

**REGULAR MEETING OF THE MAYOR AND BOARD OF ALDERMEN
TUESDAY, SEPTEMBER 7, 1993 - 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, September 7, 1993, 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 Brabham 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
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

AGENDA CHANGES

Prior to beginning business, Mayor Aultman announced that Agenda Item #10, discussion of changing the truck route from Monroe Street to Industrial Park Drive, would be removed from the agenda until such time the signage study currently underway is completed and recommendations have been made.

APPROVAL OF CONSENT AGENDA ITEMS A-QQ:

MOTION made by Alderman Touchton and **SECONDED** by Alderman Fisher to approve Consent Agenda Items A-QQ as listed on pages 108-109 of this Minute Book W, noting that Consent Agenda Items C and OO, will serve to advertise favorably the opportunities, possibilities, and resources of the City of Clinton. Quotes listed in items K, MM, and PP are on file in the Office of the City Clerk.
MOTION CARRIED UNANIMOUSLY.

PUBLIC HEARING - 1993-1994 FISCAL YEAR CITY BUDGETS

As shown by Proof of Publication found on page 111 of this Minute Book W that a public hearing would be held for the purpose of hearing public comment on the proposed 1993-1994 Fiscal Year City of Clinton budgets, Mayor Aultman preceded public hearing by stating that safety (fire and police), drainage, streets, waste disposal, parks bond construction, and cost of living increases for employees have been addressed in this budget without a tax increase. Mayor Aultman then called public hearing to order at 7:09 p.m., and called for questions. Mr. Wayne Gray of 105 Dublin asked where increases/decreases to budget had been made. No other questions being asked, Mayor Aultman closed public hearing at 7:20 p.m., and announced that the actual budget would be adopted at 7:30 a.m., on September 14, 1993, in the City Hall Conference Room, and invited the public to attend. Total 1993-1994 General Fund Expenditures projected is \$5,694,968.00.

PRELIMINARY PLAT OF PARKRIDGE SUBDIVISION APPROVED

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

to approve that preliminary plat of Parkridge Subdivision as submitted. MOTION CARRIED UNANIMOUSLY.

SOLID WASTE AGREEMENT DISCUSSED FOR CENTRAL SOUTHWEST MISSISSIPPI
SOLID WASTE MANAGEMENT AUTHORITY

Alice Perry updated the Board of Aldermen on the status of the solid waste license agreement and customer agreement between Waste Management of Mississippi, Inc., and the Central Southwest Solid Waste Management Authority noting that the tonnage tipping fee is going to be 21.00 per ton for the Byram landfill. The license fee will come back to the Board of Aldermen for approval after final negotiations are made. Alderman DePriest asked for an itemization of the current tipping fees being paid. NO BOARD ACTION required.

CLINTON COMMUNITY CHRISTIAN CORPORATION REQUESTS ADDITIONAL FUNDING

Laurie Lawson, Clinton Community Christian Corporation Director, requested the Board of Aldermen to increase their contribution from \$5,000.00 to \$10,000.00 in 1993-1994 with the first \$5,000.00 to assist with the regular CCCC programs and the additional \$5,000.00 to assist with adding additional parking spaces to help alleviate traffic congestion problems during peak hours. Mayor Aultman informed Lawson that an additional \$2,500.00 had been budgeted for the City's 1993-1994 contribution to the CCCC totaling \$7,500.00, and that if she would submit a copy of her plans/specifications/cost breakdown, she would circulate material to the aldermen and City Engineer and see if there were any additional ways the City might could assist the CCCC in carrying out their parking project. NO BOARD ACTION necessary.

AUTHORIZATION FOR HINDS COUNTY TAX COLLECTOR TO BEGIN COLLECTING
PUBLIC UTILITY AD VALOREM TAXES FOR CLINTON

MOTION made by Alderman Lott and SECONDED by Alderman Fisher authorizing the Hinds County Tax Collector to collect the Public Utility Ad Valorem Taxes for the City of Clinton beginning with the 1993 tax rolls at no additional charge to the City of Clinton. MOTION CARRIED UNANIMOUSLY.

