

**REGULAR MEETING OF THE MAYOR AND BOARD OF ALDERMEN
TUESDAY, DECEMBER 3, 1996, 7 P.M.
MUNICIPAL COURTROOM - 305 MONROE STREET**

The Mayor and Board of Aldermen of the City of Clinton, Mississippi met in Regular Meeting on Tuesday, December 3, 1996, 7 P.M., at the 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 Todd followed by the Pledge of Allegiance to the Flag led by Alderman Fisher.

ROLL CALL - City Clerk Nelson Byrd

Present - Jehu Brabham - Alderman-At-Large
George Ferrell - Alderman Ward 1
Rodney DePriest - Alderman Ward 2
Ben Todd - Alderman Ward 3
Phil Fisher - Alderman Ward 4
Herb Touchton - Alderman Ward 5
Sharbert Lott - Alderman Ward 6

City Attorney - Ken Dreher
City Clerk - Nelson Byrd

RECOGNITIONS

Mayor Aultman announced that Public Works Director Harold Alderman will be retiring on December 31, 1996 from the City of Clinton Public Works Department after serving the City for 12 years. Mayor Aultman and the Board of Aldermen recognized Harold Alderman for his many years of dedicated service.

The 5th grade Weblos Dragon Boy Scout Pack 88 was recognized for their Community Leaf Recycling and Conservation Projects and for volunteering to rake leaves for people of different ages and areas of our communities and was introduced by Alderman-At-Large Jehu Brabham.

CONSENT AGENDA CHANGES

Mayor Aultman announced that Item L amount should read \$4,500.00, also add Item Q "\$5,962.50 to E & J Brick Layers for 2,650 bricks laid for 4-plex at Parks and Recreation Department".

APPROVAL OF CONSENT AGENDA ITEMS A-Q

MOTION made by Alderman Fisher and **SECONDED** by Alderman Ferrell to approve Consent Agenda Items A-Q as listed on page 251 of this Minute Book Y as it been amended, noting that quote in Consent Agenda Item J can be found on file in the office of the City Clerk and Consent Agenda Item O will serve to advertise favorably the opportunities, possibilities, and resources of the City of Clinton.
MOTION CARRIED UNANIMOUSLY

APPROVAL OF SPECIAL EXCEPTION OF PLACING OF MOBILE HOME AT 103 SHORT VERNON

MOTION made by Alderman Ferrell and **SECONDED** by Alderman Lott to approve recommendation of Planning and Zoning Board to place a mobile home at 103 Short Vernon Road under conditions that the mobile home be owner occupied and a three (3) year time limit be placed at which time the family will be asked to return before the board for an extension of time and updated on the family situation.
MOTION CARRIED 5-2 with Aldermen DePriest and Todd voting "no".

APPROVAL OF REQUEST FOR PARTIAL SITE PLAN REVIEW FOR SELF STORAGE UNITS-SPRINGRIDGE ROAD

Upon recommendation of the City Engineer Richard Broome **MOTION** made by Alderman Todd and **SECONDED** by Alderman Lott to approve recommendation from Planning and Zoning Board for approval of partial site plan review for Self Storage Units on Springridge Road under the conditions that Mr. Bob Lloyd accept full responsibility for all guidelines outlined by City Engineer Richard Broome on the water run-off, sewer and drainage. **MOTION CARRIED UNANIMOUSLY**

Alderman Ben Todd requested that Item 8 be removed from the agenda and scheduled for next board meeting. **NO BOARD ACTION**

APPROVAL OF RECREATIONAL LEASE WITH CLINTON SCHOOL BOARD

MOTION made by Alderman Touchton and **SECONDED** by Alderman Brabham to negotiate and approve 25 year recreational lease with Clinton School Board on property just East of Clinton Park School. Said lease may be found on pages 253-256 of this Minute Book Y. **MOTION CARRIED 5-2** with Aldermen Fisher and DePriest voting "no".

APPROVAL OF FINAL ORDER EXEMPTING RIVERWOOD INTERNATIONAL 1994 ADDITIONS OF \$2,352,195 FROM AD VALOREM TAX

MOTION made by Alderman Todd and **SECONDED** by Alderman Touchton to approve final order exempting Riverwood International 1994 additions of \$2,352,195 from Ad Valorem Tax. **MOTION CARRIED UNANIMOUSLY**. Final Order and related State Tax Commission approval can be found on pages 257-260 of this Minute Book Y.

