

**RECESSED MEETING OF THE MAYOR AND BOARD OF ALDERMEN
TUESDAY, FEBRUARY 17, 1998 - 7:00 P.M.
MUNICIPAL COURTROOM - 305 MONROE STREET**

The Mayor and Board of Aldermen of the City of Clinton, Mississippi, met in Recessed Meeting on Tuesday, February 17, 1998, 7:00 p.m. at the Municipal Courtroom, 305 Monroe Street, pursuant to a Recess Order adopted by said Mayor and Board of Aldermen at their Regular Meeting of February 3, 1998, as found on page 334 of this Minute Book Z.

WELCOME AND CALL TO ORDER - Mayor Rosemary Aultman

INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG

The invocation was led by Alderman Brabham followed by the Pledge of Allegiance to the Flag led by Alderman Hisaw.

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

RECOGNITIONS

1. Officers of Clinton High School Teenage Republicans presented a plaque containing the ten commandments to the Mayor and Board of Aldermen.
2. Bruce Harris gave an update on the fund raising activities and plans of the Clinton Community Development Foundation to build a Civic Center in Clinton.
3. Certificates of Recognition were presented by Mayor Rosemary Aultman and Alderman-at-Large Jehu Brabham to members of the Clinton Jr. High School Girls Basketball Team who won the Little Six District Championship.

APPROVAL OF CONSENT AGENDA ITEMS A-P

MOTION made by Alderman Brantley and **SECONDED** by Alderman Touchton to approve Consent Agenda Items A-P as listed on page 385 of this Minute Book Z. Quotes listed in Items F & G can be found on file in the office of the City Clerk. **MOTION CARRIED UNANIMOUSLY**

RESOLUTION ADOPTED AWARDING SALE OF \$1,600,000.00 IN GENERAL OBLIGATION BONDS OF THE CITY

The Mayor and Board of Aldermen of the City of Clinton opened sealed proposals for the purchase of General Obligation Bonds, Series 1998, as detailed on pages 387-393 of this Minute Book Z and **MOTION** was made by Alderman Brabham and **SECONDED** by Alderman Lott to adopt that Resolution found on pages 394-400 of this Minute Book Z awarding the sale to Duncan-Williams, Inc. **MOTION CARRIED UNANIMOUSLY**

DENIAL OF THE PRELIMINARY PLAT FOR WELLINGTON SUBDIVISION

MOTION made by Alderman Brabham and **SECONDED** by Alderman Fisher to adopt that Resolution found on pages 401-411 of this Minute Book Z to deny the request for approval of the preliminary plat for Wellington Subdivision. **MOTION CARRIED UNANIMOUSLY**

APPROVAL OF CHANGE ORDER NO. 2 FOR BATTERY DRIVE WATER WELL

Upon recommendation of City Engineer Richard Broome, **MOTION** made by Alderman Touchton and **SECONDED** by Alderman DePriest to approve Change Order No. 2 for the Battery Drive Water Well to increase the well capacity from 500 gallons per minute to 750 gallons per minute as shown on page 412 of this Minute Book Z. **MOTION CARRIED UNANIMOUSLY**

APPROVAL OF RIVERWOOD AD VALOREM TAX EXEMPTION REQUEST

MOTION made by Alderman Hisaw and **SECONDED** by Alderman Touchton to approve that Resolution and Application of Riverwood International Corp. for exemption from Ad Valorem taxes for property or equipment completed 12-31-97 with a true value of \$451,956.00 for 5 years ending 12-31-2002 found on pages 413-420 of this Minute Book Z. **MOTION CARRIED UNANIMOUSLY**

ORDINANCE ADOPTED FOR BUILDING AND INSPECTION CODES

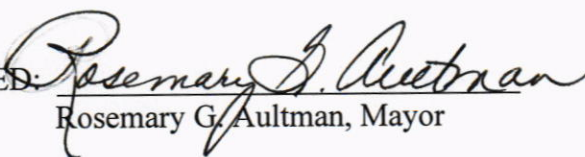
MOTION made by Alderman Fisher and **SECONDED** by Alderman Brantley to adopt that Ordinance found on pages 758-759 and 421-422 respectively of Ordinance Book II and Minute Book Z adopting various standard codes relating to inspection activities and enforcement of building provisions for the City of Clinton. **MOTION CARRIED UNANIMOUSLY**. Proofs of Publication can be found on pages 760 and 423 respectively.

ADJOURNMENT 8:00 P.M.

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

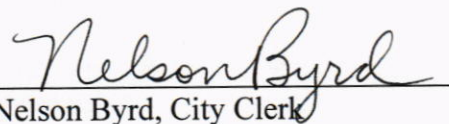
Copy of Agenda can be found on pages 385-386 of this Minute Book Z.

APPROVED:


Rosemary G. Aultman, Mayor

February 24, 1998
Date

ATTEST:


Nelson Byrd, City Clerk

February 24, 1998
Date

SEAL:

The Board of Aldermen of the City of Clinton, Mississippi, took up for consideration the matter of the sale and issuance of General Obligation Bonds, Series 1998, of the City of Clinton in the principal amount of One Million Six Hundred Thousand and No/100 Dollars (\$1,600,000.00) to raise money for the purpose of paying the costs of constructing, improving, enlarging, renovating, replacing and equipping the municipality's water and sewer system, including, but not limited to, wastewater system plants, wastewater collection systems, and related facilities within the Municipality, and performing all other work necessary to complete the project, and paying the cost of such borrowing, all under the authority of the Constitution and statutes of the State of Mississippi, including Sections 21-33-301, et. seq., Mississippi Code of 1972, and by the further authority of proceedings had by the Board of Aldermen of the City of Clinton, including a Bond Resolution adopted January 20, 1998.

It was reported that pursuant to the Bond Resolution, there was published in The Clarion-Ledger, a newspaper having a general circulation in the Municipality, and qualified under the provisions of Section 13-3-31, Mississippi Code of 1972, a notice that sealed proposals for the purchase of the aforesaid bonds would be received by the Board of Aldermen in its regular meeting place in the Municipal Courtroom, 305 Monroe Street, Clinton, Mississippi, until the hour of 7:00 p.m. (local time) on February 17, 1998, and said notice was published in said newspaper on February 6, 1998, and February 13, 1998, the first publication having been made at least ten (10) days preceding the date set for the receipt of bids.

The publisher's affidavit was then presented as proof of publication of said notice in the aforesaid newspaper, a copy of each of which was directed to be inserted in the minutes of the Board of Aldermen.

The hour of 7:00 p.m. on February 17, 1998, having arrived, it was reported that pursuant to the aforesaid Notice of Bond Sale, there had been filed at or prior to said hour on said date three (3) sealed proposals for the purchase of the aforesaid bonds, and said sealed proposals were then and there presented to the Board of Aldermen.

Thereupon the sealed proposals were opened and read aloud in the presence and hearing of all persons assembled. The aforesaid bids were as follows:

A cashier's check, certified check or bank exchange, issued or certified by a bank located in the State of Mississippi and payable to the order of the Board of Aldermen of the City of Clinton, Mississippi, in the amount of Thirty-Two Thousand and No/100 Dollars (\$32,000.00) accompanies this proposal as a guarantee that we will carry out this contract and accept delivery of the Bonds if this proposal is accepted, which shall be returned to the undersigned (1) if this bid be not accepted, or (2) if the City should fail to deliver the Bonds to the undersigned in accordance with the terms of this proposal, or applied as and for liquidated damages in the event that the undersigned fails to take up or pay for the Bonds.

This proposal is submitted subject to all the terms and conditions of the Notice of Bond Sale, dated January 20, 1998, which by reference is hereby made a part of this bid. We hereby acknowledge that we have received and reviewed a copy of the Preliminary Official Statement of the City dated January 20, 1998.

BIDDER: First Tennessee Bank, n.a.
By: Cliff E. B. Smith
Title: Agent

Associates (if any):

Deposit Guaranty National Bank

Return of good faith deposit is hereby acknowledged.

By: _____

Date: _____

ACCEPTANCE

The above proposal is accepted by resolution of the Board of Aldermen of the City and receipt of the within mentioned check is hereby acknowledged.