ADOPTION OF FINAL BOARD ORDER EXEMPTING CERTAIN PROPERTIES OF
GENERAL MOTORS CORPORATION, PACKARD ELECTRIC DIVISION FROM TAXATION

As a follow-up to the previously submitted application of General Motors Corporation, Packard Electric Division, for exemption from ad valorem taxes except State and School District taxation, on additional and expanded properties and replacement of equipment completed January 1, 1993, as shown on pages 1083-1086 of Minute Book V, and the Resolution passed by the Mayor and Board of Aldermen as found on pages 1079-1082 of Minute Book V authorizing said application to be submitted to the State Tax Commission, and said application now being returned with approval from the State Tax Commission for exemption of property as shown on Exhibit A found on page 1086 of Minute Book V valued at \$3,119,418.03, for a ten year period beginning January 1, 1993 until December 31, 2002, MOTION made by Alderman Ferrell and SECONDED by Alderman Todd to so adopt that Final Order approving said exemption as found on pages 112-113 of this Minute Book W. MOTION CARRIED UNANIMOUSLY.

ADOPTION OF INTERLOCAL AGREEMENT FOR CONSTRUCTION OF ROADWAY ACROSS
TANKSLEY PROPERTY

MOTION made by Alderman Todd and SECONDED by Alderman Lott to adopt that Interlocal Agreement as found on pages 114-118 of this Minute Book W authorizing the construction of an access road across Perry Tanksley property to provide an access road at no cost to the City of Clinton to access the Jim Box property, noting that said road will eventually become the frontage road for the Natchez

Trace. MOTION CARRIED UNANIMOUSLY.

CHERRY PARK SUBDIVISION HOMEOWNERS ASSOCIATION REQUESTS ASSISTANCE WITH REQUIRED MAINTENANCE OF UNKEPT LOTS

Mr. Roderick T. Nicholson, President of the Cherry Park Homeowners Association, apprised the Board of Aldermen of the problems they had experienced with unkept vacant lots in Cherry Park Subdivision that were owned by Mr. Lloyd Burton and requested assistance in requiring that these vacant lots be maintained. Mayor Aultman assured Mr. Nicholson that the procedure to have said unkept lots cleaned was underway in this instance and that next year the City of Clinton would begin early in the year to assure that lots were properly maintained so as to enhance community health and appearance. NO BOARD ACTION required.

ADOPTION OF CRIMINAL ORDINANCE PROHIBITING INDIVIDUALS FROM MAKING FALSE POLICE REPORTS OR STATEMENTS

MOTION made by Alderman Touchton and SECONDED by Alderman Todd to adopt that Ordinance found on pages 119-120 of this Minute Book W and on pages 548-549 of the City of Clinton Ordinance Book II making it unlawful to give a false police report or to make or induce another to make false statements to a police officer while the officer is acting within the course and scope of his employment and investigating an actual or alleged criminal act. MOTION CARRIED UNANIMOUSLY. Proof of Publication may be found on page 121 of this Minute Book W and on page 550 of the City of Clinton Ordinance Book II.

OTHER BUSINESS

- A. City Clerk Nelson Byrd and Deputy Clerk/Secretary to the Mayor Brooxye Sessums were recognized for successfully completing the three year City Clerk Certification Program through Mississippi State University with an "A" average.
- B. Clinton Chamber of Commerce Beautification Members and Chairman Jehu Brabham were recognized for having received the Master Planners Award sponsored by Mastercard (only one national beautification award given per State and Clinton received said award for the State of Mississippi) for beautification/environmental/education efforts.
- C. Mayor Aultman reminded everyone present of the upcoming annual arts/crafts fair at Mississippi College this Saturday, September 11, 1993.

EXECUTIVE SESSION - 8 p.m.

MOTION made by Alderman Todd and SECONDED by Alderman Fisher to consider entering Executive Session for the purpose of discussing an EEOC Complaint filed by Virgil Woodall. MOTION CARRIED UNANIMOUSLY.

MOTION made by Alderman Brabham and SECONDED by Alderman Touchton for the above stated purpose. MOTION CARRIED UNANIMOUSLY.

Present for Executive Session were Mayor Aultman; Alderman Brabham, Ferrell, DePriest, Todd, Fisher, Touchton, and Lott; Police Chief Byington, Personnel Officer Burchfield, City Prosecutor Spell, City Attorney Ken Dreher, and Attorney Carolyn Mills.

