

**ADJOURNED MEETING OF THE MAYOR AND BOARD OF ALDERMEN
TUESDAY, APRIL 21, 1992 - 7 P.M.
A. E. WOOD MEMORIAL LIBRARY**

The Mayor and Board of Aldermen of the City of Clinton met in Adjourned Meeting at 7 P.M., at the A. E. Wood Memorial Library, 111 Clinton Boulevard, pursuant to a Recess Order adopted by said Mayor and Board of Aldermen at their Regular Meeting of April 7, 1992, as found on Page 244 of this Minute Book V.

WELCOME AND CALL TO ORDER - Mayor Billy Ray Smith

Mayor Smith extended a special welcome to Cathy Yarbrough's 9th grade civics class from Sumner Hill School.

INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG

The Invocation was led by Mayor Billy Ray Smith followed by the Pledge of Allegiance to the Flag led by Alderman Jean Johnson.

ROLL CALL - City Clerk Nelson Byrd

Present - Willard Ryan - Alderman-at-Large
Edward Valente - Alderman Ward 2
Ben Todd - Alderman Ward 3
Keith Montgomery - Alderman Ward 4
Jean Johnson - Alderman Ward 5
Mayor Billy Ray Smith - Presiding

City Attorney William E. Spell
City Clerk Nelson Byrd

Absent - O. C. George Ferrell - Alderman Ward 1
Sharbert Lott - Alderman Ward 6

CDBG REVIEW APPRAISER PROPOSALS TAKEN UNDER ADVISEMENT

Proposals for CDBG Review Appraiser were received from (1) H. L. Dunkins, Certified Appraiser, Jackson, MS; (2) Jim Terry Appraiser, Clinton, MS; and (3) Olde Town Realty & Appraisal Service, Ridgeland, MS. **MOTION** made by Alderman Valente and **SECONDED** by Alderman Todd to take said proposals under advisement. **MOTION CARRIED UNANIMOUSLY.** Mayor Smith appointed the following persons to serve with him on a Review Committee to review said proposals and bring a recommendation back to the Board at the next meeting: George Ferrell, Ed Valente, Sharbert Lott and Nelson Byrd.

APPROVAL OF CONSENT AGENDA ITEMS A-D:

- A. \$750.00 to MLEOTA for 10 police officers to attend tactical driving school May 26-28, 1992. Required every 3 years. (Police)
- B. \$305.11 to Capt. Wesley Reeves for expenses to attend four day Motorola Seminar in Atlanta, GA (Police)
- C. \$725.86 to Sun-Belt Diesel for water pump replacement on tanker Station 1 (Fire)
- D. \$2,244.00 to America Fundware for full software support services for one year (Adm. & Water)

MOTION made by Alderman Johnson and **SECONDED** by Alderman Valente to approve Consent Agenda Items A-D. **MOTION CARRIED UNANIMOUSLY.**

APPROVAL OF ADDITION OF TRAINING/SAFETY OFFICER SLOT FOR CFD

MOTION made by Alderman Montgomery and **SECONDED** by Alderman

MOTION made by Alderman Montgomery and SECONDED by Alderman Johnson to approve the addition of a training/safety officer slot for the Clinton Fire Department. MOTION CARRIED UNANIMOUSLY.

APPROVAL TO OPTION CLINTON INDUSTRIAL PARK PROPERTY

MOTION made by Alderman Montgomery and SECONDED by Alderman Johnson to enter into agreement to option property from Clinton Industrial Park Corporation for use as an industrial park. MOTION CARRIED UNANIMOUSLY. Copy of said agreement may be found on pages 248-250 of this Minute Book V.

UNNECESSARY NOISE ORDINANCE ADOPTED

MOTION made by Alderman Valente and SECONDED by Alderman Todd to adopt that unnecessary noise ordinance found on pages 251-255 of this Minute Book V and on pages 529-533 of the City of Clinton Ordinance Book II with the addition of a section following section 5 which would state that the Chief of Police may designate a quiet zone upon application by placing a sign at the beginning and end of such zone on a public street and that any person found guilty of violating this ordinance in a quiet zone shall be subject to double the penalty provided in this ordinance. MOTION CARRIED UNANIMOUSLY. Proofs of Publication may be found on page 255A of this Minute Book V and on page 534 of the City of Clinton Ordinance Book II.

AUTHORIZATION TO ERECT LIGHTS IN TRACEWAY PARK AND SUBLEASE ARMORY PROPERTY FOR SOCCER USE

Based on Dr. Belue's letter of April 16, 1992, stating that the City of Clinton may without objections remove lights and appurtenances pertaining thereto as allowed by the current lease agreement for Traceway Park and Dr. Belue's letter of April 16, 1992, granting written permission from the school board to sublease armory property for soccer use, MOTION made by Alderman Montgomery and SECONDED by Alderman Ryan to enact erection of lights in Traceway Park and the sublease of armory property as more fully described in aforementioned letters which may be found on pages 256 and 257 respectively of this Minute Book V. MOTION CARRIED UNANIMOUSLY. *ALD. TODD ABSTAINS SEE PAGE 271.*

MAYOR TO NEGOTIATE WITH MARSH FOR CONSULTING SERVICES FOR PARKS

MOTION made by Alderman Valente and SECONDED by Alderman Todd to authorize Mayor Smith to negotiate a contract with Dr. Woodrow Marsh for the position of Parks & Recreation Coordinator and Consultant to assist the City of Clinton with the development of a parks and recreation comprehensive development plan for short and long term use with the final contract to be brought back to this Board for ratification at the next Board Meeting. MOTION CARRIED UNANIMOUSLY.