APPROVAL OF REQUEST TO PAY APPROXIMATELY \$50,000.00 DIFFERENCE IN 12-INCH AND 8-INCH WATER LINE THROUGH WORLDCOM SITE

Upon recommendation of City Engineer Richard Broome **MOTION** made by Alderman Brabham and **SECONDED** by Alderman Touchton to approve recommendation to pay difference between 12-inch and 8-inch water line through Worldcom site up to \$50,000.00. **MOTION CARRIED UNANIMOUSLY**. Alderman Ferrell's motion to amend died for lack of a second.

EXECUTIVE SESSION

MOTION made by Alderman Ferrell and **SECONDED** by Alderman Fisher at 7:52 p.m. to consider entering executive session for the purpose of discussing personnel and litigation matters. **MOTION CARRIED UNANIMOUSLY**

MOTION made by Alderman Brabham and **SECONDED** by Alderman Fisher at 7:52 p.m. to enter executive session for the stated purpose. **MOTION CARRIED UNANIMOUSLY**

Present for executive session were Mayor Aultman, Aldermen Brabham, Ferrell, DePriest, Todd, Fisher, Touchton, and Lott, City Attorney Ken Dreher, Police Chief Don Byington, and City Clerk Nelson Byrd.

MOTION made by Alderman Todd and **SECONDED** by Alderman Ferrell to exit executive session at 9:04 p.m. **MOTION CARRIED UNANIMOUSLY**

TIM ROGERS APPOINTED AS NEW PUBLIC WORKS DIRECTOR

MOTION made by Alderman Touchton and **SECONDED** by Alderman Todd to appoint Tim Rogers as Public Works Director effective 1-1-97 at a salary grade of PM 13-6. **MOTION CARRIED UNANIMOUSLY**

APPROVAL OF BACK RETIREMENT PAY TO P.E.R.S. FOR CHARLES MIDDLETON

MOTION made by Alderman Fisher and **SECONDED** by Alderman DePriest to approve a payment of \$6,021.68 to P.E.R.S. for back years of retirement for Charles Middleton. **MOTION CARRIED UNANIMOUSLY.**

APPROVAL OF APPROPRIATIONS TO FIREMAN'S AND POLICEMAN'S DISABILITY AND RELIEF FUND RECOMMENDED BY P.E.R.S. AND PAYMENT OF COLA FOR 1996

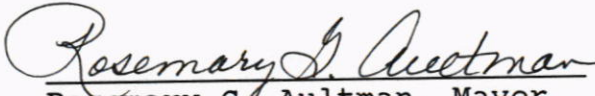
MOTION made by Alderman Todd and **SECONDED** by Alderman Touchton providing a general fund appropriation to the retirement fund in an amount equal to .50 mill for each fiscal year beginning in fiscal year 1997 through fiscal year 2000, providing a general fund appropriation to the retirement in an amount equal to .35 mills for each fiscal year thereafter, through fiscal year 2020, and a .50 mill increase in the millage rate for each fiscal year from fiscal year 1998 through fiscal year 2000, as such may be required by P.E.R.S. to maintain the actuarial soundness of the system. **MOTION CARRIED 6-1** with Alderman Fisher voting "no". Alderman Fisher noted that at present rates this would be a total obligation increase of approximately \$1,077,000.00

MOTION made by Alderman Todd and **SECONDED** by Alderman Brabham for payment of the COLA upon approval by P.E.R.S. **MOTION CARRIED UNANIMOUSLY.**

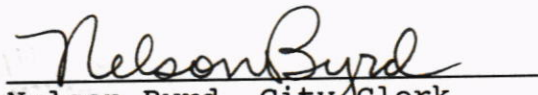
ADJOURNMENT - 9:10 P.M.

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

Copy of Agenda may be found on pages 251-252 of this Minute Book Y.


