

CITY OF CLINTON
REGULAR MEETING OF THE MAYOR AND BOARD OF ALDERMEN
TUESDAY, FEBRUARY 2, 1999 - 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 Lott followed by the Pledge of Allegiance to the Flag led by Alderman Brabham

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
 Herb Touchton - Alderman Ward 5
 Sharbert Lott - Alderman Ward 6
 Ken Dreher - City Attorney
 Nelson Byrd - City Clerk

APPROVAL OF CONSENT AGENDA ITEMS A-Q

MOTION made by Alderman Fisher and **SECONDED** by Alderman Brantley to approve Consent Agenda Items A-Q listed on page 964 of this Minute Book Z. Items C and E will serve to advertise favorably the opportunities, possibilities, and resources of the City of Clinton. Quote listed in item D may be found in the office of the City Clerk. **MOTION CARRIED UNANIMOUSLY**

APPROVAL OF PRELIMINARY SITE PLAN FOR CLINTON NATURE CENTER

Upon recommendation of Planning & Zoning Board and Zoning Administrator Gary Ward, **MOTION** made by Alderman Touchton and **SECONDED** by Alderman Hisaw to approve the preliminary site plan of the Clinton Community Nature Center **MOTION CARRIED UNANIMOUSLY**

APPROVAL OF PRELIMINARY SITE PLAN FOR DR. FAEZA JONES-408 MASONIC DR.

Upon recommendation of Planning & Zoning Board and Zoning Administrator Gary Ward, **MOTION** made by Alderman Lott and **SECONDED** by Alderman Brabham to approve the preliminary site plan for Dr. Faeza Jones at 408 Masonic Dr. **MOTION CARRIED UNANIMOUSLY**

ADOPTION OF ORDINANCE REZONING HIGHWAY 80 PROPERTY FOR WALMART SUPERCENTER FROM R-1 TO C-2

Upon recommendation of Planning & Zoning Board and Zoning Administrator Gary Ward, **MOTION** made by Alderman Lott and **SECONDED** by Alderman Hisaw to approve that ordinance and proof of publication found on pages 965-970 and 825-830 of this Minute Book Z and Ordinance Book II, respectively, that rezones from R-1 to C-2 property located on Highway 80 for a new Walmart Supercenter. **MOTION CARRIED UNANIMOUSLY** Traffic impact study data and zoning request letter can be found on pages 971 and 972.

APPROVAL OF PRELIMINARY SITE PLAN FOR WALMART ON HIGHWAY 80

After a lengthy discussion of impact on citizens, traffic, and businesses in the surrounding area, **MOTION** made by Alderman Brabham and **SECONDED** by Alderman Lott to

approve the preliminary site plan for a Walmart Supercenter on Highway 80. **MOTION CARRIED UNANIMOUSLY**

APPROVAL OF 1999 CDBG RECOMMENDATIONS FROM SELECTION COMMITTEE

The 1999 CDBG Selection Committee consisting of Aldermen Brabham and Lott and Mayor Aultman considered proposals from firms listed on page 973 of this Minute Book Z and recommended Administrative: Urban Planning Consultants, Engineering: W, G, & K., Inc., and Legal: Pyle, Dreher, Mills, & Dye, P.A. **MOTION** made by Alderman Fisher and **SECONDED** by Alderman Lott to approve the recommendations of the Selection Committee. **MOTION CARRIED UNANIMOUSLY**. CDBG files are located in the City Clerk's Office.

APPOINTMENT OF JOHN BRELAND AS MUNICIPAL JUDGE PRO TEM

MOTION made by Alderman Brantley and **SECONDED** by Alderman Brabham to appoint John Breland as Municipal Judge Pro Tem. **MOTION CARRIED UNANIMOUSLY**
Rate schedule can be found on page 974 of this Minute Book Z.