P&R PROPERTY PURCHASE DISCUSSED

Alderman Montgomery requested the Board to reconsider the authorization for purchase of approximately 65 acres of property from the Joe Price family, for parks and recreation purposes, made at the April 7, 1992, Board Meeting, and to further study all possible alternatives prior to purchase. Comments were made from the audience pro and con and Mr. Johnny Courson, resident of Kentwood Subdivision, was told that he, or any citizen or committee, concerned about the development of this park may express their input to Dr. Woodrow Marsh who will be studying the alternatives for Clinton's parks and recreational improvements. NO BOARD ACTION was taken.

AUTHORIZATION OF EMERGENCY REPAIR TO WATER LINE

Upon certification by Public Works Director Alderman that the Highway Department hit a major water line while cutting the cloverleaf loop under Springridge Road, and that it is an emergency that the said line be put in casing from the existing ditch on the south side of I-20 up to the new recently installed ramp at a total cost of approximately \$18,000.00, **MOTION** made by Alderman Valente and **SECONDED** by Alderman Todd to proceed with the correction of said pipe as soon as possible through the emergency repair procedure. **MOTION CARRIED UNANIMOUSLY.**

APPROVAL TO SEND TAX EXEMPTION REQUESTS FOR GULF STATES CANNERS TO THE MISSISSIPPI AGRICULTURAL AND INDUSTRIAL BOARD

Acting upon the request of Gulf States Canners, **MOTION** made by Alderman Johnson and **SECONDED** by Alderman Ryan to process those applications for tax exemption found on pages 258-267 of this Minute Book V to the Mississippi Agricultural and Industrial Board. **MOTION CARRIED UNANIMOUSLY.**

ADJOURNMENT - 8:45 P.M.

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

Copy of Agenda may be found on Pages 268-269 of this Minute Book V.

APPROVED:

Billy R. Smith
Billy Ray Smith, Mayor

4-30-92
Date

ATTEST:

Nelson Byrd
Nelson Byrd, City Clerk

4-30-92
Date

SEAL

Agenda Item - 4-21-92

ALDERMEN
O. C. George Ferrell
Ward One
Edward J. Valente
Ward Two
Ronnie Chappell
Ward Three
Keith N. Montgomery
Ward Four



Billy Ray Smith, Mayor

ALDERMEN
Jean W. Johnson
Ward Five
Sharbert K. Lott
Ward Six
Willard A. Ryan
Alderman-At-Large
Nelson Byrd
City Clerk

April 1, 1992

Ernest Thomas
Associates Realty
1209 Cherry Street
Vicksburg, MS 39180

Dear Ernest:

The Industrial Site Committee of the Clinton Chamber of Commerce has approved in principal the agreement that you and I worked out on optioning property from the Clinton Industrial Park Corporation for use as an industrial park. This agreement is:

- (1) The City of Clinton will option for three years, at no cost, approximately 85 acres of the Park, outlined on the attached map, at a purchase price of \$610,000. The price is determined by applying a \$15,000 per acre price on the front acreage, and \$5,500 per acre on all other property. Front acreage is defined as the property fronting Industrial Park Drive for approximately 1,050 feet and 600 feet to the East of Industrial Park Drive. The exact price of the option will be determined by a survey and by applying the \$15,000 per acre price and the \$5,500/acre price to the exact acreage. The option will allow the City to sell property and have it released at the above prices.
- (2) The minimum release is 3 acres at \$15,000 per acre or \$5,500 per acre. The land may only be released for use for construction of an industrial facility and associated use.
- (3) The City has the right to construct roads, grade, cut trees and provide infrastructure as needed. None of the above work or any release shall render the remaining property inaccessible or an uneconomic remnant.

Spill preparing final agreement

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This letter is neither an offer or commitment to option on purchase. However, recommendation is being made to Clinton's Mayor, and Board of Alderman, that this agreement be approved.

