CITY OF CLINTON
REGULAR MEETING OF THE MAYOR AND BOARD OF ALDERMEN
TUESDAY, JULY 3, 2007 - 7:00 P.M.
MUNICIPAL COURTROOM – 305 MONROE STREET

WELCOME AND CALL TO ORDER Mayor Rosemary Aultman

INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG

The invocation was led by Alderman Hisaw followed by the pledge of allegiance to the flag led by Alderman Greer.

ROLL CALL City Clerk, Russell Wall

Present:	Jehu Brabham – Alderman-at-Large
	Tony Hisaw – Alderman Ward 1
	Tony Greer – Alderman Ward 2
	Mike Bishop – Alderman Ward 3
	Phil Fisher – Alderman Ward 4
	William Barnett – Alderman Ward 6
Absent:	Mike Morgan – Alderman Ward 5

RECOGNITIONS:

Mayor Aultman announced that Alderman Brabham had received the Urban Forest Award. She also recognized the Clinton Golf Team for placing 2nd in the Golf Tournament held in Biloxi, MS, and stated that the City of Clinton received the Excellence Award for Planning and Economic Development.

APPROVAL OF AGENDA ITEMS A-R

MOTION made by Alderman Greer and **SECONDED** by Alderman Brabham to approve Consent Agenda Items A-R. Items C, D and E will serve to advertise favorably the opportunities, possibilities and resources of The City of Clinton. **MOTION CARRIED UNANIMOUSLY**

PRELIMINARY SITE PLAN FOR ADAMS PRODUCE

Upon presentation by Gary Ward, Community Development Director, **MOTION** made by Alderman Hisaw and **SECONDED** by Alderman Greer to approve a preliminary site plan for Adams Produce which will be located at 1530 Business Park Drive. The Planning and Zoning Commission recommended approval. The site plan is on file with the Community Development Director. **MOTION CARRIED UNANIMOUSLY**

ACCEPTANCE OF A DONATION IN THE AMOUNT OF $2,000.00 FROM CLINTON BASEBALL ASSOCIATION FOR INFIELD DRAG

Upon presentation by Ray Holloway, Parks/Recreation Director, **MOTION** made by Alderman Brabham and **SECONDED** by Alderman Fisher to accept a donation in the amount of $2,000.00 from the Clinton Baseball Association for infield drag. **MOTION CARRIED UNANIMOUSLY**

ACCEPTANCE OF A DONATION IN THE AMOUNT OF $2,000.00 FROM CLINTON SOFTBALL ASSOCIATION FOR INFIELD DRAG

Upon presentation by Ray Holloway, Parks/Recreation Director, **MOTION** made by Alderman Brabham and **SECONDED** by Alderman Greer to accept a donation in the amount of $2,000.00 from Clinton Softball Association for infield drag. **MOTION CARRIED UNANIMOUSLY**

DETERMINATION OF FINAL COST OF HAMPSTEAD BOULEVARD SPECIAL ASSESSMENT

Upon presentation by Ken Dreher, City Attorney, **MOTION** made by Alderman Brabham and **SECONDED** by Alderman Hisaw to approve directing the City Clerk to prepare an assessment roll showing the name of the property owner to be assessed (MHBC) and attaching a copy of the description of the property and further directing the City Clerk to maintain the assessment roll as prescribed by law. Further, once the assessment roll is completed, the City Clerk shall publish notice that a hearing will be held on August 7, 2007, at the regularly scheduled meeting of the Mayor and Board of Aldermen to allow the property owner to appear and object or defend the proposed assessment. **MOTION CARRIED UNANIMOUSLY**

GRANT THE MAYOR THE AUTHORITY TO SIGN THE INDEMNITY AND HOLD HARMLESS AGREEMENT FROM SOUTHERN OAKS SUBDIVISION

Upon presentation by Mayor Aultman, **MOTION** made by Alderman Bishop and **SECONDED** by Alderman Fisher to grant the Mayor the authority to sign the indemnity and hold harmless agreement from Southern Oaks Subdivision. A copy of the agreement is attached. **MOTION CARRIED UNANIMOUSLY**

LEASE PURCHASE OF FIVE (5) FORD CROWN VICTORIA POLICE CARS

Upon presentation by Russell Wall, City Clerk, **MOTION** made by Alderman Brabham and **SECONDED** by Alderman Barnett to accept the funding offer from BankcorpSouth Equipment Finance as having the lowest and best proposal for the lease-purchase of five (5) Ford Crown Victoria Police Cars in the estimated amount of $104,445.00. **MOTION CARRIED UNANIMOUSLY**

APPOINTMENT OF SAMUEL D. HABEEB AS CITY MUNICIPAL JUDGE

Upon presentation by Mayor Aultman, **MOTION** made by Alderman Fisher and **SECONDED** by Alderman Bishop to accept the appointment of Samuel D. Habeeb as City Municipal Judge. **MOTION CARRIED UNANIMOUSLY**

APPOINTMENT OF STEVEN NIXON AS JUDGE PRO TEMPORE

Upon presentation by Mayor Aultman, **MOTION** made by Alderman Hisaw and **SECONDED** by Alderman Brabham to accept the appointment of Steven Nixon as Judge Pro Tempore. **MOTION CARRIED UNANIMOUSLY**

APPOINTMENT OF MIKE L. PARKER AS PUBLIC WORKS DIRECTOR

Upon presentation by Mayor Aultman, **MOTION** made by Alderman Greer and **SECONDED** by Alderman Hisaw to accept the appointment of Mike L. Parker as Public Works Director. **MOTION CARRIED UNANIMOUSLY**

ADJOURN 7:50 P.M.

