

ADJOURNED MEETING OF THE MAYOR AND BOARD OF ALDERMEN
TUESDAY, OCTOBER 16, 1990, 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 October 2, 1990, as found on Page 283 of this Minute Book U.

WELCOME AND CALL TO ORDER - Mayor Billy Ray Smith

INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG

The Invocation was led by Alderman Jean Johnson followed by the Pledge of Allegiance to the Flag led by Alderman Sharbert Lott.

ROLL CALL - City Clerk Nelson Byrd

Present - Willard Ryan - Alderman-at-Large
O. C. George Ferrell - Alderman Ward 1
Edward Valente - Alderman Ward 2
Ronnie Chappell - Alderman Ward 3
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

APPROVAL OF CONSENT AGENDA ITEMS A-Q WITH NOTED CORRECTIONS:

- A. \$2,082.00 for 48 3/4" Badger meters with boxes to Central Pipe Supply, Inc. (Public Works)
- B. \$612.41 to Tubb Equipment for repair parts for Case Backhoe (Public Works)
- C. \$586.56 to Clinton Welding & Machine Shop, Inc., to repair A-Frame attachment (Public Works)
- D. \$2,743.62 to Clinton Welding & Machine Shop, Inc., to remove and replace 20 support pipes in tank at Industrial Park Treatment Plant (Public Works)
- E. \$675.25 to Statewide Communications, Inc. for Motorola radio for new C-11 dump truck (Public Works)
- F. \$1,200.00 for Hepatitis "B" vaccinations for 10 reserve firefighters @ \$120.00 each (budgeted expense - provided at cost by Hinds General Hospital)
- G. \$150.00 total for Jim Allen, Firefighter/Paramedic, to attend MS Emergency Medical Services Symposium, October 26-28, MS Gulf Coast (Fire Dept.)
- H. \$115.00 for Bronze Ad in Special Olympics booklet (Adm.)
- I. \$6,475.00 annual ~~contribution~~ ^{dues} to the Central Mississippi Planning & Development District (Adm.)
- J. \$1,200.00 to Jackson Construction and Foundation for emergency removal of Civil Defense Siren from Dehmer property on Springridge Road (Fire Dept.)
- K. Permission to advertise ^{for bid} for Turf Care Supplies for Turf Mgmt. Program (P&R)
- L. \$25.00 ~~donation~~ ^{advertisement} requested by Sonny Graves for the Community Birthday Calendar - Clinton High School Band Boosters (Adm.)
- M. \$4,500.00 low quote from Pine Belt Service Co. for hydraulic repair on 55 foot ladder on Engine One (Fire Dept.)
- N. IIMC Annual Dues for City Clerk and Deputy Clerk - \$120.00

- O. \$1,337.92 to Clinton Body Shop, Inc., for repair of C-8 dump truck (Public Works)
- P. \$848.70 to Great River Stone Co., Inc., for 47.15 tons of 200# rip rap to be stock piled and used for drainage (Public Works)
- Q. \$1,250.61 to Central Pipe Supply, Inc., for riser rings for manholes (Public Works)

Upon request, wording was changed in Consent Agenda Items I, K, and L as follows: Item I - change "contribution" to "dues"; Item K - insert "for bid" immediately following "advertise"; Item L - change "donation" to "advertisement". MOTION made by Alderman Valente and SECONDED by Alderman Chappell to adopt Consent Agenda Items A-Q as listed above with modifications specified to language in items I, K, & L. MOTION CARRIED UNANIMOUSLY. Quotes (Consent Agenda Item M) are on file in the Office of the City Clerk.

BID AWARDED ON REMOVAL OF POTTER HOUSE TO MATT WIGGINS AND AUTHORIZATION TO NEGOTIATE FOR REMOVAL OF STREET PROPERTY GRANTED

As shown by Proof of Publication found on Page 292 of this Minute Book U, the following bids were received and opened in the Office of the Mayor on Monday, October 15, 1990, 10 A.M., for the sale and removal of two frame residential houses adjacent to City Hall with actual bids being kept in file in Office of the City Clerk:

Bidder	Street Home	Potter Home
H&H Construction & Demolition	\$4,000.00 * (both homes)	
Bill & Lois M. Gore		\$5,000.00*
Matthew D. Wiggins, Jr.		\$1,015.00**

*Indicates charge to the City for removal of homes

**Indicates income to be paid to the City for removal of homes

MOTION made by Alderman Johnson and SECONDED by Alderman Lott to award the contract to move the Potter House to Mr. Wiggins for the bid of \$1,015.00 to be paid by Mr. Wiggins to the City of Clinton and authorize Mayor Smith to negotiate a prompt and orderly removal schedule for said Potter House. MOTION CARRIED UNANIMOUSLY.

Having advertised twice for the removal of the Street Property, City Attorney Spell stated that the City is now free to negotiate for the removal of said property. Mayor Smith was directed to pursue the best possible deal for the City removing both the Street and Clark properties simultaneously with negotiation being brought back to the Board for approval prior to finalization.

MOTION was then made by Alderman Valente and SECONDED by Alderman Chappell to formally reject the bid from H&H Construction and Demolition for the removal of both the Potter and Street homes. MOTION CARRIED UNANIMOUSLY.

APPROVAL OF PLANNING AND ZONING BOARD RECOMMENDATION TO GRANT REQUEST OF ERNIE JOHNSON TO USE NORTHSIDE DRIVE/PINEHAVEN PROPERTY FOR CAR CARE CLINIC

Acting upon the recommendation of the City of Clinton Planning and Zoning Board to allow Ernie Johnson to put in a car care clinic at the corner of Pinehaven/Northside Drive currently zoned C-1 under a similar use as found in Section 901-J of the City of Clinton ^{29 MIN 76} Ordinance, and with the understanding that this business is to be for incidental repair only (no engine repair) with all work being done inside the enclosed structure, MOTION made by Alderman Chappell and SECONDED by Alderman Ryan to grant Mr. Johnson's request to place a car care clinic in said C-1 zoning under the 901-J classification. ROLL CALL VOTE: Alderman Ryan - "aye", Alderman

Ferrell - "aye", Alderman Valente - "aye", Alderman Chappell - "aye", Alderman Montgomery - "nay", Alderman Johnson - "aye", Alderman Lott - "aye". MOTION CARRIED 6-1.