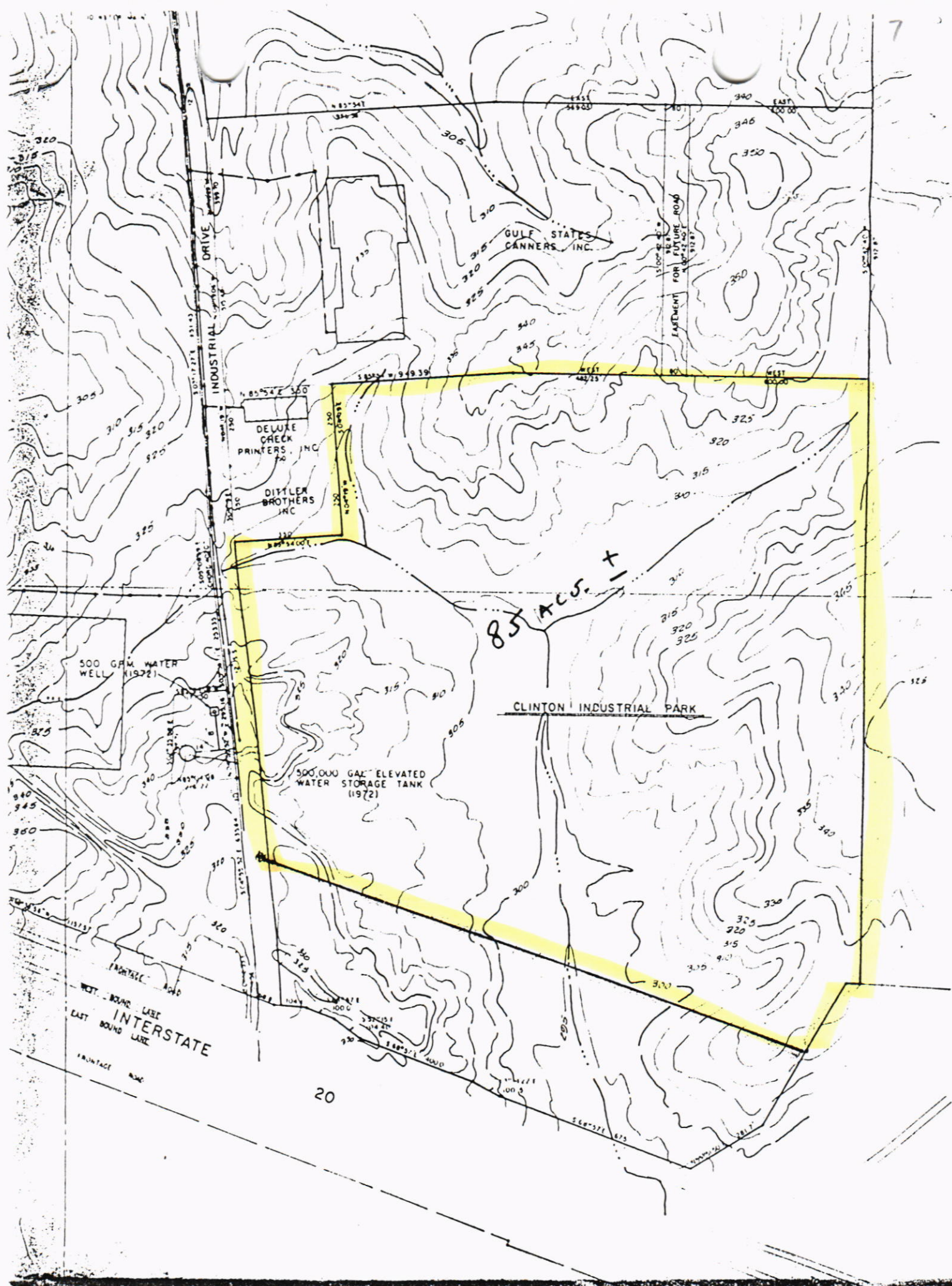
Thank you for your assistance.

Sincerely

James G. Powell
Economic Development Consultant

Enclosure

JGP/sh



SCALE 1" = 400'

CLINTON INDUSTRIAL PARK
HINDS COUNTY, MISSISSIPPI

SCALE IN FEET
1" = 400'

ENGINEERING ASSOCIATES, INC.
CONSULTING ENGINEERS
JACKSON, MISSISSIPPI

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ORDINANCE PROHIBITING UNNECESSARY NOISE
IN THE CITY OF CLINTON, MISSISSIPPI

WHEREAS, the Mayor and Board of Aldermen of the City of Clinton, Mississippi, find that

SECTION 1.

A. Unnecessary noise degrades the environment of the City to a degree which

i. harms and degrades the health, welfare and safety of its citizens; and

ii. interferes with the comfortable enjoyment of life, property and recreation, and with the conduct and operation of commerce and industry; and

iii. constitutes a nuisance;

B. No one has a right to create unnecessary noise;

C. Effective control and elimination of unnecessary noise is essential to the furtherance of the health and welfare of the citizens of Clinton, and to the normal pursuits of life, recreation, commercial and industrial activity;

D. A busy city creates sufficient noise by its own activity, which cannot be eliminated, thus the public interest is best served by elimination of additional unnecessary noise within the corporate limits;

E. It is the legislative intent of the Board of Aldermen of the City of Clinton that the increased use of portable or mobile sound generating equipment (such as "boom-boxes", radios, stereos, tape or compact-disc players) outside of dwellings, upon the public rights-of-way, and in parks or on the porches and steps of dwellings or buildings be discouraged; and the use of such devices in these places at loud levels should be encouraged only with headphones or other devices which will limit the noise from such devices to be heard by those who wish to enjoy it and not to create a nuisance for those who do not wish to hear the noise;

F. And it is also the legislative intent of the Board of Aldermen that commercial establishments which provide entertainment, such as amplified live or recorded sounds, be discouraged from having such entertainment audible outside of the premises.

SECTION 2. General noise prohibition. It shall be unlawful for any person within the City of Clinton to make, continue or cause to be made or continued, any loud, disturbing, unnecessary or unusual noise which either disturbs or endangers the comfort, repose, health, peace or safety of others within the City limits.

SECTION 3. Specific unlawful noises. The following acts, among others, are declared to be loud, disturbing, unnecessary and/or unusual noises in violation of this Ordinance, but such enumeration shall not be deemed to be exclusive, namely:

(a) Motor noises: any noise made by the motor of any automobile, truck, tractor, motorcycle, not reasonably required in the operation thereof under the circumstances and shall include but not be limited to motor racing and backfiring;

(b) Horns and signaling devices: the sounding of any horn or signaling device on any automobile, motorcycle, bus, or other vehicle on any public right-of-way of the City, except as a danger warning; the creation of any loud or harsh noise by any horn or signaling device, or the sounding of any horn or signaling device for an unreasonable or unnecessary period or time or number of times; the use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or any other device operated by engine exhaust; and the use of any such signaling device when traffic is for any reason delayed or detained;

(c) Yelling or shouting: yelling, shouting, hooting, whistling, singing or blowing of horns on the public rights-of-way, or at any time or in any place in a manner to annoy or disturb the quiet, comfort, or repose of persons in any office,

or in any dwelling, hotel, motel, apartment or other type of residence, or of any persons in the vicinity.

