likewise considered deleted.

2. The Solid Waste Collection Contract provides on page 14 under the subheading PERFORMANCE BOND that "...MAGNOLIA shall furnish a Performance Bond for the entire term of this Contract in an amount representing the estimated yearly charges to CLINTON under the Contract." This clause shall be revised to state that "...MAGNOLIA shall furnish a Performance Bond on an annual basis during the time that this Contract is in effect in

an amount representing that year's estimated yearly charges to CLINTON under the Contract."

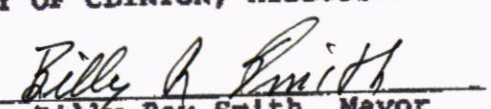
IN WITNESS WHEREOF, the parties have affixed their signatures on this Addendum on this, the 6TH day of NOVEMBER, 1991.

MAGNOLIA STATE DISPOSAL
SERVICE, INC.

BY: 

Danny Marble, President

CITY OF CLINTON, MISSISSIPPI

BY: 

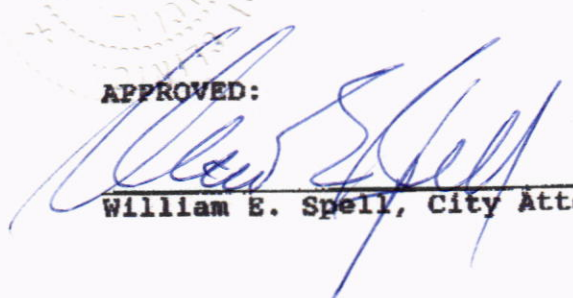
Billy Ray Smith, Mayor

ATTEST:



Nelson Byrd, City Clerk

APPROVED:


William E. Spell, City Attorney