CITY OF CLINTON, MISSISSIPPI

(SEAL)

BY: _____
City Clerk

OFFICIAL BID FORM

February 17, 1998

Board of Aldermen
City of Clinton
Clinton, Mississippi

Ladies and Gentlemen:

We hereby offer to pay \$ 1,600,000.00 plus accrued interest to the date of delivery for the One Million, Six Hundred Thousand and No/100 Dollars (\$1,600,000.00) principal amount City of Clinton, Mississippi General Obligation Bonds, Series 1998, dated March 1, 1998 (the "Bonds"), of the City of Clinton, Mississippi (the "City") as described in the attached Notice of Bond Sale dated January 20, 1998, maturing and bearing interest as follows:

<u>YEAR</u>	<u>PRINCIPAL AMOUNT</u>	<u>INTEREST RATE</u>
1999	\$ 45,000	<u>5.70</u>
2000	50,000	<u>5.70</u>
2001	50,000	<u>5.70</u>
2002	55,000	<u>5.70</u>
2003	55,000	<u>5.70</u>
2004	65,000	<u>5.70</u>
2005	65,000	<u>5.00</u>
2006	65,000	<u>4.40</u>
2007	70,000	<u>4.40</u>
2008	75,000	<u>4.50</u>
2009	80,000	<u>4.50</u>
2010	85,000	<u>4.60</u>
2011	85,000	<u>4.60</u>
2012	90,000	<u>4.70</u>
2013	95,000	<u>4.75</u>
2014	105,000	<u>4.80</u>
2015	110,000	<u>4.80</u>
2016	115,000	<u>4.80</u>
2017	120,000	<u>4.80</u>
2018	120,000	<u>4.80</u>

Based upon the maturities and interest rate or rates specified above, we compute the gross interest cost to the City to be \$ 933,017.50, the net interest cost (deducting premium of \$ 0.00, if any) to be \$ 933,017.50 and the net interest rate from the date of the Bonds to their respective maturities to be 4.778579 percent.

If there is any discrepancy as between the actual interest cost computed upon the rate or rates of interest above specified and the interest cost or net interest rate hereinabove set forth, the interest rate or rates above specified and the actual interest cost or net interest rate computed upon said rate or rates shall prevail.

A cashier's check, certified check or bank exchange, issued or certified by a bank located in the State of Mississippi and payable to the order of the Board of Aldermen of the City of Clinton, Mississippi, in the amount of Thirty-Two Thousand and No/100 Dollars (\$32,000.00) accompanies this proposal as a guarantee that we will carry out this contract and accept delivery of the Bonds if this proposal is accepted, which shall be returned to the undersigned (1) if this bid be not accepted, or (2) if the City should fail to deliver the Bonds to the undersigned in accordance with the terms of this proposal, or applied as and for liquidated damages in the event that the undersigned fails to take up or pay for the Bonds.

This proposal is submitted subject to all the terms and conditions of the Notice of Bond Sale, dated January 20, 1998, which by reference is hereby made a part of this bid. We hereby acknowledge that we have received and reviewed a copy of the Preliminary Official Statement of the City dated January 20, 1998.

BIDDER: Duncan-Williams, Inc.
By: ~~Michael J. McGinnis~~ Michael T. McGinnis
Title: Vice President 800-827-0827

Associates (if any):

Return of good faith deposit is hereby acknowledged.

By: _____

Date: _____

ACCEPTANCE

The above proposal is accepted by resolution of the Board of Aldermen of the City and receipt of the within mentioned check is hereby acknowledged.

CITY OF CLINTON, MISSISSIPPI

(SEAL)

BY: _____
City Clerk

Following the reading of the bids, the Board of Aldermen proceeded to consider them in order to determine which was the highest and best bid submitted. Whereupon, Alderman Jehu W. Brabham offered and moved the adoption of the following resolution:

RESOLUTION DIRECTING THE SALE AND AWARD OF GENERAL OBLIGATION BONDS, SERIES 1998, OF THE CITY OF CLINTON, MISSISSIPPI, IN THE PRINCIPAL AMOUNT OF ONE MILLION SIX HUNDRED THOUSAND AND NO/100 DOLLARS (\$1,600,000.00) AND ADOPTING THE FORM OF THE OFFICIAL STATEMENT.

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

1. The Board on January 20, 1998, did adopt a resolution directing that General Obligation Bonds, Series 1998 (the "Bonds"), of the City in the principal amount of One Million Six Hundred Thousand and No/100 Dollars (\$1,600,000.00) be offered for sale on sealed bids to be received until the hour of 7:00 p.m. on February 17, 1998.

2. As directed by the aforesaid resolution and as required by Section 31-19-25, Mississippi Code of 1972, notice of the sale of the Bonds was duly published in The Clarion-Ledger, a newspaper of general circulation in the City and qualified under the provisions of Section 13-3-31, Mississippi Code of 1972, said notice having been published in said newspaper on February 6, 1998, and February 13, 1998, the first publication having been made at least ten (10) days preceding February 17, 1998, all as shown by the proof of publication of said notice filed in the office of the City Clerk.

3. The Board did meet in the Municipal Courtroom, 305 Monroe Street, Clinton, Mississippi at 7:00 p.m. on February 17, 1998.

4. At said time and place three (3) bids for the purchase of the Bonds were examined and considered by the Board, said bids having heretofore been presented by and being on file with the City Clerk.

5. The Board finds and determines that the highest and best bid made for the Bonds on the basis of the lowest net interest cost over the life of the issue was made by Duncan-Williams, Inc., and further finds that said bid was accompanied by a cashier's check, certified check or exchange, payable to the City in the amount of Thirty-Two Thousand and No/100 Dollars (\$32,000.00) and issued or certified by a bank located in the State of Mississippi, as a guarantee that said bidder would carry out its contract and purchase the Bonds if its bid be accepted.

6. A Preliminary Official Statement pertaining to the sale of the Bonds has been distributed to prospective purchasers of the Bonds, and a final Official Statement should be delivered to the purchaser of the Bonds.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD AS FOLLOWS:

SECTION 1. The Bonds are hereby awarded and sold to Duncan-Williams, Inc. in accordance with the offer submitted to the Board in words and figures as follows:

OFFICIAL BID FORM

February 17, 1998

Board of Aldermen
City of Clinton
Clinton, Mississippi

Ladies and Gentlemen:

We hereby offer to pay \$ 1,600,000.00 plus accrued interest to the date of delivery for the One Million, Six Hundred Thousand and No/100 Dollars (\$1,600,000.00) principal amount City of Clinton, Mississippi General Obligation Bonds, Series 1998, dated March 1, 1998 (the "Bonds"), of the City of Clinton, Mississippi (the "City") as described in the attached Notice of Bond Sale dated January 20, 1998, maturing and bearing interest as follows:

<u>YEAR</u>	<u>PRINCIPAL AMOUNT</u>	<u>INTEREST RATE</u>
1999	\$ 45,000	<u>5.70</u>
2000	50,000	<u>5.70</u>
2001	50,000	<u>5.70</u>
2002	55,000	<u>5.70</u>
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2004	65,000	<u>5.70</u>
2005	65,000	<u>5.00</u>
2006	65,000	<u>4.40</u>
2007	70,000	<u>4.40</u>
2008	75,000	<u>4.50</u>
2009	80,000	<u>4.50</u>
2010	85,000	<u>4.60</u>
2011	85,000	<u>4.60</u>
2012	90,000	<u>4.70</u>
2013	95,000	<u>4.75</u>
2014	105,000	<u>4.80</u>
2015	110,000	<u>4.80</u>
2016	115,000	<u>4.80</u>
2017	120,000	<u>4.80</u>
2018	120,000	<u>4.80</u>

Based upon the maturities and interest rate or rates specified above, we compute the gross interest cost to the City to be \$ 933,017.50, the net interest cost (deducting premium of \$ 0.00, if any) to be \$ 933,017.50 and the net interest rate from the date of the Bonds to their respective maturities to be 4.778579 percent.

If there is any discrepancy as between the actual interest cost computed upon the rate or rates of interest above specified and the interest cost or net interest rate hereinabove set forth, the interest rate or rates above specified and the actual interest cost or net interest rate computed upon said rate or rates shall prevail.

A cashier's check, certified check or bank exchange, issued or certified by a bank located in the State of Mississippi and payable to the order of the Board of Aldermen of the City of Clinton, Mississippi, in the amount of Thirty-Two Thousand and No/100 Dollars (\$32,000.00) accompanies this proposal as a guarantee that we will carry out this contract and accept delivery of the Bonds if this proposal is accepted, which shall be returned to the undersigned (1) if this bid be not accepted, or (2) if the City should fail to deliver the Bonds to the undersigned in accordance with the terms of this proposal, or applied as and for liquidated damages in the event that the undersigned fails to take up or pay for the Bonds.

This proposal is submitted subject to all the terms and conditions of the Notice of Bond Sale, dated January 20, 1998, which by reference is hereby made a part of this bid. We hereby acknowledge that we have received and reviewed a copy of the Preliminary Official Statement of the City dated January 20, 1998.

BIDDER: Duncan-Williams, Inc.
By: Michael T. McGinnis
Title: Vice President 800-827-0827

Associates (if any):

Return of good faith deposit is hereby acknowledged.

By: Rosemary D. Aultman
Date: 2/18/98

ACCEPTANCE

The above proposal is accepted by resolution of the Board of Aldermen of the City and receipt of the within mentioned check is hereby acknowledged.

CITY OF CLINTON, MISSISSIPPI

(SEAL)

BY: Nelson Byrd
City Clerk

SECTION 2. The Mayor and the City Clerk are hereby authorized and directed to endorse upon a copy or duplicate of the aforesaid offer a suitable notation as evidence of the acceptance thereof, for and on behalf of the City.