MOTION made by Alderman Brabham and **SECONDED** by Alderman Greer to adjourn. **MOTION CARRIED UNANIMOUSLY**

APPROVED: Rosemary G. Aultman — July 12, 2007
Rosemary Aultman, Mayor — Date

ATTEST: Carol Warren, Deputy Clerk — July 12, 2007
Russell L. Wall, City Clerk — Date

CITY OF CLINTON AGENDA ITEM FACT SHEET

BOARD MEETING DATE: July 3, 2007 AGENDA ITEM NO. 7. a

CONSENT AGENDA:

TO:

FOR:

ACCT. NO :

DISCUSSION/ACTION: Preliminary Site Plan
1530 Business Park Drive
Adams Produce

INTRODUCED BY: Gary Ward TELEPHONE: 924-2256

EXHIBITS FOR REVIEW:

Minutes x	Invoice	Other: ______
Ordinance	Plans, Maps	______
Resolution	Contract	______

RECOMMENDATION: Planning and Zoning Commission recommends approval.

BOARD ACTION:

MOTION MADE BY: Hisaw

SECONDED BY: Greer

VOTE CAST:	"AYE"	"NAY"	ACTION TAKEN:
Brabham	✓		
Hisaw	✓		
Greer	✓		
Bishop	✓		
Fisher	✓		
Morgan	A		
Barnett	✓		
Mayor Aultman			

AGENDA ITEMS MUST BE TURNED IN TO THE CITY CLERK WITH ALL ATTACHMENTS NO LATER THAN 5 P.M. ON THE WEDNESDAY PRECEEDING THE TUESDAY BOARD MEETING TO BE INCLUDED ON THE AGENDA. THIS DEADLINE WILL BE STRICTLY ENFORCED.

PLANNING AND ZONING COMMISSION

Clinton, Mississippi
Tuesday, June 26, 2007
7:00 P.M.
Municipal Courtroom
305 Monroe Street

Minutes

Present: Jim Martin, Mark Williams, Dr. Ryan Tracy, Betty King, Kathy Peace, Nancy Davis and city official Assistant City Engineer Derrick Milner.

Call to Order
Chairman Jim Martin called the meeting to order at 7:00pm

Consideration and approval of May 22, 2007 Minutes.
MOTION was made by Mark Williams to approve the Minutes of the May 22, 2007 meeting. SECOND by Kathy Peace. MOTION carried unanimously, none opposed.

New Considerations
Preliminary Site Plan for Adams Produce to be located at 1530 Business Park Drive in Clinton Industrial Business Park. Representatives present Jon Gollott, Michelle Gollott, Keith Kelly, Kane Latham.

Adams Produce is proposing to build a 21,637 square foot refrigerated building in Industrial park. The current zoning is I-1, which allows this type of business.

Adams Produce is currently operating at the Farmers Market previous site on Woodrow Wilson. They have approximately 55 employees. Moving the operation to Clinton would possibly add 10-15 more employees due to increasing operation hours.

MOTION was made Bettye King to recommend to the Mayor and Board of Aldermen that approval be granted for the preliminary site plan for Adams Produce to be located at 1530 Business Park Drive contingent upon meeting all requirements of Engineering Department and approval by the Architectural Review Committee. SECOND by Dr. Ryan Tracy. MOTION carried unanimously, none opposed.

Other Business
There was no other business to be discussed.

Next Meeting
The next meeting will be held on Tuesday, July 24, 2007 beginning at 7:00pm.

Adjournment
MOTION was made by Mark Williams to adjourn the meeting. SECOND by Dr. Ryan Tracy. MOTION carried unanimously, none opposed.

CITY OF CLINTON AGENDA ITEM FACT SHEET

BOARD MEETING DATE: 07/03/07 AGENDA ITEM NO. 8

CONSENT AGENDA: TO:

FOR:

ACCT. NO.

DISCUSSION/ACTION: Acceptance of Donation in the amount of $2,000.00 from Clinton Baseball Association for infield drag

INTRODUCED BY: TELEPHONE:

EXHIBITS FOR REVIEW:

Minutes		Invoice		Other	
Ordinance		Plans, Maps			
Resolution		Contract			

RECOMMENDATION:

BOARD ACTION:

MOTION MADE BY: Brabham

SECONDED BY: Fisher

VOTE CAST:	"AYE"	"NAY"	ACTION TAKEN:
Brabham	✓		
Hisaw	✓		
Greer	✓		
Bishop	✓		
Fisher	✓		
Morgan	A		
Barnett	✓		
Mayor Aultman			

AGENDA ITEMS MUST BE TURNED IN TO THE CITY CLERK WITH ALL ATTACHMENTS NO LATER THAN 5 P.M. ON THE WEDNESDAY PRECEEDING THE TUESDAY BOARD MEETING TO BE INCLUDED ON THE AGENDA. THIS DEADLINE WILL BE STRICTLY ENFORCED.

CITY OF CLINTON AGENDA ITEM FACT SHEET

BOARD MEETING DATE: 07/03/07 AGENDA ITEM NO. 9

CONSENT AGENDA: TO:

FOR:

ACCT. NO.

