

**ADJOURNED MEETING OF THE MAYOR AND BOARD OF ALDERMEN
TUESDAY, JUNE 16, 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, pursuant to a Recess Order adopted by said Mayor and Board of Aldermen at their Regular Meeting of June 2, 1992, as found on Page 368 of this Minute Book V.

WELCOME AND CALL TO ORDER - Mayor Billy Ray Smith

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 George Ferrell.

ROLL CALL - City Clerk Nelson Byrd

Present - Willard Ryan - Alderman-at-Large
O. C. George Ferrell - Alderman Ward 1
Edward Valente - Alderman Ward 2
Ben Todd - Alderman Ward 3
Keith Montgomery - Alderman Ward 4
Jean Johnson - Alderman Ward 5
Sharbert Lott - Alderman Ward 6
Mayor Billy Ray Smith - Presiding
City Clerk Nelson Byrd

Attorney Rob Spell represented City Attorney William E. Spell in his absence.

APPROVAL OF CONSENT AGENDA ITEMS A-O:

- A. \$300.00 to Clinton Touchdown Club for full page ad in football program (Adm.)
- B. \$112.00 to MS Coop. Ext. Service for Byrd and Sessums to attend Certified Clerk Training Session 7-16/17-92 in Jackson (Adm.)
- C. Appx. \$405.00 for Tim Rogers, Asst. Dir., Public Works, to attend 17th Annual Water Supply Short Course 9-14/18-92 in Biloxi (Water)
- D. \$707.90 to Statewide Comm. for new radio in truck at State Contract price (P&R)
- E. \$535.07 to Clinton Garage to repair A/C in Unit #16 (Fire)
- F. \$30.00 to Tim Love for MS. St. Dept. of Health Fee to take EMT National Registry Exam (Fire)
- G. \$1,411.34 to Apac-MS for asphalt for street repairs (PWD)
- H. \$2,040.00 to Capweld for chlorine for water treatment (PWD)
- I. \$1,373.92 to Central pipe for purchase of Badger Meters and repair parts (PWD)
- J. \$1,185.00 to Harcros Chemical for sodium fluoride for water treatment (PWD)
- K. \$658.46 to Lampton-Love for diesel for various departments
- L. \$1,068.90 to Naylor Supply for 500' hose for street washer on sewer jobs (PWD)
- M. \$704.66 to SW paving for surface mix for street repairs (PWD)
- N. \$1,031.74 to Buck Sullivan for repair to C-27 and C-4 trucks (Street)
- O. \$1,833.75 to Statewide Comm. for 3 new radios for trucks C-2, 5, and 9 at State Contract Price (Water)

MOTION made by Alderman Lott and **SECONDED** by Alderman Valente to approve Consent Agenda Items A-O as listed above, noting that Consent Agenda Item A will serve to advertise favorably the opportunities, possibilities, and resources of the City of Clinton.

MOTION CARRIED UNANIMOUSLY.

BIDS ACCEPTED ON SURPLUS VEHICLES

MOTION made by Alderman Montgomery and SECONDED by Alderman Lott to accept the bids on the five used vehicles received on 6-4-92 and on file in the Office of the City Clerk. MOTION CARRIED UNANIMOUSLY. Proof of Publication and a tabulation of bids may be found on pages 398 and 399 of this Minute Book V.

HORSE COMPLAINT ON NORTHSIDE DRIVE TO BE REMEDIED BY WEEK'S END

Ms. Jackson registered a complaint that horses were running loose at 308 Northside Drive. Police Chief Byington assured the Board that the owner's of said horses would be in compliance with City Ordinance by week's end. NO BOARD ACTION taken.

RIVERWOOD INTERNATIONAL AUTHORIZED TO HOOK ON TO CITY SEWER

MOTION made by Alderman Montgomery and SECONDED by Alderman Johnson based on pre-treatment and compliance with the City Sewer Ordinance that Riverwood International be allowed to tie-on to the City biolac wastewater facility noting that they must meet State and City requirements mentioned above. MOTION CARRIED UNANIMOUSLY.