SECTION 3. The good faith checks filed by all unsuccessful bidders shall forthwith be returned to them upon their respective receipts therefor and the good faith check filed by the successful bidder shall be retained by the City as a guarantee that said bidder will carry out its contract and purchase the Bonds. If said successful bidder fails to purchase the Bonds pursuant to its bid and contract, the amount of such good faith check shall be retained by the City as liquidated damages for such failure.

SECTION 4. The Bonds shall be in registered form; shall be dated March 1, 1998, shall be of the denomination of \$5,000 each, or integral multiples thereof up to the amount of a single maturity; shall be numbered from one (1) upward in the order of issuance; shall be payable, both as to principal and interest, in lawful money of the United States of America at a bank or trust company located within the State of Mississippi to be designated by the Board at a later date, said bank to act as paying agent, registrar and transfer agent for the Bonds; shall bear interest from the date thereof at the rates hereinafter set forth, payable on March 1, 1999, and semiannually thereafter on March 1 and September 1 of each year; and shall mature and become due and payable serially on March 1 in the years and principal amounts as follows:

MATURITY SCHEDULE

<u>YEAR OF MATURITY</u>	<u>PRINCIPAL AMOUNT</u>	<u>INTEREST RATE</u>	<u>YEAR OF MATURITY</u>	<u>PRINCIPAL AMOUNT</u>	<u>INTEREST RATE</u>
1999	\$ 45,000	5.70%	2009	\$ 80,000	4.50%
2000	50,000	5.70	2010	85,000	4.60
2001	50,000	5.70	2011	85,000	4.60
2002	55,000	5.70	2012	90,000	4.70
2003	55,000	5.70	2013	95,000	4.75
2004	65,000	5.70	2014	105,000	4.80
2005	65,000	5.00	2015	110,000	4.80
2006	65,000	4.40	2016	115,000	4.80
2007	70,000	4.40	2017	120,000	4.80
2008	75,000	4.50	2018	120,000	4.80

The City has determined that the gross interest cost over the life of the Bonds will be \$933,017.50, the net interest cost (deducting premium of \$0.00, if any, to be \$933,017.50, and the net interest rate from the date of the Bonds to their respective maturities to be 4.778579%.

SECTION 5. The Preliminary Official Statement, dated January 20, 1998, is hereby approved and its distribution to prospective purchasers of the Bonds is hereby approved. The final Official Statement dated February 17, 1998, is hereby approved and the Board hereby adopts the

Official Statement for the sale of the Bonds and directs the City Clerk to file the same in his office as though spread at length upon the minutes of the Board. The Board hereby approves the signing by the Mayor of such Official Statement for and on behalf of the Board and the delivery of the Official Statement to the purchaser of the Bonds is hereby approved.

SECTION 6. The Mayor, City Clerk or their designee are hereby authorized to execute all closing documents and to take any other action necessary or desirable to effectuate the closing on the Bonds.

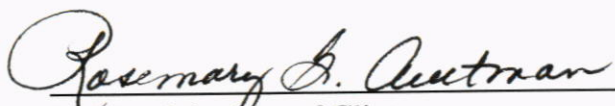
SECTION 7. All orders, resolutions or proceedings of this Board in conflict with the provisions of this resolution shall be, and the same are hereby repealed, rescinded and set aside, but only to the extent of such conflict.

SECTION 8. For cause, this resolution shall become effective immediately upon the adoption thereof.

Alderman Sharbert K. Lott seconded the motion to adopt the foregoing resolution and, the question being put to a roll call vote, the result was as follows:

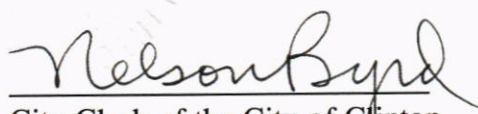
Alderman Tony Hisaw	Voted: Aye
Alderman Rodney W. DePriest	Voted: Aye
Alderman Clint Brantley	Voted: Aye
Alderman Phil Fisher	Voted: Aye
Alderman Herb Touchton	Voted: Aye
Alderman Sharbert K. Lott	Voted: Aye
Alderman Jehu W. Brabham	Voted: Aye

The motion having received the affirmative vote of a majority of the members present, the Mayor of the City of Clinton, Mississippi, declared the motion carried and the resolution adopted on this the 17th day of February, 1998.



Mayor of the City of Clinton

ATTEST:



City Clerk of the City of Clinton

PROOF OF PUBLICATION
THE STATE OF MISSISSIPPI
HINDS COUNTY

NOTICE OF BOND SALE
\$1,600,000
CITY OF CLINTON, MISSISSIPPI
GENERAL OBLIGATION BONDS
SERIES 1998

NOTICE IS HEREBY GIVEN that the Board of Aldermen (the "Board") of the City of Clinton, Mississippi (the "City") acting for and on behalf of the City, will receive sealed bids in its regular meeting place in the Municipal Courtroom, 305 Monroe Street, Clinton, Mississippi, until the hour of 7:00 p.m. (local time) on February 17, 1998, at which time said bids will be publicly opened and read for the purchase in its entirety, at not less than par and accrued interest to the date of delivery thereof, of an issue of One Million Six Hundred Thousand and No/100 Dollars (\$1,600,000) General Obligation Bonds, Series 1998, of the City (the "Bonds").

THE BONDS: The Bonds will be dated and bear interest from March 1, 1998, will be delivered in definitive form as registered bonds; will be in the denomination of \$5,000.00 each, or integral multiples thereof up to the amount of a single issuance; will be payable as to principal at a bank or trust company to be named by the Board in the manner hereinafter provided; and will bear interest, payable on March 1, 1999, and semiannually thereafter on March and September 1 of each year, at the rate or rates offered by the successful bidder in its bid in accordance with this Notice of Bond Sale.

The Bonds have been designated as qualified tax exempt obligations of the City for purposes of Section 265 (b)(3) of the Internal Revenue Code of 1986, as amended.

MATURITIES: The Bonds will mature serially, with option of prior payment as set forth below, on March 1 in each of the years and amounts as follows:

MATURITY SCHEDULE

YEAR OF MATURITY	PRINCIPAL AMOUNT
1999	\$45,000
2000	50,000
2001	50,000
2002	55,000
2003	55,000
2004	65,000
2005	65,000
2006	65,000
2007	70,000
2008	75,000
2009	80,000
2010	85,000
2011	85,000
2012	90,000
2013	95,000
2014	105,000
2015	110,000
2016	115,000
2017	120,000
2018	120,000

The Bonds maturing on March 1, 2008, and thereafter, shall be subject to redemption prior to their maturity at the option of the City on and after March 1, 2007, upon not less than thirty (30) days' notice, in whole at any time, or in part on any interest payment date, in inverse order of maturity, at the par value of the Bonds to be redeemed together with accrued interest to the date fixed for redemption.

If less than all of the Bonds of like maturity are to be redeemed, the particular bonds to be redeemed shall be selected by the Paying Agent at random in such manner as the Paying Agent, in its discretion, may deem fair and appropriate.

In the event that any Bond is to be called for redemption as aforesaid, notice of such redemption, setting forth the place or places of payment, shall be given by mailing a copy of the redemption notice by first class mail not less than 30 days nor more than 60 days prior to the date fixed for redemption to the Registered Owner of each Bond to be redeemed at the address shown on the registration books.

On the specified redemption date, all Bonds so called for redemption shall cease to bear interest and shall no longer be secured by the pledge and covenants of the Bond Resolution, provided monies for their redemption are on deposit at the place of payment at that time.

AUTHORITY AND SECURITY: The Bonds will be issued pursuant to the provisions of Sections 21-33-301 et seq. of the Mississippi Code of 1972 (the "Act"), and shall be general obligations of the City payable as to principal and interest out of and secured by an irrevocable pledge of the avails of a direct, unlimited and continuing tax to be levied annually, without limitation as to time, rate or amount upon the taxable property within the geographical limits of the City, plus revenues the City will receive from its Water and Sewer System and pledged to the repayment of the Bonds. The Board of Aldermen of Clinton will levy annually the special tax upon all taxable property within the geographical limits of the City in an amount adequate and sufficient to provide for the payment of the principal of and the interest on the Bonds as the same fall due.

PURPOSE: The Bonds are being issued to provide funds for the purpose of paying the costs of constructing, improving, enlarging, renovating and equipping the City's Water and Sewer System and performing all other work necessary to complete the Project, as further described in a resolution adopted by the Board on January 20, 1998.

FORM OF BIDS: Bids should be addressed to the Board of Aldermen of the City of Clinton and delivered to the Board of Aldermen at its aforementioned regular meeting place, should be plainly marked "Bid for General Obligation Bonds, Series 1998, of the City of Clinton", and should be filed with the Clerk of the Board of Aldermen of the City on or prior to the date and hour hereinabove named. All bids should be submitted substantially in the form prepared by the City, copies of which may be obtained from the Clerk of the Board of Aldermen of the City at the address shown below.