NO BOARD ACTION TAKEN ON BFI RECYCLING PROPOSAL - WORKING MEETING TO BE SET FOR FURTHER DISCUSSION

Following a lengthy discussion in which BFI representative Dan Dubose reviewed two options for recycling in the City of Clinton with BFI supplying all equipment, materials, labor and an education program for the public, at the following costs: (1) \$5,463.00 for one garbage pick-up and one recycling pick-up per week at an additional cost of .89 per house per month; (2) \$8,832.00 for two garbage pickups and one recycling pick-up per week at an additional cost of \$1.44 per house per month with items to be recycled including newspaper, aluminum, plastic liter bottles, milk jugs, and glass. Mayor Smith requested Mr. Dubose to work up approximate figures on proceeds to City from recyclables and stated that a working meeting would be set to discuss specific options available to Clinton. NO BOARD ACTION taken. Copy of said recycling services proposal dated 10-1-90 on file in the Office of the City Clerk.

ADOPTION OF RESOLUTION PROVIDING 13th CHECK FOR POLICE AND FIRE DEPARTMENT PERSONNEL ON OLD RETIREMENT DISABILITY SYSTEM

Following presentation by Representative Bill Singletary in which he apprised the Board of the Legislative procedure for passage of that Resolution requesting a cost of living provision for the Police and Fire Department Personnel on the old retirement disability system, MOTION made by Alderman Ferrell and SECONDED by Alderman Ryan to adopt said Resolution as found on Page 293 of this Minute Book U. MOTION CARRIED UNANIMOUSLY.

APPROVAL OF REVISED INTER-LOCAL AGREEMENT BETWEEN CITY OF CLINTON AND HINDS COUNTY FOR IMPROVEMENTS/MAINTENANCE TO ROADS AND PARKING IN TRACEWAY PARK

MOTION made by Alderman Chappell and SECONDED by Alderman Johnson to approve that Interlocal Agreement between the City of Clinton and Hinds County as found on Pages 294-300 of this Minute Book U with the following changes: Page 2, line 10, change "county" to "city"; and Page 2, last paragraph, 2nd line, change "regular" to "adjourned". MOTION CARRIED UNANIMOUSLY.

APPROVAL OF FINAL PLAT - PARK PLACE SUBDIVISION

Following presentation by Public Works Director Alderman in which he stated that Park Place Subdivision located on Northside Drive across from Northside Baptist Church met all of the Subdivision Regulation requirements, MOTION made by Alderman Johnson and SECONDED by Alderman Chappell to approve the Final Plat of Park Place Subdivision. MOTION CARRIED UNANIMOUSLY. Said subdivision is to consist of 10 lots. Dale Keith of Keith Construction Company is the developer.

Alderman Montgomery left the Board Room at 8:18 P.M.

APPROVAL OF CONTRACT FOR SERVICES BETWEEN CITY OF CLINTON AND ECONOMIC DEVELOPMENT DIRECTOR BILL HACKETT

MOTION made by Alderman Chappell and SECONDED by Alderman Valente to approve that contract found on Pages 301-302 of this Minute Book U between the City of Clinton and Economic Development Director Bill Hackett for services from 10-15-90 to 12-19-90 at a total cost to the City of Clinton of \$34,000.00 (\$4000.00 being paid to Bill Hackett and \$30,000.00 being paid to General American Life Insurance Company for a split-dollar

insurance plan). MOTION CARRIED 6-0 with Alderman Montgomery not being present for discussion or voting. Copy of split dollar proposal as sent to the Attorney General's Office along with the Attorney General's Opinion of said plan being made a part of these minutes and may be found on Pages 303-307 of this Minute Book U.

Alderman Montgomery returned to the Board Room at 8:20 P.M.

APPROVAL OF RESOLUTION ENDORSING AND REQUESTING INTERCHANGE OFF NATCHEZ TRACE AT PINEHAVEN DRIVE

MOTION made by Alderman Montgomery and SECONDED by Alderman Johnson to approve that Resolution found on Page 308 of this Minute Book U requesting construction of an on-off access ramp at the intersection of the Natchez Trace and Pinehaven Drive in the City of Clinton. MOTION CARRIED UNANIMOUSLY.

In conjunction with the aforementioned, MOTION made by Alderman Valente and SECONDED by Alderman Chappell to adopt a Resolution of thanks and commendation to Mr. George Ewing and Dr. Len Edwards for their labor, research, time, effort and support to obtain an exit for the Natchez Trace at Pinehaven Drive. MOTION CARRIED UNANIMOUSLY.

APPROVAL OF \$100 INCREASE OF INSURANCE PREMIUM TO MCDONALD, PENN, & ASSOC.

MOTION made by Alderman Montgomery and SECONDED by Alderman Lott to approve a \$100 increase in premium to McDonald, Penn & Associates for the City Insurance Package approved at the 10-2-90 meeting of the the Mayor and Board of Aldermen due to additions/deletions of vehicles. MOTION CARRIED UNANIMOUSLY.

OTHER BUSINESS

AUTHORIZATION TO ADVERTISE FOR BIDS TO PLACE 600' OF WATER LINE ALONG CYNTHIA ROAD FOR NEW BUSINESS, FRONTIER LAB, GRANTED

Acting upon the request of Public Works Director Alderman to advertise for bids to place 600' of water line along Cynthia Road to a new small business, Frontier Lab, at an approximate cost of \$4,600 to \$4,700, MOTION made by Alderman Valente and SECONDED by Alderman Chappell to advertise for bids for said 600' of water line. MOTION CARRIED UNANIMOUSLY.

