

**ADJOURNED MEETING OF THE MAYOR AND BOARD OF ALDERMEN
TUESDAY, NOVEMBER 17, 1992 - 5 P.M.
MUNICIPAL COURTROOM**

The Mayor and Board of Aldermen of the City of Clinton met in Adjourned Meeting at 5 P.M., at the Municipal Courtroom, 200 Jefferson Street, pursuant to a Recess Order adopted by said Mayor and Board of Aldermen at their Regular Meeting of November 3, 1992, as found on Page 752 of this Minute Book V.

WELCOME AND CALL TO ORDER - Mayor Billy Ray Smith

Mayor Smith extended a special welcome to the Junior High and Senior High "Why I Should Stay in Mississippi to Pursue a Career" Essay Winners and immediately following the Roll Call Mayor Smith announced ranking of the winners and awarded the appropriate savings bonds. Winners were: Loren Estess, 1st place Junior High; Lauchlin Fields, 2nd place Junior High; Jessica Killens, 3rd place Junior High; April James, 1st place High School; Megan Staggs, 2nd place High School; and Inez Canada, 3rd place High School. First place winners received a \$100.00 savings bond from the City of Clinton and their essays were entered into the State Competition with Governor Fordice to award the overall State winner a \$200.00 savings bond on December 8, 1992. Second and Third place winners received a \$75.00 and \$50.00 savings bond respectively from the City of Clinton. Mayor Smith thanked the students and teachers for participating in the essay contest.

INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG

The Invocation was led by Alderman Johnson followed by the Pledge of Allegiance to the Flag led by Alderman Montgomery.

ROLL CALL - City Clerk Nelson Byrd

Present - O. C. George Ferrell - Alderman Ward 1
Edward Valente - Alderman Ward 2
Ben Todd - Alderman Ward 3 - Arrived 5:15 p.m.
Keith Montgomery - Alderman Ward 4
Jean Johnson - Alderman Ward 5
Sharbert Lott - Alderman Ward 6
Mayor Billy Ray Smith - Presiding

City Attorney William E. Spell
City Clerk Nelson Byrd

Absent - Willard Ryan - Alderman-at-Large

APPROVAL OF CONSENT AGENDA ITEMS A-AA:

MOTION made by Alderman Johnson and **SECONDED** by Alderman Montgomery to approve Consent Agenda Items A-AA as listed on page 775-776 of this Minute Book V noting that Consent Agenda Items S & U, will serve to advertise favorably the opportunities, possibilities, and resources of the City of Clinton. **MOTION CARRIED UNANIMOUSLY.** Alderman Todd not present for voting.
PUBLIC RELATIONS PROGRAM FOR ECONOMIC DEVELOPMENT

Economic Development Director Jim Powell presented the Board with the ad that was approved on September 1, 1992, as one part of the \$14,748.00 public relations program for economic development, noting that said ad will appear in the next several weeks in Today's Home. Further Mr. Powell apprised the Board that the video also approved in said public relations program will cost \$1,400.00 more than the original amount estimated and while he can produce the video promoting Clinton at this time within the current budget, a budget re-allocation and amendment will be necessary to complete the proposed public relations program in its entirety raising said monies from \$14,748.00 to \$16,148.00. The Board directed Mr. Powell to proceed with said public relations program including the

production of the video under his current \$5,000.00 line item for promotion and when necessary make a budget amendment. **NO BOARD ACTION** required at this time.

BASEBALL/SOFTBALL/SOCCER IMPROVEMENTS APPROVED FOR TRACEWAY PARK

Upon Mayor Smith's recommendation to proceed as soon as possible with the soccer/baseball improvements scheduled for Traceway Park at an approximate cost of \$379,000.00, **MOTION** made by Alderman Montgomery and **SECONDED** by Alderman Johnson to finish the soccer/baseball improvements in Traceway Park on 16th section land as designated including 3 soccer fields (2 behind the armory and 1 behind Field #10) and a four-plex youth baseball complex. Prior to a vote being taken, questions were raised, Alderman Valente's agenda item #8 (comprehensive parks plan) was briefly discussed, and Dwight Tidwell representative of Clinton Soccer Association (scheduled to speak under agenda item #11) reiterated that the original intent of P&R Bond Issue was mainly for improvements at Traceway Park and while this modified plan is less than the original plan, the Clinton Soccer Association lends its full support to the modified plan as presented. **ROLL CALL VOTE:** Alderman Ferrell - "nay", Alderman Valente - "nay", Alderman Todd - "nay", Alderman Montgomery - "aye", Alderman Johnson - "aye", Alderman Lott - "aye". **TIE VOTE 3-3** upon which Mayor Smith cast the "aye" tie-breaking vote resulting in **MOTION CARRYING 4-3** to proceed with said improvements at Traceway Park.

