

CITY OF CLINTON
REGULAR MEETING OF THE MAYOR AND BOARD OF ALDERMEN
TUESDAY, MAY 2, 2000 - 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 Brantley followed by the Pledge of Allegiance to the Flag led by Alderman Fisher

ROLL CALL - City Clerk Nelson Byrd

Present: Jehu Brabham - Alderman-At-Large
 Tony Hisaw - Alderman Ward 1
 Rodney DePriest - Alderman Ward 2
 Clint Brantley - Alderman Ward 3
 Phil Fisher - Alderman Ward 4
 Sharbert Lott - Alderman Ward 6
 Ken Dreher - City Attorney
 Nelson Byrd - City Clerk
Absent: Herb Touchton - Alderman Ward 5

RECOGNITIONS: Shayon Ghosh was recognized for his outstanding academic performance as the top student in the State of Mississippi by Alderman Hisaw.

APPROVAL OF CONSENT AGENDA ITEMS A-V

MOTION made by Alderman Fisher and **SECONDED** by Alderman Brantley to approve Consent Agenda Items A-V listed on page 829 of this Minute Book AA. Quotes listed in Item C, I, and P can be found in the Office of the City Clerk. **MOTION CARRIED UNANIMOUSLY**

APPROVAL OF PRELIMINARY SITE PLAN - COVENANT CHRISTIAN SCHOOL

Upon recommendation by the Planning & Zoning Board, **MOTION** made by Alderman Hisaw and **SECONDED** by Alderman Lott to approve the preliminary site plan of Covenant Christian School at 802 North Frontage Rd. **MOTION CARRIED UNANIMOUSLY**

APPROVAL OF CONDITIONAL USE FOR WILDWOOD BAPTIST CHURCH

Upon recommendation by the Planning & Zoning Board, **MOTION** made by Alderman Brabham and **SECONDED** by Alderman Fisher to approve that Resolution found on pages 830-831 of this Minute Book AA granting a Conditional Use for Wildwood Baptist Church to operate a child care facility at 101 Auburn Drive. **MOTION CARRIED UNANIMOUSLY**

APPROVAL OF PRELIMINARY SITE PLAN FOR PARTRIDGE DOOR COMPANY

Upon recommendation of the Planning & Zoning Board, **MOTION** made by Alderman Hisaw and **SECONDED** by Alderman Fisher to approve the preliminary site plan of Partridge Door Co. located on Battery Drive. **MOTION CARRIED UNANIMOUSLY**

APPROVAL OF PRELIMINARY SITE PLAN FOR SNOWBALL JUNCTION

Upon recommendation of the Planning & Zoning Board, **MOTION** made by Alderman Brantley and **SECONDED** by Alderman Lott to approve the preliminary site plan for Snowball Junction located at 901 Northside Drive. **MOTION CARRIED UNANIMOUSLY**

TRUSTMARK BANK APPROVED AS PAYING AGENT FOR TIF BONDS

Upon recommendation of City Clerk Nelson Byrd, **MOTION** made by Alderman Fisher and **SECONDED** by Alderman Lott to approve that lowest and best quote from Trustmark Bank on the paying agent agreement for \$1,200,000 TIF Bonds found on pages 832-834 of this Minute Book AA. **MOTION CARRIED UNANIMOUSLY**

BOARD RESCINDS JANUARY 18, 2000, RESOLUTION GRANTING AD VALOREM EXEMPTION ON MANUFACTURED PRODUCTS OF GULF STATES CANNERS

MOTION made by Alderman Hisaw and **SECONDED** by Alderman Brabham to approve that document found on pages 835-836 of this Minute Book AA rescinding a resolution adopted on January 18, 2000. **MOTION CARRIED UNANIMOUSLY**

ADJOURN 7:20 p.m.

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

Copy of Agenda can be found on page 829 of this Minute Book AA.