INTEREST RATE AND BID RESTRICTIONS: The Bonds shall not bear a greater overall maximum interest rate to maturity than eleven percent (11%) per annum, nor shall the interest rate for any one maturity exceed eleven percent (11%) per annum. No Bond shall bear more than one (1) rate of interest; each Bond shall bear interest from its date to its stated maturity date at the interest rate specified in the bid; all Bonds of the same maturity shall bear the same rate of interest from date to maturity; and the lowest interest rate specified shall not be less than seventy percent (70%) of the highest interest rate specified. Each interest rate specified in any bid must be a multiple of one-eighth of one percent (1/8 of 1%) or one-tenth of one percent (1/10 of 1%) and a zero rate of interest cannot be named.

GOOD FAITH DEPOSIT: Each bid must be accompanied by a cashier's check, certified check, or exchange, issued or certified by a bank located in the State of Mississippi, payable to the Board of Aldermen of the City of Clinton in the amount of Thirty-Two Thousand and No/100 Dollars (\$32,000.00) as a guaranty that the bidder will carry out its contract and purchase the Bonds if its bid be accepted. All checks of unsuccessful bidders will be returned immediately on award of the Bonds. The amount of the good faith check submitted by the successful bidder shall be deposited by the City and applied against the purchase price of the Bonds. If the successful bidder fails to purchase the Bonds pursuant to its bid and contract, then the amount of such good faith check shall be retained by the City as liquidated damages for such failure. No interest will be allowed to the successful bidder on the amount of the good faith deposit.

AWARD OF BONDS: The award, if any, will be made to the bidder complying with the terms of sale and offering to purchase the Bonds at the lowest net interest cost to the City, which shall be determined by computing the aggregate interest on the Bonds over the life of the issue at the rate or rates of interest specified by the bidder, less premium offered, if any. It is requested that each bid be accompanied by a statement of the net interest cost (computed to six decimal places), but such statement will not be considered a part of the bid. All bids shall remain firm for four (4) hours after the time specified for the opening of bids, and an award of the Bonds, or rejection of bids, will be made by the Board

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:

Date February 6, 19 98

Date February 13, 19 98

Date _____, 19 _____

Date _____, 19 _____

Date _____, 19 _____

Number of Lines/Words 531/2,430

Published 2 Times

Total \$ 317.90

Signed Shirley Mize
Authorized Clerk
of The Clarion-Ledger

day of February, 19 98

Morie Malls
Notary Public

(SEAL)

8.

**RESOLUTION DENYING THE REQUEST FOR APPROVAL OF THE PRELIMINARY
SUBDIVISION PLAT FOR WELLINGTON SUBDIVISION**

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, one of the duties of the Mayor and Board of Aldermen of the City of Clinton, Mississippi, relating to their authority involving the Zoning Ordinances, as specified in Section 2403, subsection (e), is " accepting, rejecting, or conditionally approving site plans, preliminary subdivision plats and final subdivision plats.", and

WHEREAS, the recommendation of the Planning and Zoning Commission is advisory in nature.

WHEREAS, there may be ... pre-application discussions involving city officials, sketch plans and/or artist renderings displayed, filing of rezoning request, and even informational discussions before the Planning and Zoning Commission and/or Mayor and Board of Aldermen relative to the applicants request. However, the defining characteristic of initiating a project comes when said request is placed before the Planning and Zoning Commission for official action (advisory recommendation to the Mayor and Board of Aldermen), and the Mayor and Board of Aldermen then exercise their authority under Section 2403, subsection (e) of the Zoning Ordinances, in " accepting, rejecting, or conditionally approving site plans, preliminary subdivision plats and final subdivision plats."

WHEREAS, the first presentation of the request to the Mayor and Board of Aldermen was made at the October 7, 1997, meeting of the Mayor and Board of Aldermen at which time, upon appropriate motion, the Mayor appointed a committee to review this issue and on October 21, 1997, the Task Force Report was tabled at the request of the developer. A copy of the report is attached hereto as Exhibit " A '.

WHEREAS, the preliminary site plan presented involves property that is zoned I-1 pursuant to the current Zoning Ordinance and Zoning Map adopted by the Mayor and Board of Alderman on March 4, 1997, and that became effective April 4, 1997.

WHEREAS, Article XVIII, Limited Industrial District (I-I), Section 1800 of the Official Zoning Ordinance of the City of Clinton, Mississippi does specifically state that , " the intent of this Ordinance that encroachment by all residential uses be prohibited."

WHEREAS, neither the developer nor owner of the subject property has presented any evidence that any work had begun on this project prior to the April 4, 1997, effective date of the present Zoning Ordinance and Zoning Map. No building permits have been issued and no construction started within six (6) months of the effective date of the Ordinance. (see Section 400.07 of the Zoning Ordinance, copy attached as Exhibit " B ".

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 for approval of the preliminary subdivision plat for the project designated as Wellington Subdivision is hereby denied and such action is pursuant to the finding of fact as 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 Zoning Administrator, Building Inspector, City Attorney, Director of Public Works, City Engineer, and other city officials may review and advise, in a courteous and professional manner, any applicant relative to their proposed plans. However, these individuals do not have the authority to approve, nor agree on behalf of the City of Clinton, Mississippi, to any preliminary subdivision plat. They may advise the applicant as to the official course of action, but final authority for all zoning matters rests within the responsibilities of the Mayor and Board of Aldermen.
4. The application process becomes an official active process, and takes on the defining characteristic of a project, upon the timely presentation to the Planning and Zoning Commission of the Preliminary Subdivision Plat, the subsequent advisory recommendation of the Planning and Zoning Commission to the Mayor and Board of Aldermen, and the official action of the Mayor and Board of Aldermen.
5. The applicant has failed to follow a timely schedule regarding said project for the filing, review and advisory recommendation by the Planning and Zoning Board, and the final authority action by the Mayor and Board of Aldermen of the City of Clinton, Mississippi.
6. The preliminary site plan submitted involves property that is zoned I-1 pursuant to the current Zoning Ordinance and Zoning Map adopted by the Mayor and Board of Aldermen on March 4, 1997 and that became effective April 4, 1997.
7. The use proposed by the preliminary site plan is not permitted in the I-1 district pursuant to Article XVIII, Limited Industrial District (I-1), Section 1800 of the Official Zoning Ordinance of the City of Clinton, Mississippi.
8. Prior to the implementation of the new comprehensive Zoning Ordinance and Zoning Map on April 4, 1997, several events relative to the applicants request took place, ie: request for rezoning said property from R-2 to PUD on February 21, 1997, (a request which the applicant has failed to present for action to the Planning and Zoning Commission and / or the Mayor and Board of Aldermen.), appearance by applicant before Planning and Zoning Commission for an informational meeting on March 25, 1997, and other informal discussions. None of these events placed any official request (preliminary subdivision plat , etc.) before the Mayor and Board of Aldermen for the official action necessary to initiate a project.
9. After the implementation of the new comprehensive Zoning Ordinance and Zoning Map on April 4, 1997, and the designation of said property changed to " I-1 " zoning classification, several events relative to the applicants request took place, ie: informal discussions with city officials, discussions with Natchez Trace officials regarding right of

way access, consideration of approval of Preliminary Plat Review for applicants' R-2 subdivision request on May 27, 1997 by Planning and Zoning Commission, at which time the matter was passed over with no action.

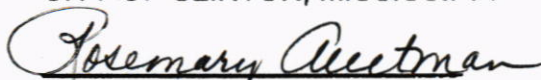
10. On September 24, 1997, a letter was addressed to Richard Broome, Engineer for City of Clinton, Mississippi. Said letter from applicants' engineering firm stated, " On behalf of Wellington Development Company, Inc. and as per our discussions earlier this week, please use this correspondence as our official request to the City to review the previously submitted Preliminary Plat for the referenced development." This official request for official action came five months and 20 days after the said zoning classification of the said property changed from R-2 to I-1.
11. The first official request for action by the Mayor and Board of Aldermen was made at the October 7, 1997, meeting of the Mayor and Board of Aldermen, at which time, upon appropriate motion, the Mayor appointed a committee to review this issue and on October 21, 1997, the Task Force Report was tabled at the request of the developer.
12. Neither the developer nor the owner of the subject property has presented any evidence that any work had begun on this project prior to the April 4, 1997, effective date of the present Zoning Ordinance and Zoning Map. This fact is supported by no building permits having been issued and no construction started within six (6) months of the effective date of the Ordinance. This is pursuant to Section 400.07 of the Zoning Ordinance.

The forgoing Resolution, having been reduced to writing, and no request being made by the Mayor or any member of the Board of Aldermen that the resolution be read by the City Clerk before any vote is taken, Alderman BRABHAM moved that said resolution be adopted. Alderman FISHER seconded.
The vote was as follows:

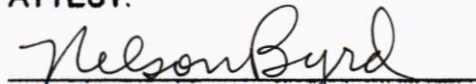
Alderman Brabham voted:	<u>AYE</u>
Alderman Hisaw voted:	<u>AYE</u>
Alderman DePriest voted:	<u>AYE</u>
Alderman Brantley voted:	<u>AYE</u>
Alderman Fisher voted:	<u>AYE</u>
Alderman Touchton voted:	<u>AYE</u>
Alderman Lott voted:	<u>AYE</u>

Approved on the 17TH day of FEBRUARY, 1998.