MOTION made by Alderman Touchton and SECONDED by Alderman Todd to exit Executive Session at 8:25 p.m. MOTION CARRIED UNANIMOUSLY.

EEOC AGREEMENT REGARDING WOODALL COMPLAINT DENIED

The equal Employment Opportunity Commission having proposed that the City of Clinton pay Virgil Woodall in excess of \$12,000.00 as a violation of a previous Consent Agreement regarding the purging of personnel records, and the City Board of Aldermen finding no justification of such a violation, MOTION made by Alderman Brabham and SECONDED by Alderman Depriest to reject said agreement. MOTION CARRIED 7-0 with Alderman Ferrell abstaining.

OTHER BUSINESS

The Board of Aldermen are to begin looking at a litter control campaign for Clinton - possibly stiffening litter penalties. It was requested to look into drafting an ordinance to regulate 18-wheeler trucks in Clinton subdivisions.

ADJOURNMENT - 8:35 P.M.

There being no further business to discuss, MOTION made by Alderman Todd and SECONDED by Alderman DePriest to Recess until September 14, 1993, 7:30 a.m., in the City Hall Conference Room. MOTION CARRIED UNANIMOUSLY.

Copy of Agenda may be found on Pages 108-110 of this Minute Book W.

APPROVED: Rosemary Aultman 9-20-93
Rosemary Aultman, Mayor Date

ATTEST: Nelson Byrd 9-20-93
Nelson Byrd, City Clerk Date

SEAL

PASTE AD HERE

LEGAL NOTICE OF
BUDGET HEARING
A Public Hearing will be held
on September 7, 1993 at 7:00
p.m. at the Municipal Court-
room, 305 Monroe Street to
provide the general public
with an opportunity to com-
ment on the taxing and
spending plan incorporated in
the Budgets of Clinton, Mis-
sissippi, for the Fiscal Year
beginning October 1, 1993 and
ending September 30, 1994.
All interested citizens are en-
couraged to attend and com-
ment. Proposed Budget will
be open for inspection at the
Office of the City Clerk, 300
Jefferson Street, before said
Public Hearing Date of
September 7, 1993.
/s/ Rosemary Aultman
Rosemary Aultman, Mayor
August 17, 1993
/s/ Nelson Byrd
Nelson Byrd, City Clerk
August 17, 1993
August 26, 1993

PROOF OF PUBLICATION
THE STATE OF MISSISSIPPI
HINDS COUNTY

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

Kelley Turner

an authorized clerk of THE CLINTON NEWS, a weekly
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 the issues of said newspaper as
follows:

Date August 26, 19 93

Date _____, 19 ____

Date _____, 19 ____

Date _____, 19 ____

Date _____, 19 ____

Number of Lines 29

Published 1 Times

Total \$ 10.28

Signed Kelley Turner
Authorized Clerk
of The Clinton News

Sworn to and subscribed before me the 26th day of
August 19 93.

Marie Mills
Notary Public

My Commission Expires:
NOTARY PUBLIC STATE OF MISSISSIPPI AT LARGE.
MY COMMISSION EXPIRES: Nov. 8, 1996.
BONDED THRU NOTARY PUBLIC UNDERWRITERS.

(Seal)

12

FINAL ORDER OF THE MAYOR AND BOARD OF ALDERMEN
OF CLINTON, MISSISSIPPI, EXEMPTING CERTAIN
PROPERTIES OF GENERAL MOTORS CORPORATION,
PACKARD ELECTRIC DIVISION, FROM AD VALOREM
TAXES AND COMPLETED JANUARY 1, 1993

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, 1993, and as of that date the true value of all property to be exempt was Three Million, One Hundred Nineteen Thousand, Four Hundred Eighteen and 03/100 Dollars (\$3,119,418.03), 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 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 Corporation, 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 \$3,119,418.03 is exempt from all ad valorem taxation, except State and School District taxation, for

a ten (10) year period beginning on the 1st day of January, 1993,
and ending on the 31st day of December, 2002.

SO ORDERED, this, 1the 7th day of September, 1993.

