

**REGULAR MEETING OF THE MAYOR AND BOARD OF ALDERMEN
TUESDAY, JANUARY 3, 1995 - 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, January 3, 1995, 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
O. C. George Ferrell - Alderman Ward 1
Rodney DePriest - Alderman Ward 2, Arrived 7:03p.m.
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

APPROVAL OF CONSENT AGENDA ITEMS A-MM:

MOTION made by Alderman Ferrell and **SECONDED** by Alderman Fisher to approve Consent Agenda Items A-MM as listed on page 981-982 of this Minute Book W, noting that Consent Agenda Item H will serve to advertise favorably the opportunities, possibilities, and resources of the City of Clinton. Quotes listed in items C, P, & V are on file in the Office of the City Clerk. **MOTION CARRIED UNANIMOUSLY.** Alderman DePriest was not present for voting.

ADOPTION OF AD VALOREM EXEMPTION FOR PACKARD ELECTRIC

Acting upon the request of General Motors Corporation, Packard Electric Division, for an additional five-year extension of ad valorem exemption as allowed by law, noting that the first five-year exemption was granted in 1990, **MOTION** made by Alderman Ferrell and **SECONDED** by Alderman Brabham adopting that request for five-year extension and final order found on pages 983-993 of this Minute Book W granting said extension. **MOTION CARRIED UNANIMOUSLY.**

APPOINTMENTS TO CITY PLANNING & ZONING BOARD AND THE LIBRARY BOARD

MOTION made by Alderman Touchton and **SECONDED** by Alderman Todd to re-appoint Bettye King to serve as the Ward 5 representative for the City of Clinton Planning and Zoning Board with said term expiring January 1, 1998. **MOTION CARRIED UNANIMOUSLY.**

MOTION made by Alderman Fisher and **SECONDED** by Alderman Todd to appoint Kathy Peace as the Ward 4 representative for the City of Clinton Planning and Zoning Board with said term expiring January 1, 1998. **MOTION CARRIED UNANIMOUSLY.**

MOTION made by Alderman Brabham and **SECONDED** by Alderman Ferrell to appoint Debbie Pierce to serve on the City of Clinton Library Board with said term expiring January 1, 1998. **MOTION CARRIED UNANIMOUSLY.**

MOTION made by Alderman Todd and **SECONDED** by Alderman DePriest

to appoint Catherine Broome to serve on the City of Clinton Library Board with said term expiring January 1, 1998. MOTION CARRIED UNANIMOUSLY.

CONSENT AND LANDLORD WAIVER GRANTED TO RIVERWOOD INTERNATIONAL

Acting upon the request of UnionBanc Leasing Corporation to waive the City's claim against equipment rented to Riverwood International as shown in the consent and waiver agreement found on pages 994-995 of this Minute Book W, MOTION made by Alderman Fisher and SECONDED by Alderman Todd to grant the requested consent and waiver. MOTION CARRIED UNANIMOUSLY.

ADOPTION OF PRIVATE WATER WELL REGULATION ORDINANCE

MOTION made by Alderman Touchton and SECONDED by Alderman Lott to approve the adoption of the Private Water Well Regulation Ordinance as found on pages 996-1,000 of this Minute Book W and on pages 606-610 of the City of Clinton Ordinance Book II. Proofs of publication may be found on pages 1,001 and 611 respectively. MOTION CARRIED UNANIMOUSLY noting that said ordinance is effective immediately.

ADOPTION OF AMENDED INTERLOCAL PAVING AGREEMENT WITH HINDS COUNTY

MOTION made by Alderman Brabham and SECONDED by Alderman Ferrell to adopt that amended Interlocal Paving Agreement with Hinds County as found on pages 1,002-1,010 of this Minute Book W noting that said agreement has been approved by the Hinds County Board of Supervisors. MOTION CARRIED UNANIMOUSLY.

OTHER BUSINESS

City Engineer Broome informed the Board of Aldermen that the Hinds County Board of Supervisors did approve the funding requested by the City of Clinton for the preliminary engineering design for the North-South Parkway.

ADJOURNMENT - 7:20 P.M.

There being no further business to discuss, MOTION made by Alderman Fisher and SECONDED by Alderman Lott to Recess until January 17, 1995, 7 P.M. MOTION CARRIED UNANIMOUSLY.

Copy of Agenda may be found on Pages 981-982 of this Minute Book W.

APPROVED: Rosemary Aultman January 6, 1995
Rosemary Aultman, Mayor Date

ATTEST: Nelson Byrd January 6, 1995
Nelson Byrd, City Clerk Date

SEAL

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REQUEST OF GENERAL MOTORS CORPORATION, PACKARD ELECTRIC DIVISION
FOR A FIVE YEAR EXTENSION OF THE AD VALOREM TAX EXEMPTION
PREVIOUSLY GRANTED ON THE ADDITIONS COMPLETED JANUARY 1, 1990
TO ITS CLINTON PLANT FACILITIES BY THE MAYOR AND BOARD OF
ALDERMEN OF CLINTON, MISSISSIPPI

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

GENERAL MOTORS CORPORATION, PACKARD ELECTRIC DIVISION, files this request, in triplicate, for a five-year extension of the ad valorem tax exemption previously granted it on additions completed January 1, 1990 to its plant facilities and respectfully represents as follows:

I.