CITY CLERK BYRD DIRECTED TO SEND LIST OF UNMARKED CITY VEHICLES TO STATE AUDITOR'S OFFICE IN ACCORDANCE WITH SECTION 25-1-87 MISSISSIPPI CODE ANNOTATED, 1972

MOTION made by Alderman Chappell and SECONDED by Alderman Lott authorizing City Clerk Byrd to send the following list of unmarked City vehicles used for investigative purposes to the State Auditor's Office:

Year	Make & Model	VIN
1985	Chevrolet Impala	1G1BL69H7FH133577
1989	Chevrolet Impala	1G1BL5175KR210223
1988	Chevrolet Impala	1G1BL516XJR167228
1986	Ford LTD	2FABP43F4GX151419
1988	Chevrolet Impala	1G1BL5164JR177172

Retired 4-91

MOTION CARRIED UNANIMOUSLY.

AUTHORIZATION GRANTED TO OFFER APPRAISED VALUE OF \$35,000 TO NATCHEZ TRACE LAND CORPORATION FOR LAND ACQUISITION IN CONJUNCTION WITH MOVING SOUTHWEST LAGOON

MOTION made by Alderman Valente and SECONDED by Alderman Chappell to offer the Natchez Trace Land Corporation the appraised value of \$35,000 for that property required for the relocation of the Southwest Lagoon. MOTION CARRIED UNANIMOUSLY. It was noted that said \$35,000 was tendered to the court by Board action on 9-4-90 as found on Page 121 of this Minute Book U.

PUBLIC WORKS DIRECTOR ALDERMAN TO PRESENT PROPOSAL AT NEXT BOARD MEETING FOR PLANS TO PAVE REYNOLDS ROAD

Public Works Director Alderman was directed to present plans at the next Board meeting for the paving of Reynolds Road. NO BOARD ACTION taken.

CITY CLERK DIRECTED TO ADVERTISE VOTING LOCATIONS IN NON-LEGAL SECTION OF NEWSPAPER

Due to upcoming special elections for the north-south thoroughfare and the parks & recreation improvements, City Clerk Byrd was directed to advertise current voting locations in the non-legal section of the newspaper for the benefit of the voters. NO BOARD ACTION taken.

AUTHORIZATION GRANTED TO DISMISS COUNTER-SUIT AGAINST CITY OF CLINTON FIREFIGHTERS

Noting that the 5th Circuit Court of Appeals of New Orleans has overturned the Firemen's Appeal in the case styled City of Clinton Firefighters vs. City of Clinton, MOTION made by Alderman Montgomery and SECONDED by Alderman Valente to dismiss the City Countersuit against the firemen. MOTION CARRIED UNANIMOUSLY.

MEETING SET TO DISCUSS PRIVATIZATION OF AMBULANCE SERVICE

Alderman Montgomery apprised the Board of Aldermen that a meeting would be held at 9:30 A.M., October 17, 1990, in the Office of the Mayor with Mobile Medic to answer any questions regarding privatization of ambulance service with Hinds County, City of Clinton and City of Jackson and the personnel attached thereto and encouraged as many aldermen as possible to be present. NO BOARD ACTION taken.

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 309-310 of this Minute Book U.

APPROVED:

Billy R. Smith
Billy Ray Smith, Mayor

10-31-90
Date

ATTEST:

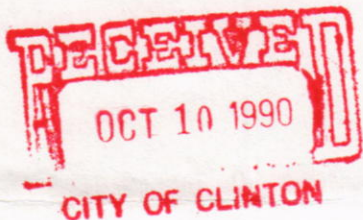
Nelson Byrd
Nelson Byrd, City Clerk

10-31-90
Date

SEAL

PASTE AD HERE

NOTICE TO RECEIVE BIDS
Notice is hereby given that the City of Clinton will receive sealed bids at the City Hall, 300 Jefferson Street, Clinton, Mississippi, at 10:00 A.M. on the 15th day of October, 1990, for the Following:
(2) frame residential houses located and adjacent to Clinton City Hall. Successful bidder will be entitled to all salvage and must clear and clean site of all materials comprising the houses to be removed and dispose of same in conformity with Federal and State law. The houses may be inspected between the hours of 8:30 A.M. and 4:00 P.M., Monday through Friday, by contacting the City Clerk, City of Clinton, at City Hall.
APPROVED: /s/ Billy R. Smith
Billy Ray Smith, Mayor
ATTEST: /s/ Christine Walls
Christine Walls, City Clerk
(SEAL)
September 27, 1990



PROOF OF PUBLICATION
THE STATE OF MISSISSIPPI
HINDS COUNTY

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

Janet Boatner,
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 Sept. 27, 1990

Date _____, 19 ____

Date _____, 19 ____

Date _____, 19 ____

Date _____, 19 ____

Number of Lines 33

Published 1 Times

Total \$ 11.56

Signed Janet Boatner
Authorized Clerk
of The Clinton News

Sworn to and subscribed before me the 27th day of
Sept. 19 90.

Marie Mills
Notary Public

My Commission Expires:

My Commission Expires Nov. 9, 1990

(Seal)

RESOLUTION

WHEREAS, the retirees of the Clinton Police and Fire Departments served our City in a courageous, responsible, and dedicated manner; and

WHEREAS, the welfare of these retirees is of great importance to the citizens and the governing authorities of the City of Clinton; and

WHEREAS, the Police and Fire Disability and Relief fund does not provide for a cost of living increase; and

WHEREAS, retirees will experience a substantial loss in purchasing power over the years as a result of a rising cost of living.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Aldermen the City of Clinton, Mississippi, that the members of the Mississippi Legislature representing the City of Clinton, Mississippi, be and they are hereby requested and memorialized to introduce, sponsor and procure the enactment of legislation to authorize the City of Clinton to establish the payment of one (1) additional payment per year from the monies accumulated in the Clinton Police and Fire Disability and Relief Fund to be paid directly to retired members of said fund, or the beneficiaries thereof, who on December 1 of each year are receiving a retirement allowance under Section 21-39-139 of the Mississippi Code of 1972. The amount shall be equal to the annual percentage change in each fiscal year of the Consumer Price Index set by the United States Government, not to exceed two and one-half percent (2 1/2%) of the annual retirement of the allowance, for each full fiscal year that the retired member or beneficiary has actually drawn retirement payments from the date of retirement or the passage of this act, whichever is the later date. The first additional payment as described herein will, however, be payable to recipients as of December 1, 1991, who were recipients as of June 30, 1991.