Rosemary G. Aultman, Mayor

December 6, 1996
Date


Nelson Byrd, City Clerk

December 6, 1996
Date

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INDEXING INSTRUCTIONS: SW 1/4, NW 1/4, SECTION 21, T6N, R1W

LEASE FOR RECREATIONAL PURPOSES

FOR AND IN CONSIDERATION OF the payment of Ten Dollars (\$10.00) and other good and valuable considerations, the receipt and sufficiency of all of which are hereby acknowledged, and to include the construction and maintenance of recreational facilities upon the leased premises by the Lessee during the term of this lease, The Clinton Public School District, by and through the act of signature of Kenneth Boone and Philip Gunn, being the duly authorized President and Secretary, respectively, of said School District, does hereby lease, let and demise unto the City of Clinton, Hinds County, Mississippi, a municipal corporation, for recreational purposes and for a period of twenty-five (25) years from the date of acceptance hereinafter printed, the following described real property located and being situated in the First Judicial District of Hinds County, Mississippi and more particularly described as follows:

Begin at the SE corner of the SW 1/4 of the NW 1/4 Section 21, T6N, R1W, Hinds County, Mississippi, run thence North 0° 4' East 354.32 feet to the southerly line of Northside Drive, thence run South 46° 40' West 395.5 feet along the cord of a curve of said road thence run South 1° 16' West 1121.46 feet to the northerly line of Old Vicksburg Road, which point is the true point of beginning; run thence North 84° 49' West, 370 feet along the north right-of-way line of the Old Jackson Vicksburg Road to a point run thence North 1° 16' East, 310 feet to a point; run thence East 369.23 feet to a point on the western boundary of said Clinton Park Subdivision, Part 7; run thence South 1° 16' West, 343.44 feet along the western boundary line of Clinton Park Subdivision, Part 7, to the point of beginning, all being situated in Section 21, Township 6 North, Range 1 West, and containing 2.77 acres more or less.

The lease rental shall be paid with the acceptance of this lease by Lessee. This lease acknowledges and ratifies a continuing occupancy of the tract of land herein described by Lessee and/or its assigns under lease heretofore entered into by and between the parties. The use of the leased premises is limited to utilization thereof for recreational purposes.

As further and inclusive consideration for this lease of lands, it is expressly covenanted and agreed that:

(1) The City contemplates the sub-leasing and assignment of the leased premises to a civic club or association of citizens which has developed and/or is developing on the demised premises under the existing lease, an area for use by the youth of the City of Clinton as a playground or park facility;

(2) The City will protect, indemnify and hold harmless the Trustees and the Clinton Public School District from all loss and/or expense arising out of any claim, real and/or imagined, for personal injury and damages or for property loss occasioned or alleged to have been occasioned by the use of said lands; and in furtherance thereof will place, or cause any sub-lessee of the described premises to effect and keep, in force and effect a policy or policies of insurance in the principal amount of One Million Dollars (\$1,000,000.00) to insure the operation and/or operators of the recreational facility herein described against loss as described; and, further Lessee shall require the Clinton Public School District and its Board of Trustees to be designated as added insured parties therein, in furtherance of its agreement to hold said Trustees and the Clinton Public School District harmless from loss and expenses as aforesaid;

3. Except in the ordinary course of construction, repair and/or maintenance of said facility by the City or its sub-lessee, their agents, servants and employees and parking in areas expressly designated for such by patrons of said facility, the use of motorized vehicles, cycles, bicycles, tricycles and/or other motorized equipment or vehicles upon the leased premises shall be expressly prohibited; and, that in the event of, occurrence or the use of said leased premises by Lessee and/or its assigns in a manner prohibited or not expressly herein authorized, at the option of said Trustees, this lease shall then terminate and all rentals and improvements forfeited. And, if at any time during the term of this lease the Lessee and/or its sub-lessee shall discontinue the use of said leased premises for recreational purposes, this lease shall be forthwith terminated and the leased premises shall revert to the lessor as though the term of this lease shall have run its full course;

4. At the expiration of this lease, the City and/or its sub-lessee shall cause the leased premises to be placed in the condition it is as of the date of the execution of this lease and returned to the school district and with the facilities then upon the tract described above together with all buildings and other structures placed thereon by the City and/or its sub-lessee removed. At their option, however, said Trustees may permit and allow such of the facilities, buildings and structures as they may designate in writing to remain in place;