Applicant, GENERAL MOTORS CORPORATION, PACKARD ELECTRIC DIVISION, is a Delaware corporation with its principal place of business in Detroit, Michigan and is qualified to do business in Mississippi with its registered office in Hinds County, Mississippi.

II.

Applicant is now and has been for a number of years prior to this date the owner and operator of an automobile component part manufacturing industry within the Industrial Park of the City of Clinton, Hinds County, Mississippi, which factory includes plants 20, 21, 22, 24 and 27.

III.

By final order of the Mayor and Board of Aldermen dated September 11, 1990, the Mayor and the Board granted Applicant a five-year ad valorem tax exemption on additions or expansions and

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initial exemption on December 31, 1994, as required by the above mentioned statute under which the exemption was granted.

(b) Applicant's number of employees on its latest payroll was 1,370, which exceeds the number required by the above mentioned statute for an extension of the initial exemption.

(c) The 1,370 employees which Applicant has on its latest payroll in December, 1994 and meets the requirement of the statute, which is not less than the greater of:

(i.) The original declaration of jobs, which as of January 1, 1990 was 1,150 jobs; or

(ii.) The average employment of the second, third and fourth years of the initial exemption period, which average employment for such three (3) years was 1,250 jobs.

V.

Applicant therefore states as set forth above that it meets all conditions precedent required by the above mentioned statute necessary for Applicant to be eligible for an extension of the initial five-year exemption for an additional five year period in accordance with the original grant.

WHEREFORE, Applicant prays that the Mayor and the Board of Aldermen of Clinton, Mississippi enter a Final Order extending the above mentioned initial tax exemption in accordance with the original grant for an additional five (5) years, commencing on the first day of January, 1995, and ending on the 31st day of

December, 1999 and that a certified copy of said Final Order be furnished to the Hinds County Tax Assessor's Office.

Respectfully submitted,

GENERAL MOTORS CORPORATION,
PACKARD ELECTRIC DIVISION

By:

Keith Fraser
KEITH FRASER, General
Supervisor, Accounting

STATE OF MISSISSIPPI §
 §
COUNTY OF HINDS §

Personally appeared before me, the undersigned authority in and for the jurisdiction aforesaid, KEITH FRASER, who stated on oath that he is General Supervisor, Accounting of PACKARD ELECTRIC DIVISION of GENERAL MOTORS CORPORATION, that the matters set out in the foregoing request are true and correct to the best of his knowledge, information and belief and that he is authorized by said corporation to provide this certification.

SWORN TO AND SUBSCRIBED BEFORE ME, on this the 28th day of December, 1994.

Andrea A. Summer
Notary Public

My Commission Expires:

7-8-96

OF COUNSEL:

Robert P. Wise
WISE CARTER CHILD & CARAWAY
Professional Association
600 Heritage Building
Post Office Box 651
Jackson, Mississippi 39225
(601) 968-5500

FINAL ORDER OF THE MAYOR AND BOARD OF ALDERMEN OF
CLINTON, MISSISSIPPI,
EXEMPTING CERTAIN PROPERTIES OF GENERAL
MOTORS CORPORATION, PACKARD ELECTRIC
DIVISION, FROM CITY AD VALOREM TAXES

WHEREAS, applicant is now operating as an automobile component part manufacturing type of industry within the industrial park of the City of Clinton, Hinds County, Mississippi, which factory includes Plants 20, 21, 22, 24 and 27 containing 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"; and the exemption prayed for in this Application is for additions or expansions of the above-mentioned plants and the replacement of equipment used in connection with or necessary to the operation of the said enterprise as provided in Section 27-31-105 of the Mississippi Code, as amended; and

WHEREAS, the additions or expansions and replacement of equipment were completed on January 1, 1990, and as of that date the true value of all property to be exempt was Eight Million, Five Hundred Twenty-Nine Thousand, Two Hundred Twenty-Five and 07/100 Dollars (\$8,529,225.07), as shown in an itemized list attached to the Application for Exemption as Exhibit "A"; and

WHEREAS, the Application of General Motors Corporation, Packard Electric Division, was approved by this body for submission to the Mississippi State Tax Commission which in turn certified that the properties described in the 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 General Motors, Packard Electric Division, Application herein is hereby approved and that the property described in Exhibit "A" to the Application for Exemption with a value of \$8,529,225.07 is exempt from all ad valorem taxation, except State and School District taxation, for two (2) consecutive five-year periods, totaling ten (10) years, with the initial exemption period beginning on the 1st day of January, 1990, and ending on the 31st day of December, 1994, the subsequent five-year exemption period beginning on the 1st day of January, 1995, and ending on the 31st day of December, 1999; provided, that within three (3) months prior to the expiration of the initial exemption period, applicant files a request for a continuation of said exemption in accordance with Section 27-31-101 of the Mississippi Code, as amended.

SO ORDERED, this, the 11 day of September, 1990.