Immediately following vote, Alderman Montgomery **MOVED** for reconsideration of the vote. **SECONDED** by Alderman Johnson. Board requesting clarification of purpose Alderman Montgomery stated that basically he was trying to cast the vote in stone as Roberts Rules of Order indicate a motion may not be twice re-considered. City Attorney Spell stated that while Alderman Montgomery is parliamentary correct, Mr. Spell and Mr. Montgomery differ on the extent of time on "not twice re-considered"; Mr. Montgomery interpreting not twice re-considered to be permanently and Mr. Spell interpreting to mean not considered again at the balance of this meeting, the Regular December Meeting and the Adjourned December Meeting if one is held, but that Roberts Rules do not supersede constitutional and statutory authority of governing bodies to make laws, pass ordinances, etc., and therefore, would not preclude a governing authority of a City from re-considering this same issue at a subsequent date if the governing authority determines facts and circumstances have changed. **ROLL CALL VOTE** to reconsider the previous vote: Alderman Ferrell - "nay", Alderman Valente - "aye", Alderman Todd - "nay", Alderman Montgomery - "aye", Alderman Johnson - "aye", Alderman Lott - "aye". **MOTION TO RECONSIDER CARRIED 4-2.**

ROLL CALL VOTE was then taken on the re-consideration of the original motion to proceed with Traceway Park improvements as listed above: Alderman Lott - "aye", Alderman Johnson - "aye", Alderman Montgomery - "aye", Alderman Todd - "nay", Alderman Valente - "nay", Alderman Ferrell - "nay". **MOTION AGAIN TIED 3-3 WITH MAYOR SMITH CASTING THE "AYE" TIE-BREAKING VOTE RESULTING IN A 4-3 PASSAGE TO PROCEED WITH TRACEWAY PARK IMPROVEMENTS.**

Alderman Todd then requested the minutes to reflect that he does not have a problem with continuing improvements at Traceway Park but he cast a "nay" vote because he questioned whether it was wise to spend that much money in Traceway Park with the leasing problems that the City has experienced there in the past.

Alderman Valente then withdrew agenda item #8 (comprehensive parks plan) from discussion; Mayor Smith removed agenda item #9 (reconsideration of Price property for recreational purposes) from discussion; Dwight Tidwell (agenda item #11 - soccer association comments) had no further comments; and Paul Mucho (agenda item #11) simply stated that the Clinton Baseball/Softball Association also supports the Traceway Park plans just passed and they look forward to the improvements. **NO FURTHER ACTION** necessary.

POLICE COMMUNICATION SYSTEM BID AWARDED TO MOTOROLA

As shown by proof of publication found on page 777 of this Minute Book V that sealed bids would be received for a police communication system, the following two bids were received:

1. Motorola through Statewide Communication, Inc. @ \$19,066.00
2. General Electric @ \$26,585.00

Upon recommendation of Police Chief Byington, MOTION made by Alderman Ferrell and SECONDED by Alderman Todd to approve the low bid of Motorola as stated. MOTION CARRIED UNANIMOUSLY. Said bids are on file in the Office of the City Clerk.

LEASE PURCHASE ON FIRE PUMPER AUTHORIZED

Lease purchase of fire pumper being carried forward from the November 3, 1992, Meeting of the Board of Aldermen as shown on page 751 of this Minute Book V for further consideration, wherein Fire Chief Landrum was directed to secure two written quotes for lease-purchasing arrangements, said quotes were received and may be found on pages 778-782 of this Minute Book V. Upon recommendation by Fire Chief Landrum, MOTION made by Alderman Montgomery and SECONDED by Alderman Johnson to approve the only bid received on the fire truck from Emergency One of Okalo, Florida, through dealer Sunbelt Fire Apparatus, Inc., in the amount of \$174,892.00; with the Lease Purchase Agreement being granted to First Continental Leasing who was the low quote. MOTION CARRIED UNANIMOUSLY.