CITY OF CLINTON, MISSISSIPPI


ROSEMARY AULTMAN, Mayor

ATTEST:


NELSON BYRD, City Clerk

(SEAL)

Alderman at Large**City of Clinton****Clinton, MS 39056****601-924-9912 Phone 601-925-0876 Fax**

Memo

To: Mayor Rosemary Aultman**Board of Aldermen****From: Jehu Brabham****CC:****Date:** 10/16/97**Re: Fact finding on Zoning Matter**

As per the request of the Mayor, and Board of Aldermen, I, along with other members of the fact finding committee, the Mayor, City Attorney, City Engineer, Department of Public Works and Inspection staff, Bruce Hartsfield, and others met on Monday, October 13, 1997 to discuss the matter of the said development.

I listened very attentively and objectively to the facts, as they were presented. I have also spent several hours since the meeting reviewing all the documentation and correspondence associated with this fact finding. During my review, I felt it very critical to carefully consider the timing of the sequence of events ... when the initial request for rezoning was made, the date of request, the action of the Planning and Zoning Commission, etc.

Additionally, there were other essential components that had to be reviewed closely and carefully. These are the Official Zoning Ordinance, Land Use Plan, and the official zoning map for the City of Clinton. The information in these documents is designed to provide a consistent course of action for our city in the area of zoning and land use. Thus, the wording in these documents need to be clearly understood.

Based upon facts gathered from all the different sources, I would like to share with you several premises upon which I have built my decision.

EXHIBIT "A"

I. The timing and sequence of events:

- 1) On February 21, 1997, in compliance with Section 2406 of the Zoning Ordinance Book , a letter of intent was sent to the Planning and Zoning Commission requesting that a 146.65 tract of land west of the Natchez Trace be rezoned from its present R-2 zoning to a PUD zone. **This was the first step in the development of the 146.65 acres for residential development.** Additionally, the preliminary sketch for this PUD development was shared with the Mayor ad Board. (The R-2 zoning was a hold over zoning from the County when this area was incorporated into the City of Clinton.)
- 2) On February 25, 1998, the paper work for the rezoning request was filed with the Building Inspector
- 3) An ad acknowledging this rezoning request was printed in the newspaper on March 7, 1997.
- 4) At the March 25, 1997 regular meeting of the Planning and Zoning Commission agenda item # B was " consideration of an item concerning the determination of whether or not a zoning request (from R-2 to P.U.D.) for the said 146.65 block of property should be granted.

The builder presented drawings of the proposed development. Minutes of the meeting reflect that the basic purpose of this presentation was for information gathering. (streets, drainage, curbs, **and the zoning of the property due to recent adoption of the new zoning ordinance.**)

The request was tabled until City Officials and developer could resolve issues in question.

- 5) On April 4, 1997, the new City of Clinton Zoning map took effect. (The said property in question was zoned R-2 under the old zoning map. Under the new zoning map the property was zoned Industrial.
- 6) On April 22, 1997 the Planning and Zoning Commission held their regular monthly meeting. Their minutes reflected an agenda item # 2, which was the same agenda item as was listed on the previous month's agenda, March 25, 1997. **The request was consideration of rezoning 146.65 acres from R-2 to P.U.D. No action was taken as the item was passed over.**

- 7) On May 27, 1997, the Planning and Zoning Commission held their regular monthly meeting. The minutes reflect that item # 1 was consideration of the preliminary plat for 42.1 acres known as Wellington Subdivision. The request further stated the zoning request was for R-2 to P.U.D. No action was taken and the item passed over.
- 8) June, July, August ... no official action recorded.
- 9) On September 30, 1997, the preliminary plat for 42.16 acres known as Wellington Subdivision was presented to the Planning and Zoning Commission. The action was approval 4-0.

Based on the information, and the sequence of events listed above, I would like to go back and re-emphasize several essential dates, and several key points.

- a) On February 21, 1997 a letter of intent from the developer/builder was filed with the City for the intended purpose of requesting an amendment to the official zoning map. This was following the procedure as set out in section 2406.01 of the zoning book. The official request was filed on February 25, 1998. The required advertisement was printed in the newspaper on March 7, 1997.

All project documentation on this request was for rezoning 146.65 acres from R-2 to P.U.D.

- b) The request for rezoning the 146.65 acres from R-2 to P.U.D. was presented to the Planning and Zoning Commission at their March 25, 1997 meeting. After lengthy discussion, the request was tabled. Part of the discussion focused on whether a project initiated under one zoning designation, could continue under that designation even if the designation changed on the official city-zoning map.

I believe without a doubt that the initial project planned, and requiring the rezoning of the 146.65 acres was a P.U.D.

Evidently, discussions and other work continued during the ensuing days on this request of rezoning 146.65 acres from R-2 to P.U.D.

- c) While work continued on the rezoning from R-2 to P.U.D., a very important event took place. The new zoning map was approved and took effect on April 4, 1997. The R-2 land under consideration for rezoning to the P.U.D., now became zoned industrial. It is apparent that during the development of the new zoning

map, the R-2 designation of this land was closely reviewed. The R-2 zoning was a Hinds County zoning designation, which was grandfathered into the City of Clinton's zoning map, after annexation of this area.

I am confident that the new designation of this area as industrial took into consideration the present need and best use of the land for the City of Clinton. The landscape of the city has changed since the county R-2 designation was implemented many years ago.

- d) It is now the April 22, 1997 meeting of the Planning and Zoning Commission. The Commission continues to have a pending request to rezone the aforementioned parcel of land (146.65) from R-2 to P.U.D. No action was taken and the matter is passed over. I am confident that the developer believed that even though the land in question was now zoned I-1, he had initiated the rezoning process on February 21, prior to the change, and thus should have the freedom to continue processing the plan for rezoning the 146 acres from R-2 to PUD.

I believe this to be a logical thought pattern, and would personally support the position that since the request for rezoning the 146.65 acres from R-2 to P.U.D. was initiated on February 21, 1997, prior to the new zoning map going into effect, the initial zoning request would still be active pending some action by the Planning and Zoning Commission and Board of Alderman. This means the developer going through the rezoning procedure and the Board determining if the rezoning request meets the established rezoning criteria. (There is a public need and the character of the neighborhood has changed.)

However, no action on the original request for rezoning ever came forth from the Planning and Zoning Commission for Board action. Rather, the request changed **significantly at the May 27, 1997 Planning and Zoning Commission meeting.**

- e) **At the May 27, 1997 Planning and Zoning meeting, the request presented was for only 42.1 acres and no rezoning needed. The project was now an R-2 subdivision, and not a P.U.D.,** It was at this point that project #1, rezoning 146 acres from R-2 to a PUD was forfeited. The 42.1-acre concept was a new project.
- f) Although the Planning and Zoning Commission subsequently did vote 4-0 to approve the preliminary plat on September 30, 1997, **it is my opinion that the**

project they voted to approve was not the project initially presented in February, and the rezoning the 146 acres of R-2 to PUD was the only project which could be considered as an extension of the old zoning map. The preliminary plat could only be approved after getting the 42 acres rezoned from I-1 to R-2. I consider the action of the Planning and Zoning Commission null and void because it was based upon an erroneous set of facts.

Based on all the above I conclude the following:

- 1) That based on facts associated with the change of plans as presented by the developer at the May 27, 1997 meeting, i.e.: going from 146.65 acres to 42.1 acres, and eliminating the need for rezoning from R-2 to P.U.D., that the City of Clinton has no obligation to consider this request as a continuation of the initial project request.
- 2) It is my opinion that once the project changed at the May 27, 1997 meeting, the new zoning map designation of the said area as Industrial zoning took precedent. I believe that the old R-2 county zoning ran with the land and the initial February request. Once the request of the developer changed, the zoning designation of the land immediately reverted to our new zoning map.
- 3) It is my opinion that the use of this area of land for R-2, or any residential use, demands a very careful long-term review. A review that was not projected by the earlier county zoning, but rightfully considered under the new Industrial zoning. The very purpose of the R-2 zone as specified in the Zoning Ordinance book says ... **" It is the intent of this ordinance that these districts (R-2) be located primarily in established moderate density residential area as a means to ensure their continuance."** To allow a 42-acre R-2 development, bounded by industrial and commercial zoned land, would never allow, nor ensure, any continuance of the R-2 developments. This would be in itself a violation of the spirit and intent of the R-2 Zoning ordinance.

Additionally, section 1800 of the Zoning Ordinance deals with the purpose of the I-2 zoning district. **The purpose states " such limited industrial and related uses shall be located only in areas directly accessible to major thoroughfares or railroads. It is further the intent of this ordinance that encroachment by all residential uses be prohibited."** It would be my position that to allow any R-2

development in this area would again be a violation of the intent, as well as the spirit of the zoning ordinance.