APPROVAL OF RESOLUTION FOR LEASE-PURCHASE OF KUBOTA TRACTOR

MOTION made by Alderman Fisher and **SECONDED** by Alderman Brabham to approve that resolution with First Continental Leasing found on pages 975-982 of this Minute Book Z for the lease-purchase of a Kubota tractor. **MOTION CARRIED UNANIMOUSLY**

DRAINAGE PROBLEM AT 500-502 BROOKWOOD & 707 BELLEVUE

MOTION made by Alderman Touchton and **SECONDED** by Alderman Brabham to add this location to the City drainage project list with details found on page 983 of this Minute Book Z. **MOTION CARRIED UNANIMOUSLY**

DRAINAGE PROBLEM AT 705-707 DUNTON RD.

MOTION made by Alderman Touchton and **SECONDED** by Alderman Brabham to add this location to the City drainage project list with details found on page 984 of this Minute Book Z. **MOTION CARRIED UNANIMOUSLY**

ADJOURN 7:54 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 964 of this Minute Book Z.

APPROVED: Rosemary G. Aultman February 4, 1999
Rosemary G. Aultman, Mayor Date

ATTEST: Nelson Byrd February 4, 1999
Nelson Byrd, City Clerk Date

SEAL:

OFFICIAL FORM

AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CLINTON, HINDS COUNTY, MISSISSIPPI AMENDING THE OFFICIAL ZONING ORDINANCE AND ZONING MAP OF THE CITY OF CLINTON, MISSISSIPPI FOR THE PROPERTY LOCATED ON HIGHWAY 80, CLINTON, MISSISSIPPI, AND DESCRIBED IN EXHIBIT "A" FROM R-1 TO C-2,

WHEREAS, Mr. H. Henry Hederman, Jr. (the "Applicant") did file a petition to Rezone certain property from its present R-1 use district classification to a C-2 use district classification; and,

WHEREAS, a public hearing, pursuant to Section 2406.05 of the Zoning Ordinance of the City of Clinton, Mississippi, was set for the 26th day of January 1999, at 7:30 o'clock P.M.; and,

WHEREAS, the City of Clinton did cause notice of said hearing to be published in the *Clarion Ledger*, a newspaper published in Hinds County, Mississippi, in the manner and for the time required by law, and did post notice upon the affected property in the manner and for the time required by law; and,

WHEREAS, at the time, date and place specified in the Notice, the Planning Commission of the City of Clinton, Mississippi, did conduct a full and complete hearing, and thereafter, did recommend the petition of the applicants be approved, pursuant to Section 2406 of the Zoning Ordinance; and,

WHEREAS, the matter was presented to the Mayor and Board of Aldermen of the City of Clinton, along with the recommendation of the Planning Commission, as shown in minutes of said minutes and exhibits attached thereto, and after discussion thereof, Alderman Lott offered the following ordinance and moved that it be adopted, to-wit;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Clinton, Hinds County, Mississippi as follows, to-wit:

Section 1. That the matters and facts stated in the preamble hereof are found to be true and correct.

Section 2. That this matter was presented as required by Section 2406 of the City of Clinton Zoning Ordinance and the Mayor and Board of Aldermen hereby find that this request meets the requirements of Section 2406.03(b) Criteria for Rezoning, the Mayor and Board of Aldermen specifically finding that the character of the neighborhood has changed to such an extent as to justify reclassification and that there is a public need for additional restricted commercial district within the City of Clinton.

Section 3. That pursuant to Article XX of the Zoning Ordinance, the proposed facility shall be "C-2, General Commercial District".

Section 4. That the following described tract of real property be, and the same is, hereby rezoned from its present R-1 use district classification to C-2 use district classification and that said rezoning is consistent with the current Comprehensive Plan of the City of Clinton, to-wit:

A tract of land situated in the City of Clinton, the First Judicial District of Hinds County, Mississippi and more completely described in Exhibit "A" attached hereto and made a part thereof.

Section 5. That the City of Clinton Zoning Ordinance be, and the Official Zoning Map be, and the same hereby are, amended to reflect the foregoing change in the zoning of the above-described real property.

Section 6. That this ordinance shall take effect thirty days from and after passage.

ORDAINED, ADOPTED AND APPROVED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CLINTON, MISSISSIPPI, at a meeting thereof held on the 2ND day of February, 1999.