- (d) Pile drivers, hammers, etc.: The operation between the hours of 10:00 p.m. and 7:00 a.m. of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by loud or unusual noise.
- (e) Tools: The use of or operation between the hours of 10:00 p.m. and 7:00 a.m. of any power saw, power planer, or other powered tool or appliance or saw or hammer, or other tool, so as to disturb the quiet, comfort, or repose of persons in any dwelling, hotel, motel, apartment, or other type of residence, or of any person in the vicinity.
- (f) Blowers: The operating of any noise-creating blower or power fan or any internal combustion engine the operation of which causes noise due to the explosion of operating gases or fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to deaden such noise.
- (g) Exhausts: The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor boat, motorcycle or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom. No person while on a public or private highway, street or road shall operate a motor vehicle with the muffler cut out or removed.
- (h) Loading, unloading; opening boxes: The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates, and containers.
- (i) Hawkers, peddlers and vendors: The shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of persons in the neighborhood.
- (j) Drums: The use of any drum or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale.
- (k) Transportation of metal rails, pillars and columns: The transportation of rails, pillars or columns of iron, steel or other material, over and along streets and other public places upon carts, drays, cars, trucks in any manner so as to cause loud noises or to disturb the peace and quiet of persons in the vicinity thereof.
- (l) Animals, birds, fowls: The keeping of any animal, bird or fowl which by causing frequent or long continued noise shall disturb the comfort or repose of persons in the vicinity.
- (m) Radios, tape players, etc.: Any noise emitted from a radio, tape player, tape recorder, record player, or television outdoors on or in any publicly owned property or place, including but not limited to public parks when such noise is audible to a person of normal hearing sensitivity one hundred (100) feet from said radio, tape player, tape recorder, record player, or television.
- (n) Music: The playing of music by a live band or other instruments or devices utilizing sound ^{amplification} equipment and/or the amplification of voices in any manner so as to disturb the peace and quiet of persons in the vicinity thereof.

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SECTION 4. Exemptions. The following uses and activities shall be exempt from the noise prohibitions described in other sections of this Ordinance:

- (a) Non-amplified crowd noises resulting from legal activities, between the hours of 7:00 a.m. and 9:00 p.m.
- (b) Construction operations for which building permits have been issued, or construction operations not requiring permits due to ownership of the project by an agency of government, provided such equipment is operated with the manufacturing mufflers and noise reducing equipment in use and in proper operating condition.
- (c) Noises of safety signals, warning devices, and emergency pressure relief valves.
- (d) Noises resulting from any authorized emergency, fire or police vehicle when responding to an emergency call, acting in time of emergency or in connection with official police or fire department business.
- (e) Noises from emergency work, being work made necessary to restore property to a safe condition following a public calamity or work required to protect persons or property from an imminent exposure to danger or work by private or public utilities when restoring utility service.
- (f) Noises made by places of worship using bells, chimes or carillons as part of their religious observance and by persons having obtained a permit to use the streets.
- (g) Any aircraft operated in conformity with, or pursuant to, a federal law, federal air regulations, and air traffic control instructions and pursuant to and within the duly adopted federal air regulations. Any aircraft operating under technical difficulties in any kind of distress, under emergency orders of air traffic control or being operated pursuant to and subsequent to the declaration of an emergency under federal air regulations are also exempt.
- (h) All noises resulting from normal operations of railroad trains are exempt; provided, however, that excessive use of railroad train signaling devices are declared to be loud, disturbing, and unnecessary noises.
- (i) Use of public address systems in any ball park or stadium while an athletic contest is in progress therein.
- (j) Cries for emergency assistance and warning calls.
- (k) Any other noise resulting from activities of a temporary duration and for which a permit has been granted by the Chief of Police.

SECTION 5. Permits. The Chief of Police may grant a temporary permit to persons desiring to use loudspeakers or other electrical devices for parades or for religious, social or political gatherings to be held in any park or other suitable place of assembly.

- (a) Application. Any permit issued hereunder should be issued only on written application which shall set forth the following:
 - (1) A description of the premises for which the permit shall issue.
 - (2) The dates and times for which the permit is to be issued.
 - (3) The name and address of the person applying for the permit.
 - (4) Any facts which would show that the activity

for which the permit is sought would not disturb the peace of any family or person within the area into which the sound shall carry.

- (5) The application shall designate a responsible person to be present during the activity. Said person shall be responsible for conducting the activity in compliance with the provisions of the permit and must be present at all times.
 - (6) Other such information as the Chief of Police shall deem necessary and proper.
 - (7) The application shall become a part of any permit issued.
- (b) Issuance. The Chief of Police shall issue a permit only upon a showing that the activity will not disturb the peace of any family or person within the area within which the noise will carry. A permit shall be issued or denied within fifteen (15) days of receipt of a completed, signed application. The Chief of Police shall consider the following factors in considering whether to grant such a permit.
- (1) The anticipated noise.
 - (2) The time of day the activity is to take place.
 - (3) The proximity of the activity to residential areas, schools, churches or other meetings places.
 - (4) Prior complaints from residents as a result of other similar activities.

In the event a permit is denied, the applicant may appeal the decision to the Mayor and City Council. Any such appeal shall be taken not more than ten (10) days from denial of a permit by giving notice of the appeal to the City Clerk.

