

**RECESSED MEETING OF THE MAYOR AND BOARD OF ALDERMEN
TUESDAY, MAY 20, 1997, 7 P.M.
MUNICIPAL COURTROOM, - 305 MONROE STREET
AGENDA**

The Mayor and Board of Aldermen of the City of Clinton met in Recessed Meeting at 7 P.M., at the Municipal Room, 305 Monroe Street, pursuant to a Recess Order adopted by said Mayor and Board of Aldermen at their Regular Meeting of May 6, 1997 as found on page 540 of this Minute Book Y.

WELCOME AND CALL TO ORDER - Mayor Rosemary Aultman

INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG

The invocation was led by Alderman Touchton followed by the Pledge of Allegiance to the Flag led by Alderman Lott.

ROLL CALL - Deputy Clerk Donna Wilson

Present: Jehu Brabham - Alderman-At-Large
O.C. 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
Deputy Clerk - Donna Wilson (City Clerk Nelson Byrd out of town)

RECOGNITIONS

Police Chief Don Byington recognized Reserve Police Officers who have completed a basic reserve police officers 16 or 24 week training session. These officers are Jessie Slaven, Linda Lynchard, Charles Middleton, Gordon West, Brian Olier, and Christine Sistrunk.

APPROVAL OF CONSENT AGENDA ITEMS A-Q

MOTION made by Alderman Fisher and **SECONDED** by Alderman Touchton to approved Consent Agenda Items A-Q as listed on page 546 of this Minute Book Y, noting that Consent Agenda Item B will serve to advertise favorably the opportunities, possibilities, and resources of the City of Clinton. **MOTION CARRIED UNANIMOUSLY**

APPROVAL OF PRELIMINARY SITE PLAN REVIEW FOR HAMPTON INN

Upon recommendation of the Planning and Zoning Board and City Engineer Richard Broome, **MOTION** made by Alderman Brabham and **SECONDED** by Alderman Lott to approve the Preliminary Site Plan Review for 71 room Hampton Inn at 489 Springridge Road. **MOTION CARRIED UNANIMOUSLY**

APPROVAL OF SPECIAL EXCEPTION FOR LIGHTED GROUND SIGN AT 106-A CLINTON BOULEVARD

Upon recommendation of the Planning and Zoning Board and City Inspector Julion Lowther, **MOTION** made by Alderman Touchton and **SECONDED** by Alderman Todd to adopt that resolution found on pages 548-550 of this Minute Book Y to approve dimensional variance for Tradewind Pool and Spa for a lighted ground sign at 106-A Clinton Boulevard. **MOTION CARRIED UNANIMOUSLY**

APPROVAL OF RESOLUTION FOR PLACEMENT OF A PRE-MANUFACTURED HOME AT 209 TARVIN STREET

Upon recommendation of the Planning and Zoning Board, **MOTION** made by Alderman Ferrell and **SECONDED** by Alderman Touchton to adopt that resolution found on pages 551-553 of this Minute Book Y to approve resolution approving a special exception, placement of a mobile home at 209 Tarvin Street. **MOTION CARRIES 4-3** with Aldermen DePriest, Todd and Fisher voting "nay".

No action was required on the special exception for the placement of a pre-manufactured home to be placed in the southwest corner of intersection of McRaven Road and Farmer Drive on property of Mike Seal. Does not come as a recommendation from Planning and Zoning so requires no action.

PUBLIC HEARING - UNKEPT LOTS

Public Works Director Tim Rogers advised that 6 Scotland Road - Parcel No. 2862-176 has been cleaned. **NO BOARD ACTION**

AUTHORIZATION GIVEN TO PUBLIC WORKS TO PROCEED WITH CLEAN UP AT 304 ANGELIA LANE - PARCEL NO. 28620175 - DEBORAH REED

MOTION made by Alderman Brabham and **SECONDED** by Alderman Fisher to approve that resolution found on pages 554-556 of this Minute Book Y to authorize the City to proceed with cleaning the parcel of property at 304 Angelia Lane - Deborah Reed to the acceptable standard of the City. **MOTION CARRIED UNANIMOUSLY**

DISCUSSION OF REQUEST FROM ORBIT OIL TO PROVIDE SEWER TO PROPERTY EAST OF CLINTON INN FOR PROPOSED ORBIT OIL/FERNANDO'S RESTAURANT

Mayor Aultman entertained a motion to table the item on Orbit Oil until the proper legal research has been completed. **MOTION** made by Alderman Todd and **SECONDED** by Alderman Touchton. **MOTION CARRIED UNANIMOUSLY**

APPROVAL OF LOW BID ON ROBBIE ROBINSON, INC. FOR 1997 STREET STRIPING BIDS

Upon recommendation of City Engineer Richard Broome, **MOTION** made by Alderman Ferrell and **SECONDED** by Alderman Todd to award bid on 1997 Street Traffic Striping Project to the lowest and best bidder Robbie Robinson, Inc. of Jackson for the amount of \$13,940.00 Bid Tabulation and Proof of Publication can be found on pages 557-558 of this Minute Book Y. Copy of Bids may be found in the City Engineers office. **MOTION CARRIED UNANIMOUSLY**