A Motion for adoption was seconded by Alderman HISAW and the foregoing ordinance having been first reduced to writing, and no request being made by the Mayor or any member of the Board of Aldermen that the Ordinance be read by the City Clerk, before any vote was taken, it was submitted to the Board of Aldermen for the passage or rejection on roll call vote upon the vote being as follows, to-wit:

Alderman Brabham voted:	<u>AYE</u>
Alderman Hisaw voted:	<u>AYE</u>
Alderman DePriest voted:	<u>AYE</u>
Alderman Brantley voted:	<u>AYE</u>
Alderman Fisher voted:	<u>AYE</u>
Alderman Touchton voted:	<u>AYE</u>
Alderman Lott voted:	<u>AYE</u>

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

The foregoing ordinance was approved this the 2ND day of February, 1999.

CITY OF CLINTON

BY: Rosemary J. Altman
ROSEMARY ALTMAN, Mayor

ATTEST:

Nelson Byrd
NELSON BYRD, City Clerk

(SEAL)

Proposed Rezone Parcel

R. M. Hederman and T. M. Hederman, Jr.
(Deed Book 403, Page 97)

Being a parcel of land situated in Sections 28 and 33, Township 6 North, Range 1 West, City of Clinton, Hinds County, Mississippi and being out of and a part of a tract of land conveyed to R. M. Hederman and T. M. Hederman, Jr. as described by deed recorded in Deed Book 403, Page 97 in the Chancery Clerks Office of First Judicial District, Hinds County, Jackson, Mississippi. Said parcel being more particularly described as follows:

COMMENCING at a 1 inch iron pipe set in concrete at the intersection of the line between the East 1/2 and the West 1/2 of the West 1/2 of said Section 28, same being the East line of Block "G", Lakeside Park, as recorded in Plat Book 8, Page 49 in the Chancery Clerks Office of First Judicial District, Hinds County, Jackson, Mississippi with the South Right-of-Way line of U. S. Highway 80 (200 foot wide Right-of-Way);

THENCE run along said South Right-of-Way line of U. S. Highway 80, South 60° 30' 00" East, 1320.00 feet to a 1 inch iron pipe set in concrete;

THENCE leaving said South Right-of-Way line of U. S. Highway 80, and running perpendicular to same, run South 29° 30' 00" West, 500.00 feet to the POINT OF BEGINNING of the herein described parcel;

THENCE running parallel with said South Right-of-Way line of U. S. Highway 80, run South 60° 30' 00" East, 950.00 feet to a point;

THENCE running perpendicular to said South Right-of-Way line of U. S. Highway 80, run South 29° 30' 00" West, 600.00 feet to a 1 inch iron pipe set in concrete;

THENCE running parallel with said South Right-of-Way line of U. S. Highway 80, run North 60° 30' 00" West, 950.00 feet to a 1 inch iron pipe set in concrete;

THENCE running perpendicular to said South Right-of-Way line of U. S. Highway 80, run North 29° 30' 00" East, 600.00 feet to the POINT OF BEGINNING, containing 13.09 acres, (570,000 square feet), more or less.

Exhibit "A"

AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CLINTON, HINDS COUNTY, MISSISSIPPI AMENDING THE OFFICIAL ZONING ORDINANCE AND ZONING MAP OF THE CITY OF CLINTON, MISSISSIPPI FOR THE PROPERTY LOCATED ON HIGHWAY 80, CLINTON, MISSISSIPPI, AND DESCRIBED IN EXHIBIT "A" FROM R-1 TO C-2

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Section 2. That this matter was presented as required by Section 2406 of the City of Clinton Zoning Ordinance and the Mayor and Board of Aldermen hereby find that this request meets the requirements of Section 2406.03(b) Criteria for Rezoning, the Mayor and Board of Aldermen specifically finding that the character of the neighborhood has changed to such an extent as to justify reclassification and that there is a public need for additional restricted commercial district within the City of Clinton.

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ORDAINED, ADOPTED AND APPROVED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CLINTON, MISSISSIPPI, at a meeting thereof held on the 2nd day of February, 1999.