APPROVED: Rosemary G. Aultman
Rosemary G. Aultman, Mayor

Date May 4, 2000

ATTEST: Nelson Byrd
Nelson Byrd, City Clerk

Date May 4, 2000

SEAL:

**RESOLUTION APPROVING A CONDITIONAL USE FOR
WILDWOOD BAPTIST CHURCH FOR PROPERTY LOCATED AT
101 AUBURN DRIVE, CLINTON, MISSISSIPPI**

WHEREAS, Wildwood Baptist Church, did file a request for a conditional use for the property located at 101 Auburn Drive to operate a child care facility; and

WHEREAS, all notice requirements of the Zoning Ordinance of the City of Clinton were accomplished and a public hearing was held on April 25, 2000, as required; and,

WHEREAS, the Planning and Zoning Commission upon conclusion of the public hearing on April 25, 2000, adopted a motion to approve the request for a conditional use and that the motion be forwarded to the next meeting of the Mayor and Board of Aldermen for their consideration.

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

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

BE IT RESOLVED by the Mayor and Board of Aldermen of the City of Clinton, Mississippi that the request of Wildwood Baptist Church for a Conditional Use of the property located at 101 Auburn Drive as a child care facility and hereby granted and such action is taken pursuant to the findings of fact set out as follows:

1. The Mayor and Board of Aldermen of the City of Clinton, Mississippi, have the final authority with regard to all matters involving the Zoning Ordinance.
2. The recommendation of the Planning and Zoning Commission is advisory in nature.
3. The Mayor and Board of Aldermen have knowledge of the area involved and are aware of the need for the conditional use.
4. The requested designation meets the definitions of a Conditional Use of the Zoning Ordinance.

5. The Conditional-Use will promote the general welfare of the City of Clinton and will not adversely affect adjacent property. Future projects within the designation area will remain subject to the Zoning Ordinance and approval of site plans or other matter will allow the City to continue to monitor the area.
6. The Mayor and Board of Aldermen find that Section 402 of the Zoning Ordinances has been complied with and that the requirements of Section 2405.01 of the Zoning Ordinances are satisfied based upon the presentation of the applicants and the site plan presented to the Planning Commission and to the Mayor and Board of Aldermen.
7. The granting of this conditional-use does not relieve the requested from compliance with any applicable law, court order, covenants or contracts.

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

Alderman Brabham voted: AYE
 Alderman Hisaw voted: AYE
 Alderman DePriest voted: AYE
 Alderman Brantley voted: AYE
 Alderman Fisher voted: AYE
 Alderman Touchton voted: Absent
 Alderman Lott voted: AYE

Whereupon the Mayor declared the Motion carried and the ordinance approved and adopted.

The foregoing ^{RESOLUTION 718}~~ordinance~~ was approved this the 2nd day of May, 2000.

CITY OF CLINTON

BY: Rosemary J. Aultman
 ROSEMARY AULTMAN, MAYOR

ATTEST:

Nelson Byrd
 Nelson Byrd, City Clerk

(SEAL)

AGREEMENT CONCERNING CITY OF CLINTON, MISSISSIPPI
\$1,200,000 TAX INCREMENT LIMITED OBLIGATION BONDS
DATED APRIL 1, 2000

Trustmark National Bank, Jackson, Mississippi (the "Bank"), hereby acknowledges receipt of the Bond Resolution adopted March 7, 2000, by the Mayor and Board of Aldermen of the City of Clinton, Mississippi (the "Aldermen" of the "City") and subsequent actions wherein the Bank was designated as the registrar and transfer agent (the "Transfer Agent") and as paying agent (the "Paying Agent") for the Tax Increment Limited Obligation Bonds, Series 2000 (the "Bonds") of the City, and hereby accepts said designation. The Bank further acknowledges that it has reviewed the Bond Resolution for the Bonds and agrees to act as Transfer Agent and Paying Agent pursuant to the provisions thereof.

It is agreed that so long as the City has funds on deposit with the Bank in its capacity as Paying Agent sufficient for the payment of principal of and interest on the Bonds five days prior to the due date thereof, the Paying Agent will hold harmless and indemnify the County from any and all damages or claims for damages arising out of or connected with the payment or nonpayment of the principal of and interest on the Bonds.