BID FOR REMOVAL OF TRASH/DEBRIS AT TRACEWAY

Only one bid being received and opened on 6-16-92 for clearing the trash/debris at Traceway Park, MOTION made by Alderman Todd and SECONDED by Alderman Ryan to reject that one bid received from AKY Construction & Maintenance, Inc., for \$8,500.00 and accept the proposal received tonight from DDB Construction Company for \$2,500.00 to pile the debris for burning and the City to do the actual burning with Alderman Ryan supervising said burning. MOTION CARRIED UNANIMOUSLY. Proof of Publication may be found on page 400 of this Minute Book V.

ADJOURNMENT - 5:30 P.M.

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

Copy of Agenda may be found on Page 401 of this Minute Book V.

APPROVED:

Billy R Smith
Billy Ray Smith, Mayor

6-23-92
Date

ATTEST:

Nelson Byrd
Nelson Byrd, City Clerk

6-23-92
Date

SEAL

PROOF OF PUBLICATION
THE STATE OF MISSISSIPPI
HINDS COUNTY

PASTE PROOF HERE

**LEGAL NOTICE
ADVERTISEMENT
FOR BIDS**

Sealed bids for the sale of six (6) used vehicles will be received by the City Clerk at City Hall, P.O. Box 156, 300 Jefferson Street, Clinton, Mississippi, 39056, until 10 A.M., June 4, 1992.

Listed below are said used Police Department and Public Works Department vehicles.

1. 1990 Chev. VIN#7037
2. 1990 Chev. VIN#5809
3. 1976 Ford VIN#2001 1/2 ton
4. 1979 Dodge VIN#1470 1/2 ton
5. 1983 Chev. VIN#9616 1/2 ton

The City of Clinton reserves the right to waive irregularities and to reject any or all bids.

CITY OF CLINTON
APPROVED:
 /s/ Billy R. Smith
 Mayor Billy Ray Smith
ATTEST:
 /s/ Nelson Byrd
 Nelson Byrd, City Clerk
 May 22, 29, 1992

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

Kim Hemphill

an authorized clerk of THE CLARION-LEDGER, a daily newspaper as defined and prescribed in Sections 13-3-31 and 13-3-32, of the 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 May 22, 1992

Date May 29, 1992

Date _____, 19____

Date _____, 19____

Date _____, 19____

Number of Lines 33

Published 2 Times

Total \$ 18.16

Signed Kim Hemphill

Authorized Clerk
of The Clarion-Ledger

SWORN to and subscribed before me the 29th day of May, 1992.

Janet Leather
Notary Public

My Commission Expires:

My Commission Expires Nov. 17, 1992

(Seal)

Agenda 6
6-16-92

LEGAL NOTICE
ADVERTISEMENT
FOR BIDS

SEALED BIDS FOR THE SALE OF SIX (6) USED VEHICLES WILL BE RECEIVED
BY THE CITY CLERK AT CITY HALL, P.O. BOX 156, 300 JEFFERSON STREET,
CLINTON, MISSISSIPPI, 39056, UNTIL 10 A.M., JUNE 4, 1992

LISTED BELOW ARE SAID USED POLICE DEPARTMENT AND PUBLIC WORKS DEPARTMENT
VEHICLES.

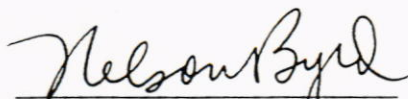
			HIGH BID	
1.	1990 CHEV	VIN#7037	\$ 3300.00	- CHAMBERS AUTO SALES
2.	1990 CHEV	VIN#5809	3600.00	- CHAMBERS AUTO SALES
3.	1990 CHEV	VIN#7065	TRANSFERRED	TO FIRE DEPT.
3	1976 FORD	VIN#2001 1/2 TON	188.00	- JAMES TATE-FLOWOOD TRUCK SALES
4	1979 DODGE	VIN#1470 1/2 TON	233.00	- JAMES TATE ✓
5	1983 CHEV	VIN#9616 1/2 TON	707.00	- HARRIGILL TRUCK SALES

THE CITY OF CLINTON RESERVES THE RIGHT TO WAIVE IRREGULARITIES AND
TO REJECT ANY OR ALL BIDS.