A Motion for adoption was seconded by Alderman Hisaw and the foregoing ordinance having been first reduced to writing, and no requested being made by the Mayor or any member of the Board of Aldermen that the Ordinance be read by the City Clerk, before any vote was taken, it was submitted to the Board of Aldermen for the passage or rejection on roll call vote upon the vote being as follows, to-wit:

Alderman Brabham voted: Aye
Alderman Hisaw voted: Aye
Alderman DePriest voted: Aye
Alderman Brantley voted: Aye
Alderman Fisher voted: Aye
Alderman Touchton voted: Aye
Alderman Lott voted: Aye

Whereupon the Mayor declared the Motion carried and the ordinance approved and adopted.
The foregoing ordinance was approved this the 2nd day of February, 1999.

CITY OF CLINTON

BY: /s/ Rosemary G. Aultman
ROSEMARY AULTMAN, Mayor

Proof of Publication

The State of Mississippi

Hinds County

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

Shirley Mize

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:

Dates of Publication:

Thursday, February 11, 1999

Lines:	202
Words:	729
Issues:	1
Total:	\$93.48

ATTEST:

/s/ Nelson Byrd
NELSON BYRD, City Clerk

(SEAL)

FEBRUARY 11, 1999

Signed

Shirley Mize
Authorized Clerk
of The Clarion-Ledger

Marie Mills
Notary Public

SWORN to and subscribed before me on
02/11/99

My Commission Expires:

NOTARY PUBLIC STATE OF MISSISSIPPI AT LARGE.
MY COMMISSION EXPIRES: Nov. 8, 2000.
BONDED THRU NOTARY PUBLIC UNDERWRITERS.

(SEAL)

**Traffic Impact Study Summary
U.S. Highway 80 Retail Site
Clinton, Mississippi
January 26, 1999**

Study Findings:

- ✓ Discount retail store of approximately 188,181 square feet
- ✓ Site is on U.S. Highway 80, a five lane road with a daily volume of 14,175 vpd, current capacity is 27,000 vpd as per Central Mississippi Planning and Development District, volume/capacity of 52.5%
- ✓ Site is expected to generate approximately 7,500 new trips per day (60 % from the west and 40 % from the east)
- ✓ Post development volumes on U.S. Highway 80 west of site expected to be 18,675 vpd or 69.1 % of capacity and 17,150 vpd east of the site or 63.5% of capacity

Required roadway improvements:

- ❑ Traffic signal will be required and is warranted at the west access to the development on U.S. Highway 80
- ❑ Right turn lanes are required and will be constructed for eastbound traffic at both development access points
- ❑ The development access driveways will require three lanes (two outbound and one inbound)

Conclusions:

- U.S. Highway 80 has sufficient capacity to accommodate traffic generated by the proposed development.
- Traffic operations for peak hour operations at development access points on U.S. Highway 80 will be acceptable.
- The proposed access plan, with the required roadway improvements, will provide safe and efficient traffic operations and mitigate the impacts of the development

HENRY
ENGINEERING AND PLANNING

P.O. Box 759
21 Industrial Drive
Thorsby, Alabama 35171
Phone: (205) 646-2538
Fax: (205) 646-0917

January 7, 1999

Mr. William Campbell
City of Clinton Planning Commission
200 W. Leake Street
Clinton, Mississippi 39.60

Dear Mr. Campbell,

With this letter we are requesting rezoning of a portion of a piece of property along U.S. Highway 80 per attached legal description and plot plan.

Highway 80 represents a major arterial for Clinton and the surrounding communities. The retail use shown requires a greater depth than currently provided by your zoning map. This is true for any major retail use.

By providing additional depth for the property, the retail use is able to provide needed on site stormwater management as well as perimeter landscaping and screening. Truck dock and storage areas for the store are at the rear and also require greater depth.

Our distance from adjacent neighborhoods and intervening trees provide screening beyond our site and mitigate any visual or noise impacts.

In summary, the land use is consisted with the street classification. The greater depth of commercially zoned property allows for better site planning for a large retail use such as proposed

Sincerely,



Dan Henry
cc: Joe Loethen

ALDERMEN

Tony Hisaw
Ward One

Rodney W. DePriest
Ward Two

Clint Brantley
Ward Three

Phil Fisher
Ward Four

City of Clinton Mississippi

Rosemary Aultman, Mayor

ALDERMEN

Herb Touchton
Ward Five

Sharbert K. Lott
Ward Six

Jehu Brabham
Alderman-At-Large

Nelson Byrd
City Clerk

January 19, 1999

Re: 1999 CDBG Proposals Received

Administrative:

Sample & Associates, Inc.