UPDATE ON SOLID WASTE AUTHORITY

Mayor Smith updated the Board on what has transpired with the Solid Waste Districts (South Central and Tri-County) stating that to date he had not turned in the City's Resolution joining any district, and invited interested aldermen to attend the Tri-County Solid Waste Meeting Thursday, November 19, 1992 and the South Central Meeting on November 24, 1992. Mayor Smith further stated that he would arrange for City of Jackson Authority Alice Perry to make a presentation at the next Board Meeting. NO BOARD ACTION taken.

Alderman Montgomery left the Board Room during this discussion to attend another meeting and did not return.

VALENTE APPOINTED AS INTERIM LIAISON ALDERMAN TO CHAMBER BOARD

Upon recommendation of Mayor Smith, MOTION made by Alderman Johnson and SECONDED by Alderman Todd to appoint Alderman Valente as the liaison alderman to the Chamber of Commerce Board of Directors on an interim basis. MOTION CARRIED UNANIMOUSLY. Alderman Montgomery not present for voting. Said officers to be installed at the November 19, 1992, Chamber Luncheon.

ADDENDUMS TO LEASE AGREEMENTS WITH CLINTON PUBLIC SCHOOLS APPROVED

MOTION made by Alderman Johnson and SECONDED by Alderman Lott approving those addendums to lease agreements previously adopted by this Board with the Clinton Public Schools for property at Traceway Park housing water wells 7 and 8, as found on pages 385C-T of this Minute Book V, with said addendums being found on pages 783-784 of this Minute Book V. MOTION CARRIED UNANIMOUSLY. Alderman Montgomery not present for voting.

OTHER BUSINESS

Noting that the City currently rents on a month to month basis office space for the Economic Development Department which is currently co-located with the Chamber of Commerce and this Board having previously authorized a move of the Economic Development Department with the Chamber of Commerce to the old YMCA location on Highway 80 as shown on page 367-368 of Minute Book V; however, this move not materializing due to excessive cost not anticipated,

and noting the Chamber is scheduled to move to 100 E. Leake Street the first week in December 1992, MOTION made by Alderman Todd and SECONDED by Alderman Lott approving the Economic Development Department to move with the Chamber of Commerce to the new location and lease from the Chamber office space at the same rates previously approved and budgeted with a new lease agreement to be drawn up and approved at the next meeting. MOTION CARRIED 4-0 with Alderman Valente abstaining and Alderman Montgomery not being present for voting. See Pages 784 A, B & C.

ADJOURNMENT - 6 P.M.

There being no further business to discuss, MOTION made by Alderman Johnson and SECONDED by Alderman Todd to adjourn. MOTION CARRIED UNANIMOUSLY. Alderman Montgomery not present for voting.

Copy of Agenda may be found on Pages 775-776 of this Minute Book V.

APPROVED: Billy R. Smith 11-23-92
Billy Ray Smith, Mayor Date

ATTEST: Nelson Byrd 11-23-92
Nelson Byrd, City Clerk Date

SEAL

PASTE AD HERE

PROOF OF PUBLICATION
THE STATE OF MISSISSIPPI
HINDS COUNTY

Sealed bids will be accepted by the City of Clinton at City Hall until the hour of 10:00 A.M. on the 4th day of November, 1992 for communication systems to be used by the Police Department. Proposals shall be marked "Sealed Proposal for Police Communications". City officials reserve the right to accept the bid it deems is in the best interest of the department. Award of the proposal will be made to the bidder meeting the specifications at the lowest cost. The City reserves the right to reject any and all bids. Equipment offered must be products of an established and reputable communications equipment manufacturer. Bidder shall submit proposal with itemized per unit cost, total item cost and total proposal cost. An itemized account of major items not indicated in specifications but necessary for proper function of the systems shall be included. Each item shall be described with noun nomenclature. Installation costs shall be contained in the proposal. Bidder shall furnish evidence to the City's satisfaction of the manufacturer's ability to construct, supply service parts and technical assistance for the proposed equipment. Bidder shall provide statement regarding service of the equipment; name of company, address, phone, manager/owner or representative name and availability at various times (i.e. after business hours, holidays, weekends).

