

**RECESSED MEETING OF THE MAYOR AND BOARD OF ALDERMEN
TUESDAY, MARCH 19, 1996 - 7 P.M.
MUNICIPAL COURTROOM - 305 MONROE STREET**

The Mayor and Board of Aldermen of the City of Clinton met in Recessed Meeting at 7 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 March 5, 1996, as found on Page 605 of this Minute Book X.

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 Ferrell.

ROLL CALL - City Clerk Nelson Byrd

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
Mayor Rosemary Aultman - Presiding

City Attorney Ken Dreher
City Clerk Nelson Byrd

KIDS TOWNE PROJECT UPDATE

Karla Hardin updated the Board on the status of the Kids Towne playground project, stating that they had thus far raised \$85,000.00 of the necessary \$100,000.00, and had several fundraisers in progress now. Mrs. Hardin asked citizens to participate in as many of the fundraisers as possible and to volunteer to help during the construction week of April 24-28, 1996.

RECOGNITIONS

Mayor Aultman called on Tricia Whitten (Lakeridge Subdivision); and Rodney Cummins and Tommie Cardin (both of Brighton Subdivision) who spoke in favor of the North-South Parkway. Mayor Aultman also stated she had spoken with Tony Hisaw of Woodmoor who expressed his desire for the North-South Parkway.

AGENDA ADDITION

Mayor Aultman stated that item "J" as follows would be added to the Consent Agenda - "\$2,128.25 to Mid-South Uniform for bullet proof vests for five new police officers".

APPROVAL OF CONSENT AGENDA ITEMS A-J:

MOTION made by Alderman Touchton and **SECONDED** by Alderman Todd to approve Consent Agenda Items A-J as listed on page 681 of this Minute Book X, noting that Consent Agenda Item B, will serve to advertise favorably the opportunities, possibilities, and resources of the City of Clinton. Quotes listed in item J are on file in the Office of the City Clerk. **MOTION CARRIED UNANIMOUSLY.**

AGREED ORDER AUTHORIZED REGARDING SOUTH CENTRAL AND SOUTHEAST WWTF

MOTION made by Alderman Lott and **SECONDED** by Alderman Touchton authorizing Mayor Aultman to sign the Agreed Order found on pages 682-684 of this Minute Book X for a sewer master plan for the South

Central and Southeast Wastewater Treatment Facilities. **MOTION CARRIED UNANIMOUSLY.**

APPROVAL OF PAYING AGENCY AGREEMENT AND FEE SCHEDULE FOR TIF BONDS

MOTION made by Alderman Touchton and **SECONDED** by Alderman Fisher to approve the paying agency agreement and fee schedule on the TIF Bonds as found on page 685-686 of this Minute Book X. **MOTION CARRIED UNANIMOUSLY.**

ADJOURNMENT - 7:25 P.M.

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

Copy of Agenda may be found on Page 681 of this Minute Book X.

APPROVED:

Rosemary Aultman
Rosemary Aultman, Mayor

March 20, 1996
Date

ATTEST:

Nelson Byrd
Nelson Byrd, City Clerk

March 20, 1996
Date

SEAL

- B. Respondent's limitations for fecal coliform and chlorine residual shall not be in effect for NPDES Permit Nos. MS0021199 and MS0021172 for the term of this Order.
- C. Respondent further agrees to pay a penalty in the amount of \$21,850 for failure to comply with paragraph 2.A. of this Order, said penalty to be due immediately upon non-compliance.

3.

In the event Respondent fails to comply with any of the terms of this Agreed Order, the Agreed Order shall become fully enforceable through the appropriate chancery court. The Mississippi Department of Environmental Quality, acting on behalf of the Commission, may proceed in chancery court and may submit an affidavit to the chancery court, along with an appropriate complaint to enforce this Agreed Order of the Commission, and such affidavit shall be prima facie evidence upon which to obtain a final judgement against Respondent in favor of the Mississippi Commission on Environmental Quality.

4.

Nothing in this Agreed Order shall limit the rights of the Mississippi Department of Environmental Quality or the Mississippi Commission on Environmental Quality in the event Respondent fails to comply with this Agreed Order. The Agreed Order shall be strictly construed to apply to those matters expressly resolved herein.

5.

Nothing contained in this Agreed Order shall limit the rights of Complainant to take enforcement or other actions against Respondent for violations not addressed herein and for future violations of environmental laws, rules, and regulations.

6.

Respondent understands and acknowledges that it is entitled to an evidentiary hearing before the Commission pursuant to Section 49-17-31 of the Mississippi Code Annotated (Supp. 1995), and that it has made an informed waiver of that right.

ORDERED, this the _____ day of _____, 1996.

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

BY: _____

J. I. PALMER, JR.
EXECUTIVE DIRECTOR
MISSISSIPPI DEPARTMENT
OF ENVIRONMENTAL QUALITY

AGREED, this the 20th day of March, 1996.

BY: Rosemary S. Aultman

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PAYING AGENCY AGREEMENT

**RE: CITY OF CLINTON, MISSISSIPPI
\$465,000 LIMITED OBLIGATION TAX INCREMENT BONDS, 1996**

The First Security Bank, Batesville, Mississippi (the "Bank"), hereby acknowledges receipt of the Bond Resolution of the Mayor and Board of Aldermen of the City of Clinton, Mississippi (the "City"), regarding the issuance of the above stated bonds, and in accordance therewith, the Bank agrees to act as paying agent, transfer agent and registrar (Paying Agent) pursuant to the provisions thereof.

It is agreed that so long as the City maintains on deposit at the Bank sufficient funds for the Bank, in its capacity as Paying Agent, to distribute the timely payment of principal and interest on the Bonds on the due date thereof, the Bank will hold harmless and indemnify the City from any and all damages or claims for damages arising out of or connected with the payment or non-payment of such principal and interest on the Bonds.

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

A copy of the Bank's schedule of compensation detailing its current fees as Paying Agent is attached hereto and made a part hereof. However, the Bank reserves the right to adjust the fees thereupon after sixty (60) days' prior written notice to the Mayor and Board of Aldermen of the City of Clinton, Mississippi

**FIRST SECURITY BANK
Batesville, Mississippi**

DATE: March 1, 1996

By: _____


William R. Fleming
Trust Officer

APPROVED:

CITY OF CLINTON, MISSISSIPPI

BY: Rosemary J. Aetna DATE: March 19, 1996

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FIRST SECURITY BANK
BOND AGENCY FEE SCHEDULE

I. REGISTRAR/TRANSFER/PAYING AGENT UNDER BOND/NOTE INDENTURE

A. Acceptance Fee:

\$600.00 for the first million (or lesser fraction thereof) of Principal Bonds or Notes issued.

\$100.00 per million (or lesser fraction thereof) for each million thereafter of Principal Bonds or Notes issued.

B. Annual Administrative Fee:

\$350.00 for the first million (or lesser fraction thereof) of Principal Bond or Notes outstanding.

\$100.00 per million (or lesser fraction thereof) for each million thereafter of Principal Bonds or Notes issued.

C. Registration and Transfer Fee:

Initial Charge for Registration: \$ 1.00 per Bond

Transfer Fee to successor Agent: 1/10th of 1% of principal balance or \$1,000.00 whichever is less

D. Principal and Interest Payment Fee:

One-half of one percent of the amount of interest paid, and, One-eighth of one percent of the amount of principal paid regarding scheduled payments; and in addition, for early redemption/Call: \$150.00 per maturity.

E. Miscellaneous Charges and Fees:

Cost of printing bonds, forms, postage, insurance and other actual out-of-pocket expenses.