Jimmy G. Gouras, Urban Planning Consultants, Inc. ✓

Engineering:

Neel-Schaffer, Inc.

Engineering Service

Michael Baker Jr., Inc.

BCM Engineers, Inc.

Allen & Hoshall, LTD.

ABMB Engineers, Inc.

Williford, Gearhart & Knight, Inc. ✓

Legal:

Pyle, Dreher, Mills & Dye, P.A. ✓

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

ALDERMEN

Tony Hisaw
Ward One

Rodney W. DePriest
Ward Two

Clint Brantley
Ward Three

Phil Fisher
Ward Four

City of Clinton Mississippi

Rosemary Aultman, Mayor

ALDERMEN
Herb Touchton
Ward Five

Sharbert K. Lott
Ward Six

Jehu Brabham
Alderman-At-Large

Nelson Byrd
City Clerk

Rate Schedule For Judge Pro Tem

Full Court Session	\$250.00
Hourly Rate	\$ 60.00

John Breland
404 Trailwood Drive
Copeland, Cook, Taylor & Bush
(601) 354-0123

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

**RESOLUTION AUTHORIZING AND APPROVING EXECUTION
OF AN EQUIPMENT LEASE-PURCHASE AGREEMENT WITH
FIRST CONTINENTAL LEASING, A DIVISION OF BANCORPSOUTH BANK
FOR THE PURPOSE OF LEASE-PURCHASING CERTAIN EQUIPMENT**

WHEREAS, the Mayor and the Board of Aldermen the Governing Body (the "Governing Body") of the City of Clinton, Mississippi (the "Lessee"), acting for and on behalf of the Lessee hereby finds, determines and adjudicates as follows:

1. The Lessee desires to enter into an Equipment Lease-Purchase Agreement with the Exhibits attached thereto in substantially the same form as attached hereto as Exhibit "A" (the "Agreement") with First Continental Leasing, a division of BancorpSouth Bank (the "Lessor") for the purpose of presently purchasing the equipment as described therein for the total cost specified therein (collectively the "Equipment") and to purchase such other equipment from time to time in the future upon appropriate approval;
2. The Lessee is authorized pursuant to Section 31-7-13(e) of the Mississippi Code of 1972, as amended, to acquire equipment and furniture by Lease-Purchase agreement and pay interest thereon by contract for a term not to exceed 5 years;
3. It is in the best interest of the residents served by Lessee that the Lessee acquire the Equipment pursuant to and in accordance with the terms of the Agreement; and
4. It is necessary for the Lessee to approve and authorize the Agreement.
5. The Lessee desires to designate the Agreement as a qualified tax-exempt obligation of Lessee for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986 (the "Code").

NOW, THEREFORE, BE IT RESOLVED by this Governing Body for and on behalf of the Lessee as follows:

Section 1. The Agreement and Exhibits attached thereto in substantially the same form as attached hereto as Exhibit "A" by and between the Lessor and the Lessee is hereby approved and MAYOR ROSEMARY AULTMAN (the "Authorized Officer") is hereby authorized and directed to execute said Agreement on behalf of the Lessee.

Section 2. The Agreement is being issued in calendar year 1999.

Section 3. Neither any portion of the gross proceeds of the Agreement nor the Equipment identified to the Agreement shall be used (directly or indirectly) in a trade or business carried on by any person other than a governmental unit, except for such use as a member of the general public.

Section 4. No portion of the rental payments identified in the Agreement (a) is secured, directly or indirectly, by property used or to be used in a trade or business carried on by a person other than a governmental unit, except for such use as a member of the general public, or by payments in respect of such property; or (b) is to be derived from payments (whether or not to Lessee) in respect of property or borrowed money used or to be used for a trade or business carried on by any person other than a governmental unit.

Section 5. No portion of the gross proceeds of the Agreement are used (directly or indirectly) to make or finance loans to persons other than governmental units.