- (c) Revocation. The Chief of Police shall have the authority to revoke any permit issued on the finding of any of the following:
- (1) That the activity is being conducted in a manner inconsistent with the permit, including the description of the activity as set out in the application.
 - (2) That the activity is causing a disturbance of the peace of families or persons within the area into which the sound carries.
 - (3) that there is any misrepresentation of the activity on the application for the permit.
 - (4) Other good cause.

Quiet Zone - The Chief of Police may designate a quiet zone upon application by placing a sign at the beginning and end of such zone on a public street and that any person found guilty of violating this ordinance in a quiet zone shall be subject to double the penalty provided in this ordinance.

SECTION 6. Penalty. Any person, firm or corporation violating any provision of this Ordinance shall be guilty of a misdemeanor and upon conviction shall be fined a minimum of One Hundred Dollars (\$100.00) and/or sentenced to serve ten (10) days in jail, or both, for the first offense; and shall be fined a minimum of Two Hundred Fifty Dollars (\$250.00) and/or sentenced to serve twenty (20) days in jail, or both, for the second offense; and shall be fined up to One Thousand Dollars (\$1,000.00) and/or sentenced to serve thirty (30) days in jail, or both, for any subsequent offense. Each day such violation is committed or permitted to continue shall constitute a separate offense.

SECTION 7. Severability. If any provision, clause, sentence or paragraph of this Ordinance, or the application thereof to any person or circumstances, shall be held to be invalid, such invalidity shall not affect any other of the provisions of this Ordinance which can be given effect without the invalid provision or applications, and to this end, the provision of this Ordinance are declared to be severable.

SECTION 8. Repeal. Any other ordinance of the City of Clinton in conflict with this Ordinance are hereby expressly repealed.

SECTION 9. Effective Date. This Ordinance shall be in force and take effect thirty days following its enactment.

UPON MOTION of Alderman Valente, and a second from Alderman Todd, this Ordinance was heard and as a matter laid upon the regular agenda of the Mayor and Board of Aldermen, reduced to writing and submitted for consideration by the Mayor and Board of Aldermen of the City of Clinton at a regular meeting of the same; and after full and sufficient discussion of the Ordinance, and considering each section of the Ordinance, the Mayor polled the Aldermen with the Clerk recording their votes, which are as follows:

Alderman-at-Large Willard Ryan	<u>AYE</u>
Alderman Ward 1 O. C. George Ferrell	<u>absent</u>
Alderman Ward 2 Edward Valente	<u>AYE</u>
Alderman Ward 3 Ben Todd	<u>AYE</u>
Alderman Ward 4 Keith Montgomery	<u>AYE</u>
Alderman Ward 5 Jean Johnson	<u>AYE</u>
Alderman Ward 6 Sharbert Lott	<u>absent</u>

This action was taken in the City of Clinton at the regular meeting of the Mayor and Board of Aldermen this 21 day of April, 1992.

Billy A. Smith
Billy Ray Smith, Mayor

Nelson Byrd
Nelson Byrd, Clerk

4-21-92
Date

I, Nelson Byrd, the undersigned City Clerk of the City of Clinton, Hinds County, Mississippi, hereby certify that the above and foregoing is a true copy of an Ordinance adopted by the Mayor and Board of Aldermen, City of Clinton at its meeting duly held on April 21, 1992 as the same appears in Minute Book V at pages 251-255 of the minutes of said Board and recorded in Ordinance Book 2 of the City of Clinton at Pages 529-534 thereof.

Given under my hand and official seal of office this the 21st day of April, 1992.

Nelson Byrd
Nelson Byrd, Clerk

POP
House Ord

255 A



VIRGIL F. BELUE, Ed.D.
SUPERINTENDENT OF SCHOOLS

Clinton Public School District

P. O. BOX 300

Clinton, Mississippi 39056

April 16, 1992

Honorable Billy Ray Smith, Mayor
City of Clinton
P. O. Box 156
Clinton, MS 39060

Dear Mayor Smith:

On April 14, 1992, representatives of the Clinton Soccer Association appeared before the Trustees of the Clinton Public School District and requested that "Written permission from school board for City to install lights on Fields 3, 4, and 5 alongside Northside Drive with the understanding that if the City is forced to vacate the land prior to expiration of the lease that the lights may be removed."

Thereafter, the Trustees of the Clinton Public School District authorized and instructed me to inform the City of Clinton that the City already has a right pursuant to the terms of the LEASE AGREEMENTS to remove any improvements which the City has installed or may install as long as the LEASE AGREEMENTS remain in force and effect. Additionally, the Clinton Public School District will, in the event the City of Clinton installs lights on the soccer or other athletic fields on any of the parcels of land in S16, T6N, R1W, which the City has leased, and thereafter if the City voluntarily vacates or is forced to vacate said parcel or parcels, permit without objections the City of Clinton to remove said lights and all appurtenance pertaining thereto.

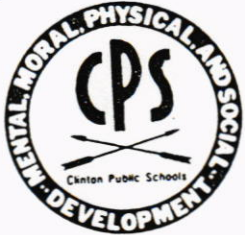
Should you have any questions, please do not hesitate to let me know.

Sincerely yours,

Virgil F. Belue, Ed.D.
Superintendent of Schools

VFB/st

cc: Mrs. Nancy Maggiano
Mr. Tommy Bobo



VIRGIL F. BELUE, Ed.D.
SUPERINTENDENT OF SCHOOLS

Clinton Public School District

P. O. BOX 300

Clinton, Mississippi 39056

April 16, 1992

Honorable Billy Ray Smith, Mayor
City of Clinton
P. O. Box 156
Clinton, MS 39060

Dear Mayor Smith:

On April 14, 1992, representatives of the Clinton Soccer Association appeared before the Trustees of the Clinton Public School District and requested that "Written permission from School Board for City to construct two athletic fields on leased 16th section land overextending into National Guard Armory leased property. (pending National Guard written permission.)"

