

MINUTES - PETAL, MISS.

THEREUPON Alderman W. H. Clearman made a motion to adopt the Order, the motion was seconded by Alderman A. L. Henderson, Jr.

Those present and voting "Aye":

- W. H. Clearman
- Mitchell Curry
- George B. Draughn
- A. L. Henderson, Jr.

Those present and voting "Nay":

NONE

There being no further business the special meeting was ordered adjourned on this the 4th day of October A. D., 1974.

Minutes approved on the 15th day of October, A. D., 1974.

Ulmer Byrd

 Mayor

(SEAL)

ATTEST:

Susan B. Smith

 City Clerk

BE IT REMEMBERED that there was begun and held a regular meeting of the Mayor and Board of Aldermen of the City of Petal at 7:30 P. M., Tuesday, October 15, 1974, in the Mayor's Office in the City Hall.

Those present:

- Mayor - Ulmer Byrd
- Aldermen - W. H. Clearman
- Mitchell Curry
- George B. Draughn
- A. L. Henderson, Jr.
- City Attorney - Thomas W. Tyner
- Other's Present- Mr. Ed Dunnam
- Mr. Harold Fontenot

Mayor Byrd then declared a quorem was present and declared the City Council in Session.

The invocation was offered by Alderman Clearman..

The minutes of the regular meeting held October 1, 1974, were read by Susan B. Smith. The motion to adopt as read, was made by W. H. Clearman, and seconded by A. L. Henderson, Jr.

Those present and voting "Aye":

- W. H. Clearman
- Mitchell Curry
- George B. Draughn
- A. L. Henderson, Jr.

Those present and voting "Nay":

MINUTES - PETAL, MISS.

Mayor Byrd then requested the reading of the Special meeting held October 4, 1974. The minutes of the Special meeting were read by Susan B. Smith. The motion to adopt, as read, was made by George B. Draughn and seconded by Mitchell Curry, Aldermen.

Those present and voting "Aye":

- W. H. Clearman
Mitchell Curry
George B. Draughn
A. L. Henderson, Jr.

Those present and voting "Nay":

NONE

The hour of 7:30 P. M. having arrived the Mayor and Board of Aldermen proceeded to open and publicly read all bids received for furnishing one (1) Fire Truck as follows, to-wit:

JACO JACK COCKE AND CO., INC.
651 PILLANS STREET, MOBILE, ALABAMA

SPECIFICATIONS AND PROPOSALS

Date October 15, 1974

To CITY OF PETAL

PETAL, MISSISSIPPI 39465

We hereby propose to furnish, after the proper execution and approval of the accompanying contract, according to the terms and conditions as provided therein, the following apparatus and equipment One (1) JACO Deluxe 750 GPM Triple Combination Fire

Apparatus with Waterous CM-750 Two-Stage Pump 500 Gallon booster tank with all allied fire fighting equipment and to be custom mounted on 1975 Ford F-750 Conventional Cab Chassis, supplied by Jack Cocke and Company, Inc.

All in accordance with specifications herein described, which are made a part of the proposal and contract - delivery to be made from our plant, Mobile, Ala., in approximately 160 - 180 working days after acceptance of contract properly executed and delivery of chasis to our plant, subject to any delays beyond our control, for the sum of:

Thirty Seven Thousand, Two Hundred Nineteen Dollars (\$ 37,219.00)

Deliverery F.O.B. Petal, Mississippi

WE TAKE "NO EXCEPTIONS" TO YOUR SPECIFICATIONS.

Delivery of 160 - 180 working days is after receipt of chassis at our Mobile plant.

OUR MISSISSIPPI BID NUMBER IS #184-4381-C

for the sum of (\$)

Terms of payment In full upon delivery and acceptance.

Prices are exclusive of state, federal or local taxes.

ABOVE PRICES ARE QUOTED FOR FIFTEEN (15) DAYS FROM ABOVE DATE.

Jack Cocke and Co., Inc.

By Edwin B. Dunnam
Edwin B. Dunnam
Sales Representative

"Specialist in Fire and Safety Protection"

JACO

JACK COCKE AND CO., INC.