Section 6. Lessee hereby designates the Agreement as a qualified tax-exempt obligation for purposes of Section 265(b) of the Code.

Section 7. In calendar year 1999, Lessee has designated \$ 11,735.00 of tax-exempt obligations (including the Agreement) as qualified tax-exempt obligations. Including the Agreement herein so designated, Lessee will not designate more than \$10,000,000 of obligations issued during calendar year 1999 as qualified tax-exempt obligations.

Section 8. Lessee reasonably anticipates that the total amount of tax-exempt obligations (other than private activity bonds) to be issued by Lessee during calendar year 1999 will not exceed \$10,000,000.

Section 9. For purposes of this resolution, the amount of Tax-exempt obligations stated as either issued or designated as qualified tax-exempt obligations includes tax-exempt obligations issued by all entities deriving their issuing authority from Lessee or by an entity subject to substantial control by Lessee, as provided in Section 265(b)(3)(E) of the Code.

Section 10. The Authorized Officer is further authorized for and on behalf of the Governing Body and the Lessee to do all things necessary in furtherance of the obligations of the Lessee pursuant to the Agreement, including execution and delivery of all other documents necessary or appropriate to carry out the transactions contemplated thereby in accordance with the terms and provisions thereof.

Following the reading of the foregoing resolution, ALDERMAN FISHER moved that the foregoing resolution be adopted, ALDERMAN BRABHAM seconded the motion for its adoption. The MAYOR put the question to a roll call vote and the result was as follows:

ALDERMAN BRABHAM Voted: AYE

✓ HISAW Voted: AYE

✓ DEPRIEST Voted: AYE

✓ BRANTLEY Voted: AYE

✓ FISHER Voted: AYE

✓ TOULHTON Voted: AYE

✓ LOTT Voted: AYE

The motion having received the affirmative vote of all members present, the MAYOR declared the motion carried and the resolution adopted this the 2ND day of FEBRUARY, 1999.

Rosemary G. Quetman, MAYOR
(presiding officer), Title

ATTEST:

Nelson Byrd, City Clerk

(SEAL)

SPECIAL STIPULATIONS

LESSOR: First Continental Leasing
a division of BancorpSouth Bank
P. O. Box 15097
302 Second Avenue
Hattiesburg, MS 39404-5097

By: _____

Title: _____

Date: _____

LESSEE: City of Clinton, Mississippi
PO Box 156
Clinton, MS 39060

By: Rosemary J. Aultman

Title: MAYOR

Date: FEB. 2, 1999

---NONE---

EXHIBIT A

EQUIPMENT LEASE SCHEDULE

Lease Schedule Number 07

This Lease Schedule No. 07 to the Equipment Lease-Purchase Agreement dated as of April 6, 1993 (the "Agreement") between First Continental Leasing, a division of BancorpSouth Bank, a Mississippi Corporation (the "Lessor") and the City of Clinton, Mississippi (the "Lessee"), acting by and through the Mayor and the Board of Aldermen, the Governing Body of the Lessee, is made as of this date.

1. Description of the Equipment. The quantity, item, manufacturer, and model and serial number of the Equipment subject to the Agreement are as appear on Exhibit "B-1" attached hereto and made a part hereof.

2. Location of the Equipment. The Equipment is to be located and delivered to Lessee's premises at CLINTON, MS.

3. Original Rental Term. The term of the Agreement shall be 36 months.

4. Rental Payments. The Lessee agrees to pay the Lessor the original cost of \$11,735.00 for the Equipment hereof described in Exhibit "B-1" attached hereto, upon the terms, and at the times as provided in the Payment Amortization Schedule, attached hereto as Exhibit "B-2" and made a part hereof, with an interest rate of 6.00% percent per annum as provided thereby.

5. This Schedule and its terms and conditions are hereby incorporated by reference in the Agreement.

DATED, this the 2ND day of FEBRUARY, 1999.