- 4) Based on the above two principles, I believe it essential that any use of this block of land, other than its I-1 designation, be closely reviewing under the existing rezoning procedure. Although under the initial request, the property was zoned R-2, once the request was altered the property took on the Industrial zone designation. However, even if the developer had stayed with his initial request, rezoning from R-2 to P.U.D., his request would have been subject to the established zoning procedure. He would have had to show public need and change in the neighborhood. This rezoning procedure would have provided the Board with the opportunity to apply the criteria for rezoning to this request. Possibly, upon considering the request from R-2 to P.U.D., and weighing the facts, we could have found no change in the neighborhood sufficient to justify reclassification, and found insufficient public need for the rezoning. **Since much has changed in the Industrial Park area since the county zoned this area R-2, and the future need for warehouse and other industrial /commercial park areas is vital to the long term health of our city, I believe it would be a circumvention of the spirit of the zoning intent to simply allow the use of the land to go R-2, without applying the criteria for rezoning.**
- 5) Since I believe very firmly that the property is now zoned Industrial, and the present preliminary plat request is invalid, I would like to share a few other practical matters, which must be considered.
 - a) If the property was allowed to move forward as a 42.1 acre R-2 development, how is this going to influence the surrounding Industrial zoned area? Will future rezoning requests be made for rezoning the other 104 adjoining acres, initially included in the P.U.D. project, from Industrial to R-2? How could ~~any~~ additional land be rezoned when we know the purpose of the R-2 and I-1 districts? How is the waste water and ground water drainage going to be handled, short term and long term? If a developer decided to put a warehouse adjacent to the R-2 subdivision, how would the residents feel? How would a 42.1-acre R-2 residential development look like in the middle of a huge industrial and commercial are? What about the long term I-1 needs in our city.

I personally believe that the area west of the Natchez Trace is best suited for Industrial and Commercial development. I, further, feel the new zoning map corrected a significant oversight of the previous county zoning.

It is my recommendation that based on the above finding of fact that the land in question is clearly zoned I-1, and the Board not approve the recommendation of the Preliminary Plat from the Planning and Zoning Commission. I, further, recommend that if the developer desires to move forward with the project, he file for rezoning the acreage of his project from Industrial to R-2. This will require him to go through the rezoning procedure as outlined in the City of Clinton Zoning Ordinance book. The burden of proof to justify a change in neighborhood, as well as public need, would be upon the developer. Additionally, I believe the purpose of I-1 would be a compelling reason for not approving any rezoning of this area to any residential use.

400.07 Pending Applications for Building Permits: Nothing in this Ordinance shall require any change in the overall layout, plans, construction, size or designated use of any development, building, structure or part thereof for which official approvals and required building permits have been legally granted before the enactment of this Ordinance. Construction shall have been started within six (6) months of the effective date of this Ordinance and completed within a subsequent two year period and not discontinued until completion except for reasons beyond the builder's control. All permits for which construction has not begun within six (6) months of the effective date of this Ordinance are hereby revoked and void.

EXHIBIT "B"

FINAL CHANGE ORDER: CITY OF CLINTON BATTERY DRIVE WATER WELL
 FEBRUARY 2, 1998
 WGK#96-330

ITEM NO.	DESCRIPTION	PLAN QTY.	UNITS	UNIT PRICE	ORIGINAL CONTRACT	CHANGE IN QTY.	CHANGE IN TOTAL	FINAL CONTRACT
BASE BID								
1	Test Hole (1,025 feet)	1	L.S.	25,000.00	\$25,000.00	0	\$0.00	\$25,000.00
2	Add or Deduct Test Hole Greater or Less Than 1,025 Feet	EA.	L.F.	20.00	\$0.00	0	\$0.00	\$0.00
3	Complete 12X8 Gravel Wall Well (1,020 feet in depth)	1	L.S.	121,953.00	\$121,953.00	0	\$0.00	\$121,953.00
4	Add or Deduct Permanent Well Greater or Less Than 1,020 Feet	EA.	L.F.	50.00	\$0.00	-20	(\$1,000.00)	(\$1,000.00)
5	Add or Deduct Well Screen Greater or Less Than 80 Feet	EA.	L.F.	25.00	\$0.00	20	\$500.00	\$500.00
6	500 GPM @80 psi Vertical Turbine Well Pump with Motor & Appurtenances	1	L.S.	30,000.00	\$30,000.00	0	\$0.00	\$30,000.00
7	Add or Deduct Column Assembly Greater or Less Than 320 Feet	EA.	L.F.	100.00	\$0.00	0	\$0.00	\$0.00
8	8" D.I.P. Discharge Piping, and Accessories, w/ Connection to 8" Main	1	L.S.	10,000.00	\$10,000.00	0	\$0.00	\$10,000.00
9	Electrical & Well Controls (Complete)	1	L.S.	10,000.00	\$10,000.00	0	\$0.00	\$10,000.00
10	Chlorination/Fluoridation Facilities Including Slab, Housing and Booster Pump	1	L.S.	10,000.00	\$10,000.00	0	\$0.00	\$10,000.00
11	Site Work, Fencing, Clay Gravel, & Erosion Control	1	L.S.	10,000.00	\$10,000.00	0	\$0.00	\$10,000.00
TOTAL BASE BID					\$216,953.00		(\$500.00)	\$216,453.00
ALTERNATES								
12	Complete Test Well and Collect Water Sample (1,020 feet in depth)	1	L.S.	20,000.00	\$20,000.00	NOT AWARDED		\$0.00
13	Add or Deduct Test Well Greater or Less Than 1,020 Feet	EA.	L.S.	20.00	\$0.00	NOT AWARDED		\$0.00
14	Add to Item #3 for 18X10 Gravel Wall Well	1	L.S.	24,000.00	\$24,000.00	1	\$24,000.00	\$24,000.00
15	Add to Item #4 for 18X10 Well	EA.	L.F.	50.00	\$0.00	-20	(\$1,000.00)	(\$1,000.00)
16	Add to Item #5 for 10" Screen	EA.	L.F.	25.00	\$0.00	20	\$500.00	\$500.00
17	Add to Item #6 for 750 GPM @80 PSI	1	L.S.	25,000.00	\$0.00	1	\$25,000.00	\$25,000.00
18	Tank Controls	1	L.S.	15,000.00	\$0.00	1	\$15,000.00	\$15,000.00
19	Layne Combo Couplings	1	LS.	4,000.00	\$0.00	1	\$4,000.00	\$4,000.00
TOTAL ADD ALTERNATES							\$67,500.00	\$67,500.00
FINAL CONTRACT PRICE								\$283,953.00

Recommended By:

Greg Gearhart, P.E.

Williford, Gearhart & Knight, Inc.

2/9/98

Date

Approved By:

Rosemary Aultman

Mayor

Date

Accepted By:

Ralph Hayes, PE (Wayne Central)

2-9-98

Date

**RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN,
CITY OF CLINTON, MISSISSIPPI, AUTHORIZING APPLICATION
OF RIVERWOOD INTERNATIONAL CORPORATION
FOR EXEMPTION FROM AD VALOREM TAXES AS
AUTHORIZED BY SECTION 27-31-101 ET. SEQ. OF THE
MISSISSIPPI CODE OF 1972 FOR ADDITIONS COMPLETED
DECEMBER 31, 1997**

The Board next took up for consideration the matter of granting tax exemption from ad valorem taxes for Riverwood International Corporation, (herein "Riverwood"), and the following resolution, having first been reduced to writing, was introduced:

RESOLUTION OF THE MAYOR AND BOARD OF
ALDERMEN, CITY OF CLINTON, MISSISSIPPI, GRANTING
TAX EXEMPTION FROM AD VALORM TAXES
FOR TWO FIVE-YEAR TERMS TO RIVERWOOD
INTERNATIONAL CORPORATION, AS AUTHORIZED
BY SECTION 27-31-101 ET SEQ., OF THE
MISSISSIPPI CODE, AS AMENDED, FOR ADDITIONS
COMPLETED DECEMBER 31, 1997.

WHEREAS, Riverwood International Corporation, filed in triplicate with this Board its Application for exemption from ad valorem taxation for additions completed on December 31, 1997, and located at Riverwood's plant within the industrial park of the City of Clinton, Hinds County, Mississippi; and

WHEREAS, Riverwood International Corporation, has produced written verification and documentation to this Board as to the authenticity and correctness of its Application in regard to the true value of the prayed-for exemption and the completion date of said enterprise; and

WHEREAS, the additions and expansions of equipment were completed on December 31, 1997, and as of that date the actual cost of the property to be exempt was \$559,620 with a true value of \$451,956 as shown in an itemized list provided with the Application, a copy of which is attached thereto as Exhibit "A"; and

WHEREAS, this Board finds as a fact that the property described in the aforesaid Application constitutes an expanded industrial enterprise of public utility which was completed on the 31st day of December, 1997, and that Riverwood International Corporation is entitled to the exemption sought of five consecutive years to begin January 1, 1998, and end December 31, 2002, at which time Applicant will be entitled to an extension of five years therefrom until December 31, 2007, with proof of compliance by it with the representations made in paragraphs 5. and 6. of said Application, subject to approval and certification by the Mississippi State Tax Commission.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Aldermen, City of Clinton, Mississippi, as follows:

1. That the Application for ad valorem tax exemption by Riverwood International Corporation, on the property described in Exhibit "A" of the Application filed by said Company for tax exemption for the period sought, be and the same is hereby approved, and said exemption is hereby granted, subject to certification of eligibility by the Mississippi State Tax Commission.