DISCUSSION/ACTION: Acceptance of Donation in the amount of $2,000.00 from Clinton Softball Association for infield drag

INTRODUCED BY: TELEPHONE:

EXHIBITS FOR REVIEW:

Minutes		Invoice		Other	
Ordinance		Plans, Maps			
Resolution		Contract			

RECOMMENDATION:

BOARD ACTION: MOTION MADE BY: Brabham

SECONDED BY: Greer

VOTE CAST:	"AYE"	"NAY"	ACTION TAKEN:
Brabham	✓		
Hisaw	✓		
Greer	✓		
Bishop	✓		
Fisher	✓		
Morgan	A		
Barnett	✓		
Mayor Aultman			

AGENDA ITEMS MUST BE TURNED IN TO THE CITY CLERK WITH ALL ATTACHMENTS NO LATER THAN 5 P.M. ON THE WEDNESDAY PRECEEDING THE TUESDAY BOARD MEETING TO BE INCLUDED ON THE AGENDA. THIS DEADLINE WILL BE STRICTLY ENFORCED.

CITY OF CLINTON AGENDA ITEM FACT SHEET

BOARD MEETING DATE: 7-03-07 AGENDA ITEM NO. 10

CONSENT AGENDA: TO:

FOR:

ACCT. NO.

DISCUSSION/ACTION: HAMPSTEAD BOULEVARD SPECIAL ASSESSMENT - DETERMINATION OF FINAL COST

INTRODUCED BY: KEN DREHER TELEPHONE: (601)924-1966

EXHIBITS FOR REVIEW:

Minutes	Invoice	Other:
Ordinance	Plans, Maps	
Resolution	Contract	

RECOMMENDATION:

BOARD ACTION: MOTION MADE BY: Brabham

SECONDED BY: Hisaw

VOTE CAST:	"AYE"	"NAY"	ACTION TAKEN:
Brabham	✓		
Hisaw	✓		
Greer	✓		
Bishop	✓		
Fisher	✓		
Morgan	A		
Barnett	✓		
Mayor Aultman			

AGENDA ITEMS MUST BE TURNED IN TO THE CITY CLERK WITH ALL ATTACHMENTS NO LATER THAN 5 P.M. ON THE WEDNESDAY PRECEEDING THE TUESDAY BOARD MEETING TO BE INCLUDED ON THE AGENDA. THIS DEADLINE WILL BE STRICTLY ENFORCED.

motion to set public hearing and prepare assessment roll
motion: Hisaw
second: Greer
morgan absent
all aye.

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CLINTON, MISSISSIPPI ASCERTAINING AND DETERMINING THE COSTS OF THE IMPROVEMENTS FOR THE HAMPSTEAD BOULEVARD PROJECT AND FOR RELATED PURPOSES

WHEREAS, the Mayor and Board of Aldermen of the City of Clinton, Mississippi, being the governing authorities thereof, did cause local improvements designated in Section 21-41-3, Mississippi Code of 1972, to be made, said project to be referred to as the Hampstead Boulevard Project, at the cost of the property owners benefited thereby; and,

WHEREAS, the levying and collecting of said costs of said improvements is provided in Section 21-41-1, et seq., Mississippi Code of 1972; and,

WHEREAS, a resolution declaring necessary the proposed improvements, describing the nature and extent of the work, the material to be used, defining the boundary of the areas in which the improvements where to be made, and fixing a date to hear objections or remonstrances that may be made to said improvements was duly approved and adopted on the 2nd day of May, 2006, all as contemplated by Section 21-41-5, Mississippi Code of 1972; and,

WHEREAS, a resolution determining to proceed with the same improvements and directing that the total cost and expenses of the improvements shall be a charge upon the property benefited was duly approved and adopted by the Mayor and Board of Aldermen of the City of Clinton, Mississippi, on the 20th day of June, 2006, as contemplated by Section 21-41-9, Mississippi Code of 1972; and,

WHEREAS, the improvements are now completed;

NOW THEREFORE:

BE IT RESOLVED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CLINTON, MISSISSIPPI, that the costs of the improvements of the Hampstead Boulevard Project are determined to be $540,749.66 and said amount shall be accessed to the benefited property owners: Morrison Heights Baptist Church.

SO RESOLVED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CLINTON, MISSISSIPPI, in the Regular Meeting of the Mayor and Board of Aldermen held on this 3rd day of July, 2007.

APPROVED:

Rosemary G. Aultman

ROSEMARY AULTMAN, MAYOR

ATTEST:

Russell L Wall

RUSSELL WALL, CITY CLERK

CITY OF CLINTON OFFICIAL SEAL MISSISSIPPI

mw\clinton\\resolution-improv costs-hampstead
July 3, 2007- jbell

Motion by Alderman Hisaw, seconded by Alderman Green, directing the City Clerk to prepare an assessment roll showing the name of the property owner to be assessed (MHBC) and attaching a copy of the description of the property and further directing the City Clerk to maintain the assessment roll as prescribed by law. Further, once the assessment roll is completed, the City Clerk shall publish notice that a public hearing will be held on August 7, 2007, at the regularly scheduled meeting of the Mayor and Board of Aldermen to allow the property owner to appear and object or defend the proposed assessment.