Thereafter, the Trustees of the Clinton Public School District authorized and directed me to inform the City of Clinton that the Clinton Public School District has no objections to the City of Clinton, State of Mississippi, or the United States of America, as appropriate, constructing athletic fields on the parcel of land in S16, T6N, R1W, which the City has leased from the Clinton Public School District and subleased to the State of Mississippi and the United States of America for an Armory. However, the construction of said athletic fields must be done without violating Item Number 5 of the LEASE AGREEMENT which states "...this lease may not be assigned in its entirety nor shall any sublease or partial assignments be given without Lessor's prior permission in writing..."

Should you have any questions, please do not hesitate to let me know.

Sincerely yours,

Virgil F. Belue, Ed.D.
Superintendent of Schools

VFB/st

cc: Mrs. Nancy Maggiano
Mr. Tommy Bobo

LAW OFFICES OF
ADAMS, FORMAN, TRULY & SMITH

POST OFFICE BOX 1307
NATCHEZ, MISSISSIPPI 39121-1307
(601) 442-6495

April 16, 1992

LAWRENCE ADAMS*
R. BRENT FORMAN*
EVERETTE TRULY
MARION SMITH
ROBERT C. LATHAM
BRUCE M. KUEHNLE, JR.**
L. JACKSON LAZARUS

*OF COUNSEL
**ALSO ADMITTED IN LOUISIANA

STREET ADDRESS:
100 SOUTH PEARL STREET
NATCHEZ, MISSISSIPPI 39121-1307
TELECOPIER (601) 442-8874
WOODVILLE TELEPHONE:
(601) 888-4850

Mayor and Board of Aldermen
City of Clinton
Clinton, MS 39056

Attention: City Clerk

Re: Gulf States Cannery, Inc.

Gentlemen:

Enclosed are two Applications for ad valorem tax exemptions filed on behalf of Gulf States Cannery, Inc. The first seeks an exemption for equipment installed during 1991, and the second Application seeks an exemption on manufactured product for resale other than to the final consumer.

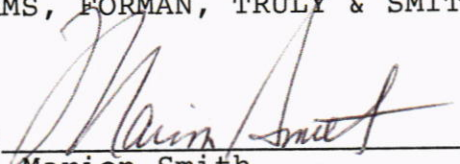
If you find the Applications to be in order, we would appreciate you putting us on the next Mayor and Board of Aldermen's docket, and if the Board approves, processing the Applications for the granting of exemptions.

Please let me know if you have any questions regarding anything in the Applications.

Thank you again for your help.

Yours very truly,

ADAMS, FORMAN, TRULY & SMITH

BY: 

Marion Smith

MS:bb
Enclosures

cc: Mr. Albert Clark
Mr. Randy Lee ✓ 924 0611

BEFORE THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF
CLINTON, HINDS COUNTY, MISSISSIPPI

APPLICATION OF GULF STATES CANNERS, INC.,
FOR EXEMPTION FROM CITY AD VALOREM TAXES
ON ADDITIONS TO AND EXPANSIONS OF
ITS FACILITIES AND PROPERTIES AT ITS PLANT
IN THE CLINTON INDUSTRIAL PARK,
HINDS COUNTY, MISSISSIPPI

TO: THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CLINTON,
HINDS COUNTY, MISSISSIPPI:

Gulf States Canners, Inc., files this its Application in triplicate for exemption from city ad valorem taxes for additions to and expansions of its facilities and properties located in the Clinton Industrial Park, Hinds County, Mississippi, and respectfully represents as follows:

(1)

Applicant, Gulf States Canners, Inc., is a Mississippi corporation and is domiciled in the Clinton Industrial Park, Clinton, Mississippi.

(2)

Applicant is now operating a plant engaged in the manufacturing, making or processing of plastic products ("The Enterprise") qualifying the Applicant for ad valorem tax exemptions under the provisions of Section 27-31-101, et seq., of the Mississippi Code of 1972, as amended.

(3)

The Enterprise is located within the corporate limits of the City of Clinton, Mississippi, and a companion application for exemption from county ad valorem taxes is being filed with the Board of Supervisors of Hinds County, Mississippi.

(4)

Applicant has been continuously operating The Enterprise at its present location for over twenty (20)

years, supplying employment to the citizens of Hinds County, Mississippi.

(5)

From January through December, 1991, the Applicant made and completed material additions to and expansion of the facilities and properties of The Enterprise which were designed to be used and are now used in connection with the operation of the said Enterprise and which additions and expansions are necessary to the operation of said Enterprise. Said additions and installations to and expansions of the said facilities and properties which have been integrated into Applicant's manufacturing process are additions to and expansions of the Applicant's facilities or properties, replacements of equipment, and are, therefore, such additions to and expansions of the said facilities and properties and replacements of equipment as are contemplated by the laws of the State of Mississippi to be exempt from ad valorem taxation, except ad valorem taxes for school district purposes, for one period of five (5) years and for a second consecutive period of five (5) years, but the total of such consecutive periods shall not exceed ten (10) years, commencing January 1, 1992, the date of completion of the same, and expiring December 31, 2001.