APPROVAL OF LOW BID ON CONSTRUCTION OF NEW CENTRAL FIRE STATION

Upon recommendation of Fire Chief Bryan Presson, **MOTION** made by Alderman Brabham and **SECONDED** by Alderman DePriest to award bid on construction of the new central fire station to the lowest and best bidder Paul Jackson & Son of Brookhaven for the amount of \$1,057,060.00. Bid Tabulation and Proof of Publication can be found on pages 559-560 of this Minute Book Y. **MOTION CARRIED UNANIMOUSLY**

APPROVAL OF RESOLUTION AUTHORIZING AND APPROVING EXECUTION OF AN EQUIPMENT LEASE-PURCHASE AGREEMENT WITH FIRST CONTINENTAL LEASING

MOTION made by Alderman Todd and **SECONDED** by Alderman Lott to approve that Resolution and supporting documents on pages 561-573 of this Minute Book Y, authorizing and approving execution of an equipment lease-purchase agreement with First Continental Leasing for a sewer jet vacuum truck. **MOTION CARRIED UNANIMOUSLY**

Alderman Fisher recognized the Public Works Department for work completed on East Lakeview Circle on Friday, May 16, 1997. The Public Works Department was contacted at 3:30 p.m. regarding a burst sewer line on Lakeview Circle on Friday afternoon and by 4:00p.m. the department had repaired the line and left. They were recognized for their fast efficient service.

ADJOURNMENT - 7:28 p.m.

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

Copy of agenda may be found on pages 546-547 of this Minute Book Y.

APPROVED: Rosemary G. Aultman June 3, 1997
Rosemary G. Aultman, Mayor Date

ATTEST: Nelson Byrd June 3, 1997
Nelson Byrd, City Clerk Date

SEAL

**RESOLUTION APPROVING DIMENSIONAL
VARIANCE FOR TRADEWIND POOL & SPA**

WHEREAS, the Owner of Tradewind Pool & Spa, 106 A Clinton Boulevard, Clinton, Mississippi, have requested a dimensional variance on the side set back requirement in order to place a sign on the property line; and

WHEREAS, the Zoning Regulations of the City of Clinton, Mississippi now require a set back line for certain signs; and

WHEREAS, because of the shape of the lot a sign would have to be erected in the parking lot unless a variance is granted; and

WHEREAS, the Mayor and Board of Aldermen of the City of Clinton, Mississippi, find that the requested variance will be in harmony with the general purposes and intent of the Zoning Ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; and

WHEREAS, the Owner has complied with Section 2005 of the Zoning Regulations regarding dimensional variances; and

WHEREAS, the Planning and Zoning Board has recommended granting a dimensional variance.

BE IT RESOLVED by the Mayor and Board of Aldermen of the City of Clinton, Mississippi that the requested dimensional variance should be granted subject to the following:

Except as modified hereby to permit the waiver of the set back line for this one sign, this property shall be subject to all applicable ordinances and regulations;

A legal description of the subject property is attached hereto as Exhibit "A".

748

The forgoing Resolution, having been reduced to writing, Alderman Touchton moved that said Resolution be adopted. Alderman Todd seconded. The vote was as follows:

Alderman Brabham voted:	<u>Aye</u>
Alderman Ferrell voted	<u>Aye</u>
Alderman Depriest voted:	<u>Aye</u>
Alderman Todd 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 20TH day of May, 1997.

CITY OF CLINTON, MISSISSIPPI

Rosemary Aultman
ROSEMARY AULTMAN, Mayor

ATTEST:

Nelson Byrd
NELSON BYRD, City Clerk

EXHIBIT A

Consideration of an Item concerning the determination of whether or not a Special Exception (Dimensional Variance on a Side Setback Requirement for a "Lighted Ground Sign" --106 A Clinton Boulevard) should be allowed on the following described property located in the City of Clinton, Mississippi, and as described as follows:

A certain parcel of land situated in the East 1/2 of Section 29, Township 6 North, Range 1 West, Hinds County, Mississippi, and being more particularly described by metes and bounds, to-wit:

Commence at the intersection of the South right-of-way line of Clinton Boulevard with the West right-of-way line of Lakeview Drive (as both were laid out and in use, January, 1979); run thence Westerly along said South right-of-way line of Clinton Boulevard for a distance of 1303.37 feet to the Point of Beginning. Thence leaving said South right-of-way line, turn to the left through a deflection angle of 89 degrees 04 minutes and run Southerly for a distance of 67.45 feet; thence turn to the right through a deflection angle of 88 degrees 14 minutes and run Westerly for a distance of 75.00 feet; thence turn to the right through a deflection angle of 92 degrees 45 minutes and run Northerly for a distance of 68.55 feet to a point on the aforementioned South right-of-way line of Clinton Boulevard; thence turn to the right through a deflection angle of 89 degrees 05 minutes and run Easterly along said South right-of-way line for a distance of 75.00 feet to the Point of Beginning, containing 5098.12 square feet.