Billy A. Smith
BILLY RAY SMITH, MAYOR
CITY OF CLINTON, MISSISSIPPI

ATTEST:

Christine Walls
CHRISTINE WALLS CITY CLERK
CITY OF CLINTON, MISSISSIPPI

(SEAL)

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EXHIBIT A
GENERAL MOTORS CORPORATION
PACKARD ELECTRIC DIVISION

True value of property added to Plants 20, 21, 22, 24 and 27
completed January 1, 1990:

	<u>MACHINERY AND EQUIPMENT</u>	<u>FURNITURE AND FIXTURES</u>	<u>WORK-IN- PROGRESS INVENTORIES</u>	<u>TOTAL</u>
Plant 20	\$ 32,213.00	\$12,247.00	\$ 28,600.00	\$ 73,060.00
Plant 21	912,170.81	- 0 -	457,600.00	1,369,770.81
Plant 22	2,611,083.05	- 0 -	1,315,600.00	3,926,683.05
Plant 24	95,085.74	- 0 -	57,200.00	152,285.74
Plant 27	2,006,425.47	- 0 -	1,001,000.00	3,007,425.47
	<u>\$5,656,978.07</u>	<u>\$12,247.00</u>	<u>\$2,860,000.00</u>	<u>\$8,529,225.07</u>

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FINAL ORDER OF THE MAYOR AND THE BOARD OF ALDERMEN OF CLINTON,
MISSISSIPPI GRANTING REQUEST OF GENERAL MOTORS CORPORATION,
PACKARD ELECTRIC DIVISION FOR A FIVE-YEAR EXTENSION OF
THE FIVE-YEAR AD VALOREM TAX EXEMPTION PREVIOUSLY GRANTED
ON ITS ADDITIONS COMPLETED JANUARY 1, 1990 TO ITS
CLINTON PLANT FACILITIES

WHEREAS, by Final Order of the Mayor and Board of Aldermen of Clinton, Mississippi dated September 11, 1990, the Mayor and the Board granted Applicant, GENERAL MOTORS CORPORATION, PACKARD ELECTRIC DIVISION, a five-year ad valorem tax exemption on the additions, expansions and replacement of equipment at its Clinton plant facilities completed January 1, 1990 pursuant to the applicable law then in effect, which was Section 27-31-105 as amended; and

WHEREAS, the aforementioned exemption granted by the Mayor and Board of Aldermen on September 11, 1990 was for the period commencing January 1, 1990 and expiring December 31, 1994 upon personal property involved in said additions, expansions and replacement equipment of the true value of \$8,529,225.07, which was shown and itemized as Exhibit "A" to the original exemption application; and

WHEREAS, the maximum period for which an ad valorem tax exemption under Section 27-31-105 could be granted under the aforementioned statute then in force and effect was for an initial period not to exceed five (5) years, subject to the additional provision that the Mayor and the Board of Aldermen was empowered to extend said exemption for additional period not to

exceed five (5) years upon request being made by the Applicant for such an extension within three (3) months prior to the expiration of the exemption in effect at such time and upon a showing by Applicant that the employment at the end of the initial five-year period is not less than the greater of the original declaration of jobs or the average employment of the second, third and fourth years of the initial exemption period; and

WHEREAS, GENERAL MOTORS CORPORATION, PACKARD ELECTRIC DIVISION, has filed in triplicate with the Mayor and the Board of Aldermen its request for a five-year extension of the ad valorem tax exemption previously granted on the additions, expansions and replacement of equipment completed January 1, 1990 at its plant facilities in Clinton and has made written certification to the Mayor and the Board of Aldermen of its eligibility under the aforementioned statute to receive a five-year extension of the ad valorem tax exemption previously granted on September 11, 1990; and

WHEREAS, this Mayor and Board of Aldermen find as a fact that the request of the Applicant herein for a five-year extension of the above described initial five-year ad valorem tax exemption has been made to and filed with the Clerk within three (3) months prior to the expiration of the initial ad valorem tax exemption on December 31, 1994 and that Applicant's employment at the end of the initial five-year period on December 31, 1994 is not less than the greater of the original declaration of jobs or

the average employment of the second, third and fourth years of the initial exemption period.

NOW, THEREFORE, BE IT ORDERED by the Mayor and the Board of Aldermen of Clinton, Mississippi:

(1) The request of GENERAL MOTORS CORPORATION, PACKARD ELECTRIC DIVISION for an extension of the initial ad valorem tax exemption granted it on September 11, 1990 on additions, expansions and replacement of equipment completed January 1, 1990 to its plant facilities in Clinton in the amount of \$8,529,225.07 is hereby finally approved in accordance with the original grant for an additional five-year period beginning January 1, 1995 and expiring December 31, 1999, provided, however, that nothing herein shall be construed to exempt the said properties from state ad valorem taxation or from ad valorem taxation for school district purposes.

(2) The Clerk shall enter this Final Order in the minutes of the Mayor and the Board of Aldermen, Clinton, Mississippi and shall forward a certified copy of this Final Order to the Hinds County Tax Assessor.

SO ORDERED, this the 3rd day of January, 1995.

MAYOR AND BOARD OF ALDERMEN
CLINTON, MISSISSIPPI

By:

Rosemary G. Aultman
ROSEMARY G. AULTMAN, Mayor
City of Clinton, Mississippi

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ATTEST:

NELSON BYRD, City Clerk
City of Clinton, Mississippi

By: Nelson Byrd

(SEAL)

9

**CONSENT AND WAIVER BY LANDLORD
OF REAL ESTATE**

WHEREAS, the undersigned, CITY OF CLINTON, MISSISSIPPI, is the Landlord of real estate located in Hinds County, Mississippi and being more particularly described as follows:

A parcel of land situated in the Northwest Quarter (NW 1/4) of Section 19, Township 6 North, Range 1 West in Hinds County, Mississippi, particularly described as beginning at a point 773 feet South of the Northwest corner of the NW 1/4 of Section 19, Township 6 North, Range 1 West, run thence East 769.6 feet to a point; thence South 17 degrees 02 minutes west 469.8 feet to a point; thence South 325.75 feet to a point; thence west 632 feet to a point; thence North 774.95 feet to the point of beginning containing 12 acres, more or less.