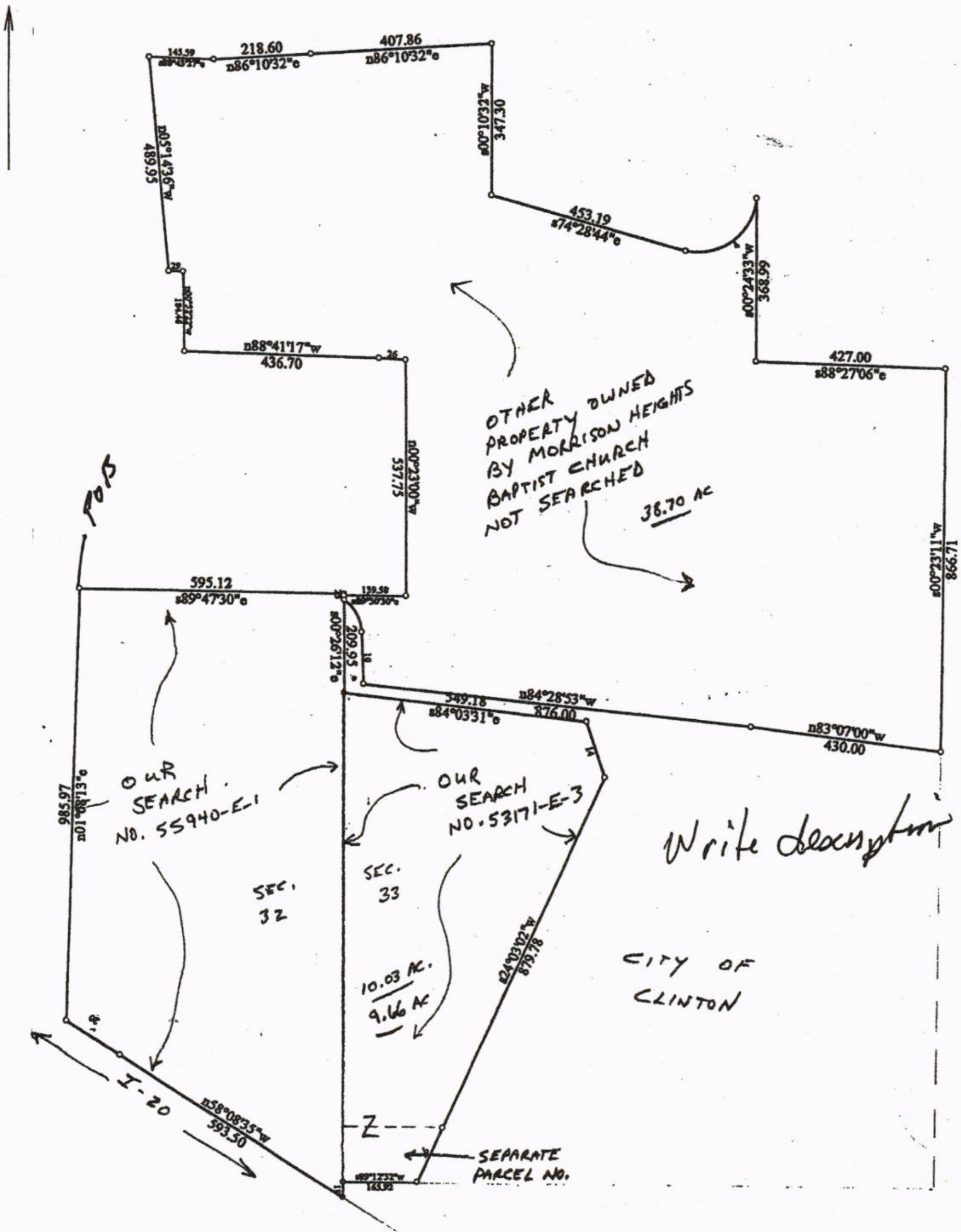
MORRISON HEIGHTS BAPTIST CHURCH

INDEXING INSTRUCTIONS: East 1/2 of Section 32 and the West 1/2 Of Section 33, T-6-N, R-1-W, First Judicial District of Hinds County, Mississippi

Description produced from boundary map furnished to WGK. No field work performed.

Commencing at the 1 inch diameter iron bar found marking the Northwest corner of said Section 32, as per plat by Colin Baird, recorded with easement in Deed Book 5609 at page 106; Thence run South for a distance of 1392.83 feet; Thence run East for a distance of 4706.86 feet to the POINT OF BEGINNING of the parcel herein conveyed;

Thence run S89°47'30"E for a distance of 595.12 feet; thence run S00°26'12"E for a distance of 3.90 feet; thence run N89°50'30"E for a distance of 139.58 feet; thence run N00°23'00"W for a distance of 537.75 feet; thence run N87°12'38"W for a distance of 59.89 feet; thence run N88°41'17"W for a distance of 436.70 feet; thence run N00°52'22"W for a distance of 184.46 feet; thence run S89°35'43"W for a distance of 32.60 feet; thence run N05°14'36"W for a distance of 489.95 feet; thence run S88°43'27"E for a distance of 145.59 feet; thence run N86°10'32"E for a distance of 218.60 feet; thence run N86°10'32"E for a distance of 407.86 feet; thence run S00°10'32"W for a distance of 347.30 feet; thence run S74°28'44"E for a distance of 453.19 feet; thence run on and along the arc of a curve to the left having a radius of 133.00 feet, a chord bearing of N53°13'02"E, and a chord distance of 199.25 feet, for an arc length of 225.21 feet; thence run S00°24'33"W for a distance of 368.99 feet; thence run S88°27'06"E for a distance of 427.00 feet; thence run S00°23'11"W for a distance of 866.71 feet; thence run N83°07'00"W for a distance of 430.00 feet; thence run N84°28'53"W for a distance of 876.00 feet; thence run N02°29'25"W for a distance of 116.95 feet; thence run on and along the arc of a curve to the left having a radius of 85.00 feet, a chord bearing of N28°43'49"W, and a chord distance of 82.31 feet, for an arc length of 85.92 feet; thence run S00°26'12"E for a distance of 209.95 feet; thence run S84°03'31"E for a distance of 549.18 feet; thence run S18°25'54"E for a distance of 133.85 feet; thence run S24°03'02"W for a distance of 879.78 feet; thence run S24°12'20"W for a distance of 135.65 feet; thence run S89°12'32"W for a distance of 165.92 feet; thence run S00°26'12"E for a distance of 35.69 feet; thence run N58°08'35"W for a distance of 593.50 feet; thence run on and along the arc of a curve to the right having a radius of 17084.73 feet, a chord bearing of N57°54'12"W, and a chord distance of 142.87 feet, for an arc length of 142.87 feet; thence run N01°08'13"E for a distance of 985.97 feet and containing 65.25 acres (2,842,279 sq. ft.), more or less.