3. That the Clerk of this Board be and is hereby directed to spread a copy of this Order on the minutes of this Board; and that said Clerk shall forward the original and three certified copies of the Application and a certified copy of the transcript of this Order approving said Application to the Mississippi State Tax Commission for its certification of eligibility; and said Clerk shall also forward one certified copy to the Tax Assessor of the City of Clinton, Mississippi, and obtain the Certificate of said Tax Assessor stating that the personal property as itemized in the Application has been placed on the appropriate tax roll as "Non-Taxable," except for State and School District ad valorem taxes, for the duration of the exemption period only.

After full discussion of this matter ALD. HISAW, moved that the foregoing Resolution be adopted and said motion was seconded by ALD. TOUCHTON, and upon the question being put to a vote, the vote was as follows:

Alderman Jehu Brabham voted: AYE

Alderman Tony Hisaw voted: AYE

Alderman Rodney DePriest voted: AYE

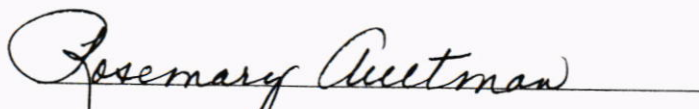
Alderman Clint Brantley voted: AYE

Alderman Phil Fisher voted: AYE

Alderman Herb Touchton voted: AYE

Alderman Sharbert Lott voted: AYE

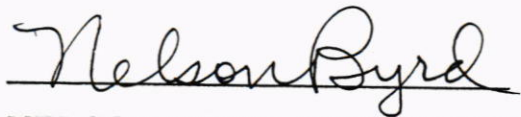
WHEREUPON, the foregoing Resolution was declared, passed, and adopted at a regular meeting of the Mayor and Board of Aldermen, Clinton Mississippi, on this, the 17th day of FEBRUARY 1998.



ROSEMARY AULTMAN, MAYOR

City of Clinton, Mississippi

ATTEST:



NELSON BYRD, CITY CLERK

CITY OF CLINTON, MISSISSIPPI

(SEAL)

10

**APPLICATION OF RIVERWOOD INTERNATIONAL
CORPORATION, FOR EXEMPTION FROM AD VALOREM TAXES
ON ADDITIONAL AND EXPANDED PROPERTIES AND
EQUIPMENT AS AUTHORIZED BY SECTION 27-31-101 ET SEQ
OF THE MISSISSIPPI CODE OF 1972 FOR ADDITIONS
COMPLETED DECEMBER 31, 1997**

**TO THE MAYOR AND BOARD OF ALDERMEN, CITY OF
CLINTON, MISSISSIPPI:**

1. Riverwood International Corporation files this its application in triplicate for exemption from ad valorem taxation and would respectfully represent unto this Honorable Board as follows:

2. Riverwood is a Delaware corporation with its national administrative headquarters in Atlanta, Georgia, and is qualified to do business in Mississippi, and is in good standing in the State of Mississippi.

3. Riverwood is now operating a paper cutting, printing and container manufacturing type of industry within the industrial park of the City of Clinton, Hinds County, Mississippi, which factory contains bona fide expanded facilities of public utility within the meaning of Section 27-31-101 et. seq. and related Sections of the Mississippi Code, as amended, and is eligible for the exemption granted by the above-mentioned section by specific enumeration namely "manufacturing". The exemption prayed for in this Application is for additions of property and property transferred from Riverwood's Bakersfield California Plant and will be used in connection with or necessary to the operation of Riverwood's manufacturing enterprise as provided in Section 27-31-105 of the Mississippi Code, as amended.

4. That said new additions or expansions of equipment and machinery were completed on the 31st day of December, 1997, within the meaning of the applicable statutes of the State of Mississippi, and, therefore, the exemption hereby sought is for five consecutive years to begin January 1, 1998, and end on December 31, 2002, at which time Applicant will be

entitled to an extension of five years therefrom until December 31, 2007, with proof of compliance with the following representations made in paragraphs 5. and 6. below.

5. Riverwood will give preference to City of Clinton, Hinds County, Mississippi residents in hiring and will utilize Hinds County, Mississippi minority vendors, suppliers, subcontractors, and professionals.

6. Riverwood represents that during the initial period of five years, that in connection with this Application for Exemption from Ad Valorem Taxes on Additional and Expanded Properties and Equipment as Authorized by Section 27-31-101 et. seq. of the Mississippi Code of 1972 for additions completed December 31, 1997 Riverwood will maintain employment. Also during the initial period of five years, Riverwood as owner for exemption from Ad Valorem Taxes on additional and expanded properties and Equipment as Authorized by Section 27-31-101 et. seq. of the Mississippi Code of 1972 for Additions Completed December 31, 1997, will have invested at least \$559,620 in initial cost and \$451,956 in true value in manufacturing machinery and equipment.

7. The City of Clinton/Hinds County Tax Assessor will assess the City of Clinton ad valorem taxes on the property described in Exhibit "A" against Riverwood.

8. The new additions or expansions of equipment will make more secure jobs and payrolls in Riverwood's Clinton, Mississippi Plant as more specifically stated above. Over the years, this plant has undergone almost constant growth and expansion.

9. The initial cost, of all property to be exempted on the expansion is \$559,620 and the true value is \$451,956 as shown in the itemized list attached hereto as Exhibit "A" and made a part hereof.

10. Applicant is not seeking to exempt the said property described on Exhibit "A" from Mississippi state ad valorem taxation or from ad valorem taxation for school district purposes.

PRAYER

WHEREFORE, Applicant prays that this Board of Aldermen will enter a finding that Riverwood's factory is in fact an expanded enterprise of public utility, and that the current expansion was completed on the 31st day of December, 1997, within the meaning of the applicable laws of Mississippi; and

That applicant will be granted an exemption from ad valorem taxation, except State of Mississippi and School District ad valorem taxation, as provided by law, upon all of the tangible property described in Exhibit "A" attached hereto and made a part hereof, which is used in, or necessary to, the operation of Riverwood's plant in the industrial park of the City of Clinton, Hinds County, Mississippi, for five consecutive years to begin January 1, 1998, and end on December 31, 2002, at which time Applicant will be entitled to an extension of five years therefrom until December 31, 2007, with proof of compliance with the representations it made in paragraphs 5. and 6. here in above.

That this Board of Aldermen will approve this Application by an order or resolution spread upon its minutes, declaring that such property is exempt from all ad valorem taxation, except State of Mississippi and School District ad valorem taxation, for the periods sought, and that it will forward the original and three certified copies of this application and a certified transcript of such approval to the Mississippi State Tax Commission, and upon approval of such application by the said Mississippi State Tax Commission and after receipt by this Board of certification of the Mississippi State Tax Commission's approval, the Board will enter a final order on its minutes granting the exemption herein prayed for. Applicant requests such other and further relief as to which it may be entitled.

Respectfully submitted, this the 29th day of January 1998.

RIVERWOOD INTERNATIONAL CORPORATION

BY: Catherine Hanson

Catherine Hanson

Director, of Global Tax — *Assistant Treasurer*

STATE OF GEORGIA

COUNTY OF COBB

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the jurisdiction aforesaid, CATHERINE HANSON, who stated that she is the Director of Global Tax for Riverwood International Corporation, Atlanta, Georgia, and that the matters set out in the foregoing Application for Exemption from Ad Valorem Taxation are true and correct.

SWORN TO AND SUBSCRIBED BEFORE ME, on this, the 29th day of January, 1998.

Roseann M. Alexander

NOTARY PUBLIC

My Commission Expires:

Notary Public, Cobb County, Georgia.
My Commission Expires September 20, 1998.

EXHIBIT "A"

RIVERWOOD INTERNATIONAL CORPORATION

The original cost and acquisition year of property purchased for or transferred from the Bakersfield, California plant to the Clinton, Mississippi Plant of Riverwood completed December 31, 1997. The true value of these assets is also shown and was calculated using the I11 schedule of the 1997 depreciation tables provided by the Mississippi State Tax Commission.