(hereinafter referred to as the "Premises"), to all or a portion of which Premises are now or are to be occupied by Riverwood International USA, Inc. (hereinafter referred to as the "Lessee"); and

WHEREAS, Lessee has leased or will lease from UNIONBANC LEASING CORPORATION, (hereinafter referred to as the "Lessor") under or pursuant to an Equipment Leasing Agreement dated December, 1994, between Lessee and Lessor (hereinafter referred to as the "Lease") the following equipment (hereinafter referred to as the "Equipment"):

One (1) new Man Roland Cartoman I variable size webb offset press and one (1) new Zerand-Bernal platen cutter creaser and related equipment.

NOW THEREFORE, for valuable consideration, the receipt of which is hereby acknowledged by the undersigned, the undersigned does hereby agree to waive as follows:

1. The Equipment may be kept, installed, maintained, used and operated in and affixed to the Premises. The Equipment is and shall remain personal property, notwithstanding the manner in which it is installed in or affixed to the Premises. The title and ownership of the Equipment is and shall remain in Lessor unless and until it is conveyed by Lessor to other parties. This Consent and Waiver shall apply to any of the Equipment which is presently on or may hereafter be delivered to and installed on and affixed to the Premises.

2. The undersigned waives and disclaims each and every right to which the undersigned now has or may hereafter have under the laws of the State of Mississippi or any

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other state or by or under the terms of any lease, mortgage or other agreement now or hereafter in effect, to levy or distrain upon the Equipment for rent (whether in arrears or in advance or both) or to claim or assert any lien, right, title or interest in or to the Equipment.

3. The undersigned agrees and acknowledges that any every right, title or interest which the Lessor now has or may hereafter have in or to the Equipment and by or under the Lease is superior to any claim, Lien, right, title or interest of any nature which the Undersigned now has or may hereafter have against or with respect to the Equipment by or under any law or any lease, mortgage or other agreement or otherwise.

4. The undersigned agrees that Lessor or its agents may enter the Premises and remove all or any portion of the Equipment therefrom at any time that Lessor is entitled so to do under the terms of the Lease or otherwise, without liability or accountability to the undersigned therefore; and the undersigned hereby irrevocably grants to Lessor and its agents the right of entry to the Premises to remove the Equipment, or any portion thereof, from the Premises at any reasonable time or times.

5. Lessor may at any time, or from time to time, without in any way affecting the validity of this Consent and Waiver, waive or extend the time for the payment or performance by Lessee of any of its liabilities, obligations or undertakings under the Lease or grant any indulgence to Lessee, without notice to or obtaining the consent of the undersigned.

6. This Consent and Waiver, and the terms and provisions hereof, shall inure to the benefit of the successors and assigns of Lessor and shall be binding upon the heirs, personal representatives, successors (including successors in interest) and assigns of the undersigned.

IN WITNESS WHEREOF, the undersigned has executed this Consent and Waiver under this seal this the 3rd day of January, 1995.

CITY OF CLINTON, MISSISSIPPI

BY: Rosemary Aultman
Rosemary Aultman, Mayor

ATTEST:

Nelson Byrd
City Clerk

1700.0001

10

AN ORDINANCE TO REGULATE PRIVATE WATER WELLS DRILLED AND MAINTAINED WITHIN THE CITY OF CLINTON, MISSISSIPPI, TO PRESCRIBE PENALTIES FOR THE VIOLATION OF ITS PROVISIONS; TO SET AN EFFECTIVE DATE, TO PROVIDE FOR DISCONNECTION FROM CITY WATER SERVICES, AND FOR RELATED PURPOSES.

BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Clinton, Mississippi in regular council convened:

SECTION 1. Short Title. This Ordinance shall be known and may be cited as the "City of Clinton Water Well Ordinance."

SECTION 2. Scope of the Ordinance; Administrative Procedures.

(A) The sections of this Ordinance shall apply to all private wells drilled and maintained within the City of Clinton, Mississippi (hereinafter the "City") or any area serviced by the City's water system. A private well is one not drilled and/or operated by the City or other governmental agency or branch.

(B) In order to protect the integrity of City's public water system and pursuant to the City's police powers to protect the health, safety and welfare of the users of the public water supply, the City will establish procedures to implement the requirements of this Ordinance.

SECTION 3. Registration.

(A) Any person, firm, partnership, association, corporation, company or organization of any kind (the "Owner") desiring to drill or have drilled or installed within the City a well producing a water supply shall, ten (10) days prior to the first day of operation of the well, register the well with the City.

(B) All wells in existence at the time of the effective date of this Ordinance which have not previously been permitted by the City shall be registered within sixty (60) days of the effective date of such Ordinance.

(C) The registration will, at a minimum, identify the location of the well, the owner of the well, all persons or business involved in the construction of the well, all planned users of the well, and the planned uses of the well.