CITY OF CLINTON
APPROVED:


MAYOR BILLY RAY SMITH

ATTEST:


NELSON BYRD, CITY CLERK

PASTE AD HERE

110 Clinton
legals
**ADVERTISEMENT
FOR BIDS**
Sealed bids for debris removal, stump burning, and site leveling at Traceway Park in Clinton, Mississippi will be received by the Director of Parks and Recreation at the Administration Building in Clinton, Mississippi, until 2:00 P.M. local time on June 16, 1992 and immediately thereafter will be opened and publicly read.
The work involved in the project includes removal or in-place burning of stumps and other vegetative debris, removal of corrugated metal and concrete pipe sections, leveling of the site and other miscellaneous site work operations. A site inspection is scheduled for 2:00 p.m. on Tuesday, June 9, 1992. Further information may be obtained by contacting the Director of Parks and Recreation at 924-6082.
**CITY OF CLINTON,
MISSISSIPPI**
BY: /s/ Nelson Byrd
Nelson Byrd
City Clerk
APPROVED BY:
/s/ Carroll Arledge
Carroll Arledge
Director of Parks
and Recreation
May 21, 28, 1992

**PROOF OF PUBLICATION
THE STATE OF MISSISSIPPI
HINDS COUNTY**

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

Kim Hemphill,

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 May 21, 19 92

Date May 28, 19 92

Date _____, 19 ____

Date _____, 19 ____

Date _____, 19 ____

Number of Lines 41

Published 2 Times

Total \$ 22.32

Signed Kim Hemphill
Authorized Clerk
of The Clinton News

Sworn to and subscribed before me the 28th day of
May 19 92.

Janel Boatner
Notary Public

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

(Seal)

RESOLUTION

WHEREAS, the Federal and State Governments have imposed upon the City of Clinton certain standards for the treatment of sanitary sewer wastewater; and

WHEREAS, in order to meet such standards the City of Clinton has been mandated to make certain expenditures as a matter of law to upgrade various sewer treatment facilities owned and operated by the City; and

WHEREAS, expenditures mandated by law to meet the requirement for such upgrading are imposed under circumstances that the failure to meet the schedule for upgrading imposed upon the City by the Federal and State authorities would result in substantial penalties in the form of fines; and

WHEREAS, it is necessary to upgrade the said sewer facilities timely for the immediate preservation of order and public health; and

WHEREAS, in order to protect the public health and to meet the mandated expenditures as required by the laws, rules and regulations of the Federal and State Governments, the City has used monies from the water and sewer fund for capital improvements; and

WHEREAS, it is prudent and necessary to repay operating monies used for capital improvement by borrowing money for capital improvements of sewer treatment facilities to be repaid by future collections for water and sewer service;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The City water and sewer fund is authorized to borrow and the general fund of the City is authorized to loan to the City water and sewer fund by Note sold to the City general fund the sum of Two Hundred Thousand Dollars (\$200,000) at the interest rate established by law for such purpose for a term ending September 30, 1992.

2. The City water and sewer fund is authorized to borrow by sale of Note to any bank or financial institution authorized by law to make loans to municipalities the sum of Four Hundred Thousand Dollars (\$400,000) for a term ending September 30, 1995, from which the water and sewer fund will repay the general fund the amount borrowed by Note from the general fund.

3. The municipal budget shall be amended as appropriate to reflect the revenue receipts, expenditures, borrowings and other transactions authorized by this Resolution.

4. The Mayor and City Clerk are authorized and directed to execute any and all Notes or other documents and to take such action for and on behalf of the City of Clinton as necessary and appropriate to accomplish the purposes of this Resolution.