APPROVED:

Billy R. Smith
Billy Ray Smith, Mayor

ATTEST:

Nelson Byrd
Nelson Byrd, City Clerk

10-30-90
Date

10-30-90
Date

DEC 21 1990

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 until December 31, 1991.

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 parks and recreation facilities located in the City of Clinton, Mississippi, as more particularly described in Exhibit A hereto. Exhibit A is made a part of this Agreement by reference and is a part of the Agreement the same as if copied herein verbatim.

3. Participation of the parties under this Local Agreement to construct and maintain parks and recreation facilities is authorized by Sections 21-17-1 and 17-1-3, Mississippi Code of 1972, as amended.

4. The duration of the Agreement shall be from the date of its approval by the Attorney General of the State of Mississippi to December 31, 1991.

5. The purpose of the Agreement is to provide that the City of Clinton and Hinds County may jointly participate in the construction and maintenance of parks and recreational facilities within the City of Clinton.

6. There is no separate organization or separate legal or administrative entity created by this Agreement.

7. The materials for the joint and cooperative undertaking shall be furnished by the City of Clinton, and the City of Clinton shall furnish the planning and coordination required to

DEC 21 1990

integrate the work to be performed into the City's Program of Public Works and Parks and Recreational activities. The County shall provide all labor and equipment to include, but not be limited to, preparation of the sub-base for all parking areas. The cap course materials for parking area shall be furnished by the City, and the County shall provide all labor and equipment. 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 ^{City} ~~County~~ for construction, upon the completion of which the materials and facilities constructed are, and shall, remain the property of the City of Clinton, Mississippi.

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

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 ^{ADJOURNED} ~~regular~~ meeting of the Mayor and Board of Aldermen of the City of Clinton, Mississippi, on the 16TH day of October, 1990. Alderman CHAPPELL moved the adoption and approval of the Interlocal Agreement, Alderman

JOHNSON seconded, and the vote was as follows:

Alderman Ryan voted:

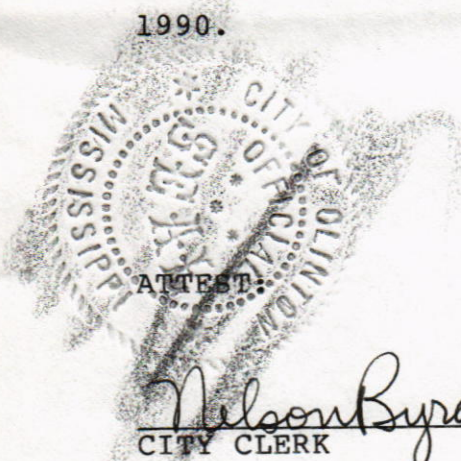
"AYE"

Alderman Ferrell voted:

"AYE"

DEC 21 1990

Alderman Valente voted: "AYE"
 Alderman Chappell voted: "AYE"
 Alderman Montgomery voted: "AYE"
 Alderman Johnson voted: "AYE"
 Alderman Lott voted: "AYE"
 APPROVED on the 16TH day of OCTOBER, 1990.

ATTEST:

Nelson Byrd
 CITY CLERK

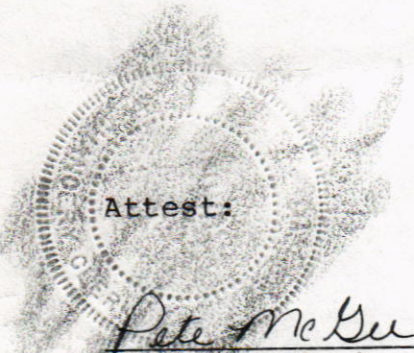
Billy R. Smith
 BILLY RAY SMITH, MAYOR

This Interlocal Agreement was brought on for consideration in a duly authorized manner at a duly noticed and constituted meeting of the Board of Supervisors of Hinds County, Mississippi, on the 21st day of December, 1990. Supervisor Thompson moved the approval of the Amendment and the vote was as follows:

Supervisor Dist. 1, Robert Miller: Aye
 Supervisor Dist. 2, Bennie Thompson: Aye
 Supervisor Dist. 3, Wood Brown: Aye
 Supervisor Dist. 4, W.C. Alderman: Aye
 Supervisor Dist. 5, George Smith: Aye

Hinds County Board of Supervisors
 By:

Wood Brown
 President

Attest:

Pete McGuire
 Chancery Clerk
 By: Dianne Carr, D.C.