RESOLUTION APPROVING A SPECIAL EXCEPTION (Placement of a
Mobile Home) AT 209 TARVIN STREET

Be it Resolved by the Mayor and Board of Aldermen of the City of Clinton, Mississippi that:

Upon the request of FRANK ROBINSON, 209 Tarvin Street, Clinton, Mississippi for a special exception for the property described in Exhibit "A" attached for placement of a mobile home and the recommendation for approval of such special exception with a time limit of five years by the Planning and Zoning Commission of the City of Clinton, said request is approved subject to the following conditions:

1. This special exception will expire 5 years from the date of this resolution.
2. The Mobile Home will be owner occupied.
3. The Owner will remove the existing house within 6 months.
4. The Owner will provide skirting around the base of the mobile home.
5. Except as modified by these conditions, the property shall be subject to all applicable ordinances and regulations.

The Mayor and the Board of Aldermen find that this request is in compliance with and meets the conditions of §601(2)(a) and §2006 of the Zoning Ordinance of the City of Clinton, Mississippi.

The forgoing Resolution, having been reduced to writing, Alderman FERRELL moved that said Resolution be adopted. Alderman TOUCHTON seconded. The vote was as follows:

Alderman Brabham voted:
Alderman Ferrell voted
Alderman Depriest voted:

<u>Aye</u>
<u>Aye</u>
<u>NO</u>

Alderman Todd voted:
Alderman Fisher voted:
Alderman Touchton voted:
Alderman Lott voted:

No
No
Aye
Aye

Approved on the 20th day of May, 1997.

CITY OF CLINTON, MISSISSIPPI

Rosemary Aultman
ROSEMARY AULTMAN, Mayor

ATTEST:

Nelson Byrd
NELSON BYRD, City Clerk

EXHIBIT A

Consideration of an Item concerning the determination of whether or not a Special Exception (for the placement of a Pre-Manufactured Home on Tarvin Street) should be allowed on the following described property located in the City of Clinton, Mississippi, and as described as follows:-

52.25 feet E & W x 100 Feet N & S Beginning 104.5 feet West of the SE corner Lot 22 Dickey, Survey, City of Clinton.

RESOLUTION

There came on for public hearing before the Mayor and Board of Aldermen of the City of Clinton, Mississippi, the matter of unclean property located at 304 ANGELIA LANE, Clinton, Mississippi, and after full consideration of the matter, Alderman BRABHAM offered the following Resolution:

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CLINTON, MISSISSIPPI, DETERMINING THE NECESSITY FOR THE CLEANING OF PRIVATE PROPERTY LOCATED AT 304 ANGELIA LANE, CLINTON, MISSISSIPPI, UNDER THE AUTHORITY GRANTED TO MUNICIPALITIES BY §21-19-11, MISSISSIPPI CODE OF 1972, AS AMENDED, AND OTHER APPLICABLE STATUTES AND ORDINANCES.

WHEREAS, it has come to the attention of the Mayor and Board of Aldermen that the property located at 304 ANGELIA LANE, Clinton, Mississippi, may constitute a menace to the public health and safety of the community because of its present condition and state of uncleanliness; and

WHEREAS, notice was give to the owner of said property as required by §21-19-11 of the Miss. Code of 1972, as amended, of a public hearing on this matter; and

WHEREAS, a public hearing was held at 7:00 p.m., MAY 20, 1997, at the Municipal Room of the Public Safety Complex, 305 Monroe Street, Clinton, Mississippi; and

WHEREAS, said public hearing was conducted; and

WHEREAS, based upon the information and evidence provided at said public hearing, the Mayor and Board of Aldermen of the City of Clinton, Mississippi, has determined that this property in its present condition and state of uncleanliness constitutes a menace to the public health and safety of the community and does adjudicate said property in its present condition to be a menace to the public health and safety of the community. The Director of the Public Works Department is directed to take such action as appropriate under §21-19-11 of the Miss. Code of 1972, as amended, and other applicable statutes and ordinances, to use municipal employees or, by contract, clean the property by cutting weeds, removing rubbish and dilapidated buildings and other debris.

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

1. It is hereby adjudicated that the property located at 304 ANGELIA LANE
_____, Clinton, Mississippi, in its present condition constitutes a menace to the public health and safety of the community.
2. The Director of Public Works is hereby directed to take such action as appropriate under §21-19-11, Miss. Code of 1972, as amended, and other applicable statutes and ordinances, to clean the property by cutting weeds, removing rubbish and dilapidated buildings and debris.
3. The Director of Public Works is hereby directed that upon completion of this cleaning that he advise the Mayor and Board of Aldermen of the City of Clinton, Mississippi, of the actual costs incurred in cleaning the property so that the Mayor and Board of Aldermen for the City of Clinton, Mississippi, may adjudicate the costs of such action and impose such penalty as it adjudicates, all as provided by under §21-19-11, Miss. Code of 1972, as amended, and other applicable statutes and ordinances.

Alderman FISHER seconded the motion to adopt the foregoing

and the roll call vote was as follows:

Alderman Jehu W. Brabham	voted: <u>Aye</u>
Alderman O. C. George Ferrell	voted: <u>Aye</u>
Alderman Rodney W. DePriest	voted: <u>Aye</u>
Alderman Ben L. Todd	voted: <u>Aye</u>
Alderman Phil Fisher	voted: <u>Aye</u>
Alderman Herb Touchton	voted: <u>Aye</u>
Alderman Sharbert K. Lott	voted: <u>Aye</u>

The motion having received the affirmative vote of the majority of all of the members of the Board present, the Mayor declared the motion carried and the Resolution adopted on this the 20th day of MAY, 1997.