Alderman Johnson moved that the foregoing Resolution be adopted. Alderman Todd seconded. The vote was as follows:

Alderman Ryan voted:	<u>AYE</u>
Alderman Ferrell voted:	<u>AYE</u>
Alderman Valente voted:	<u>AYE</u>
Alderman Montgomery voted:	<u>AYE</u>
Alderman Johnson voted:	<u>AYE</u>
Alderman Lott voted:	<u>AYE</u>
Alderman Todd voted:	<u>AYE</u>

APPROVED on the 4th day of June, 1992.

Billy R Smith
BILLY RAY SMITH, MAYOR

ATTEST:

Nelson Byrd
NELSON BYRD, CITY CLERK

PROMISSORY NOTE

PRINCIPAL AMOUNT

\$200,000.00

DATE OF ORIGINAL ISSUE

June 9, 1992

The City of Clinton, Water and Sewer Fund, Clinton, Mississippi ("Maker") promises to pay to the City of Clinton, General Fund ("Payee") the principal sum of TWO HUNDRED THOUSAND AND NO/100 (\$200,000.00) DOLLARS together with interest thereon at the rate of SIX (6%) percent per annum on the outstanding principal balance, said principal and interest to be paid at the time and in the manner hereafter provided.

This Promissory Note ("Note") is issued under and by virtue of Section 21-35-19 of the Mississippi Code of 1972, as amended, and a resolution of the Board of Alderman of the City of Clinton, Mississippi adopted on June 4, 1992. The proceeds of the Note shall be used to reimburse the City of Clinton, Water and Sewer Fund for operating monies used to make capital improvements and to upgrade various sewer treatment facilities mandated by state and federal law. This Note shall be repaid from future collections of the Water and Sewer Fund for water and sewer service.

The principal of and interest on this Note at the rate set forth above shall be paid in one installment on or by September 30, 1992, which payment shall be in an amount equal to the outstanding principal balance of the Note together with all accrued and unpaid interest thereon and any other sums due in connection therewith.

This loan may be prepaid, at any time, in whole or in part, prior to September 30, 1992, at the rate set forth hereinabove.

Maker shall be in default under this Note in the event Maker shall fail to repay the Note on or by September 30, 1992. Upon default, the entire unpaid principal balance of the Note, together with all accrued and unpaid interest thereon and all other sums owing hereunder, shall, at the option of Payee, become immediately due and payable, without presentation, demand or future action of any kind.

Maker waives presentment, demand, protest and notice of non-payment. Payee may grant any number of renewals or extensions of time for payment hereunder; provided, however, the granting of any extension of time for the payment of any sums due under this Note shall in no way release or discharge the liability of Maker.

Payee shall not be deemed, by any act of omission or commission, to have waived any of its rights or remedies hereunder unless such waiver is in writing and signed by Payee, and then only to the extent specifically set forth in the writing. A waiver as to one event shall not be construed as continuing or as a bar to or waiver of any right or remedy as to a subsequent event.

This Note shall be governed by and construed according to the laws of the State of Mississippi. Maker's obligations shall extend to and bind Maker's successors, representatives, agents and assigns.

This Note may only be amended by an instrument in writing signed by both the Maker and the Payee hereof.

It is hereby certified, recited and represented that all conditions, acts and things required by law to exist, to have happened and to have been performed precedent to and in the issuance of this Note in order to make the same a legal and binding obligation of the City of Clinton, Water and Sewer Fund, according to the terms hereof, do exist, have happened and have been performed in regular and due time, form and manner as required by law.

In Witness Whereof, the City of Clinton, Water and Sewer Fund has caused this Note to be executed in its name by the manual signature of the Mayor of the City of Clinton, countersigned by the City Clerk of the City of Clinton, all as of the 9th day of June, 1992.

CITY OF CLINTON, WATER AND SEWER FUND

Billy R Smith
BY: Billy Ray Smith, Mayor

COUNTERSIGNED BY:

Nelson Byrd
Nelson Byrd, City Clerk

NOTE: CODE SECT. 75-17-101 ALLOWS MAX. of 11% INTEREST.

REC'D 6% QUOTE FROM TRUSTMARK BANK, HANCE MCKENSIE, 6-9-92

Nelson Byrd, City Clerk