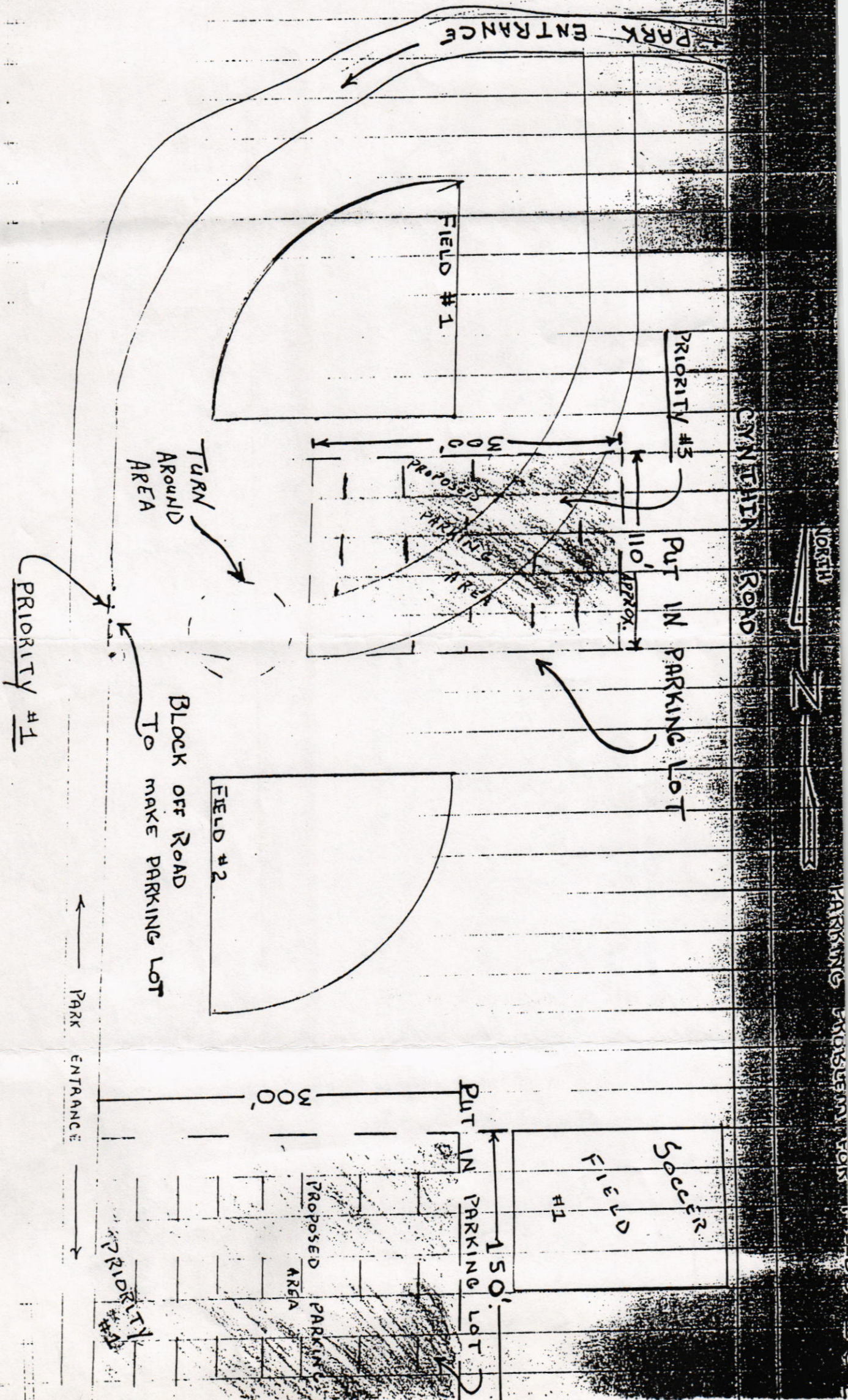
DEC 21 1990

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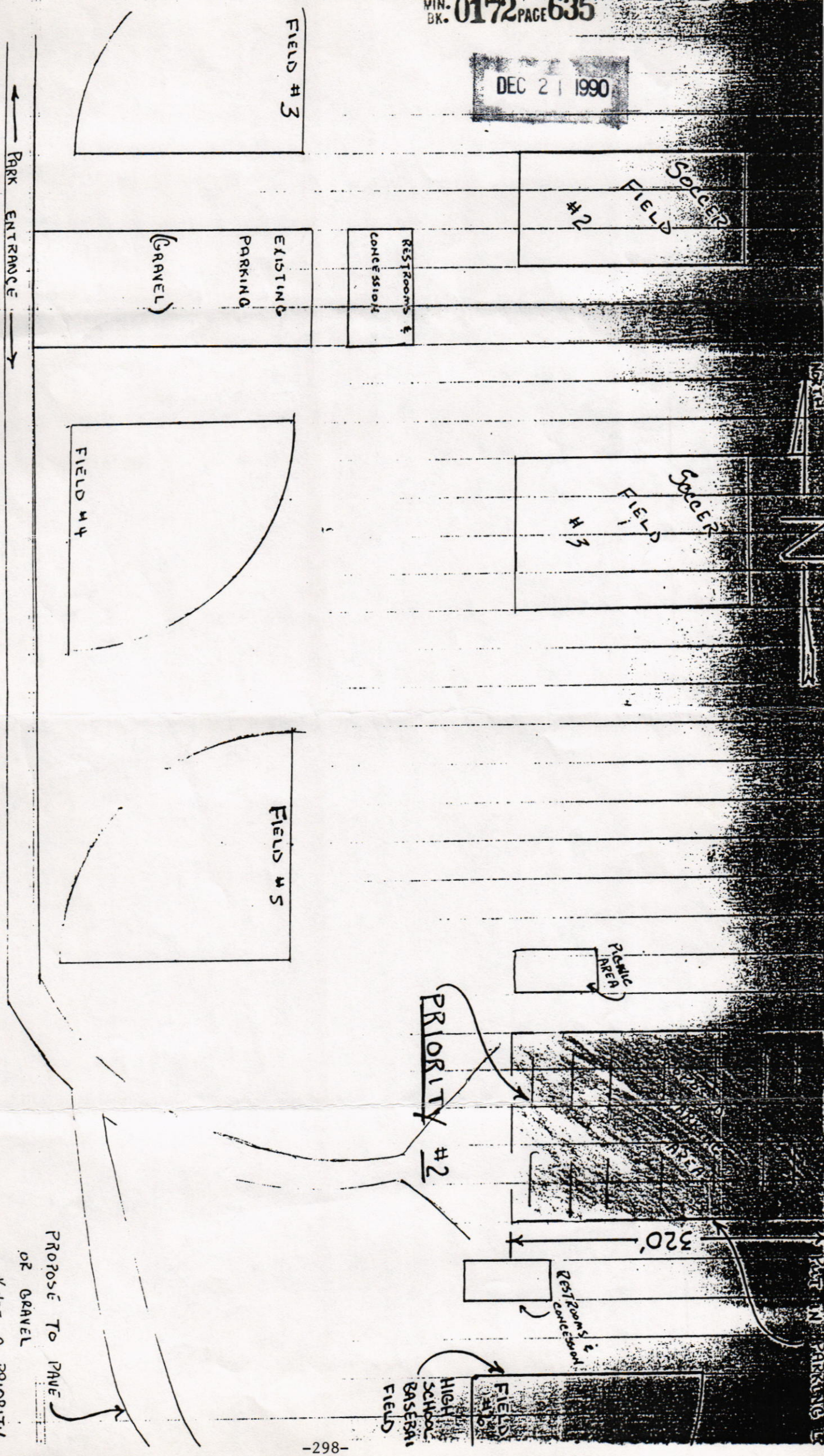
THESE IMPROVEMENTS WILL NOT ONLY SERVE FIELDS #1 & #2 (SHOWN), BUT WILL ALSO SERVE BASEBALL FIELD #3 (LOCATED BELOW THE