Rosemary Auetman

MAYOR
CITY OF CLINTON, MISSISSIPPI

ATTEST:

Nelson Byrd

NELSON BYRD, CITY CLERK
CITY OF CLINTON, MISSISSIPPI

(SEAL)

INTERLOCAL AGREEMENT

THIS AGREEMENT is entered into effective on the date approved by the Attorney General of the State of Mississippi between the City of Clinton, Hinds County, Mississippi, and the Board of Supervisors of Hinds County, Mississippi, under the provisions of §17-13-1 Mississippi Code of 1972, as amended.

1. This Agreement shall become effective from and after the date approved by the Attorney General of the State of Mississippi and shall remain in force and effect for two (2) years thereafter.

2. The purpose of this Agreement shall be to permit the City of Clinton, Mississippi, and Hinds County, Mississippi, to cooperate in the construction and maintenance of a temporary road to be co-located with the proposed location of a county road located in the City of Clinton, Mississippi, and more particularly described as follows:

Begin at the southeast corner of the Perry Tanksley property, as shown on the plat attached hereto as Exhibit A, thence in a westerly direction along the south property line of the Perry Tanksley property for a distance of 225 feet; thence south along the western boundary of the existing street leading into the Tanksley property for a distance of 40 feet; thence westerly for a distance of 550 feet, the road to be constructed under this being a gravel road or street 550 feet in length and 30 feet wide.

3. Participation of the parties under this Interlocal Agreement to construct and maintain roads and streets is authorized by §§21-17-5 and 19-3-41, Mississippi Code of 1972, as amended.

4. The duration of this Agreement shall be from the date of its approval by the Attorney General of the State of Mississippi for two (2) years after said approval date.

5. The purpose of this Agreement is to provide that the City of Clinton and Hinds County may jointly participate in the construction and maintenance of a street or road within the city limits of Clinton, Mississippi, as set forth in Paragraph 2

above, which shall, in the future, upon the construction of the Natchez Trace, become a county road. There is no separate organization or separate legal or administrative entity created by this Agreement.

6. The financing, staffing and supplying of the materials and labor for the joint and cooperative undertaking shall be furnished by Hinds County, except that the City of Clinton shall furnish the planning and coordination required to integrate the work to be performed into the City's program of public works. This Agreement may be terminated upon mutual agreement of the parties prior to its expiration date. No property will be acquired for the performance of this Agreement, except the materials, which shall be provided by the County for construction, upon the completion of which the materials and facilities constructed are, and shall, remain the joint property of the City of Clinton, Mississippi, and Hinds County, Mississippi.

7. No real or personal property will be acquired, held or disposed of in the performance of this Agreement, except that described in Paragraph 6 above, and the Agreement does not establish a separate legal entity to conduct the joint or cooperative undertaking.

8. Prior to undertaking the construction, which is the subject of this Agreement, a license, permit, easement or other authority as required by the United States Department of Interior for encroachment upon the Natchez Trace shall be obtained for the use and benefit of the City and County.

9. The work shall be conducted under the joint supervision of the Director of Public Works for Hinds County and the Director of Public Works for the City of Clinton.

10. This Agreement may be amended, as provided by law.

WHEREFORE, in consideration of mutual considerations, this Agreement shall become effective from and after the date approved by the Attorney General of the State of Mississippi.

This Interlocal Agreement was presented to, and considered by, the duly noticed regular meeting of the Board of Supervisors of Hinds County, Mississippi, on the _____ day of _____, 1993. Upon Motion by _____ and second by _____, the vote was as follows:

District 1 Supervisor Barry Vickery voted _____.
District 2 Supervisor William Wright voted _____.
District 3 Supervisor Peggy Hobson Calhoun voted _____.
District 4 Supervisor Ronnie Chappell voted _____.
District 5 Supervisor George Smith voted _____.
Approved on the _____ day of _____, 1993.

HINDS COUNTY BOARD OF SUPERVISORS
By:

George Smith, President

ATTEST:

Alice Bolin James, Chancery Clerk

This Interlocal Agreement was brought on for consideration in a duly authorized manner at a duly noticed and constituted meeting of the Mayor and Board of Aldermen of the City of Clinton, Mississippi, on the 7th day of SEPTEMBER, 1993.