651 PILLANS STREET, MOBILE ALABAMA

SPECIFICATIONS AND PROPOSALS

ALTERNATE BID

Date OCTOBER 15, 1974

To CITY OF PETAL

PETAL, MISSISSIPPI 39465

We hereby propose to furnish, after the proper execution and approval of the accompanying contract, according to the terms and conditions as provided therein, the following apparatus and equipment. One (1) JACO Deluxe 750 GPM Triple Combination Fire Apparatus with Waterous CM-750 Two-Stage Pump. 500 Gallon booster tank with all allied fire fighting equipment and to be custom mounted on 1975 Ford F-750 Conventional Cab Chassis, supplied by Jack Cocke and Company, Inc.

All in accordance with specifications herein described, which are made a part of this proposal and contract -- delivery to be made from our plant, Mobile, Ala., in approximately 160 - 180 working days after acceptance of contract properly executed and delivery of chassis to our plant, subject to any delays beyond our control, for the sum of:

THIRTY FIVE THOUSAND, ONE HUNDRED NINTY NINE DOLLARS (\$35,139.00)

Deliverery F.O.B. Petal, Mississippi

Delivery of 160 - 180 working days is after receipt of chassis at our Mobile plant.

OUR MISSISSIPPI BID NUMBER IS #184-4381-C

for the sum of _____ (\$ _____)

Terms of Payment In full upon delivery and acceptance

Prices are exclusive of state, federal or local taxes.

Above prices are quoted for fifteen (15) days from above date.

Jack Cocke and Co., Inc.

By /s/ Edwin B. Dunnam
Edwin B. Dunnam
Sales Representative

"Specialist in Fire and Safety Protection"

WHEREAS Mr. Dunnam stated to the Mayor and Board of Aldermen that the first bid had no exceptions to the Fire Department specifications, however the alternate bid does not correspond with specifications of the Fire Department.

THEREUPON Mayor Byrd continued to read the bids.

PROPOSAL FOR FURNISHING FIRE APPARATUS

MANUFACTURED by

UNIVERSAL FIRE APPARATUS CORP.

Longansport, Indiana

TO: City of Petal
Petal, Mississippi

Oct. 15 19 74

Gentlemen:

Subject to your acceptance of this proposal we hereby agree to furnish the following apparatus and equipment:

One (1) 1975 Ford 750 GPM Pumper as per specifications attached to meet NFPA Phamplet #19, 1973 and Mississippi Fire And Rating Bureau.

All in accordance with specifications attached and which are part of this proposal, shipment from our factory, Logansport, Indiana, in about 160 working days, after receipt of chassis, for the sum of:

Thirty five thousand, one hundred sixty eight dollard and no cents
Dollars (\$ 35,168.00)

F.O.B. Petal, Mississippi

Shipment is contingent upon delays or failure to deliver caused by or resulting from fires, strikes, labor troubles, accidents or by any other cause with is unavoidable or beyond the reasonable control of the company.

Unless accepted within ⁵XXX days from date hereof, this proposal shall become void if not renewed in writing by the bidder.

All excise and sales taxes now or hereafter imposed upon the manufacutre of sale of the equipment specified herein shall be paid by the purchaser.

Parts and Services here in Eunice

Louisiana

Miss State License #6008

Respectfully submitted,
MOOSA EQUIPMENT COMPANY

/s/ Wilson J. Moosa
Wilson J. Moosa

WARRANTY

The Universal Fire Apparatus Corp. warrants all apparatus manufactured by them to be free from defects in material and workmanship, under normal use and service, the obligation, under this warranty, being limited to making good, at their factory, any part or parts which shall, within one year(s) after delivery be returned to them, transportation charges prepaid, and which examination shall disclose to have been thus defective.

This warranty does not apply to any apparatus, which shall have been repaired or altered, in any way, as, in their judgment, to affect its stability, or reliability, nor which has been subjected to misuse, negligence or accident. No warranty, whatever, is made in respect to chassis or trade accessories, which are warranted by their respective manufacturers.

WHEREAS Mr. Dunnam asked if the specifications of Moosa bid were the Fire Department specifications or were they Moosa specifications.

Thomas Tyner stated that the bid reads that the specifications are attached. Mr. Tyner also, stated that he will read very carefully the attached specifications and check them against the Bid requirements.

WHEREAS Mayor Byrd continued to read the bids.