LESSOR:

First Continental Leasing, a
division of BancorpSouth Bank

By: _____

Title: _____

LESSEE:

City of Clinton, Mississippi

By: Rosemary G. Aultman

Title: MAYOR

EXHIBIT B

EQUIPMENT DESCRIPTION

- 1 ^{Kubota}~~Kabet~~ F2560E Tractor, front deck mower w/canopy
Serial No: 80393

EXHIBIT B-1

Customer: CITY OF CLINTON, MISSISSIPPI

Interest Rate: 6.0000% (Monthly)

Per Mo/Da	Payment	Principal	Interest	Principal Balance	Accrued Interest	Accrued Int Balance	Net Balance
0 2/15	0.00	0.00	0.00	11,735.00	0.00	0.00	11,735.00
1 3/15	357.00	298.33	58.67	11,436.67	58.67	0.00	11,436.67
2 4/15	357.00	299.82	57.18	11,136.86	57.18	0.00	11,136.86
3 5/15	357.00	301.32	55.68	10,835.54	55.68	0.00	10,835.54
4 6/15	357.00	302.82	54.18	10,532.71	54.18	0.00	10,532.71
5 7/15	357.00	304.34	52.66	10,228.38	52.66	0.00	10,228.38
6 8/15	357.00	305.86	51.14	9,922.52	51.14	0.00	9,922.52
7 9/15	357.00	307.39	49.61	9,615.13	49.61	0.00	9,615.13
8 10/15	357.00	308.93	48.08	9,306.20	48.08	0.00	9,306.20
9 11/15	357.00	310.47	46.53	8,995.73	46.53	0.00	8,995.73
10 12/15	357.00	312.02	44.98	8,683.71	44.98	0.00	8,683.71
1999 12/99	3,570.01	3,051.29	518.72		518.72		
11 1/15	357.00	313.58	43.42	8,370.13	43.42	0.00	8,370.13
12 2/15	357.00	315.15	41.85	8,054.98	41.85	0.00	8,054.98
13 3/15	357.00	316.73	40.27	7,738.25	40.27	0.00	7,738.25
14 4/15	357.00	318.31	38.69	7,419.94	38.69	0.00	7,419.94
15 5/15	357.00	319.90	37.10	7,100.04	37.10	0.00	7,100.04
16 6/15	357.00	321.50	35.50	6,778.54	35.50	0.00	6,778.54
17 7/15	357.00	323.11	33.89	6,455.43	33.89	0.00	6,455.43
18 8/15	357.00	324.72	32.28	6,130.70	32.28	0.00	6,130.70
19 9/15	357.00	326.35	30.65	5,804.35	30.65	0.00	5,804.35
20 10/15	357.00	327.98	29.02	5,476.38	29.02	0.00	5,476.38
21 11/15	357.00	329.62	27.38	5,146.76	27.38	0.00	5,146.76
22 12/15	357.00	331.27	25.73	4,815.49	25.73	0.00	4,815.49
2000 12/00	4,284.02	3,868.22	415.80		415.80		
23 1/15	357.00	332.92	24.08	4,482.56	24.08	0.00	4,482.56
24 2/15	357.00	334.59	22.41	4,147.98	22.41	0.00	4,147.98
25 3/15	357.00	336.26	20.74	3,811.71	20.74	0.00	3,811.71
26 4/15	357.00	337.94	19.06	3,473.77	19.06	0.00	3,473.77
27 5/15	357.00	339.63	17.37	3,134.14	17.37	0.00	3,134.14
28 6/15	357.00	341.33	15.67	2,792.81	15.67	0.00	2,792.81
29 7/15	357.00	343.04	13.96	2,449.77	13.96	0.00	2,449.77
30 8/15	357.00	344.75	12.25	2,105.02	12.25	0.00	2,105.02
31 9/15	357.00	346.48	10.53	1,758.54	10.53	0.00	1,758.54
32 10/15	357.00	348.21	8.79	1,410.33	8.79	0.00	1,410.33
33 11/15	357.00	349.95	7.05	1,060.38	7.05	0.00	1,060.38
34 12/15	357.00	351.70	5.30	708.68	5.30	0.00	708.68
2001 12/01	4,284.02	4,106.80	177.21		177.21		
35 1/15	357.00	353.46	3.54	355.23	3.54	0.00	355.23
36 2/15	357.00	355.23	1.78	-0.00	1.78	0.00	-0.00
2002 2/02	714.00	708.68	5.32		5.32		
Totals	12,852.05	11,735.00	1,117.05		1,117.05		

EQUIPMENT ACCEPTANCE NOTICE

TO: First Continental Leasing, a division of BancorpSouth Bank

RE: Equipment Lease-Purchase Agreement dated as of April 6, 1993.