Alderman TODD moved the approval of the amendment and
SECONDED BY ALDERMAN LOTT
the vote was as follows:

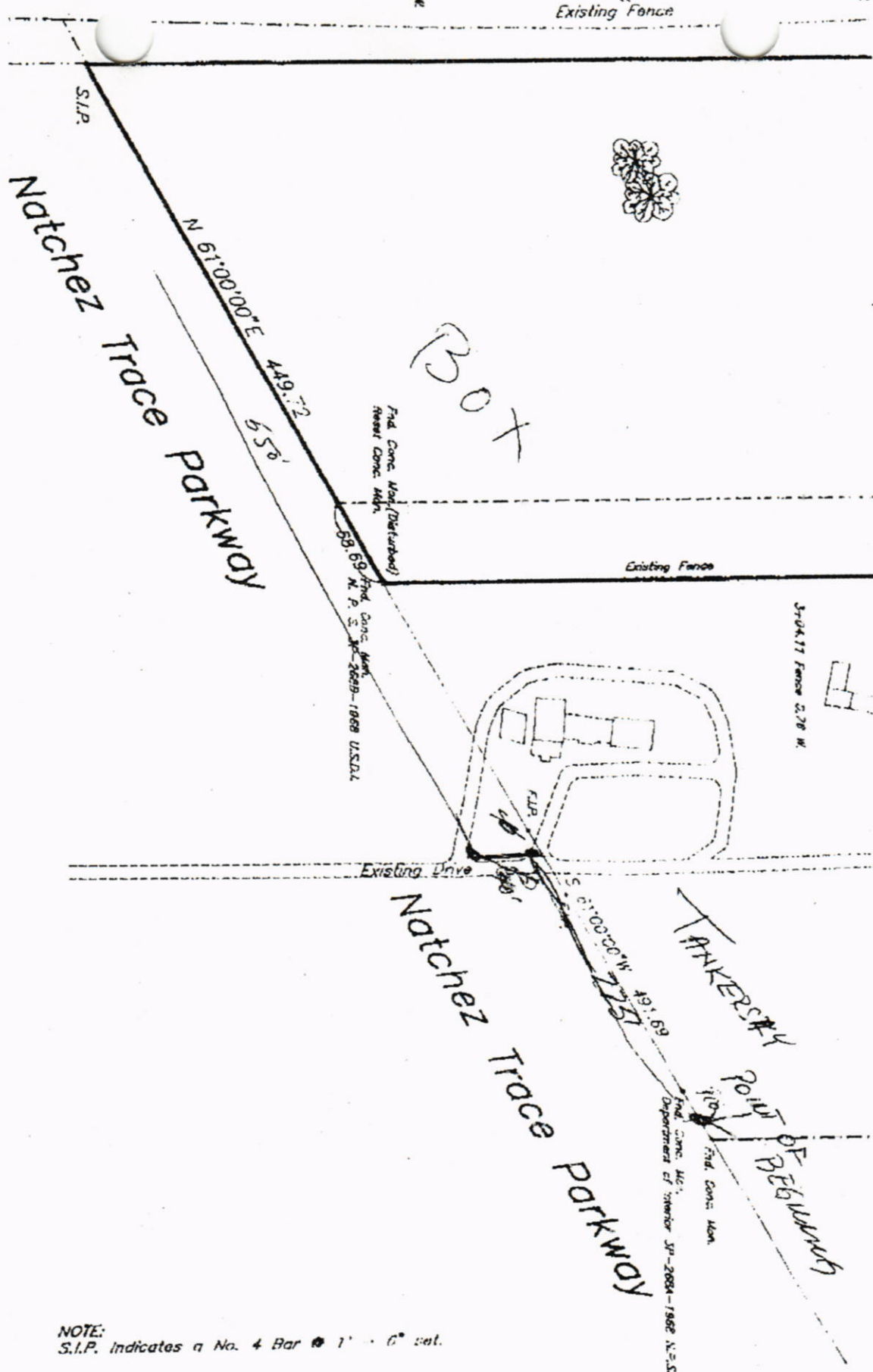
Alderman, Ward 1, George Ferrell voted AYE.
Alderman, Ward 2, Rodney Depriest voted AYE.
Alderman, Ward 3, Ben Todd voted AYE.
Alderman, Ward 4, Phil Fisher voted AYE.
Alderman, Ward 5, Herb Touchton voted AYE.
Alderman, Ward 6, Sharbert Lott voted AYE.
Alderman-at-Large Jehu Brabham voted AYE.
Approved on the 7th day of SEPTEMBER, 1993.