(D) All registrations will be accompanied by a Twenty-Five Dollar (\$25.00) registration fee in order to defray the administrative cost of registration and to cover the initial and any subsequent inspections of the wells in existence prior to the adoption of this Ordinance, as long as the preexisting well is registered within thirty (30) days. Proof that the well previously existed must be provided at the time of registration.

SECTION 4. Conditions on Use.

(A) Any well drilled or operated within the City for private use shall not be connected in any manner with the City water and sewer system.

(B) Any private well within the City will conform to the requirements of Miss. Code Annotated 1972, as amended §§ 51-3-1 through 51-3-55 and Miss. Code Annotated 1972, as amended §§ 51-5-1-51-5-19.

(C) Each private well within the City will be subject to initial and subsequent inspections to ensure that the well is not attached to connected with the City water and sewer system.

(D) The owner of any private well in the City shall be responsible for complying with any and all applicable health codes and regulations and with all applicable statutes of the State and with all applicable Ordinances of the City.

SECTION 5. Inspections.

(A) After the first date of operations or registration of a private well in the City, a representative of an appropriate department of the City shall inspect the site to ensure that the well is not attached or connected to the City water and sewer system.

(B) Each private well in the City will be subject to unannounced inspections by any appropriate department of the City to ensure that the private well is not connected to the City water and sewer system.

(C) The inspectors of the City shall have access to the property on which a well is located in order to perform all inspections, tests or other procedures to verify that the well is in compliance with the provisions of this Ordinance.

SECTION 6. Enforcement of the Article - Generally; Penalty for Violation.

(A) Violation; Penalty. Any person who is found guilty of the violation of any provision of this Ordinance shall be fined in an amount not less than Fifty Dollars (\$50.00) and not exceeding One Thousand Dollars (\$1,000) or be imprisoned in the City Jail for a period not exceeding ninety days (90) or both so fined and imprisoned. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punished as such hereunder.

(B) Liability for Damage. Any person found in violation of any provision of this article shall become liable to the City for any expense, loss or damage occasioned the City by reason of such violation.

(C) Authority to disconnect water service. If, during inspection or otherwise, it is discovered that a well water supply is connected in any fashion to the City's water system, the City water service may be immediately disconnected until the well system is disconnected and appropriate remedial steps are taken to ensure that no contamination of the City water system will occur. All costs of disconnection, inspection and remedial steps shall be borne by the Owner.

SECTION 7.

The City, at its option, may determine that any Owner operating its own well within the service area of the City does not require City water and may, upon approval by the Mayor and Board of Aldermen, disconnect City water service to such entity.

SECTION 8. Same - Judicial Proceedings

In addition to the actions provided for in Section 6, in the event of any violation of this Ordinance or threatened or impending violation thereof, especially if any private well is in any manner connected to the City water and sewer system, the City shall be further authorized to institute such injunctive or other legal proceedings as may be necessary in order to preserve the public interest involved and to prevent any violation or continued violation of this article.

SECTION 9. Ordinances Repealed. All Ordinances and parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 10. Separability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION 11. Effective Date. This Ordinance shall be in full force and effect immediately upon unanimous vote of the Board of Aldermen because of the preservation of public health through the integrity of the water system or one month from the date hereof, if approval is by less than an unanimous vote of the Board of Aldermen.

SO ORDAINED this the 3RD day of JANUARY, 1995.

CITY OF CLINTON, MISSISSIPPI

By:

Rosemary Aultman
Mayor Rosemary Aultman

ATTEST:

Nelson Byrd
NELSON BYRD, CITY CLERK

<u>VOTING</u>	<u>YEA</u>	<u>NAY</u>
Alderman Jehu Brabham	<u>YEA</u>	_____
Alderman O. C. George Ferrell	<u>YEA</u>	_____
Alderman Rodney DePriest	<u>YEA</u>	_____
Alderman Ben Todd	<u>YEA</u>	_____
Alderman Phil Fisher	<u>YEA</u>	_____
Alderman Herb Touchton	<u>YEA</u>	_____
Alderman Sharbert Lott	<u>YEA</u>	_____

250 Clinton Legals

AN ORDINANCE TO REGULATE PRIVATE WATER WELLS DRILLED AND MAINTAINED WITHIN THE CITY OF CLINTON, MISSISSIPPI, TO PRESCRIBE PENALTIES FOR THE VIOLATION OF ITS PROVISIONS; TO SET AN EFFECTIVE DATE; TO PROVIDE FOR DISCONNECTION FROM CITY WATER SERVICES, AND FOR RELATED PURPOSES.

BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Clinton, Mississippi in regular council convened:

SECTION 1. Short Title. This Ordinance shall be known and may be cited as the "City of Clinton Water Well Ordinance."

SECTION 2. Scope of the Ordinance; Administrative Procedures.

(A) The sections of this Ordinance shall apply to all private wells drilled and maintained within the City of Clinton, Mississippi (hereinafter the "City") or any area serviced by the City's water system. A private well is one not drilled and/or operated by the City or other governmental agency or branch.

(B) In order to protect the integrity of City's public water system and pursuant to the City's police powers to protect the health, safety and welfare of the users of the public water supply, the City will establish procedures to implement the requirements of this Ordinance.

SECTION 3. Registration.