THE MAYOR AND ALDERMEN OF THE
CITY OF CLINTON, MISSISSIPPI

By: Rosemary Aultman
MAYOR ROSEMARY AULTMAN

By: _____
ALDERMAN JEHU W. BRABHAM

By: _____
ALDERMAN O. C. GEORGE FERRELL

By: _____
ALDERMAN RODNEY W. DePRIEST

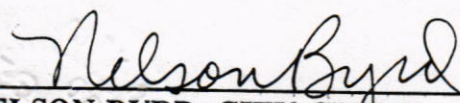
By: _____
ALDERMAN BEN L. TODD

By: _____
ALDERMAN PHIL FISHER

By: _____
ALDERMAN HERB TOUCHTON

By: _____
ALDERMAN SHARBERT K. LOTT

ATTEST:



NELSON BYRD, CITY CLERK

c:\wp60\krd\rhm\Clinton.res

BID TABULATION
1997 STREET TRAFFIC STRIPING PROJECT

CITY OF CLINTON, MS
APRIL 29, 1997
10:00 A.M.

Item Number	Description	Est. Quantity	J. L. McCool Contractors, Inc.		Traffic Control Products Co., Inc.		Robbie Robinson, Inc.	
			Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
626-E	Continuous Yellow	34,000 L.F.	\$.50	\$17,000.00	\$.22	\$7,480.00	\$.20	\$6,800.00
626-D	Skip Yellow	3,400 L.F.	\$.20	\$680.00	\$1.00	\$3,400.00	\$.30	\$1,020.00
626-C	Continuous White	31,500 L.F.	\$.50	\$15,750.00	\$.22	\$6,930.00	\$.18	\$5,670.00
626-G	4" Detail Stripe	100 L.F.	\$1.00	\$100.00	\$1.00	\$100.00	\$.50	\$50.00
626-H	Thermoplastic Legend	100 S.F.	\$4.00	\$400.00	\$5.00	\$500.00	\$4.00	\$400.00
TOTAL BID PRICE			\$33,930.00		\$18,410.00		\$13,940.00	

THIS IS TO CERTIFY THAT THE ABOVE BID AMOUNTS ARE A TRUE AND ACCURATE TABULATION OF THE CONSTRUCTION BIDS RECEIVED ON THIS PROJECT.

BY:  **RICHARD L. BROOME, P.E., CHIEF ENGINEER**
CITY OF CLINTON, MS

DATE: 4/29/97

PROOF OF PUBLICATION
THE STATE OF MISSISSIPPI
HINDS COUNTY

PASTE PROOF HERE

ADVERTISEMENT
FOR BIDS
CITY OF CLINTON
Clinton, MS
Sealed bids for traffic striping
on city streets for the City of
Clinton, Mississippi will be
received by the Clinton Mayor
and Board of Aldermen at
City Hall, 300 Jefferson
Street, P. O. Box 156, Clinton,
Mississippi, 39060 until 10:00
A.M. local time on April 29,
1997 and immediately there-
after will be opened and pub-
licly read.
The work involved in the
project includes furnishing
and installing for the City of
Clinton the following items:
1 - Approximately 13 miles of
street striping.
A copy of the specifications
may be examined at the of-
fice of the City Engineer, lo-
cated at 300 Jefferson Street,
Clinton, Mississippi (tele-
phone (601) 924-5462) and
Clinton Public Works Depart-
ment, 200 W. Leake Street,
Clinton, Mississippi (telephone
(601) 924-2239).
The City of Clinton reserves
the right to waive irregular-
ities and to reject any or all
bids.
By /s/ Nelson Byrd
Nelson Byrd, City Clerk
Approved by:
/s/ Rosemary G. Aultman
Rosemary G. Aultman,
Mayor
April 9, 16, 1997

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

Shirley Rickard,
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 April 9, 16, 19 97
Date _____, 19____
Date _____, 19____
Date _____, 19____
Date _____, 19____
Date _____, 19____

Number of Lines/Words 43/168

Published 2 Times

Total \$ 23.84

Signed Shirley Rickard
Authorized Clerk
of The Clarion-Ledger

SWORN to and subscribed before me the 16 day of April,
19 97

My Commission Expires:

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

Marie Mills
Notary Public

(SEAL)

Central Fire Station Bid Tabulation

	Base Bid	Alt # 1*	Alt # 2**	Base Bid + Alt # 1	\$ Over Low Bid (Alt # 1 Included)
Belk Construction Corp.	\$ 1,378,000.00	\$ 28,000.00	\$(12,000.00)	\$ 1,406,000.00	\$ 348,940.00
LAWS Construction	\$ 1,141,000.00	\$ (4,490.00)	\$ (5,905.00)	\$ 1,136,510.00	\$ 79,450.00
Coleman Hammons	\$ 1,117,000.00	\$ 1,500.00	\$(17,000.00)	\$ 1,118,500.00	\$ 61,440.00
Horne Construction	\$ 1,058,200.00	\$ 8,400.00	\$ (8,202.00)	\$ 1,066,600.00	\$ 9,540.00
Paul Jackson & Sons	\$ 1,059,940.00	\$ (2,880.00)	\$ (8,740.00)	\$ 1,057,060.00	

Original Estimate	\$ 1,267,825.00
Low Bid Estimate	- \$ 1,057,060.00
	\$ 210,765.00

Misc. Cost	
Architect Fee	\$ 65,000.00
Land	\$ 98,000.00
Furnishings	\$ 19,939.00
Appliances	\$ 4,500.00
Phone System	\$ 5,000.00
	\$ 192,439.00

Low Bid Estimate	\$ 1,057,060.00
Misc. Cost	\$ 192,439.00
Total Estimated Cost	\$ 1,249,499.00

- * Brick instead of drivet.
- ** Remove the porch.