FMC

FIRE APPARATUS PROPOSAL,
CONTRACT AND SPECIFICATION

Date October 15, 1974

For: Petal Fire Department

Petal Forrest Miss. 39465
(CITY) (COUNTY) (STATE) (ZIP)

We hereby propose to manufacture and furnish to you, subject to your acceptance of this proposal and the proper execution of the attached contract, all apparatus and/or equipment to be built in accordance with the attached specification,

One (1) Class "A" Triple Combination 750 GPM Pumper with 500 gal. Tank.
Mounted on 1975 FORD F-756 - 27,500 #GVW. With Equipment listed on
Specifications.

~~XXX~~ Firm Price

FOB: Petal, Miss.

\$38,763.00

This includes dual booster hose reels, each with 200'-1" Hose and #29 Bean Fog Gun.
Also one (1) extra 2½" Discharge (rear) Total of four (4).

For one (1) reel and three (3) 2½" Discharge as per specifications.

\$38,242.00

FEDERAL, STATE OR LOCAL TAXES ARE NOT INCLUDED, UNLESS ITEMIZED

Delivery is to be made subject to all causes of the contract, in about 150 - 180
working days from receipt of the chassis to FMC in Tipton, Indiana.

FMC reserves the right to withdraw this proposal, if not accepted within 15
days from above date.

Respectfully submittd,

By /s/ Louie E. Day
Sales Representative

Louie E. Day

FMC--
--BEAN--
FIREFIGHTERS
HIGH PRESSURE FOG
THE LEADER SINCE 1884

DAY
DAY FIRE EQUIPMENT
CO.

OFFICE 624-4772
HOME - 624-8793

VOLUME CAPACITIES
TO 1750 GPM

417 STATE STREET
CLARKSDALE, MISS 38614

POST OFFICE BOX 41

City of Petal, Miss.

October 15, 1974

Alternate Bid

As per specifications enclosed FOB: Petal, Miss

Delivery 30 to 60 days

Total Price
\$32,947.00

Class "A" Triple Combination 750 GPM - with 750 gal. Tank.
Chassis:

- 1974 FORD C-755 Tilt Cab - 391 - V8 Engine
- GVW-27,500 lbs.
- Front Axle - 9000 lbs.
- Rear Axle - 18,500 lbs. Single Speed
- Transmission - Clark-285V - 5 speed
- Alternator - 70 amp.
- Front Springs - 4500 lbs.

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Rear Springs - 11,000 lbs.
 Ratio - XXX 7.17 to 1
 Custom Cab
 Satinless Steel West Coast Mirrors
 Power Steering
 Tachometer
 Front Tow Hooks
 Chrome Plated Front Bumper
 Tires: (6) 10:00 X 20 - 12 ply - Mud & Snow on rear
 Hobbs engine Hour meter

Extra Equipment over specifications

One (1) Federal PA15A Electronic Siren with Federal CJ-184 Lighted speaker on top.
 Two (2) Spotlights on cab
 Two (2) Hose lights on rear
 Two (2) Federal BR-2 Red Warning lights on rear
 Two (2) 6# Pick-head Fire Axes, Mounted
 One (1) 10' Pike Pole, Wood, Mounted
 One (1) 3' Crow Bar, Mounted
 One (1) 24' Aluminum Extension Ladder, Mounted
 One (1) 14' Aluminum Roof Ladder, Mounted
 Aluminum over lay on rear
 Four (4) Indi. Pressure gauges for 2½" discharges
 Four (4) Pressure snubbers
 One (1) 1½" preconnected live line LH Rear. Control at panel
 Remote Control right hand discharge
 One (1) 2½" RH Rear discharge. Control at panel
 Dual battery system
 Special 22½" Foward Compartment behind cab
 Gold Leaf Lettering & Striping

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City of Petal, Miss.
 ALTERNATE BID SPECIAL UNIT - HV

Model - HPV-750 GPM - with 750 gal. tank.
 Dual Pumps - High pressure and Volume - VOL pump to hose reel piping.
 Pump running - Foward of backward

Equipped same as other bid execept - Five (5) Indi, Pressure gauges

CHASSIS:

1974 FORD C-906 Tilt Cab with 534 - V8 Engine
 GVW - 31,000 Lbs.
 Front Axle - 9000 lbs.
 Rear Axle - 22,000 lbs.
 Front Springs - 4530 lbs.
 Rear Springs - 11,100 lbs.
 Transmission - Spicer - 5652 - 5 speed
 Alternator - 105 amp.
 Dual Battery System
 Ration - 7.17 to 1
 Vaccum reserve tank
 Satinless steel west coast mirrors
 Power steering
 Parallel action wipers
 Front Tires - 10:00 X 20 - 12 ply (2)
 Rear Tires - 11:00 X 20 - 14 ply (4) Mud & Snow
 Electronic back up alarm