CITY OF CLINTON, MISSISSIPPI
By:

Rosemary Aultman
Rosemary Aultman, Mayor

ATTEST:

Nelson Byrd
Nelson Byrd, City Clerk



**AN ORDINANCE MAKING IT UNLAWFUL TO GIVE A FALSE
POLICE REPORT OR TO MAKE OR INDUCE ANOTHER TO MAKE
FALSE STATEMENTS TO A POLICE OFFICER WHILE THE OFFICER
IS ACTING WITHIN THE COURSE AND SCOPE OF HIS EMPLOYMENT
AND INVESTIGATING AN ACTUAL OR ALLEGED CRIMINAL ACT**

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

1. It shall be unlawful for any person to:

- (A) Make, attempt to make, or procure another to make or attempt to make a police report of any type or nature knowing the same to contain or will contain any false, fictitious or fraudulent statement or entry.
- (B) Refuse to reveal to a police officer, such persons identity, or make a false statement, to a police officer, as to such persons identity, including, but not limited to, true name, date of birth, social security number and current residence when such police officer is investigating an actual or alleged criminal act in which such person has been implicated.
 - (i) It shall be prima facie evidence of intent to deceive a police officer as to such persons identity when the information given is unverifiable and when such person fails to produce an apparently valid identification card or name a reputable citizen who can confirm such persons identity.
- (C) Make a false statement, to a police officer, as to a material fact concerning an actual or alleged criminal act.
- (D) Interfere or cause or procure another to interfere with a police officer in any manner by any word, act or deed while such police officer is acting within the course and scope of his employment.
- (E) Disobey the lawful order of a police officer while such officer is acting within the course and scope of his employment.

2. Any person convicted of a violation of this section is guilty of a misdemeanor and may be punished by a fine of \$ 500.00 or by imprisonment for 6 months or both.

3. This ordinance shall be effective thirty (30) day from and after passage.

SO ORDAINED, THIS THE 14th day of SEPTEMBER, 1993.

CITY OF CLINTON, MISSISSIPPI

BY: Rosemary Aultman
ROSEMARY AULTMAN, Mayor

ATTEST:

Nelson Byrd
NELSON BYRD, City Clerk

false-ord
9/3/93

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OCT 14 1993

PROOF OF PUBLICATION
THE STATE OF MISSISSIPPI
HINDS COUNTY

CITY OF CLINTON

AN ORDINANCE MAKING IT UNLAWFUL TO MAKE A FALSE
POLICE REPORT OR TO MAKE OR INDUCE ANOTHER TO MAKE
FALSE STATEMENTS TO A POLICE OFFICER WHILE THE OFFICER
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act in which such person has been implicated.

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alleged criminal act.

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SO ORDAINED, THIS THE 14th day of SEPTEMBER
1993.

CITY OF CLINTON, MISSISSIPPI
BY: Rosemary Sultman
ROSEMARY SULTMAN, Mayor

ATTEST:
Nelson Byrd
NELSON BYRD, City Clerk

September 23, 1993

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

Kelley Turner

an authorized clerk of THE CLINTON NEWS, a weekly
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 the issues of said newspaper as
follows:

Date September 23, 19 93

Date _____, 19 _____

Date _____, 19 _____

Date _____, 19 _____

Date _____, 19 _____

Number of Lines 168

Published 1 Times

Total \$ 59.80

Signed Kelley Turner
Authorized Clerk
of The Clinton News

Sworn to and subscribed before me the 23rd day of
September 19 93.

Marie Mills
Notary Public

My Commission Expires:
NOTARY PUBLIC STATE OF MISSISSIPPI AT LARGE
MY COMMISSION EXPIRES: Nov. 8, 1996.
BONDED THRU NOTARY PUBLIC UNDERWRITERS.

(Seal)