Bidder shall submit detailed specifications on each proposed item. Until completion of acceptance test by the City, the equipment responsibility remains with the bidder. Exceptions to specifications - Exceptions to the stated specifications are allowed to the extent that exception is equal or superior to specifications. Exceptions shall be explained and justified on a separate page titled "Exceptions to Specifications".
/s/ Billy R. Smith
Mayor

/s/ Nelson Byrd
City Clerk
October 15, 22, 1992

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

Hollie Barlow

an authorized clerk of THE CLARION-LEDGER, 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 the issues of said newspaper as follows:

Date October 15, 1992

Date October 22, 1992

Date _____, 19____

Date _____, 19____

Date _____, 19____

Number of Lines 70

Published 2 Times

Total \$ 38.40

Signed Hollie Barlow
Authorized Clerk
of The Clarion-Ledger

Sworn to and subscribed before me the 22nd day of
October 1992.

Janet Bochner
Notary Public

My Commission Expires:
My Commission Expires Nov. 17, 1992

(Seal)



**FIRST
CONTINENTAL
LEASING**

A DIVISION OF BANK OF MISSISSIPPI
October 29, 1992

13

Low BIDDER

RECEIVED

OCT 30 1992

Mr. Edward L. Robertson, Director of Purchasing
City of Clinton, Mississippi
Clinton, Mississippi . 39056

CITY OF CLINTON

Dear Mr. Robertson:

It is a pleasure to submit for your consideration the following proposal to provide lease-purchase financing based on the terms and conditions set forth below:

1. Lessor: First Continental Leasing, a
division of Bank of Mississippi
2. Lessee: City of Clinton, Mississippi
3. Equipment Description: 1 - Firetruck
4. Equipment Cost:

Total Cost	\$174,892.00
10% Down	\$157,402.80
20% Down	<u>\$139,913.60</u>
5. Lease Payments:

\$174,892.00 - 3 Annual Payments @ \$61,220.00
\$157,402.80 - 3 Annual Payments @ \$55,098.00
\$139,913.60 - 3 Annual Payments @ \$48,976.00
\$174,892.00 - 5 Annual Payments @ \$38,646.28
\$157,402.80 - 5 Annual Payments @ \$34,781.65
<u>\$139,913.60 - 5 Annual Payments @ \$30,917.03</u>
First payment in advance on all above
6. Lease Rate:

3 Years - 5.10%
<u>5 Years - 5.25%</u>
7. Purchase Option: Title is passed to Lessee at lease expiration for no further consideration.

8. Nonappropriation/Termination: The lease provides that Lessee is to make reasonable efforts to obtain funds to satisfy the obligation in each fiscal year. However, the lease may be terminated without penalty in the event of nonappropriation. In such event, the Lessee agrees to provide an attorney's opinion confirming the events of nonappropriation and Lessee's exercise of diligence to obtain funds. The Lease provides that if the lease is terminated, Lessee is precluded from replacing the equipment with equipment or services intended to perform a similar function.

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City of Clinton, Mississippi

Page 2

October 29, 1992

9. Bank Qualification: This lease-purchase financing shall be designated as a bank qualified tax-exempt transaction as per the 1986 Federal Tax Bill. This means that the Lessee's governing body will pass a resolution stating that it does not anticipate issuing more than \$10 million in General Obligation debt or other debt falling under the Tax Bill's definition of qualifying debt.

10. Tax Status: This proposal is subject to the Lessee being qualified as a governmental entity or "political subdivision" within the meaning of Section 103(a) of the Internal Revenue Code of 1954 as amended, within the meaning of said Section. Lessee agrees to cooperate with Lessor in providing evidence as deemed necessary or desirable by Lessor to substantiate such tax status.

11. Net Lease: This will be a net lease transaction whereby maintenance, insurance, taxes (if applicable), compliance with laws and similar expenses shall be borne by Lessee.

12. Financial Statements: Complete and current financial statements must be submitted to Lessor for review and approval of Lessee creditworthiness.

13. Lease Documentation: This equipment lease-purchase package is subject to the mutual acceptance of lease-purchase documentation within a reasonable time period, otherwise payments will be subject to market change.

If the foregoing is acceptable, please so indicate by signing this letter in the space provided below and returning it to First Continental Leasing. Once we have received the executed document, we will begin preparation of the lease documentation.