PROOF OF PUBLICATION
THE STATE OF MISSISSIPPI
HINDS COUNTY

PASTE PROOF HERE

NOTICE TO BIDDERS
Central Fire Station
City of Clinton, Mississippi
Sealed proposals for the furnishing of all labor and materials and equipment as required by the plans and specifications for the construction of Central Fire Station, 1260 Clinton-Raymond, Clinton, Mississippi, will be received by the City Clerk at the Clinton City Hall, 300 Jefferson Street, Clinton, Mississippi, 39056 until 2:00 p.m. on May 19, 1997, at which time they will be publicly opened and read aloud.

Plans and specifications are on file at certain plan rooms and copies thereof may be obtained from Larry Sones / Architects, 204 Courtyard Plaza, Brandon, Mississippi 39042, upon deposit of \$150.00 for each set. Deposit will be refunded to bonafide bidders upon return of each complete set in good condition within fifteen days after the opening of bids. No partial sets of documents will be issued. Proposals shall be submitted in duplicate on Proposal Forms provided with the specifications. The current Certificate of Responsibility Number on the bidder shall appear on the outside of each sealed envelope containing a proposal said envelope being plainly marked "PROPOSAL FOR CONSTRUCTION OF CENTRAL FIRE STATION". Each proposal shall be accompanied by a Bid Bond or Certified Check in an amount equal to five percent (5%) of the bid, payable to the City of Clinton, Mississippi as bid security.

A Payment and Performance Bond in an amount equal to one hundred percent (100%) of the contract price shall be required of the successful bidder. The Contract will be awarded to the lowest, best and acceptable bidder, except that the City of Clinton reserves the right to waive any informalities in the bidding and to reject any and all bids.
NELSON BYRD
CITY CLERK
CITY OF CLINTON,
MISSISSIPPI
April, 22, 28, May 5, 1997

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

Shirley Rickard,

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 April 22, 28, May 5, 1997

Date _____, 19____

Date _____, 19____

Date _____, 19____

Date _____, 19____

Number of Lines/Words 69/298

Published 3 Times

Total \$ 55.64

Signed Shirley Rickard

Authorized Clerk
of The Clarion-Ledger

SWORN to and subscribed before me the 5 day of May, 1997.

My Commission Expires:

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

Maria Miles
Notary Public

001-160-603

(SEAL)

BE Run

Information Return for Tax-Exempt Governmental Obligations

▶ Under Internal Revenue Code section 149(e)

▶ See separate instructions.

(Note: Use Form 8038-GC if the issue price is under \$100,000.)

OMB No. 1545-0720

Part I Reporting AuthorityIf Amended Return, check here ☐

1 Issuer's name City of Clinton	2 Issuer's employer identification number 64:6000260
3 Number and street (or P.O. box if mail is not delivered to street address) P. O. Box 156	Room/suite
4 Report number G19 -	
5 City, town, or post office, state, and ZIP code Clinton, MS 39060	6 Date of issue
7 Name of issue	8 CUSIP number

Part II Type of Issue (check applicable box(es) and enter the issue price)

9 ☐ Education (attach schedule—see instructions)	9 \$
10 ☐ Health and hospital (attach schedule—see instructions)	10
11 ☐ Transportation	11
12 ☐ Public safety	12
13 ☐ Environment (including sewage bonds)	13
14 ☐ Housing	14
15 ☒ Utilities	15 159,442.35
16 ☐ Other. Describe (see instructions) ▶	16
17 If obligations are tax or other revenue anticipation bonds, check box ▶ ☐	
18 If obligations are in the form of a lease or installment sale, check box ▶ ☒	

Part III Description of Obligations

	(a) Maturity date	(b) Interest rate	(c) Issue price	(d) Stated redemption price at maturity	(e) Weighted average maturity	(f) Yield	(g) Net interest cost
19 Final maturity.	5/15/01	5.19%	159,442.35	n/a			
20 Entire issue			n/a	n/a	n/a years	n/a %	n/a %

Part IV Uses of Proceeds of Bond Issue (including underwriters' discount)

21 Proceeds used for accrued interest	21	n/a
22 Issue price of entire issue (enter amount from line 20, column (c))	22	n/a
23 Proceeds used for bond issuance costs (including underwriters' discount)	23	
24 Proceeds used for credit enhancement	24	
25 Proceeds allocated to reasonably required reserve or replacement fund	25	
26 Proceeds used to currently refund prior issues	26	
27 Proceeds used to advance refund prior issues	27	
28 Total (add lines 23 through 27)	28	n/a
29 Nonrefunding proceeds of the issue (subtract line 28 from line 22 and enter amount here)	29	n/a

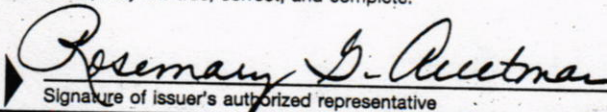
Part V Description of Refunded Bonds (Complete this part only for refunding bonds.)