Title:		Date: 01-31-2006
Scale: 1 inch = 300 feet	File:	

Tract 1: 65.250 Acres: 2842279 Sq Feet: Closure = s08.3623w 0.01 Feet: Precision >1/999999: Perimeter = 11282 Feet

001=n86.1032e 407.86
002=s00.1032w 347.30
003=s74.2844e 453.19
004: Lt, R=133.00, Arc=225.21
Bng=n53.1302e, Chd=199.25
005=s00.2433w 368.99
006=s88.2706e 427.00
007=s00.2311w 866.71
008=n83.0700w 430.00
009=n84.2853w 876.00
010=n02.2925w 116.95
011: Lt, R=85.00, Arc=85.92
Bng=n28.4349w, Chd=82.31

• 012=s00.2612e 209.95
013=s84.0331e 549.18
014=s18.2554e 133.85
015=s24.0302w 879.78
016=s24.1220w 135.65
017=s89.1232w 165.92
018=s00.2612e 35.69
019=n58.0835w 593.50
020: Rt, R=17084.73, Arc=142.87
Bng=n57.5412w, Chd=142.87
021=n01.0813e 985.97
022=s89.4730e 595.12

023=s00.2612e 3.90
024=n89.5030e 139.58
025=n00.2300w 537.75
026=n87.1238w 59.89
027=n88.4117w 436.70
028=n00.5222w 184.46
029=s89.3543w 32.60
030=n05.1436w 489.95
031=s88.4327e 145.59
032=n86.1032e 218.60

CITY OF CLINTON AGENDA ITEM FACT SHEET

BOARD MEETING DATE: AGENDA ITEM NO. 11

CONSENT AGENDA: TO:

FOR:

ACCOUNT NO:

INTRODUCED BY:

DISCUSSION/ACTION: Grant the Mayor the authority to sign the Indemnity and Hold Harmless Agreement from Southern Oaks Subdivision

INTRODUCED BY: ~~Russell L.~~ Wall
Mayor Rosemary Aultman

BOARD ACTION:

MOTION MADE BY: Bishop

SECONDED BY: Fisher

VOTE CAST: TAKEN:	"AYE"	"NAY"	ACTION
Brabham	✓		
Hisaw	✓		
Greer	✓		
Bishop	✓		
Fisher	✓		
Morgan	A		
Barnett	✓		
Mayor Aultman			

AGENDA ITEMS MUST BE TURNED IN TO THE CITY CLERK WITH ALL ATTACHMENTS NO LATER THAN 5 P.M. ON THE WEDNESDAY PRECEEDING THE TUESDAY BOARD MEETING TO BE INCLUDED ON THE AGENDA. THIS DEADLINE GIVES THE CLERK TIME TO PREPARE THE AGENDA AND ALSO TO COPY THE AGENDA. PLEASE REMEMBER ALL OF THIS TAKES SOME TIME AND THIS IS WHY WE HAVE THIS DEADLINE. THANKS.

INDEMNITY AND HOLD HARMLESS AGREEMENT

On June 23, 2004 the City of Clinton, Mississippi, a Political Subdivision of the State of Mississippi, annexed the Southern Oaks Subdivision and its access road and right of way into the City of Clinton, Mississippi by Order of the Chancery Court of the First Judicial District of Hinds County, Mississippi. By virtue of said annexation the responsibility for the regulation, control and maintenance of the streets and right of way for the access road into Southern Oaks Subdivision, known as Southern Oaks Drive, was transferred from Hinds County, Mississippi to the City of Clinton.

Whereas, the Property Owners in Southern Oaks Subdivision and all persons whose property is contiguous to Southern Oaks Drive, and whose lots are excluded from the Plats of Southern Oaks Subdivision, but which are served by the streets therein, and by vote of a majority of the property owners of Southern Oaks Subdivision, consented to and have approved the erection of gates and a guard house, with video surveillance camera and recording equipment for vehicular traffic on Southern Oaks Drive approximately ~~500~~ 165 feet east of its intersection with Pinehaven Road for security purposes. Southern Oaks Homeowners Association, a non-profit Mississippi Corporation, does hereby agree with the City of Clinton, Mississippi to indemnify and hold harmless the City of Clinton, Mississippi from any and all claims, demands, actions or causes of action which may be asserted for injuries and damages, including costs of defending any such claims and the costs of court associated with or assessed against the City as a result thereof, made or asserted as a result of the erection, maintenance, operation, malfunction or defect in said gates. The Southern Oaks Homeowners Association agrees as a part of this Indemnity and Hold Harmless Agreement to procure and pay for at its expense, a General

Liability Insurance Policy which names the City of Clinton, Mississippi as an additional named insured. Said policy to have minimum limits of liability in the amount of at least $1,000,000. and contain insuring agreements which will pay the cost of defense, interest, and court costs for any claims asserted against the Southern Oaks Homeowners Association, Inc. and/or the City of Clinton, Mississippi.

Nothing in this agreement modifies or alters the City of Clinton, Mississippi's legal obligation and responsibility for the control over and the maintenance of Southern Oaks Drive from Pinehaven Road and the streets which form a part of Southern Oaks Subdivision.