The City shall give written notification to Bank as soon as it has knowledge of any damages or claims for damages arising out of or connected with Bank's actions as Transfer Agent and Paying Agent. City shall not settle any such claim or legal action without the prior written consent of Bank. County shall permit Bank to participate in the defense of any legal action brought in connection therewith. Failure of City to observe the provisions of this paragraph shall constitute a waiver of the indemnification and hold harmless provisions contained herein.

It is further agreed that in its capacity as Transfer Agent the Bank will hold harmless and indemnify the City from any and all damages or claims for damages arising out of or connected with the erroneous issuance of bond certificates by the Bank in amounts in excess of that authorized by the Bond Resolution.

A copy of the Bank's schedule of compensation which details its current bond registrar/transfer agent/paying agent fees is attached. However, the Bank reserves the right to adjust the fees upon sixty (60) days prior written notice to Mayor or Board of Aldermen of the City.

TRUSTMARK NATIONAL BANK

By: Lisa M. Phillips
Lisa M. Phillips
Title: Trust Officer

The foregoing Agreement Concerning City Clinton, Mississippi \$1,200,000 Tax Increment Limited Obligation Bonds, has been accepted by the Mayor and Board of Aldermen of the City of Clinton, Mississippi, and entered on its minutes.

This, the 2nd day of MAY, 2000.

CITY OF CLINTON, MISSISSIPPI

By: Rosemary G. Aultman
Title: Mayor

FEE SCHEDULE FOR
TRUSTMARK NATIONAL BANK
CORPORATE TRUST SERVICES

\$1,200,000 City of Clinton, Mississippi
Tax Increment Limited Obligation Bonds, Series 2000

Paying Agent, Transfer Agent & Registrar's Acceptance Fee	\$1000.00
Paying Agent, Transfer Agent & Registrar's Annual Fee	\$500.00

This fee is due annually in advance based on the dated date of the Bonds. It covers the performance of all administrative duties imposed on the Agent under the documents, the review of all documentation required to be furnished to the Agent, providing periodic statements of accounts showing transactions made and assets held, and all services for registering bonds, communications with bondholders and other parties to the transaction, maintaining bondholders' records, and making interest and principal payments. All out-of-pocket expenses such as counsel's fees, postage, insurance, courier charges, and supplies such as check forms, envelopes, etc. will be billed at cost. Charges for the performance of any services not of a routine administrative nature will be determined by appraisal at that time.

AGENDA ITEM 9
OTHER BUSINESS
GULF STATES CANNERS, INC.
TAX EXEMPTION FROM AD VALOREM TAXES
CERTAIN MANUFACTURED PRODUCTS
May 2, 2000

Motion by Alderman HISAW and seconded by
Alderman BRABHAM to rescind that certain

**RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE
CITY OF CLINTON, HINDS COUNTY, MISSISSIPPI, GRANTING TAX
EXEMPTION FROM AD VALOREM TAXES ON CERTAIN
MANUFACTURED PRODUCTS HELD FOR SALE OR SHIPMENT TO
OTHER THAN FINAL CONSUMER**

and including the following fact finding by the Mayor and Board of Aldermen.

WHEREAS, by unanimous action at the Regular Meeting of the Mayor and Board of Aldermen on Tuesday, January 18, 2000, the Resolution of Gulf States Canners was approved and can be found at pages 558-565 of Minute Book AA, and

WHEREAS, subsequent to said action, the Hinds County Economic Development District and the Hinds County Tax Assessor became concerned that such Resolution by both the County and the City was improper and having secured the opinion of the Attorney General regarding this matter, and

WHEREAS, the Attorney General in his opinion has determined that the exemption requested exceeds the prescribed period, and

WHEREAS, both the Hinds County Economic Development District and the Hinds County Tax Assessor have suggested that based upon the opinion of the Attorney General, said exemption should be rescinded to provide consistency between the County and the City and to bring this matter into compliance;

NOW THEREFORE, for the reasons stated, the Mayor and Board of Aldermen hereby rescind the previous resolution and the City Clerk is directed to so notify the Tax Assessor.

C:\msword\rhm\agenda #9 1/26/00