30 Enter the remaining weighted average maturity of the bonds to be currently refunded	n/a	years
31 Enter the remaining weighted average maturity of the bonds to be advance refunded	n/a	years
32 Enter the last date on which the refunded bonds will be called	n/a	
33 Enter the date(s) the refunded bonds were issued		

Part VI Miscellaneous

34 Enter the amount of the state volume cap allocated to the issue under section 141(b)(5)	34	n/a
35 Enter the amount of the bonds designated by the issuer under section 265(b)(3)(B)(i)(III) (small issuer exception)	35	
36a Enter the amount of gross proceeds invested or to be invested in a guaranteed investment contract (see instructions)	36a	n/a
b Enter the final maturity date of the guaranteed investment contract ▶		
37 Pooled financings: a Proceeds of this issue that are to be used to make loans to other governmental units	37a	n/a
b If this issue is a loan made from the proceeds of another tax-exempt issue, check box ☐ and enter the name of the issuer ▶		
38 If the issuer has elected to pay a penalty in lieu of arbitrage rebate, check box ☐		
39 If the issuer has identified a hedge, check box ☐		

Under penalties of perjury, I declare that I have examined this return and accompanying schedules and statements, and to the best of my knowledge and belief, they are true, correct, and complete.

Please
Sign
Here
Signature of issuer's authorized representative

Date

ROSEMARY AULTMAN, MAYOR
Type or print name and title

For Paperwork Reduction Act Notice, see page 1 of the instructions.

Cat. No. 63773S

Form **8038-G** (Rev. 5-95)

Printed on recycled paper

*U.S. Government Printing Office: 1995 — 387-095/20109

SPECIAL STIPULATIONS

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

By: _____
Title: _____
Date: _____

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

By: Rosemary D. Aultman
Title: MAYOR
Date: MAY 20, 1997

---NONE---

EXHIBIT A

EQUIPMENT LEASE SCHEDULE

Lease Schedule Number 06

This Lease Schedule No. 06 to the Equipment Lease-Purchase Agreement dated as of April 6, 1993 (the "Agreement") between First Continental Leasing, a division of Bank of Mississippi, a Mississippi Corporation (the "Lessor") and City of Clinton, Mississippi (the "Lessee"), acting by and through the Mayor and Board of Aldermen, the Governing Body of the Lessee, is made as of this date.

1. Description of the Equipment. The quantity, item, manufacturer, and model and serial number of the Equipment subject to the Agreement are as appear on Exhibit "B-1" attached hereto and made a part hereof.
2. Location of the Equipment. The Equipment is to be located and delivered to Lessee's premises at CLINTON, MS.
3. Original Rental Term. The term of the Agreement shall be 48 months.
4. Rental Payments. The Lessee agrees to pay the Lessor the original cost of \$159,442.35 for the Equipment hereof described in Exhibit "B-1" attached hereto, upon the terms, and at the times as provided in the Payment Amortization Schedule, attached hereto as Exhibit "B-2" and made a part hereof, with an interest rate of 5.19 percent per annum as provided thereby.
5. This Schedule and its terms and conditions are hereby incorporated by reference in the Agreement.

DATED, this the 20TH day of MAY, 19 97.

LESSOR:

First Continental Leasing, a
division of Bank of Mississippi

By: _____

Title: _____

LESSEE:

City of Clinton, Mississippi

By: Rosemary J. Autman

Title: MAYOR

EXHIBIT B

EQUIPMENT DESCRIPTION

1 1998 Freightliner Truck w/Vac-Con body
VIN:

EXHIBIT B-1

Customer: City of Clinton

Interest Rate: 5.1900% (Monthly)