(6)

The said additions and expansions are shown on Exhibit "A" attached hereto and made a part hereof, which exhibit is an itemized listing of the true value of all properties sought to be exempted. The properties shown on Exhibit "A" will be used by Applicant for the manufacturing and processing of sixteen ounce and twenty ounce plastic bottles designed to be filled with soft drink products. The total true value of all property for which an exemption

is sought is Six Hundred Sixty-Two Thousand Seven Hundred Ten Dollars and Twenty Cents (\$662,710.20) as shown on said Exhibit "A".

(7)

On December 31, 1991, Applicant employed at its Clinton Industrial Park plant approximately one hundred fifty-five (155) employees with an estimated annual payroll of approximately \$3,300,000.00. Additionally, the operations of Applicant have created numerous additional jobs for firms in Hinds County, Mississippi, supplying trucking services for the transporting of Applicant's products to various consumers of these products in the States of Louisiana, Arkansas, Tennessee, Alabama and Mississippi.

(8)

The additions and expansions hereinabove described will not create any new permanent jobs, but are essential to the preservation of the competitive position of Applicant and, therefore, are essential to the preservation of existing jobs and to the maintenance of Applicant's competitive position with other manufacturing operations in competition with Applicant.

(9)

Applicant also seeks exemption from ad valorem taxation for the raw materials used in the production of the plastic products for which the subject exemption is sought, which exemption for raw materials shall run concurrently with the exemption of the items shown on Exhibit "A" attached to this Application. Applicant estimates that the value of these raw materials would not exceed at any time during the life of exemption the sum of \$3,500,000.00.

Wherefore, Applicant prays that such procedures be had as are contemplated by the pertinent laws of the State of

Mississippi, particularly Title 27, Chapter 31, Mississippi Code of 1972, and thereby Applicant be found and adjudicated to be an expanded industrial enterprise of public utility within the meaning of said laws entitling Applicant to city ad valorem tax exemption as provided in such laws. Applicant further prays that it be granted an exemption commencing January 1, 1992, with the tax year 1992, from all city ad valorem taxation except ad valorem taxes for school district purposes for two (2) consecutive five (5) year periods thereafter, terminating December 31, 2001, and to that end, the properties constituting the additions, expansions and equipment replacements as herein described be reflected on the tax rolls for subsequent years commencing with the year 1992 of the City of Clinton, Hinds County, Mississippi, at valuations uniform with other property of like kind and character similarly situated, and as so valued, taxes and assessments thereon be levied solely for ad valorem taxation for school district purposes for the said year 1992 and the ensuing two (2) consecutive five (5) year periods as by the applicable state statutes contemplated.

Applicant prays for such other, further, general relief as may be accorded it by this Honorable Board.

Respectfully submitted, this the 13 day of April, 1992.

GULF STATES CANNERS, INC.

BY: Randy Lee, Controller
RANDY LEE, CONTROLLER

Marion Smith
MARION SMITH
ADAMS, FORMAN, TRULY & SMITH
P.O. BOX 1307
NATCHEZ, MS 39121
ATTORNEYS FOR APPLICANT

STATE OF MISSISSIPPI
COUNTY OF ~~ADAMS~~ HINDS

Personally came and appeared before me, the undersigned authority in and for the jurisdiction aforesaid, RANDY LEE, who being by me first placed on oath, deposes and says:

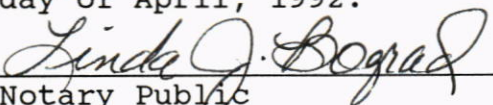
Affiant is the duly constituted, acting and serving Controller of Gulf States Cannery, Inc., the Applicant named in the above and foregoing Application for city tax exemption addressed to the Mayor and Board of Aldermen of the City of Clinton, Hinds County, Mississippi, and as such, is duly authorized to execute, file and present this Application on behalf of the Corporate Applicant.

The construction projects described in the Application were completed during the year 1991.

All of the matters and facts set forth in the above and foregoing Application are true and correct as therein stated.


RANDY LEE

Sworn to and subscribed
before me, this the 13
day of April, 1992.


Notary Public

MY COMMISSION EXPIRES:

My Commission Expires March 30, 1995



EXHIBIT "A"

<u>ASSET #</u>	<u>DESCRIPTION</u>	<u>ACQ. DATE</u>	<u>COST</u>	<u>ACCT #</u>
2101	VIDEO JET CODER	10/14/91	\$ 17,523.94	1710-110
2102	ALLEN BRADLEY ON PALLETZR	10/14/91	9,387.78	1710-110
2103	REMANUFACTURE VILTER COMPRSR	11/25/91	15,387.00	1710-110
2104	CONVEYOR AT JONES PACKER	12/31/91	3,170.00	1710-110
2105	CHANGE PARTS-200Z FILLER/LBLR	12/31/91	4,380.00	1710-110
2107	160Z OVERHAUL PARTS	09/30/91	25,891.26	1710-110
2108	200Z CHANGE PARTS	12/30/91	4,772.00	1710-110
7027	METTLER DENSITY METER	03/31/91	14,328.74	1711-340
7028	200Z INJECTION RODS, GATES, ETC.	12/05/91	67,060.00	1711-340
7029	200Z BLWOMOLDING CHANGE PARTS	10/30/91	304,404.06	1711-340
3145	CENTRAL HIGH PRESSURE	05/31/91	22,530.60	1720-110
3146	EVAPCO CONDENSER	06/01/91	78,430.75	1720-110
5072	NISSAN FORKLIFT	07/03/91	22,268.00	1720-110
5073	NISSAN FORKLIFT	07/03/91	22,268.00	1720-110
5074	HEAT PLATE EXCHANGER	08/02/91	26,242.00	1720-110
5075	UV BLOWER W/STAND	12/15/91	1,785.00	1720-110
5076	HEAT EXCHANGER	09/16/91	11,320.83	1720-110
12121	COMPUTER BACKUP SYSTEM	12/31/91	11,560.24	1750-110
TOTAL			\$662,710.20	