5. The City and/or its sub-lessee shall not cause or suffer damage to any improvements situated upon said property; shall reasonably maintain same; and, shall not sell

any firewood, posts or other timber from said land not permit same to be removed. During the term hereof, specifically reserved and excepted from this lease are all merchantable timber now,, being situated on said land and any and every interest in oils, gases and other minerals or substances which may be in or under said land, with full right in the Board of Trustees to sell said timber, and to lease such oil, gas, mineral rights or other substance to any other, as provided by law, without breach of any right of City and/or its sub-lessee hereunder;

7. The Board of Trustees reserves the right to grant or to sell rights of way across any of said land for a road, highway, railroad or any public utility line; provided only, that the City and/or its sub-lessee shall be paid by the grantee of such right of way a reasonably rental for said portions so taken during the unexpired term of this lease.

8. The City accepts said lease upon all of the terms and conditions herein printed, and faithfully agrees to be bound thereby, in spirit and in letter.

WITNESS OUR SIGNATURES, this the 12th day of November, 1996.

ATTEST: CLINTON MUNICIPAL SEPARATE SCHOOL DISTRICT, Lessor
Philip A. Gunn
Philip Gunn, Secretary
BY: Kenneth Boone
Kenneth Boone, President

ACCEPTED: CITY OF CLINTON, MISSISSIPPI, Lessee
ATTEST: Nelson Byrd
Nelson Byrd, Clerk of the City
BY: Rosemary J. Aultman
Rosemary Aultman, Mayor

STATE OF MISSISSIPPI
COUNTY OF HINDS

Personally appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the Within named KENNETH BOONE and PHILIP GUNN, who under oath acknowledged to me that they are the President and Secretary, respectively, of the Clinton Municipal Separate School District, and that having been first duly authorized so to do, they signed and delivered the above and foregoing instrument of writing on the day and in the year therein written, for the purposes therein contained.

GIVEN UNDER MY HAND AND SEAL, this is the 12th day of November, 1996.

Commission Expires: _____
Shirley D. Taylor My
NOTARY PUBLIC

MISSISSIPPI STATEWIDE NOTARY PUBLIC
MY COMMISSION EXPIRES JUNE 12, 1999
BONDED THRU STEGALL NOTARY SERVICE

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**STATE OF MISSISSIPPI
COUNTY OF HINDS**

Personally appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named ROSEMARY AULTMAN and NELSON BYRD , who under oath acknowledged to me that they are the Mayor and Clerk, respectively, of the City of Clinton, Mississippi and that having been first authorized so to do, they accepted the terms and conditions of the foregoing Lease for Recreational purposes and signed and delivered the acceptance of the foregoing instrument of writing on the day and in the year therein written, for and on behalf of the Lessee and the purposes therein contained.

GIVEN UNDER MY HAND AND SEAL, this the 10th day of December, 1996.

Christine E. Walls

NOTARY PUBLIC

My Commission Expires:
My Commission Expires July 24, 1998

LESSOR:
The Clinton Public School District
P. O. Box 300
Clinton, MS 39060

LESSEE:
The City of Clinton
P. O. Box 156
Clinton, MS 39060

THIS INSTRUMENT PREPARED BY:

JOHN H. FOX, III, MSB # 5457
P. O. Box 22547
Jackson, Ms 39225-2547

Suite 300, 111 Capitol Building
111 East Capitol Street
Jackson, MS 39201

Telephone: (601) 948-4848
Facsimile: (601) 948-4851

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**FINAL ORDER OF THE MAYOR AND BOARD OF ALDERMEN OF CLINTON,
MISSISSIPPI, EXEMPTING CERTAIN ADDITIONAL PROPERTIES OF
RIVERWOOD INTERNATIONAL USA, INC., FROM CITY AD VALOREM
TAXES FOR ADDITIONAL ADDITIONS COMPLETED DECEMBER 31, 1994**

WHEREAS, Riverwood International USA, Inc. (herein "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 the Amended Application is for additional additions or additional expansions of the above-mentioned plant through the addition of new equipment owned by Riverwood and used in connection with or necessary to the operation of Riverwood's manufacturing enterprise as provided in Section 27-31-115 of the Mississippi Code, as amended.