Asset Description	Install Date In Mississippi	Actual Acq Date	ORIGINAL COST	97 Dep Factor I11	Industrial Multiplier	TRUE VALUE
Used International Speed King Gluer	May-97	Dec-81	\$68,365	20.00%	1.434	\$19,607
Transfer Sections International Gluer	May-97	Jul-81	\$4,295	20.00%	1.434	\$1,232
30 Gears For Transfer Sections	May-97	Jul-81	\$1,152	20.00%	1.434	\$330
Nick Breakers	May-97	Jul-81	\$13,500	20.00%	1.434	\$3,872
Plastic Strapping Machine	May-97	Feb-85	\$5,137	20.00%	1.295	\$1,330
VIM Module for #19 Straight Line Gluer	May-97	Jun-89	\$22,151	39.00%	1.142	\$9,866
Straight Line Feeder #19 Gluer	May-97	Jun-91	\$49,546	60.00%	1.108	\$32,938
Impression Roll Assembly For Feeder System	May-97	Aug-91	\$1,590	60.00%	1.108	\$1,057
Strobe Light 2801-N41 Feeder System	May-97	8/1/91	\$3,405	60.00%	1.108	\$2,264
Barcode Data Collection System	May-97	6/1/94	\$35,242	83.00%	1.061	\$31,035
Vim System Gluer #19	May-97	10/1/94	\$19,355	83.00%	1.061	\$17,045
Barcode Data Collection System	May-97	9/1/95	\$3,333	89.00%	1.023	\$3,035
Slide Section For Gluers	May-97	4/1/96	\$24,413	95.00%	1.008	\$23,378
Liquid System, Nordson Walcott	May-97	7/1/96	\$50,320	95.00%	1.008	\$48,186
Slide Section For Gluers	May-97	4/1/96	\$24,413	95.00%	1.008	\$23,378
Vent Cap on Cyclone Feeder	Jul-97	Jul-97	\$16,124	100.00%	1	\$16,124
Plastic Pallets	Aug-97	Aug-97	\$39,766	100.00%	1	\$39,766
Pallet Jacks	8/1/97	8/1/97	\$17,293	100.00%	1	\$17,293
#6 Die Cutter	8/1/97	8/1/97	\$74,122	100.00%	1	\$74,122
Komori Feeder	8/1/97	8/1/97	\$75,922	100.00%	1	\$75,922
Transfer Table	8/1/97	8/1/97	\$4,692	100.00%	1	\$4,692
Walkie Lift Truck	8/1/97	8/1/97	\$2,767	100.00%	1	\$2,767
Cantilever Rack	8/1/97	8/1/97	<u>\$2,717</u>	100.00%	1	<u>\$2,717</u>
			\$559,620			\$451,956

11.

ORDINANCE ADOPTING VARIOUS STANDARD CODES RELATING TO INSPECTION
ACTIVITIES OF THE CITY OF CLINTON, MISSISSIPPI AND ENFORCEMENT OF
BUILDING PROVISIONS AS PROVIDED IN SAID CODES

BE IT ORDAINED BY THE MAYOR AND THE BOARD OF ALDERMEN OF THE
CITY OF CLINTON, MISSISSIPPI, AS FOLLOWS:

SECTION 1: Pursuant to the provisions of Section 21-19-25 of the
Mississippi Code of 1972, as amended, the City of Clinton,
Mississippi, adopts, in all respects, the following various
Standard Codes:

Standard Building Code--1997 Edition
Standard Fire Prevention Code--1997 Edition
Standard Gas Code--1997 Edition
Standard Mechanical Code--1997 Edition
Standard Plumbing Code--1997 Edition
National Electrical Code--1996 Edition

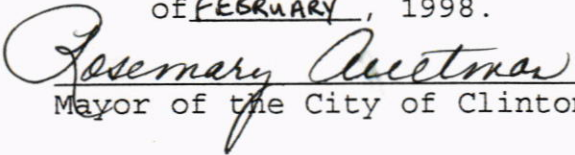
Various Appendices to the Standard Building Code Including:

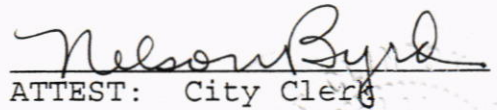
Appendix "A"--Weights of Building Materials
Appendix "B"--Recommended Schedule of Permit Fees
Appendix "C"--One and Two Family Dwellings
Appendix "D"--Standards for Demolition
Appendix "E"--Energy Conservation
Appendix "H"--Manufactured Home Tie-Downs Standards

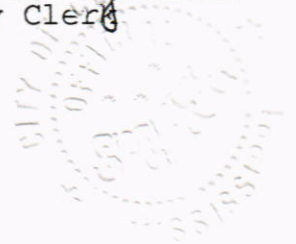
SECTION 2: There shall be a copy of said Codes filed with the
Clerk of the City of Clinton, Mississippi, to which shall be
annexed and attached a certificate bearing the signature of the
Mayor and City Clerk, with the seal of the City of Clinton Affixed.
The form of which certificate shall be substantially as follows:

We, the undersigned, Rosemary B. Aultman, Mayor of the City of
Clinton, Mississippi, and Nelson Byrd, City Clerk of said
City, do here by certify that the volume of the (applicable
code) to which this certificate is attached, is a true and
correct copy of the official code adopted by the City of
Clinton, Mississippi, by Ordinance under the date of FEBRUARY
17, 1998, and appearing in Minute Book 2 at
Page _____.

GIVEN under our hand and official seal, this the 17th day
of FEBRUARY, 1998.


Mayor of the City of Clinton


ATTEST: City Clerk



758
421

SECTION 3 EFFECTIVE DATE: This Ordinance shall take effect thirty (30) days from and after its passage by law.

The above and foregoing Ordinance was first reduced to writing and offered by Alderman FISHER, who moved its adoption, which motion was seconded by Alderman BRANTLEY. No request was made by the Mayor or any member of the Board of Aldermen that the Ordinance be read by the City Clerk before a vote was taken. The Ordinance was adopted by the Board of Aldermen with the results being as follows:

Alderman Brabham	<u>AYE</u>
Alderman Hisaw	<u>AYE</u>
Alderman Depriest	<u>AYE</u>
Alderman Brantley	<u>AYE</u>
Alderman Fisher	<u>AYE</u>
Alderman Touchton	<u>AYE</u>
Alderman Lott	<u>AYE</u>

The motion having received the affirmative vote of ALL members of the Board of Aldermen present, the Mayor declared the motion so carried and this Ordinance ordained and adopted on this the 17th day of FEBRUARY, 1998.

CITY OF CLINTON, MISSISSIPPI
BY: Rosemary G. Aultman
Rosemary G. Aultman

ATTEST:
Nelson Byrd
Nelson Byrd, City Clerk

759
760 POP
422
423 POP

Proof of Publication

The State of Mississippi

Hinds County

ORDINANCE ADOPTING
VARIOUS STANDARD CODES
RELATING TO INSPECTION
ACTIVITIES OF THE CITY OF
CLINTON, MISSISSIPPI AND
ENFORCEMENT OF BUILDING
PROVISIONS AS PROVIDED IN
SAID CODES

BE IT ORDAINED BY THE
MAYOR AND THE BOARD OF
ALDERMEN OF THE CITY OF
CLINTON, MISSISSIPPI, AS
FOLLOWS:

SECTION 1: Pursuant to the
provisions of Section 21-19-25 of
the Mississippi Code of 1972, as
amended, the City of Clinton,
Mississippi, adopts, in all
respects, the following various
Standard Codes.

Standard Building Code -- 1997
Edition

Standard Fire Prevention Code
-- 1997 Edition

Standard Gas Code -- 1997
Edition

Standard Mechanical Code --
1997 Edition

Standard Plumbing Code -- 1997
Edition

National Electrical Code -- 1996
Edition

Various Appendices to the Stan-
dard Building Code Including:

Appendix "A" -- Weights of Build-
ing Materials

Appendix "B" -- Recommended
Schedule of Permit Fees

Appendix "C" -- One and Two
Family Dwellings

Appendix "D" -- Standards for
Demolition

Appendix "E" -- Energy
Conservation

Appendix "H" -- Manufactured
Home Tie-Downs Standards

SECTION 2: There shall be a
copy of said Codes filed with the
Clerk of the City of Clinton,
Mississippi.

SECTION 3 EFFECTIVE DATE:
This Ordinance shall take effect
thirty (30) days from and after its
passage by law.

The motion having received the
affirmative vote of all members
of the Board of Aldermen
present, the Mayor declared the
motion so carried and this Ord-
inance ordained and adopted on
this the 17th day of February,
1998.

CITY OF CLINTON,
MISSISSIPPI

BY: /s/ Rosemary G. Aultman
Rosemary G. Aultman

ATTEST:

/s/ Nelson Byrd
Nelson Byrd, City Clerk

Feb. 27, 1998

HERE

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:

Friday, February 27, 1998

Lines:	70
Words:	260
Issues:	1
Total:	\$22.80

SWORN to and subscribed before me on
02/27/98

My Commission Expires:

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

Signed

Shirley Mize

Authorized Clerk
of The Clarion-Ledger

Nelson Byrd

Notary Public

(SEAL)