EXHIBIT

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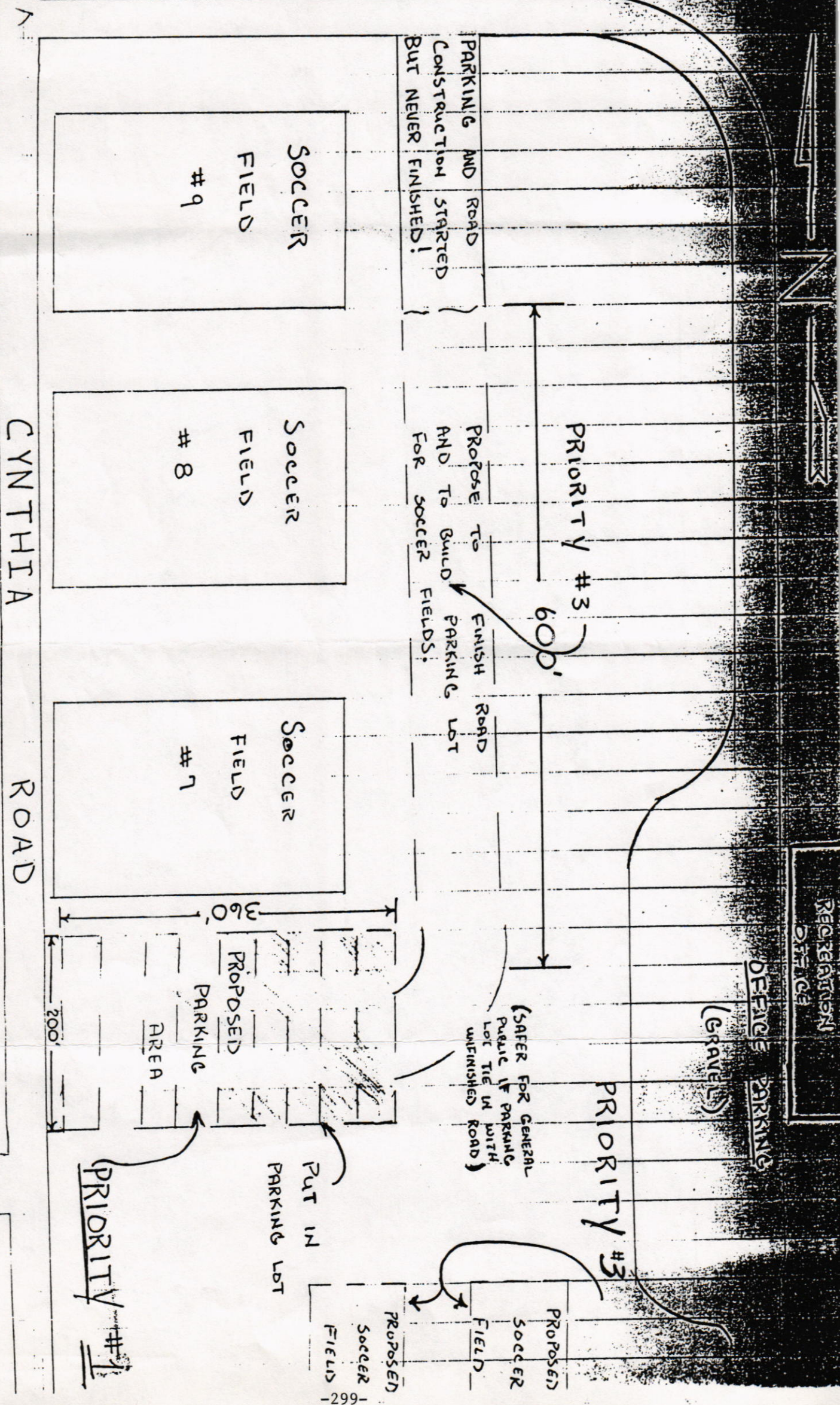
DEC 21 1990



PROPOSE TO PAVE
OR GRAVEL
*NOT A PRIORITY

EXHIBIT A

BOOK 2 PAGE I-20



(3) PARKING FOR CYNTHIA ROAD FIELDS WAS NEVER FINISHED.

EXHIBIT A

④

BOOK 2 PAGE 7-21

ROBINSON
PARK

PIC-NIC
AREA

REST-ROOM
PRAVILLION

PLAY
GROUND
AREA

LIGHTED
BASKET BALL
COURT

LIGHTED
SOFT BALL
FIELD

APPROX.
300'
PROPOSED PARKING
AREA
PUT IN
PARKING
LOT

PRIORITY #2

NEAL

STREET

PARK ENTRANCE NEEDS

PARK ENTRANCE

CHURCH

SMALL DITCH NEEDS
DIGGING AND ROUTING

NORTHSIDE DRIVE

EXHIBIT A

CONTAINING ROAD MUST BE REBUILT.

723382

AGREEMENT

WHEREAS, the City of Clinton has embarked upon a program of economic development that includes expanding the economic and tax base of the City, including advertising the economic opportunities available within the City; and

WHEREAS, the City has determined that William Hackett is a person of extensive and valuable experience in this field; and

WHEREAS, it is the desire of the City to obtain the advice, assistance and expertise of William Hackett in advertising and developing the economic opportunities within the City; and

WHEREAS, William Hackett is willing to provide such services to the City;

IT IS, THEREFORE, AGREED as follows:

1. William Hackett will provide to the City of Clinton advice and assistance in economic and community development, including advertising economic opportunities, and will provide a physical presence in the City or elsewhere, as agreed, in activities on the City's behalf, that time to be equivalent to noon on Monday until noon on Wednesday of each week from October 15, 1990, to December 19, 1990. As a part of the services provided by William Hackett, he will provide to the Mayor and Board of Aldermen not later than December 19, 1990, a summary of his findings and recommendations regarding economic development within the City of Clinton.