BEFORE THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF
CLINTON, HINDS COUNTY, MISSISSIPPI

APPLICATION OF GULF STATES CANNERS, INC.,
FOR EXEMPTION FROM CITY AD VALOREM TAXES
ON CERTAIN MANUFACTURED PRODUCTS
HELD FOR SALE OR SHIPMENT TO
OTHER THAN FINAL CONSUMER

TO: THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CLINTON,
HINDS COUNTY, MISSISSIPPI:

Gulf States Canners, Inc., files this its Application in triplicate for an exemption from city ad valorem taxes for certain manufactured products held for sale or shipment to other than final consumer, which Application is filed pursuant to the terms of Section 27-31-7 of the Mississippi Code of 1972, as amended, and as a companion Application to Petitioner's Application for exemption for city ad valorem taxes on additions to and expansions of its facilities and properties at its plant in the Clinton Industrial Park, Hinds County, Mississippi. Applicant respectfully shows:

(1)

Applicant, Gulf States Canners, Inc., is a Mississippi corporation and is domiciled in the Clinton Industrial Park, Clinton, Mississippi.

(2)

Applicant is now operating a plant engaged in the manufacturing, making or processing of plastic products ("The Enterprise") qualifying the Applicant for ad valorem tax exemptions under the provisions of Section 27-31-101, et seq., of the Mississippi Code of 1972, as amended, and on this date has filed its Application for tax exemption for certain additions and expansions of its plant.

(3)

The Enterprise is located within the corporate limits of the City of Clinton, Mississippi, and a companion Application for exemption for certain manufactured products

held for sale or shipment to other than final consumer has been filed with the Board of Supervisors of Hinds County, Mississippi.

(4)

The representations made in Applicant's Application for exemption from city ad valorem taxes on additions to and expansions of its facilities filed this day are, by reference, incorporated into this Application.

(5)

As a result of the additions and expansions in the accompanying Application for city ad valorem tax exemption, Applicant will produce at its plant in the Clinton Industrial Park, Clinton, Mississippi, twenty ounce and sixteen ounce plastic bottles filled with soft drinks, which products will be owned by or remain in the hands of the Applicant at its said plant until shipped or sold to some purchaser other than the final consumer.

Wherefore, Applicant prays that the above described manufactured products held for sale or shipment to other than final consumer be exempt from city ad valorem taxation, except ad valorem taxes for school district purposes, pursuant to the provisions of Section 27-31-7 of the Mississippi Code of 1972, as amended. Applicant further prays that it be granted an exemption commencing January 1, 1992, with the tax year 1992, from all city ad valorem taxation provided by the above described Section of the Mississippi Code of 1972, with the exemption terminating December 31, 2001, and to that end, the manufactured products above described be exempt from city ad valorem taxation as permitted by said Code Section so long as such exemption qualifies under the terms of said Code Section.

Applicant prays for such other, further, general relief as may be accorded to it by this Honorable Board.

Respectfully submitted, this the 20 day of April, 1992.

GULF STATES CANNERS, INC.

BY: Randy Lee, Controller
RANDY LEE, CONTROLLER

Marion Smith

MARION SMITH
ADAMS, FORMAN, TRULY & SMITH
P.O. BOX 1307
NATCHEZ, MS 39121
ATTORNEYS FOR APPLICANT,
GULF STATES CANNERS, INC.

STATE OF MISSISSIPPI
COUNTY OF HINDS

Personally came and appeared before me, the undersigned authority in and for the jurisdiction aforesaid, RANDY LEE, who being by me first placed on oath, deposes and says:

Affiant is the duly constituted, acting and serving Controller of Gulf States Canners, Inc., the Applicant named in the above and foregoing Application for city tax exemption addressed to the Mayor and Board of Aldermen of the City of Clinton, Hinds County, Mississippi, and as such, is duly authorized to execute, file and present this Application on behalf of the Corporate Applicant.

The construction projects described in the Application were completed during the year 1991.

All of the matters and facts set forth in the above and foregoing Application are true and correct as therein stated.

Randy Lee
RANDY LEE

Sworn to and subscribed
before me, this the 20
day of April, 1992.

Linda J. Boyard
Notary Public

MY COMMISSION EXPIRES:

My Commission Expires March 30, 1995

ALDERMEN
O. C. George Ferrell
Ward One
Edward J. Valente
Ward Two
Ben L. Todd
Ward Three
Keith N. Montgomery
Ward Four



ALDERMEN
Jean W. Johnson
Ward Five
Sharbert K. Lott
Ward Six
Willard A. Ryan
Alderman-At-Large
Nelson Byrd
City Clerk

Billy Ray Smith, Mayor

MEMO TO: Board of Aldermen and
Any Interested Party

FROM: Mayor Billy Ray Smith

SUBJECT: "Other Business" to be considered at April 21, 1992, Meeting

DATE: April 20, 1992

The following additional items will be considered under
"Other Business" at the April 21, 1992, Board Meeting:

1. Discussion/Action - erection of lights in Traceway Park on soccer fields (see letter)
2. Discussion/Action - consultant coordinator to assist Mayor and Board of Aldermen in planning recreational activities for City
3. Discussion/Action - repair and lowering water line on clover leaf - east bound exit ramp of I-20 - Harold Alderman
4. Discussion/Action - sublease armory property for soccer use

Sincerely,

Billy Ray Smith
Mayor