Delivery-in-30-days - FOB: Petal, Miss.
 (1) Week

Total Price \$41,048.00

PAINT: Two - Tone Lime Yellow - White

BEAN

COMPLETE LINE FIRE DEPARTMENT SUPPLIES

/s/ Louie E. Day

Thomas Tyner asked Mr. Fontenot if the Moosa Bid was in compliance with the Fire Department's specifications? Mr. Fontenot stated that the specifications were within compliance with the Fire Department specifications.

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Mayor Byrd stated to the prospective bidders that all bids will be taken under advisement and a decision as to the best and lowest bidder will be made within the next five (5) days.

WHEREAS Mr. Dunnam requested permission from Mayor Byrd to look over the bids for comparison.

Mayor Byrd stated that bids will be available for comparison after a careful study of the bids have been made.

WHEREAS Mayor Byrd stated the need of Ordinances adopting the State of Mississippi Local Slot Amusement Machine Tax Law, Tobacco Tax Law, Mississippi Privilege Tax Law on Alcoholic Beverages for imposing Privilege Tax thereon.

THEREUPON Thomas Tyner read the following Ordinance, to -wit:

ORDINANCE 1974 (9)

AN ORDINANCE ADOPTING THE STATE OF MISSISSIPPI
LOCAL SLOT AMUSEMENT MACHINE TAX LAW AND
IMPOSING THE PRIVILEGE TAX THEREON

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

Section 1: State Slot Amusement Machine Tax Law Adopted.

The Mississippi Slot Amusement Machine Tax Law, Chapter 544 of the Laws of 1970, being Sections 27-27-1, et. seq. of the Mississippi Code of 1972, as amended, be and the same is hereby adopted as the Slot Amusement Machine Tax Law of Petal, Mississippi.

THEREUPON Alderman Mitchell Curry made a motion to adopt Section 1: State Slot Amusement Machine Tax Law Adopted. The motion was seconded by A. L. Henderson, Jr.

Those present and voting "Aye":

W. H. Clearman
Mitchell Curry
George B. Draughn
A. L. Henderson, Jr.

Those present and voting "Nay":

NONE

Section 2: Tax Levied.

There is hereby levied and imposed upon each person engaging in the business of owning or placing on location for the purpose of operation any slot amusement machine, annual license taxes at the rate of one-half of the State tax levied in Section 27-27-5 of the Mississippi Code of 1972, as amended.

THEREUPON Alderman George B. Draughn made a motion to adopt Section 2: Tax Levied. The motion was seconded by W. H. Clearman.

Those present and voting "Aye":

W. H. Clearman
Mitchell Curry
George B. Draughn
A. L. Henderson, Jr.

Those present and voting "Nay":

NONE

Section 3: License to be Issued.

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the City Tax Collector shall issue a license to the person engaging in the business of _____ or placing on location for the purpose of operation any slot amusement machine.

THEREUPON Aldermen A. L. Henderson, Jr. made a motion to adopt Section 3: License to be Issued. The motion was seconded by George B. Draughn.

Those present and voting "Aye":

W. H. Clearman
Mitchell Curry
George B. Draughn
A. L. Henderson, Jr.

Those present and voting "Nay"

NONE

Section 4: Renewal of License.

The license issued upon payment of the slot amusement machine tax levied under the provisions of this ordinance shall be valid for a period of one (1) year from the date issued unless otherwise provided by law. The license may be renewed at any time within the month in which the preceding tax was paid without being delinquent.

THEREUPON Aldermen A. L. Henderson, Jr. made a motion to adopt Section 4: Renewal of License. The motion was seconded by George B. Draughn.

Those present and voting "Aye":

W. H. Clearman
Mitchell Curry
George B. Draughn
A. L. Henderson, Jr.

Those present and voting "Nay":

NONE

Section 5: License to be Affixed.

The City Tax Collector shall issue a license on a form to be prescribed by said City Tax Collector and such license or sticker shall be securely affixed or attached to the machine to which it applies in such manner as to be readily visible and shall be affixed before the machine is operated or played. The absence of a proper license or sticker affixed to a machine shall be prima facie evidence of failure to pay the tax levied for operation of the machine.