FOR AND IN CONSIDERATION of the services and the report provided by William Hackett, the City will pay to William Hackett the sum of Thirty-four Thousand Dollars (\$34,000) to be paid as follows:

a. Four Thousand Dollars (\$4000) will be paid upon the execution of this contract for the purpose of defraying expenses of William Hackett.

b. The sum of Thirty Thousand Dollars (\$30,000) will be

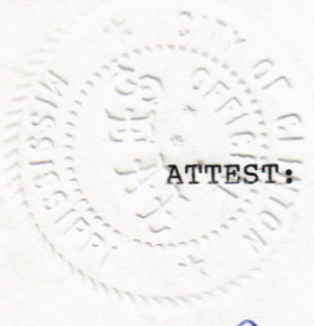
paid by the purchase of a split dollar insurance policy, as approved by the Mississippi Attorney General by letter dated September 19, 1990.

c. This contract shall supercede and replace all other contracts between William Hackett and the City of Clinton, and the considerations set forth in this Agreement shall satisfy any obligation owed by the City to Hackett in any prior agreements.

2. The services performed by William Hackett will be that of an independant consultant and contractor, and William Hackett shall not be an employee of the City of Clinton.

3. The City of Clinton shall provide to William Hackett suitable office accommodations for his work in Clinton and, when called upon to travel outside the City or to perform tasks that involve expenses not contemplated by the expenses paid under this Agreement, the City shall pay such expenses; provided, however, no expenses for which reimbursement shall be sought shall be incurred by William Hackett unless same has been approved by the City of Clinton prior to the expense being incurred.

THIS AGREEMENT entered into on this the 16th day of October, 1990.


Billy R Smith
BILLY RAY SMITH, Mayor
City of Clinton, Mississippi

ATTEST:

Nelson Byrd
City Clerk

William T Hackett
WILLIAM HACKETT

A SPLIT DOLLAR PLAN

FOR

Mr. Bill Hackett - Consultant
Department of Economic Development
City of Clinton, Mississippi

PRESENTED TO

Mr. Bill Spell
Attorney at Law
City Attorney for Clinton, MS

AND

Mr. Cris Crisler
Attorney at Law
President-Elect - Chamber of Commerce

BY

C. Puffer Newman
General Agent
General American Life Insurance Company
P. O. Box 1355
Clinton, MS 39060
924-9192

39,000
4,000 enc'd
Oct.

DEFINITION

A split dollar insurance plan is an arrangement between two individuals, normally an employer and employee, whereby the benefits under the policy are split, and the cost (premiums) may be split. Under the basic plan, the employer pays that part of the annual premium which equals the current year's increase in cash surrender value of the policy, and the employee pays the balance, if any, of the premium. From this basic concept, hybrid plans have evolved; for example, "Employer Pay All" plans under which the employer pays the entire premium.

If the employee dies while the split dollar plan is in effect, the employer receives from the proceeds an amount equal to the cash value of the policy, or at least the amount of his premium payments. The employee's beneficiary receives the balance of the proceeds.

Income Tax Results of the Plan: Revenue Ruling 64-328, 1964-2CB11, issued in 1964, sets forth the basic income tax rules for split dollar plans; it provides that the employee is to be taxed on the value of the economic benefit he receives from his employer's participation in the split dollar arrangement.

The main benefit received by the employee is the current insurance protection under the basic policy. The value of this benefit is calculated by use of the government's one-year term ("P.S. 58") premium rates.

RECOMMENDATION

The arrangement that we recommend is an "Employer Pay All" version of Split Dollar. Mr. Hackett will apply for and own ~~\$75,000~~^{CPN} of permanent life insurance. He will name whomever he chooses as beneficiary. ^{20,000}

Mr. Hackett will collaterally assign the benefit of the plan to the City of Clinton. The City will make a single premium payment to the plan, and by virtue of the assignment, create an asset.

At a date determined by all parties, the City will terminate the arrangement, and the unencumbered policy will be available to Mr. Hackett.

Should Mr. Hackett die while the arrangement is in effect, the City would receive the amount it paid in premiums (\$29,000) with Mr. Hackett's beneficiary receiving the balance. ^{30,000 CPN}

Advantages to City of Clinton:

1. No administration needed
2. Creates an asset until arrangement is terminated
3. Receives valuable consulting services

Advantages to Mr. Hackett:

1. Receives valuable life coverage
2. Reports only a small economic value of the insurance
3. Defers receipt of funds to a later date, which will aid in his retirement planning.

Policy will be applied for through:

General American Life Insurance Company, St. Louis, Missouri
Sovereign Life Insurance Company, Santa Barbara, California

STATE OF MISSISSIPPI



OFFICE OF THE ATTORNEY GENERAL

OFFICIAL ATTORNEY GENERAL'S OPINION

MIKE MOORE
ATTORNEY GENERAL

September 19, 1990

William E. Spell, Esquire
Attorney for City of Clinton
203 Monroe Street
Clinton, Mississippi 39056

Dear Mr. Spell:

Attorney General Mike Moore has received your letter of request and has assigned it to me for research and reply. Your letter states:

"Puffer Newman contacted you Monday, September 10, concerning our Director of Economic Development, Mr. Bill Hackett. Mr. Hackett is considered by the City of Clinton to be an independent contractor, and it is his wish that, in consideration for his services, the City provide him with a permanent life insurance plan structured as a split-dollar arrangement. Mr. Hackett plans to work only a short time, until December, before he retires at age sixty-six.