The plans and specifications for the construction of the Gates, Guardhouse and Camera Surveillance Equipment shall be approved by the City of Clinton permit department and shall conform to all applicable building codes and ordinances. Said gates shall be fully operational at all times and provide ingress and egress in and over Southern Oaks Drive to the streets in Southern Oaks Subdivision and to the properties contiguous to Southern Oaks Drive, for public safety personnel, city work crews, garbage collection, and other repair and/or delivery services, including United States Mail and commercial package and parcel delivery services.

In the event of a major malfunction of the said gates, Keith Drive through Savannah Way may be used as an alternate route to provide ingress and egress to the streets in Southern Oaks Subdivision. Keith Drive and Savannah Way are presently separated by a gated fence through which traffic may flow. Said gates are under the jurisdiction of the City of Clinton and may be opened by its personnel as needed. The City of Clinton has discretion in the use of Keith Drive through Savannah Way to provide ingress and egress to the streets in Southern Oaks Subdivision by the exercise of its police, fire protection powers, and city maintenance powers.

Each of the persons who own property contiguous to Southern Oaks Drive have joined in and consented to the erection of the gates and guard house on Southern Oaks Drive, by their signatures to this document. None of said property owners shall be liable for any damages resulting from the erection and operation of the gates and guard house and each is to be named as an additional named insured in the Comprehensive General Liability Policy referenced above.

This agreement constitutes the entire agreement between the parties, all antecedent negotiations and representations are merged into and made a part of this agreement. This agreement has been ratified by the Board of Directors of Southern Oaks Homeowners Association, Inc., and by majority vote of the Board of Alderman for the City of Clinton, Mississippi, a Mississippi Municipal Corporation. Each of the property owners outside Southern Oaks Subdivision, namely N.Shelton Hand, Jr and Carolyn V. Hand, David E. Wild and Judy Wild, Derrick Holmes and Penny Holmes, Shawn M. Chatham, Sr. and Stephanie M. Chatham, George and Imogene Chatham, and Dwayne D. Ballard and Melissa Ballard have each assented to and agreed hereto as is signified by their signatures.

So Agreed, this the 16 Day of September, A. D., 2005

Southern Oaks Homeowners Association, Inc.

By Jack G. Gunn
Jack Gunn, its President

Attest:

Secretary

The City of Clinton, Mississippi, by Rosemary Aultman, Mayor, per authority of Board of Alderman.

Rosemary G. Aultman
Rosemary Aultman, Mayor, City of Clinton, Mississippi

Attest:

Russell L Wall

RUSSELL L. WALL, City Clerk

Shelton Hand Carolyn V. Hand

N. Shelton Hand, Jr. and Carolyn V. Hand

David E Wild Judy Wild

David E. Wild and Judy Wild

Derrick Holmes Penny Holmes

Derrick and Penny Holmes

Shawn Chatham & Stephanie M. Chatham

Shawn M. Chatham, Sr. and Stephanie M. Chatham

George Chatham; Emogene Chatham

George and Emogene Chatham

Dwayne D. Ballard, Melissa K. Ballard

Dwayne D. Ballard and Melissa Ballard

CITY OF CLINTON AGENDA ITEM FACT SHEET

BOARD MEETING DATE: July 3, 2007 AGENDA ITEM NO. 12.

CONSENT AGENDA: TO:

FOR:

ACCOUNT NO:

INTRODUCED BY:

DISCUSSION/ACTION: Proposal for lease purchase of five Ford Crown Victoria Police Cars.

INTRODUCED BY: Russell L. Wall, City Clerk

BOARD ACTION:

MOTION MADE BY: Brabham

SECONDED BY: Barnett

VOTE CAST: TAKEN:	"AYE"	"NAY"	ACTION
Brabham	✓		
Hisaw	✓		
Greer	✓		
Bishop	✓		
Fisher	✓		
Morgan	A		
Barnett	✓		
Mayor Aultman			

AGENDA ITEMS MUST BE TURNED IN TO THE CITY CLERK WITH ALL ATTACHMENTS NO LATER THAN 5 P.M. ON THE WEDNESDAY PRECEEDING THE TUESDAY BOARD MEETING TO BE INCLUDED ON THE AGENDA. THIS DEADLINE GIVES THE CLERK TIME TO PREPARE THE AGENDA AND ALSO TO COPY THE AGENDA. PLEASE REMEMBER ALL OF THIS TAKES SOME TIME AND THIS IS WHY WE HAVE THIS DEADLINE. THANKS.

City of Clinton
Mississippi

Rosemary Aultman, Mayor

MEMORANDUM

TO: Mayor and Board of Aldermen

FROM: Russell L. Wall, City Clerk

DATE: July 3, 2007

RE: Financing Rates on Five Ford Crown Victoria Police Cars

I requested and received leasing rate quotes from BancorpSouth Equipment Finance (Bancorp South Bank, Hattiesburg, MS), Trustmark National Bank (Clinton, MS) and Regions Bank (Montgomery, AL) for the funding of five Ford Crown Victoria Police cars from Watson Quality Ford. The estimated cost of the contract is $104,445.00.

Quoted rates are good through July 20, 2007 for Bancorp South Equipment Finance and Trustmark National Bank, the rate for Regions Bank is good through July 15, 2007. The rates are as follows:

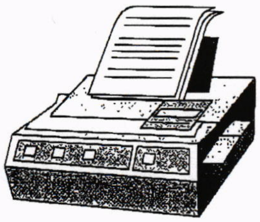
	BancorpSouth Equipment Finance	**Trustmark National Bank**	**Regions Bank**
Lease term of 36 months:			
Monthly Payments (in arrears)	$2,901.25	$2,904.74	$2,914.36
Annual rate	4.31%	4.39%	4.61%

Based on the above information, I am recommending that we accept the funding offer from BancorpSouth Equipment Finance for this transaction.