THEREUPON Aldermen W. H. Clearman made a motion to adopt Section 5: License to be Affixed. The motion was seconded by A. L. Henderson, Jr.

Those present and voting "Aye":

W. H. Clearman
Mitchell Curry
George B. Draughn
A. L. Henderson, Jr.

Those present and voting "Nay":

NONE

Section 6: Delinquent Payment.

If a taxpayer shall fail to procure the license and pay the tax as provided in this Ordinance, then the City Tax Collector shall in addition to such tax, collect a penalty thereon in the maximum amount authorized in such case by the laws of the State of Mississippi. A license certificate shall be issued such delinquent taxpayer upon payment of such penalty, and the certificate shall show

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THEREUPON Alderman Mitchell Curry made a motion to adopt Section 6: Delinquent Payment. The motion was seconded by George B. Draughn.

Those present and voting "Aye":

W. H. Clearman
Mitchell Curry
George B. Draughn
A. L. Henderson, Jr.

Those present and voting "Nay":

NONE

Section 7: Violation of Ordinance Provisions.

Any person violating any of the provisions of this Ordinance, shall be liable for the amount of tax levied plus fifty percent of the amount of the tax as penalty. The City Tax Collector shall have full and complete authority, without an order from any court to take possession of any slot amusement machine, and keep, seal, or otherwise prevent the operation of such machine for failure to pay the license tax and any penalty, or for operation of such machine without a proper license or sticker affixed thereto. When such machine shall have been seized or possession taken to prevent further unlawful use thereof, the same shall remain under the exclusive jurisdiction of the City Tax Collector seizing same until released by said officer or agent upon payment of the proper tax, penalty and cost, or until same is disposed of under a writ of venditioni exponas issued by the proper court for the collection of the taxes due, together with penalties and cost. Any operation of any machine after seizure of same by the City Tax Collector, an agent thereof, or any lawful officer, or any disturbance of possession or notice of seizure posted by such agent or officer, shall be unlawful, and any person violating this provision shall be guilty of a misdemeanor and upon conviction thereof, may be fined not more than \$500.00 or imprisoned in the City Jail for not more than six (6) months, or may be fined and imprisoned in the discretion of the court within the limits aforesaid.

THEREUPON Alderman George B. Draughn made a motion to adopt Section 7: Violation of Ordinance Provisions. The motion was seconded by A. L. Henderson, Jr.

Those present and voting "Aye":

W. H. Clearman
Mitchell Curry
George B. Draughn
A. L. Henderson, Jr.

Those present and voting "Nay":

NONE

Section 8: Exemptions.

This article shall not apply to any machine operated for gambling purposes, to any machine kept at a regular place of business of distributors or manufacturers for sale or lease without being operated, or to any pool table operated in a place of business commonly known as a pool hall or billiard parlor where the gross income from the operation of such pool table is taxable under the Mississippi Sales Tax Law.

THEREUPON Aldermen A. L. Henderson, Jr. made a motion to adopt Section 8: Exemptions. The motion was seconded by Mitchell Curry.

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Those present and voting "Aye":

- W. H. Clearman
- Mitchell Curry
- George B. Draughn
- A. L. Henderson, Jr.

Those present and voting "Nay":

NONE

Section 9: Effective Date.

The above and foregoing Ordinance shall take effect and be enforced from and after January 1, A. D., 1975.

THEREUPON Alderman George B. Draughn made a motion to adopt Section 9: Effective Date. The motion was seconded by Mitchell Curry.

Those present and voting "Aye":

- W. H. Clearman
- Mitchell Curry
- George B. Draughn
- A. L. Henderson, Jr.

Those present and voting "Nay":

NONE

The foregoing Ordinance having been reduced to writing, the same was introduced and read and a vote was taken thereon, first section by section, then upon the Ordinance as a whole with the following results:

Those present and voting "Yea" and in favor of the passage, adoption and approval of Sections 1, 2, 3, 4, 5, 6, 7, 8 and 9 of the foregoing ordinance:

- Alderman W. H. Clearman
- Alderman George B. Draughn
- Alderman A. L. Henderson, Jr.
- Alderman Mitchell Curry

Those present and voting "Nay" or against the adoption of any section of the foregoing Ordinance:

NONE

Those present and voting "Yea" and in favor of the adoption of the foregoing Ordinance as a whole:

- Alderman W. H. Clearman
- Alderman George B. Draughn
- Alderman A. L. Henderson, Jr.
- Alderman Mitchell Curry

Those present and voting "Nay" or against the foregoing Ordinance as a whole:

NONE

WHEREUPON, the foregoing Ordinance be, and the same is hereby passed, adopted, and approved on this the 15th day of October, A. D., 1974.