Date	Payment	Principal	Interest	Principal Balance	Accrued Interest	Accrued Int Balance	Net Balance
5/15/97	0.00	0.00	0.00	159,442.35	0.00	0.00	159,442.35
6/15/97	3,685.58	2,996.00	689.59	156,446.35	689.59	0.00	156,446.35
7/15/97	3,685.58	3,008.95	676.63	153,437.40	676.63	0.00	153,437.40
8/15/97	3,685.58	3,021.97	663.62	150,415.44	663.62	0.00	150,415.44
9/15/97	3,685.58	3,035.04	650.55	147,380.40	650.55	0.00	147,380.40
10/15/97	3,685.58	3,048.16	637.42	144,332.24	637.42	0.00	144,332.24
11/15/97	3,685.58	3,061.35	624.24	141,270.89	624.24	0.00	141,270.89
12/15/97	3,685.58	3,074.59	611.00	138,196.30	611.00	0.00	138,196.30
1997	25,799.08	21,246.05	4,553.04		4,553.04		
1/15/98	3,685.58	3,087.88	597.70	135,108.42	597.70	0.00	135,108.42
2/15/98	3,685.58	3,101.24	584.34	132,007.18	584.34	0.00	132,007.18
3/15/98	3,685.58	3,114.65	570.93	128,892.53	570.93	0.00	128,892.53
4/15/98	3,685.58	3,128.12	557.46	125,764.40	557.46	0.00	125,764.40
5/15/98	3,685.58	3,141.65	543.93	122,622.75	543.93	0.00	122,622.75
6/15/98	3,685.58	3,155.24	530.34	119,467.51	530.34	0.00	119,467.51
7/15/98	3,685.58	3,168.89	516.70	116,298.62	516.70	0.00	116,298.62
8/15/98	3,685.58	3,182.59	502.99	113,116.03	502.99	0.00	113,116.03
9/15/98	3,685.58	3,196.36	489.23	109,919.68	489.23	0.00	109,919.68
10/15/98	3,685.58	3,210.18	475.40	106,709.49	475.40	0.00	106,709.49
11/15/98	3,685.58	3,224.06	461.52	103,485.43	461.52	0.00	103,485.43
12/15/98	3,685.58	3,238.01	447.57	100,247.42	447.57	0.00	100,247.42
1998	44,227.00	37,948.88	6,278.12		6,278.12		
1/15/99	3,685.58	3,252.01	433.57	96,995.41	433.57	0.00	96,995.41
2/15/99	3,685.58	3,266.08	419.51	93,729.33	419.51	0.00	93,729.33
3/15/99	3,685.58	3,280.20	405.38	90,449.13	405.38	0.00	90,449.13
4/15/99	3,685.58	3,294.39	391.19	87,154.73	391.19	0.00	87,154.73
5/15/99	3,685.58	3,308.64	376.94	83,846.10	376.94	0.00	83,846.10
6/15/99	3,685.58	3,322.95	362.63	80,523.15	362.63	0.00	80,523.15
7/15/99	3,685.58	3,337.32	348.26	77,185.83	348.26	0.00	77,185.83
8/15/99	3,685.58	3,351.75	333.83	73,834.07	333.83	0.00	73,834.07
9/15/99	3,685.58	3,366.25	319.33	70,467.82	319.33	0.00	70,467.82
10/15/99	3,685.58	3,380.81	304.77	67,087.01	304.77	0.00	67,087.01
11/15/99	3,685.58	3,395.43	290.15	63,691.58	290.15	0.00	63,691.58
12/15/99	3,685.58	3,410.12	275.47	60,281.46	275.47	0.00	60,281.46
1999	44,227.00	39,965.96	4,261.04		4,261.04		
1/15/00	3,685.58	3,424.87	260.72	56,856.59	260.72	0.00	56,856.59
2/15/00	3,685.58	3,439.68	245.90	53,416.92	245.90	0.00	53,416.92
3/15/00	3,685.58	3,454.56	231.03	49,962.36	231.03	0.00	49,962.36
4/15/00	3,685.58	3,469.50	216.09	46,492.86	216.09	0.00	46,492.86
5/15/00	3,685.58	3,484.50	201.08	43,008.36	201.08	0.00	43,008.36
6/15/00	3,685.58	3,499.57	186.01	39,508.79	186.01	0.00	39,508.79
7/15/00	3,685.58	3,514.71	170.88	35,994.08	170.88	0.00	35,994.08
8/15/00	3,685.58	3,529.91	155.67	32,464.17	155.67	0.00	32,464.17
9/15/00	3,685.58	3,545.18	140.41	28,919.00	140.41	0.00	28,919.00
10/15/00	3,685.58	3,560.51	125.07	25,358.49	125.07	0.00	25,358.49
11/15/00	3,685.58	3,575.91	109.68	21,782.58	109.68	0.00	21,782.58
12/15/00	3,685.58	3,591.37	94.21	18,191.21	94.21	0.00	18,191.21
2000	44,227.00	42,090.25	2,136.75		2,136.75		
1/15/01	3,685.58	3,606.91	78.68	14,584.30	78.68	0.00	14,584.30
2/15/01	3,685.58	3,622.51	63.08	10,961.79	63.08	0.00	10,961.79
3/15/01	3,685.58	3,638.17	47.41	7,323.62	47.41	0.00	7,323.62
4/15/01	3,685.58	3,653.91	31.67	3,669.71	31.67	0.00	3,669.71
5/15/01	3,685.58	3,669.71	15.87	-0.00	15.87	0.00	-0.00
2001	18,427.92	18,191.21	236.71		236.71		
Totals	176,908.00	159,442.35	17,465.65		17,465.65		

EQUIPMENT ACCEPTANCE NOTICE

TO: First Continental Leasing, a division of Bank of Mississippi

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

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

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

LESSEE:

City of Clinton, Mississippi

By: Rosemary G. Auetman

Title: MAYOR

Date: MAY 20, 1997

EXHIBIT C

EQUIPMENT DESCRIPTION

- 1 1998 Freightliner Truck w/Vac-Con body
VIN:

EXHIBIT C-1

Pyle, Dreher, Mills & Dye, P.A.