(A) Any person, firm, partnership, association, corporation, company or organization of any kind (the "Owner") desiring to drill or have drilled or installed within the City a well producing a water supply shall, ten (10) days prior to the first day of operation of the well, register the well with the City.

(B) All wells in existence at the time of the effective date of this Ordinance which have not previously been permitted by the City shall be registered within sixty (60) days of the effective date of such Ordinance.

(C) The registration will, at a minimum, identify the location of the well, the owner of the well, all persons or business involved in the construction of the well, all planned users of the well, and the planned uses of the well.

(D) All registrations will be accompanied by a Twenty-Five Dollar (\$25.00) registration fee in order to defray the administrative cost of registration and to cover the initial and any subsequent inspections of the wells in existence prior to the adoption of this Ordinance, as long as the preexisting well is registered within thirty (30) days. Proof that the well previously existed must be provided at the time of registration.

SECTION 4. Conditions on Use.

(A) Any well drilled or operated within the City for private use shall not be connected in any manner with the City water and sewer system.

(B) Any private well within the City will conform to the requirements of Miss. Code Annotated 1972, as amended §§ 51-3-1 through 51-3-5 and Miss. Code Annotated 1972, as amended §§ 51-5-1-51-5-19.

(C) Each private well within the City will be subject to initial and subsequent inspections to ensure that the well is not attached to connected with the City water and sewer system.

(D) The owner of any private well in the City shall be responsible for complying with any and all applicable health codes and regulations and with all applicable statutes of the State and with all applicable Ordinances of the City.

SECTION 5. Inspections.

(A) After the first date of operations or registration of a private well in the City, a representative of an appropriate department of the City shall inspect the site to ensure that the well is not attached or connected to the City water and sewer system.

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(B) Each private well in the City will be subject to unannounced inspections by any appropriate department of the City to ensure that the private well is not connected to the City water and sewer system.

(C) The Inspectors of the City shall have access to the property on which a well is located in order to perform all inspections, test or other procedures to verify that the well is in compliance with the provisions of this Ordinance.

SECTION 6. Enforcement of the Article - Generally; Penalties for Violation.

(A) Violation. Any person who is found guilty of the violation of any provision of this Ordinance shall be fined in an amount not less than Fifty Dollars (\$50.00) and not exceeding One Thousand Dollars (\$1,000) or be imprisoned in the City Jail for a period not exceeding ninety days (90) or both so fined and imprisoned. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punished as such hereunder.

(B) Liability for Damage. Any person found in violation of any provision of this article shall become liable to the City for any expense, loss or damage occasioned the City by reason of such violation.

(C) Authority to disconnect water service. If, during inspection or otherwise, it is discovered that a well water supply is connected in any fashion to the City's water system, the City water service may be immediately disconnected until the well system is disconnected and appropriate remedial steps are taken to ensure that no contamination of the City water system will occur. All costs of disconnection, inspection and remedial steps shall be borne by the Owner.

SECTION 7.

The City, at its option, may determine that any Owner operating its own well within the service area of the City does not require City Water and may, upon approval by the Mayor and Board of Aldermen, disconnect City water service to such entity.

SECTION 8. Same - Judicial Proceedings.

In addition to the actions provided for in Section 6, in the event of any violation of this Ordinance or threatened or impending violation thereof, especially if any private well is connected in any manner to the City water and sewer system, the City shall be further authorized to institute such injunctive or other legal proceedings as may be necessary in order to preserve the public interest involved and to prevent any violation or continued violation of this article.

SECTION 9. Ordinances Repealed. All Ordinances and parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 10. Separability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION 11. Effective Date. This Ordinance shall be in full force and effect immediately upon unanimous vote of the Board of Aldermen because of the preservation of public health through the integrity of the water system or one month from the date hereof, if approval is by less than a unanimous vote of the Board of Aldermen.

SO ORDAINED this 3rd day of January, 1995.

CITY OF CLINTON, MISSISSIPPI

By: /s/ Rosemary Aultman
Mayor Rosemary Aultman

ATTEST:

/s/ Nelson Byrd
NELSON BYRD,
CITY CLERK

VOTING YEA NAY

Alderman Jehu Brabham

YEA

Alderman O.C. George Ferrell YEA

Alderman Rodney DePriest

YEA

Alderman Ben Todd YEA

Alderman Phil Fisher YEA

Alderman Herb Touchton

YEA

Alderman Sharbert Lott YEA

January 12, 1995

PUBLICATION

THE STATE OF MISSISSIPPI HINDS COUNTY

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

Tim Lee

an authorized clerk of THE CLINTON NEWS, a daily newspaper as defined and prescribed in Sections 13-3-31 and 13-3-32 of Mississippi Code of 1972, as amended, who, being duly sworn, states that the notice, a true copy of which is hereto attached, appeared in issues of said newspaper as follows:

Date _____, January 12, 19⁹⁵
Date _____, 19____
Date _____, 19____
Date _____, 19____
Date _____, 19____

Number of Lines/Words _____ 277/1194

Published _____ 1 _____ Times

Total \$ _____ 97.52

Signed _____

Authorized Clerk
of The Clinton News

before me the 12 day of January, _____,

Marie Mills
Notary Public

(SEAL)

INTERLOCAL COOPERATION AGREEMENT
(Mississippi Interlocal Cooperation Act of 1974, as amended)

HINDS COUNTY, MISSISSIPPI AND THE CITY OF CLINTON, MISSISSIPPI

In Re: Clinton, Mississippi - Paving/Overlaying of Streets

THIS AGREEMENT is entered into on the date(s) shown at the end of this document by and between HINDS COUNTY, MISSISSIPPI, a political subdivision of the State of Mississippi, and the CITY OF CLINTON, MISSISSIPPI, a municipal corporation, pursuant to and in accordance with Section 17-13-1 et seq. of the Mississippi Code of 1972, as amended, titled the "Interlocal Cooperation Act of 1974".