WHEREAS, the additional additions or additional expansions of equipment were completed on December 31, 1994, and as of that date the true value of all additional property to be exempt was Two Million Three Hundred Fifty-Two Thousand One Hundred Ninety-Five Dollars (\$2,352,195.00), as shown in an itemized list attached to the Amended Application for Exemption as Exhibit "A"; and

WHEREAS, the Amended Application of Riverwood International USA, Inc. was approved by this body for submission to the Mississippi State Tax Commission which in turn certified that the properties described in the Amended Application are eligible for exemption and the Mayor and Board of Aldermen now finding that the provisions of Section 27-31-101 et seq. have been fully complied with for the exemption;

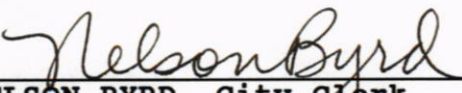
IT IS, THEREFORE, ORDERED by the Mayor and Board of Aldermen of Clinton, Mississippi, that the Riverwood International USA, Inc. Amended Application herein is hereby approved and that the property described in Exhibit "A" to the Amended Application for Exemption with a value of Two Million Three Hundred Fifty-Two Thousand One

Hundred Ninety-Five Dollars (\$2,352,195.00) is exempt from all ad valorem taxation, except State and School District taxation, for a ten (10) consecutive year period, beginning on the 1st day of January, 1995, and ending on the 31st day of December, 2004.

SO ORDERED, this, the 3rd day of December, 1996.


ROSEMARY AULTMAN, Mayor
City of Clinton, Mississippi

ATTEST:


NELSON BYRD, City Clerk
City of Clinton, Mississippi

(SEAL)



Ed Buelow, Jr., Chairman
and Commissioner of Revenue

Lisa W. Hall, CPA
Associate Commissioner

Russell E. Hawkins, CPA
Associate Commissioner

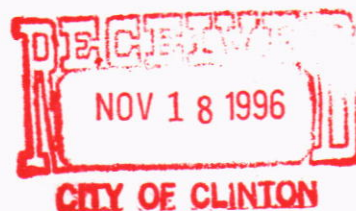


MISSISSIPPI

STATE TAX COMMISSION

Property Tax Bureau
Ad Valorem Division
Post Office Box 960
Jackson, Mississippi 39205-0960
Telephone: 601-359-1076
Fax: 601-359-5519

November 15, 1996



Mr. Nelson Byrd
City Clerk
City of Clinton
P. O. Box 156
Clinton, MS 39056

Re: Ad Valorem Taxation Exemption - Riverwood International USA, Inc.

Dear Mr. Byrd:

In response to your application for ad valorem taxation exemption, except for state and school district taxes, we concur with the prior approval of the local authorities from which this exemption is sought. This exemption is for a period of ten (10) years from and after December 31, 1994 with a total true value of \$2,352,195.

In accordance with the power and authority conferred upon the State Tax Commission by Section 27-31-101, et seq., Mississippi Code of 1972, as amended, the State Tax Commission hereby certifies that the above captioned property is eligible for ad valorem tax exemption and is in compliance with the provisions of the above statute.

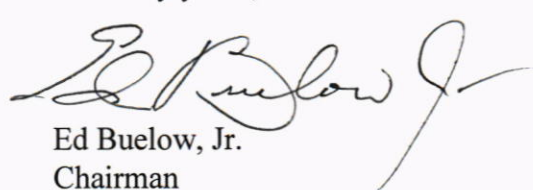
By issuing this certificate of approval, we are enclosing the original application of the above captioned corporation for further action by the board of supervisors, and/or the governing authorities of the municipality, to enter a final order on its minutes declaring that this property is exempted and the dates when such exemption commences and expires.

Nelson Byrd
Page 2
November 15, 1996

Please submit to our office a copy of your final board resolution showing the total true value approved by the board.

With kindest personal regards, we are

Sincerely yours,


Ed Buelow, Jr.
Chairman

EB/ns

Enclosures

Copy to: Mike Barnes
John Gourlay, Jr.

/riverwood