We would very much like to proceed with this plan, and we understand from Mr. Newman that this type of arrangement is common in private business. We would like an opinion from your office as to its appropriateness in a municipal environment."

It is our understanding that the City of Clinton will terminate the proposed arrangement as of the date the independent contractor's service to the municipality ceases.

In response to your inquiry and based on the above stated understanding, we find no statutory or constitutional prohibition against the proposed arrangement for consideration for an

OFFICE OF THE ATTORNEY GENERAL
STATE OF MISSISSIPPI

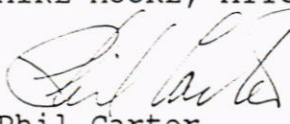
William E. Spell, Esquire
September 19, 1990
Page 2

independent contractor as described in your letter and the accompanying documentation.

Sincerely,

MIKE MOORE, ATTORNEY GENERAL

BY:


Phil Carter
Special Assistant Attorney General

PC:mfd

OFFICIAL - IN

OFFICE OF THE ATTORNEY GENERAL
STATE OF MISSISSIPPI

RESOLUTION

WHEREAS, the City of Clinton, Mississippi, has within its boundaries numerous historical sites; and

WHEREAS, among those historical sites is the oldest college in the State of Mississippi; and

WHEREAS, among the historical sites are buildings that pre-date the War Between the States, including the historical Old Chapel on the campus of Mississippi College; and

WHEREAS, the historic Natchez Trace passes through the City of Clinton; and

WHEREAS, an interchange on the Natchez Trace at Pinehaven Street would permit persons traveling on the Natchez Trace easy access to the historical sites that are available in the City of Clinton;

NOW, THEREFORE, BE IT RESOLVED that the governing authority of the City of Clinton hereby requests that the appropriate governing authorities with jurisdiction over the Natchez Trace construction provide for and construct an on-off access ramp at the intersection of the Natchez Trace and Pinehaven Street in Clinton, Mississippi.

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

Alderman Ryan voted:

"AYE"

Alderman Ferrell voted:

"AYE"

Alderman Valente voted:

"AYE"

Alderman Chappell voted:

"AYE"

Alderman Montgomery voted:

"AYE"

Alderman Johnson voted:

"AYE"

Alderman Lott voted:

"AYE"

APPROVED on the 16TH day of OCTOBER,

1990.

Billy R. Smith
BILLY RAY SMITH, MAYOR

ATTEST:

Nelson Byrd
Nelson Byrd, City Clerk

SEAL

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CITY OF CLINTON

RESOLUTION

WHEREAS, the historic Natchez Trace is a national asset that has provided for many years an opportunity for persons traveling along its route to learn about and enjoy the history of our State and its development; and

WHEREAS, a portion of the Natchez Trace in Hinds County has not been developed; and

WHEREAS, there are plans now to develop the remaining portion of the Trace at an early date; and

WHEREAS, the route along through which the undeveloped Trace extends contains many sites of historical value; and

WHEREAS, many of the historical sites along the Natchez Trace are located in the City of Clinton; and

WHEREAS, the City of Clinton has expressed a desire to make the historic sites, buildings and places within that City available for inspection and enjoyment by the traveling public along the Natchez Trace; and

WHEREAS, the Board of Supervisors joins the governing authority of the City of Clinton in appreciating the value of these historic sites and in the desire to share them with travelers along the Trace; and

WHEREAS, an exit at the Pinehaven intersection of the Natchez Trace would be a great convenience to those who wish to visit the historical sites of the City of Clinton while traveling the Natchez Trace;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors requests that the governing authorities controlling and supervising the construction of the Natchez Trace in its undeveloped portions approve and construct an interchange on the Natchez Trace at the Pinehaven Street intersection in the City of Clinton.

SO RESOLVED AND ORDERED, this the 5th day of November, 1990.

HINDS COUNTY BOARD OF SUPERVISORS

by: Wood Brown
WOOD BROWN, President

Attest:

Pete McGee
PETE MCGEE, CHANCERY CLERK
HINDS COUNTY, MISSISSIPPI

by:

Donni R. Soland DC

308 A

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building in an off-site location. This was based on utilization of the existing building and operating cost.

MAYOR CANE DITTO, City of Jackson, spoke at length with the Board regarding the jail overcrowding and a long range solution to this problem. He expressed the City's concern of taking two full blocks of downtown property permanently out of development for a jail facility. Also, that the City foresees long term adverse affects on development in the surrounding blocks and Congress Street. He stated, the primary objection is that the facility precludes any other future development, and forces the County to acquire additional space to take care of the growing needs and will never be able to have an attractive Congress Street Corridor running from the State Capitol to the Post Office. Before the final decision is made, he stated, a more thorough comparison of the construction and operating cost should be made of the two locations, (Tombigbee Street and the site at the pistol range in South Jackson), as well as the value of the two properties.

CHIEF ROBERT WHITE, Deputy Chief of Police Gary Magee, Jim Hassinger, City of Jackson Planning and Development, Phil Hartwick, Realtor, and several members of the Jackson City Council made brief comments regarding the site proposed by the Board of Supervisors for the new detention center. Also, J. D. McAdory, Sheriff, briefly commented on the situation of the jail overcrowding.

Dorothy Benneford and Joe B. Martin were in support of the proposed site on Tombigbee Street.

RECESS

AT APPROXIMATELY 11:24 A.M., the Board meeting recessed and reconvened at approximately 11:30 A.M.

NATCHEZ TRACE PARKWAY RAMP TO PINEHAVEN

MAYOR BILLY RAY Smith of Clinton requested support of a proposed Resolution for the construction of a ramp from the Natchez Trace Parkway to Pinehaven St.

UPON MOTION OF Bennie Thompson, second by W. C. Alderman, Robert Miller voting aye, Wood Brown voting aye, George Smith voting aye, it was

RESOLVED to approve the Resolution supporting the City of Clinton for the construction of an interchange on the Natchez Trace at Pinehaven Street. Document is affixed hereto and incorporated herein.

AUDITORS

PRESIDENT BROWN RECOGNIZED Rhuel Dickinson and Debra Tanksley of the