IN CONSIDERATION of the mutual benefits described herein, the parties agree as follows:

I. PURPOSE AND GENERAL PROVISIONS

A. AGREEMENT. This Agreement is entered into pursuant to and in accordance with the authorization of the "Interlocal Cooperation Act of 1974", found at Section 17-13-1 et seq. of the Mississippi Code of 1972, as amended, as it now appears or is hereafter amended, and all provisions set forth in that Act are incorporated herein and made a part hereof as if fully set forth in words and figures, it being the intent of the parties to this Agreement that such authority as is granted by the Act shall be exercisable by the parties to enable them to accomplish the paving or overlaying of various streets in Clinton, Hinds County, Mississippi.

B. **SCOPE.** The nature and scope of the project contemplated by this Agreement is the paving or overlaying of various streets in the City of Clinton, as more fully described in the document attached hereto and incorporated herein as Exhibit "A".

C. **AUTHORITY.** The specific authority under which the County and the City may exercise the powers necessary to fulfill the terms of this Agreement are found, respectively, in Sections 19-3-41 and 21-37-3 of the Mississippi Code of 1972, as amended.

D. **PUBLIC BENEFIT.** It is acknowledged that each of the parties has formally considered this matter and has determined that it is in the public interest that it participate and cooperate in this project, and that substantial benefits are anticipated to insure to citizens of the County and the City by virtue of completion of the project.

E. **PARTICIPATION AND FINANCING.** Hinds County will participate in this project by funding improvements to City streets in an amount not to exceed One Hundred Thousand Dollars (\$100,000.00). Funding will occur through reimbursing the City of Clinton for work performed to pave or overlay the streets described in Exhibit "A". The City of Clinton will participate in this project by performing or contracting for the performance of work necessary to accomplish the paving or overlaying of the subject streets.

F. **MINORITY PARTICIPATION.** It is acknowledged that all activities undertaken by either of the parties to fulfill the requirements of this project will be accomplished in conformity with the minority participation statement utilized by Hinds County, a copy of which statement is attached hereto and incorporated herein as Exhibit "B".

G. **SCHEDULE.** It is estimated that the activities necessary to complete this project will take approximately twelve (12) months.

II. AMENDMENTS OR TERMINATION

This Agreement may be amended or terminated only with the mutual consent of both parties and such action shall be taken by resolution in the same procedural manner as required in the instance of the adoption of this Agreement.

III. ADMINISTRATION

The Director of Public Works for Hinds County and the City Engineer of the City of Clinton shall be responsible for insuring that there is full compliance with the terms of this Agreement.

IV. DURATION

This Agreement shall be in full force and effect from the effective date as explained in Section V, below, and shall continue in effect until such time as the parties acknowledge, through the project administrators described in Section III, above, that the activities contemplated by this Agreement have been completed. This project is intended to be completed on or before December 1,

1995. However, the citing of this intended completion date shall in no way limit the ability or authority of the parties to continue the activities contemplated by this Agreement beyond that date, if necessary, to complete the project.

V. ENFORCEABILITY

A. **APPROVAL.** The parties understand that, as a condition precedent to this Agreement being enforceable, this Agreement shall be submitted to the Attorney General of the State of Mississippi for his approval and that this Agreement shall not be enforceable unless:

1. approved by the Attorney General, or until,
2. sixty (60) days has passed since its submission and he has failed to disapprove same, in which event the Agreement shall be considered approved and enforceable.

The Attorney for the Hinds County Board of Supervisors shall be responsible for submitting the Agreement to the Attorney General.

B. **FILING.** Upon approval by the Attorney General, or the passage of sixty (60) days after submission without his disapproval, copies of this Agreement shall be filed with the Chancery Clerk of Hinds County, and the Secretary of State and the State Department of Audit of the State of Mississippi. In accordance with the terms of the Interlocal Cooperation Act, the Agreement will not be deemed in force until proof of filing of the Agreement has been received from the Chancery Clerk of Hinds County and the Secretary of State of the State of Mississippi. The Attorney for the Hinds County Board of Supervisors shall be

responsible for filing the Agreement and for notifying the project administrators that the Agreement is properly in force.

A copy of the Agreement will also be forwarded to the Clerk of the City of Clinton for record keeping purposes.

APPROVED AND EXECUTED by the respective parties on the dates indicated below.

HINDS COUNTY, MISSISSIPPI

by:

Ronnie Chappell
President

Hinds County Board of
Supervisors

THIS, the 3rd day of January, 1995.

Attest:

ALICE JAMES, Chancery Clerk
Hinds County, Mississippi
CLERK OF THE BOARD

by:

Alice James

CITY OF CLINTON, MISSISSIPPI

by:

Rosemary Aultman
ROSEMARY AULTMAN, Mayor

THIS, the 3rd day of January, 1995.