This proposal expires as of the close of business on November 30, 1992. Extensions must be approved by the undersigned.

Sincerely,

Elaine D. Temple

Elaine D. Temple
First Vice President

ACCEPTANCE

City of Clinton, Mississippi

By: _____

Date: _____

PAYMENT OPTIONS

Sunbelt

1. BIDDER SHALL SUBMIT A LEASE PURCHASE FINANCE PROGRAM BASED ON TERMS AS OUTLINED BELOW.

THIS PLAN IS BASED ON A BID PRICE OF \$ 174,892⁰⁰

PERCENT DOWN	0 %	10 %	20 %
AMOUNT DOWN	\$ <u>-0-</u>	\$ <u>17,489²⁰</u>	\$ <u>34,978⁴⁰</u>
AMOUNT TO FINANCE	\$ <u>174,892⁰⁰</u>	\$ <u>157,402⁸⁰</u>	\$ <u>139,913⁶⁰</u>
3 YEAR (PAYMENT AMOUNT)	\$ <u>65,054⁵⁸</u>	\$ <u>58,549¹²</u>	\$ <u>52,043⁶⁶</u>
FACTOR	<u>.37197</u>	<u>.37197</u>	<u>.37197</u>
INT. RATE FOR ABOVE	<u>5.64</u>	<u>5.64</u>	<u>5.64</u>

5 YEAR (PAYMENT AMOUNT)	\$ <u>41,451¹⁵</u>	\$ <u>37,306⁰⁴</u>	\$ <u>33,160⁹²</u>
FACTOR	<u>.23701</u>	<u>.23701</u>	<u>.23701</u>
INT. RATE FOR ABOVE	<u>5.94</u>	<u>5.94</u>	<u>5.94</u>

A. THERE SHALL BE NO PENALTY FOR EARLY PAYOFF.

B. THE PLAN IS BASED ON THE FIRST PAYMENT BEGINNING ONE YEAR AFTER DELIVERY AND ACCEPTANCE OF APPARATUS.

11/09/92

11:51

(601) 957-7069

P. 01

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EQUIPMENT FINANCIAL

SERVICES CORPORATION

"Leasing, Business Financing and Insurance"

November 9, 1992

Ms. Lois McKay
CITY OF CLINTON
Clinton, MS

RE: Lease Quote on New Fire Truck

	3 years	5 years
Equipment Cost: \$174,892.00		
W/ Nothing Down	\$65,674.33 annual payments	\$42,026.93 annual payments
W/ 10% Down	\$59,106.95 annual payments	\$37,824.28 annual payments
W/ 20% Down	\$52,539.35 annual payments	\$33,621.48 annual payments

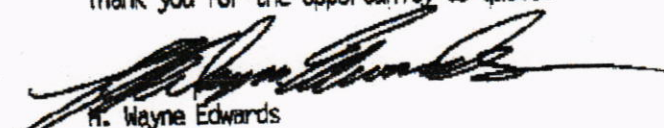
Estimated Delivery: 150 to 180 days

Subject to normal credit requirements

Rates may be locked-in, by going forward this transaction and escrowing the funds.

If we can be of service, please call.

Thank you for the opportunity to quote.


H. Wayne Edwards
President805 South Wheelley, Suite 620 • Ridgeland, MS 39157
(601) 957-5820 • FAX: (601) 957-7069

Message To: Mayor Nelson

Date
11-4-92

Name, Address, Phone of Caller

Jeff Landrum

Call Received

11:30 AM

Call Returned

☐ Called

☒

Came By

☐ Returned Your Call

☐ Please Call

☐ Complaint

☐ Urgent

☐ Personal

Purpose of Call: Bill Spell checked with State Auditor's office
& we can accept the fire truck bid discussed last
night based on the cash price but we have to
get 1 more quote for a lease purchase agreement
from somewhere locally (Luis McKay will call &
get this quote) & then the city will accept the
best of these two lease quotes (the one we already
have & the one Luis will get). we do not
have to re-bid in paper.