ATTORNEYS AT LAW
779 AVERY BOULEVARD NORTH, SUITE 200
RIDGELAND, MISSISSIPPI 39157

Kenneth R. Dreher

May 20, 1997

Mailing Address:
P.O. Box 23004
Jackson, Mississippi 39225-3004
Telephone:
(601) 957-2600
Telecopier:
(601) 957-7440

First Continental Leasing
a division of Bank of Mississippi
P. O. Box 15097
Hattiesburg, MS 39404-5097

**RE: Lease-Purchase of Equipment by
City of Clinton, Mississippi
Schedule No. 06 to Master Lease No. 7082**

Ladies and Gentlemen:

Pursuant to your request, we hereby render the following opinion regarding the Equipment Lease-Purchase Agreement (the "Agreement") between the City of Clinton, Mississippi (the "Lessee") and the Mayor and Board of Aldermen (the "Governing Body") and First Continental Leasing, a division of Bank of Mississippi (the "Lessor") dated April 6, 1993.

We have acted as counsel to the Lessee and the Governing Body with respect to certain legal matters pertaining to the Agreement, and to the transactions contemplated thereby. We are familiar with the Agreement and we have examined such agreements, schedules, statements, certificates, records, including minutes of the Governing Body of the Lessee and other instruments of public officials, Lessee, and other persons as we have considered necessary or proper as a basis for the opinions hereinafter stated.

Based on such examination, we are of the opinion that:

1. Lessee and the Governing Body have full power, authority and legal right to execute, deliver and perform the terms of the Agreement. The Agreement has been duly authorized by all necessary action on the part of Lessee and the Governing Body and any other governing authority and does not require the approval of, or the giving of notice to any other federal, state, local, or foreign governmental authority and does not contravene any law binding on Lessee or the Governing Body or contravene any indenture, credit agreement or other agreement to which Lessee or the Governing Body is a party or by which it is bound.

2. The Agreement has been duly authorized, executed and delivered and constitutes a valid and binding obligation of Lessee and the Governing Body enforceable in accordance with its terms.

Pyle, Dreher, Mills & Dye, P.A.

First Continental Leasing
a division of Bank of Mississippi
May 20, 1997
Page 2

3. All required procedures for execution of the Agreement, including competitive bidding, if applicable, have been complied with, and all rentals will be paid out of funds which are legally available for such purposes.

4. With respect to the tax-exempt status of the interest portion of rental payments under the Agreement, under present law:

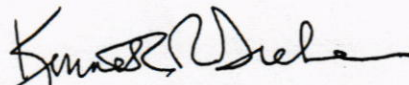
- (a) The Agreement is a conditional sales agreement which qualifies as an obligation for purposes of Section 103(a) of the Internal Revenue Code of 1986, as amended (the "Code"), and Treasury Regulations and rulings hereunder.
- (b) The interest portion of the rental payments under the terms of the Agreement is exempt from federal income taxation pursuant to Section 103(a) of the Code and the Treasury Regulations and rulings thereunder.

5. There are no pending or threatened actions or proceedings before any court, administrative agency or other tribunal or body against Lessee or the Governing Body which may materially affect Lessee's or the Governing Body's financial condition or operations, or which could have any effect whatsoever upon the validity, performance or enforceability of the terms of the Agreement.

This opinion is being furnished to you in connection with the above-referenced transaction and the opinions expressed herein are for the sole benefit of, and may be relied upon by the Lessor and its assigns and are not to be delivered to or relied upon by any other party without our prior written consent.

Sincerely,

PYLE, DREHER, MILLS & DYE, P.A.



Kenneth R. Dreher

KRD/mmh

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

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

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

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

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

Section 2. The Agreement is being issued in calendar year 1997.

Section 3. Neither any portion of the gross proceeds of the Agreement nor the Equipment identified to the Agreement shall be used (directly or indirectly) in a trade or business

carried on by any person other than a governmental unit, except for such use as a member of the general public.

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

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

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

Section 7. In calendar year 1997, Lessee has designated \$ 159,442.35 of tax-exempt obligations (including the Agreement) as qualified tax-exempt obligations. Including the Agreement herein so designated, Lessee will not designate more than \$10,000,000 of obligations issued during calendar year 1997 as qualified tax-exempt obligations.

Section 8. Lessee reasonably anticipates that the total amount of tax-exempt obligations (other than private activity bonds) to be issued by Lessee during calendar year 1997 will not exceed \$10,000,000.

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

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

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

<u>Ald. BRABHAM</u>	Voted: <u>AYE</u>
<u>✓ FERRELL</u>	Voted: <u>AYE</u>
<u>✓ TODD</u>	Voted: <u>AYE</u>
<u>✓ FISHER</u>	Voted: <u>AYE</u>
<u>✓ TOUCHTON</u>	Voted: <u>AYE</u>
<u>✓ LOTT</u>	Voted: <u>AYE</u>
<u>✓ DEPRIEST</u>	Voted: <u>AYE</u>

The motion having received the affirmative vote of all members present, the MAYOR declared the motion carried and the resolution adopted this the 20th day of MAY, 19 97.

Rosemary J. Auetman
(presiding officer) Title - MAYOR

ATTEST:

Nelson Byrd

(SEAL)

CERTIFICATE OF SELF-INSURANCE

City of Clinton, Mississippi

The City of Clinton, Mississippi is self-insured for all losses of personal property.

Rosemary J. Aultman
Rosemary Aultman, Mayor

5-20-97
Date

Nelson Byrd
Nelson Byrd, City Clerk

5-20-97
Date