BancorpSouth Equipment Finance, a division of BancorpSouth Bank

PO Box 15097, Hattiesburg, MS 39404-5097
302 2nd Avenue 39402

FAX



Date: **6/18/2007** **/11:42:22 AM**

Number of pages including cover sheet: **3**

To:

Carol Warren

Phone:

Fax phone: 601-925-4605

CC:

From:

Jessica Cooksey

E-Mail: jcooksey@bxsequipmentfinance.com

Phone: 800-222-1610 / 601-544-3252

Fax phone: 800-322-1611 / 601-545-1830

REMARKS: ☐ Urgent X For your review ☐ Reply ASAP ☐ Please comment

Trustmark

RECEIVED
JUN 20 2007
ACCOUNTING DEPT.
CITY OF CLINTON

June 20, 2007

Rosemary Aultman, Mayor
City of Clinton
P.O. Box 156
Clinton, Miss. 39060

Dear Mayor Aultman:

Trustmark National Bank (Bank) is pleased to submit its bid to The City of Clinton, Mississippi (City) covering lease/purchase financing for Five (5) Ford Crown Victoria automobiles per your request for bid by phone on 6/18/07.

Amount:	**$97,810.00**
Interest Rate:	**4.39% (Bank-qualified, tax-exempt)**
Repayment Terms:	**36 Payments @ $2,904.74/mo. = $104,570.64 total cost**

This offer is subject to the following general terms and conditions:

1. **AUTHORITY:** The Lease/Purchase Agreement and other documentation will be authorized and entered into in accordance with State law. An opinion of counsel regarding the legality of the transaction will be required. Further, this transaction must be designated by a resolution or order of the Board of Alderman (the Board) as a qualified, tax-exempt obligation pursuant to Section 265 of the Internal Revenue Code.

2. **DOCUMENTATION:** The Bank will provide the Lease/Purchase Agreement needed to undertake this transaction at no cost to the City. The City agrees to provide to the Bank other customary documentation for this type transaction including, but not limited to, an opinion of counsel to the effect that the interest payments are exempt from all federal and state taxation. The City, through the Board agrees to enter into such documentation, pending the Board attorney's approval. The City will also complete an IRS Form 8038-GC in a timely manner and provide a copy to the Bank.

3. **EXPIRATION:** The aforementioned quote will expire at midnight, July 20, 2007 unless accepted prior to then by the City or extended by mutual agreement between the Bank and the City.

If the above terms and conditions are acceptable, please sign the Acceptance at the bottom of one copy of this letter and return it to me in the enclosed envelope.

Please call me at (601) 944-7969 if you have any questions regarding this proposal.

Sincerely,

Nolan

Nolan Aikens
Vice President

ACCEPTANCE

The terms and conditions set out in this letter are accepted this the ______ day of __________________, 2007.

City of Clinton, Mississippi

By: ________________________________, _________________
Title

Travis Jordan, Relationship Representative
14 First Alabama Plaza, 4th Floor
Montgomery, AL 36104
Phone: 334-832-8963
Fax: 334-517-3589
Email: travis.jordan@regions.com

REGIONS
EQUIPMENT FINANCE
CORPORATION

June 19, 2007

Mrs. Carol Warren
City of Clinton
P.O. Box 156
Clinton, MS 39060-0156

Dear Mrs. Warren,

Regions Equipment Finance Corporation is pleased to furnish the following tax exempt lease proposal for your review and consideration.

Lessor:	Regions Equipment Finance Corporation, or its Assignee
Lessee:	City of Clinton
Equipment:	Five (5) New Police Cars
Equipment Cost:	$97,810.00
Expected Delivery:	July
Base Term:	36 months
Payment (Factor):	$2,914.36 (.02979611)
Implicit Rate:	4.61%
Lease Commencement:	The Base Term shall commence on the date of closing and delivery and acceptance of the Equipment. The first monthly rental shall be due 30 days in arrears. Remaining equal monthly rental payments shall be due on the same day of each consecutive month thereafter.
Bank Qualified:	It is anticipated that this transaction will be bank qualified. The interest rate stated above assumes that the Lease will be a bank qualified tax-exempt obligation. Section 265(b)3 of the Internal Revenue Code of 1986 exempts certain tax-exempt obligations (bank qualified), not in excess of $10,000,000.00 per year, from the 100% preference tax disallowance applicable to banks, provided that the reasonably anticipated amount of qualified tax-exempt obligations to be issued by the issuing authority during the calendar year does not exceed $10,000,000.00. If the issuing authority reasonably anticipates that it will issue $10,000,000.00 or less in qualified tax-exempt obligations during the calendar year, the lease will be designated as a non-bank qualified tax-exempt obligation.
Opinion of Counsel:	Prior to closing the Lease, Lessor must be provided with an opinion of Lessee's counsel, at Lessee's expense, satisfactory to Lessor and its counsel, which shall include opinions that the Lease and related documentation are duly authorized, executed and delivered by Lessee, that the parties have complied with all applicable state laws, including laws regulating bidding or government contracts and that rents payable under the Lease will be exempt from state and federal income taxes.
Net Lease:	The Lease will be a "net lease" with Lessee responsible for all expenses, including (a) maintenance costs, liability and physical damage insurance satisfactory to Lessor and (b) taxes relating to the purchase, lease, possession and use of the Equipment (some of which may be added to the cost of the

Equipment or collected as the gross rentals as appropriate under state law), excluding taxes based solely on the net income of Lessor. Lessor is not responsible for the selection, suitability or performance of the Equipment and Lessee will be responsible for all payments and performance irrespective of any defect in the Equipment.