The City of Clinton, Mississippi (the "Lessee"), acting by and through the Mayor and the Board of Aldermen, the Governing Body of the Lessee, hereby acknowledge receipt in good condition and working order of the equipment (the "Equipment") as listed on Exhibit "C-1" attached hereto and made a part hereof and further described in the invoices attached hereto and made a part hereof. The Equipment is subject to the Equipment Lease-Purchase Agreement dated as of April 6, 1993 between Lessor and Lessee. Lessee certifies to Lessor that the Lessee has inspected the Equipment and that the Equipment is acceptable and approves supplier's(s') invoices for the Equipment and requests that Lessor make payment of such invoices.

Lessee further acknowledges that it selected the Equipment so received. LESSEE AGREES THAT LESSOR MADE NO REPRESENTATIONS AND WARRANTIES WHATEVER, DIRECTLY OR INDIRECTLY, EXPRESS OR IMPLIED, AS TO THE SUITABILITY, DURABILITY, FITNESS FOR USE, MERCHANTABILITY, CONDITION, QUALITY, OR OTHERWISE OF SUCH EQUIPMENT. LESSEE SPECIFICALLY WAIVES ALL RIGHT TO MAKE ANY CLAIM AGAINST LESSOR ITS ASSIGNS FOR BREACH OF ANY WARRANTY, OR TO INTERPOSE OR ASSERT ANY SUCH DEFENSE, COUNTERCLAIM OR SETOFF.

LESSEE:

City of Clinton, Mississippi

By: Freemary G. Aultman

Title: MAYOR

Date: FEB. 2, 1999

EXHIBIT C

The following is the motion that we have previously used to approve the addition of drainage projects to the drainage work list.

Motion :

After conducting a visual inspection, and subsequent investigation of the drainage problem associated with the existing drainage system project between 500-502 BROOKWOOD & 707 BELLEVUE, the Mayor and Board of Aldermen, upon consultation and professional advice from the City Engineer and Department of Public Works, have determined that there appears to be either an open joint, broken pipe section, or other drainage deterioration in a storm drain system that is located on private property on which cannot be found a recorded drainage easement. The drainage system is connected to the drainage system for BROOKWOOD, and in the professional opinion of the City Engineer, and supportive opinion of the Board of Aldermen, that unless this storm drainage situation is corrected, the situation will continue to worsen and can adversely affect our street drainage system, and generally produce a public health, safety, and general welfare hazard. It is, therefore, the recommendation of the Board of Aldermen that the City of Clinton proceed to authorize the inclusion of this project on our approved drainage project list. Further, it is recommended that the City of Clinton proceed to acquire the necessary entry permission, and release of damages from the property owners, so that said work can be initiated according to the priority work schedule.

The following is the motion that we have previously used to approve the addition of drainage projects to the drainage work list.

Motion :

After conducting a visual inspection, and subsequent investigation of the drainage problem associated with the existing drainage system project between 705-707 DUNTON Rd., the Mayor and Board of Aldermen, upon consultation and professional advice from the City Engineer and Department of Public Works, have determined that there appears to be either an open joint, broken pipe section, or other drainage deterioration in a storm drain system that is located on private property on which cannot be found a recorded drainage easement. The drainage system is connected to the drainage system for DUNTON Rd., and in the professional opinion of the City Engineer, and supportive opinion of the Board of Aldermen, that unless this storm drainage situation is corrected, the situation will continue to worsen and can adversely affect our street drainage system, and generally produce a public health, safety, and general welfare hazard. It is, therefore, the recommendation of the Board of Aldermen that the City of Clinton proceed to authorize the inclusion of this project on our approved drainage project list. Further, it is recommended that the City of Clinton proceed to acquire the necessary entry permission, and release of damages from the property owners, so that said work can be initiated according to the priority work schedule.