Attest:

CLAUDE NELSON BYRD, JR., Clerk
City of Clinton, Mississippi

by:

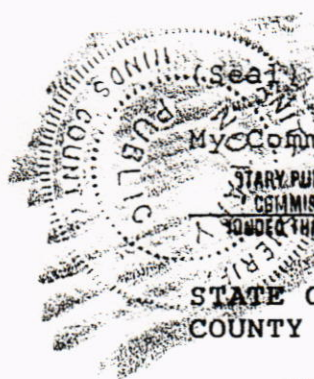
Claude Nelson Byrd, Jr.

STATE OF MISSISSIPPI
COUNTY OF HINDS

PERSONALLY APPEARED before me, the undersigned authority in and for the jurisdiction mentioned above, Ronnie Chappell and ALICE JAMES, who acknowledged to me that they are the President of the Board of Supervisors and Chancery Clerk, respectively, of **HINDS COUNTY, MISSISSIPPI**, and that, as such, they did sign, affix the County seal thereto and deliver the foregoing document on the date and for the purposes herein stated in the name of, for and on behalf of the said Hinds County, Mississippi, they being first duly authorized to do so.

GIVEN under my hand and official seal on this, the 3rd day of January, 1995.

Vanita P. Sherry
NOTARY PUBLIC



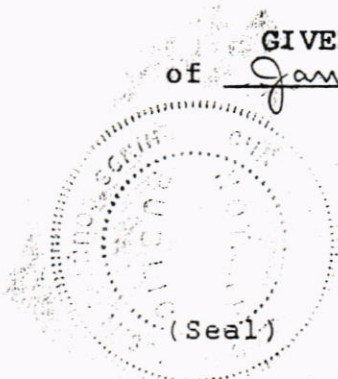
My Commission Expires:

NOTARY PUBLIC STATE OF MISSISSIPPI AT LARGE
COMMISSION EXPIRES: January 21, 1997
BONDED THRU HEIDEN-MARCHETTI, INC.

STATE OF MISSISSIPPI
COUNTY OF HINDS

PERSONALLY APPEARED before me, the undersigned authority in and for the jurisdiction mentioned above, ROSEMARY AULTMAN and CLAUDE NELSON BYRD, JR., who acknowledged to me that they are the Mayor and Clerk, respectively, of the CITY OF CLINTON, MISSISSIPPI, and that, as such, they did sign, affix the County seal thereto and deliver the foregoing document on the date and for the purposes therein stated in the name of, for and on behalf of the said City of Clinton, Mississippi, they being first duly authorized to do so.

GIVEN under my hand and official seal on this, the 3rd day of January, 1995.



Christine E. Walls
NOTARY PUBLIC

My Commission Expires:

My Commission Expires July 24, 1998

EXHIBIT "A"

PROPOSED PAVING LIST FOR HINDS COUNTY INTERLOCAL AGREEMENT

<u>WARD</u>	<u>CLASS</u>	<u>STREET INDEX</u>	<u>ESTIMATED COST</u>
1	A	SOUTH FRONTAGE ROAD	\$60,767
1 & 5	A	MONROE STREET	9,047
1,2 & 5	A	CLINTON-RAYMOND ROAD	68,580
			\$138,394
		CITY OF CLINTON PARTICIPATION	\$38,394
		HINDS COUNTY PARTICIPATION	\$100,000

LEGEND: A = ARTERIAL STREET

HINDS COUNTY, MISSISSIPPI

MINORITY PARTICIPATION

IT IS THE INTENT of Hinds County, Mississippi, in the interest of providing equal opportunity and participation to all segments of the community, to achieve a goal of minority participation in all activities and projects conducted or sponsored by Hinds County. In furtherance of this goal, it is the desire of Hinds County to include a minimum of twenty percent (20%) minority/minority business participation in connection with all services/commodities provided in connection with this activity/project. It is the intent of Hinds County that this participation be construed to mean that at least twenty percent (20%) of the services/commodities provided shall be provided by a minority business and that said minority business shall receive at least twenty percent (20%) of the compensation paid by Hinds County for the services/commodities rendered in connection with this activity/project.

Pursuant to Sections 27-104-7(2)(d) and 57-69-3(j) of the Mississippi Code of 1972, as amended, "minority business" is defined as

a business which is owned by a person who is a citizen of lawful permanent resident of the United States and who is:

(i) Black: having origins in any of the black racial groups of Africa.

(ii) Hispanic: of Mexican, Puerto Rican, Central or South American, or other Spanish or Portuguese culture or origin regardless of race.

(iii) Asian American: having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands.

(iv) American Indian or Alaskan Native: having origins in any of the original peoples of North America.

(v) Female.

All persons/entities wishing to provide services/commodities to Hinds County shall submit a specific written statement describing their status and the manner in which they propose to comply with this provision. Failure to demonstrate compliance to the satisfaction of Hinds County shall result in a proposal being deemed non-responsive to the specifications required by Hinds County for the fulfillment of this activity/project.

Following the acceptance of a proposal for services/commodities, the successful candidate shall, within forty-five (45) days of such acceptance, substantiate compliance with this provision by submitting a second written statement delineating the specific method(s) of compliance, including identities and areas of participation of minority participants.

The Hinds County Board of Supervisors shall have the authority and discretion to determine whether a proposal is responsive to this statement of intent.

EXHIBIT

"B"