Purchase At End Of Term: At the expiration of the Lease Term, so long as no default exists thereunder and the Lease has not been earlier terminated, Lessee shall have the option to purchase all (but not less than all) of the Equipment on an AS IS, WHERE IS BASIS for one dollar ($1.00).

Documentation: Lessor will provide all documentation required to close the Lease. Any modifications requested by Lessee must be approved by Lessor. Any associated legal fees will be reimbursed to Lessor by Lessee.

Insurance: **Lessee will be responsible to purchase and maintain liability insurance coverage equal to $1,000,000.00 naming Lessor as Additional Insured and physical damage insurance coverage with a deductible of no more than $5,000.00 naming Lessor as Loss Payee. Lessee will furnish satisfactory evidence of such insurance prior to funding.**

Contingencies: **This proposal is not and should not be construed as a commitment to fund.** The terms and provisions presented herein are subject to (1) Lessor's credit review and approval of Lessor's investment in the Equipment and the economics of the proposed transaction, at Lessor's sole discretion, and (2) execution of all documentation in form and substance satisfactory to all parties to the transaction. Lessor makes no representation as to the legal, tax or accounting treatment of the Lease. Lessor shall have no obligation until the transaction is so approved and all Lease documentation has been fully executed by Lessor at its home office.

Federal law requires all financial institutions to obtain, verify, and record information regarding customers. Lessor has or will obtain and keep on file information complying with 31 CFR Part 103.121 regarding Lessee, including Lessee's name, address and copies of various identifying documents.

By acceptance of this proposal, Lessee requests Lessor to take all actions necessary to evaluate the transactions contemplated hereby, including ordering credit reports and (if desired) by Lessor appraisals of the Equipment. This proposal shall expire as of the close of business on July 15, 2007, unless extended in writing by Lessor. We look forward to your early review and acceptance of this proposal. If there are any questions, please do not hesitate to contact me directly at 334-832-8963.

Sincerely,

Travis Jordan
Relationship Representative

PROPOSAL ACCEPTED:

City of Clinton

By: ______________________

Title: ______________________

Date: ______________________

Regions

To: **Carol Warren**
Company:
Fax: 601-925-4605
Phone: 601-924-5474

From: **Travis Jordan**
Fax: 334-517-3006
Phone: 334-832-8963
E-mail: Travis.Jordan@Regions.com

cc:

NOTES:

Carol,

Good afternoon. The following includes the proposal for the 5 police cars as we discussed. Please let me know if you would like to move forward. Also, Anthony Thomas asked that I tell you hello. Thank you for allowing us the opportunity to bid and I hope to hear from you soon.

Date and time of transmission: 6/19/2007 2:38:14 PM
Number of pages including this cover sheet: 3

CITY OF CLINTON AGENDA ITEM FACT SHEET

BOARD MEETING DATE: July 3, 2007 AGENDA ITEM NO. 13.

CONSENT AGENDA: TO:

FOR:

ACCOUNT NO:

INTRODUCED BY:

DISCUSSION/ACTION: Appointment of Samuel D. Habeeb as City Municipal Judge.

INTRODUCED BY: Mayor Rosemary Aultman

BOARD ACTION: MOTION MADE BY: Fisher

SECONDED BY: Bishop

VOTE CAST: TAKEN:	"AYE"	"NAY"	ACTION
Brabham	✓		
Hisaw	✓		
Greer	✓		
Bishop	✓		
Fisher	✓		
Morgan	A		
Barnett	✓		
Mayor Aultman			

AGENDA ITEMS MUST BE TURNED IN TO THE CITY CLERK WITH ALL ATTACHMENTS NO LATER THAN 5 P.M. ON THE WEDNESDAY PRECEEDING THE TUESDAY BOARD MEETING TO BE INCLUDED ON THE AGENDA. THIS DEADLINE GIVES THE CLERK TIME TO PREPARE THE AGENDA AND ALSO TO COPY THE AGENDA. PLEASE REMEMBER ALL OF THIS TAKES SOME TIME AND THIS IS WHY WE HAVE THIS DEADLINE. THANKS.

CITY OF CLINTON AGENDA ITEM FACT SHEET

BOARD MEETING DATE: July 3, 2007 AGENDA ITEM NO. 14.

CONSENT AGENDA: TO:

FOR:

ACCOUNT NO:

INTRODUCED BY:

DISCUSSION/ACTION: Appointment of Steven Nixon as Judge Pro Tempore.

INTRODUCED BY: Mayor Rosemary Aultman

BOARD ACTION: MOTION MADE BY: Hisaw

SECONDED BY: Brabham

VOTE CAST: TAKEN:	"AYE"	"NAY"	ACTION
Brabham	✓		
Hisaw	✓		
Greer	✓		
Bishop	✓		
Fisher	✓		
Morgan	A		
Barnett	✓		
Mayor Aultman			

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CITY OF CLINTON AGENDA ITEM FACT SHEET

BOARD MEETING DATE: July 3, 2007 AGENDA ITEM NO. 15.

CONSENT AGENDA: TO:

FOR:

ACCOUNT NO:

INTRODUCED BY:

DISCUSSION/ACTION: Appointment of Mike L. Parker as Public Works Director.

INTRODUCED BY: Mayor Rosemary Aultman

BOARD ACTION: MOTION MADE BY: Greer

SECONDED BY: Hisaw

VOTE CAST: TAKEN:	"AYE"	"NAY"	ACTION
Brabham	✓		
Hisaw	✓		
Greer	✓		
Bishop	✓		
Fisher	✓		
Morgan	A		
Barnett	✓		
Mayor Aultman			

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