Action Taken: _____

Caller Notified of Action Taken: _____

16

ADDENDUM TO LEASE AGREEMENT

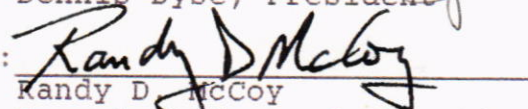
The purpose of this addendum is to make certain changes in the lease agreement entered into between City of Clinton, Mississippi and Clinton Public School District for the lease of certain properties located in SW 1/4 of the SE 1/4 of Section 16, Township 6 North, Range 1 West, City of Clinton, Hinds County, Mississippi to be used as a water well.

It is agreed that Section 2. Term. shall be amended to change the language to read as follows: This lease is for a term of eleven and one-half (11 1/2) years beginning on July 1, 1992, and expiring on December 31, 2003.

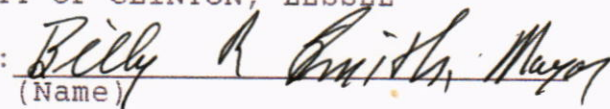
IN WITNESS WHEREOF, this addendum is executed by Lessor pursuant to order entered upon its minutes and is executed by lessee this 17th day of NOVEMBER, 1992.

BOARD OF TRUSTEES OF THE CLINTON
PUBLIC SCHOOL DISTRICT, LESSOR

By: 
Dennis Dyse, President

By: 
Randy D. McCoy
Superintendent of Education
Clinton Public School District

CITY OF CLINTON, LESSEE

By: 
(Name)
(Title)

16

ADDENDUM TO LEASE AGREEMENT

The purpose of this addendum is to make certain changes in the lease agreement entered into between City of Clinton, Mississippi and Clinton Public School District for the lease of certain properties located in SE 1/4 of the SE 1/4 of Section 16, Township 6 North, Range 1 West, City of Clinton, Hinds County, Mississippi to be used as a water well.

It is agreed that Section 2. Term. shall be amended to change the language to read as follows: This lease is for a term of fifteen (15) years and one month beginning on July 1, 1992, and expiring on July 31, 2007.

It is agreed that Section 3. Rent. shall be amended to include a final sentence which shall read as follows: The final payment is to be made on December 31, 2006 and shall include the regular six months payment plus a one month prorata payment for July, 2007.

IN WITNESS WHEREOF, this addendum is executed by Lessor pursuant to order entered upon its minutes and is executed by lessee this 17th day of NOVEMBER, 1992.

BOARD OF TRUSTEES OF THE CLINTON
PUBLIC SCHOOL DISTRICT, LESSOR

By: Dennis Dyse
Dennis Dyse, President

By: Randy D. McCoy
Randy D. McCoy
Superintendent of Education
Clinton Public School District

CITY OF CLINTON, LESSEE

By: Billy R. Smith, Mayor
(Name)
(Title)

BND
1-29-93
R14
1/29/93

LEASE AGREEMENT

THIS AGREEMENT made this the first day of ~~January, 1993,~~ ^{December, 1992.}
by and between the City of Clinton, Mississippi, a municipal corporation located in Hinds County, Mississippi, and the Clinton Chamber of Commerce, Clinton, Mississippi.

WHEREAS, the Clinton Chamber of Commerce has certain properties consisting of a building at 100 East Leake Street, Clinton, Mississippi, that is under lease to the Clinton Chamber of Commerce from Robert B. Ireland, M.D.; and

WHEREAS, there is located in this property the office of the Clinton Chamber of Commerce; and

WHEREAS, the City of Clinton desires to co-locate the Municipal Department of Economic Development with the Chamber of Commerce; and

WHEREAS, the co-location of the Economic Department with the Chamber of Commerce would give to the City substantial advantage in the promotion of economic development, community relations and serve the public interest;

IT IS, THEREFORE, AGREED that the Chamber of Commerce will lease to, and the City of Clinton will lease from the Clinton Chamber of Commerce, the property described in Exhibit A attached hereto. The City of Clinton shall have full and continuous access to the demised premises and shall have exclusive control over that portion of the premises marked in solid yellow and designated as the Office of the Director of Economic Development of the City of Clinton. The City shall have free and common use of that portion of the demised premises indicated on Exhibit 1 as numbers 1, 2, 3, 4, 5, 6, 7 and 8.

Utilities. The Clinton Chamber of Commerce shall provide all utilities except telephone. The Chamber of Commerce shall provide maintenance and repair for the building, except for such special maintenance and repair as is peculiar to, and required by, the City of Clinton as a result of its occupancy of the pre-