/s/ Ulmer Byrd
MAYOR

(SEAL)

ATTEST:

/s/ Susan B. Smith
CITY CLERK

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THEREUPON Thomas Tyner read the following Ordinance, to-wit:

ORDINANCE 1974 (10)

AN ORDINANCE ADOPTING THE STATE OF MISSISSIPPI
TOBACCO TAX LAW AND IMPOSING TAXES THEREON

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

Section 1: State Tobacco Tax Law Adopted.

The Mississippi Tobacco Tax Law, described as being Chapter 125 of the Laws of 1934, and being Sections 27-69-1 through Section 27-69-77 of the Mississippi Code of 1972, as amended, be and the same is hereby adopted as the Tobacco Tax Law of the City of Petal, Mississippi.

THEREUPON Alderman W. H. Clearman made a motion to adopt Section 1: State Tobacco Tax Law Adopted. The motion was seconded by A. L. Henderson, Jr.

Those present and voting "Aye":

W. H. Clearman
Mitchell Curry
George B. Draughn
A. L. Henderson, Jr.

Those present and voting "Nay":

NONE

Section 2: Tobacco Tax Imposed.

On each person or business within the City for which a tobacco tax permit is required, as authorized by the laws of the State of Mississippi, the City of Petal hereby levies a tobacco tax on said person or business in the maximum amount allowed and authorized by Sections 27-69-7 and 27-69-69 of the Mississippi Code of 1972, as amended.

THEREUPON Alderman George B. Draughn made a motion to adopt Section 2: Tobacco Tax Imposed. The motion was seconded by Mitchell Curry.

Those present and voting "Aye":

W. H. Clearman
Mitchell Curry
George B. Draughn
A. L. Henderson, Jr.

Those present and voting "Nay":

NONE

Section 3: Manner of Collection; when payable.

The tobacco tax provided in Section 2 of this ordinance, shall become due and be collected, and license issued therefor by the City Tax Collector in the same manner that the taxes for the privilege become due and are collected and license issued therefor under the laws of the State of Mississippi.

THEREUPON Alderman George B. Draughn made a motion to adopt Section 3: Manner of Collection; when payable. The motion was seconded by Mitchell Curry.

Those present and voting "Aye":

W. H. Clearman
Mitchell Curry
George B. Draughn
A. L. Henderson, Jr.

Those present and voting "Nay":

NONE

Section 4: Application for Permit.

The City Tax Collector shall require all persons engaged in the sale of tobacco, who are required to obtain a permit from the State under the provisions of the Tobacco Tax Law, to apply and pay the annual privilege tax on tobacco at the same time and in the same form and manner as applying and paying the local privilege taxes as imposed by the laws of the State of Mississippi and Ordinance 1974 (4) of the City of Petal, Mississippi, as therein made and provided by law.

THEREUPON Alderman George B. Draughn made a motion to adopt Section 4: Application for Permit. The motion was seconded by A. L. Henderson, Jr.

Those present and voting "Aye":

W. H. Clearman
Mitchell Curry
George B. Draughn
A. L. Henderson, Jr.

Those present and voting "Nay":

NONE

Section 5: License.

Upon payment of the municipal tobacco tax levied by this Ordinance, the City Tax Collector shall issue a license to such taxpayer before the taxpayer is authorized to commence the business for which this license is required.

THEREUPON Alderman W. H. Clearman made a motion to adopt Section 5: License. The motion was seconded by George B. Draughn.

Those present and voting "Aye":

W. H. Clearman
Mitchell Curry
George B. Draughn
A. L. Henderson, Jr.

Those present and voting "Nay":

NONE

Section 6: Renewal of License.

The license issued upon payment of the tobacco tax privilege license levied under the provisions of this Ordinance shall be valid for a period of one (1) year from the date issued unless otherwise provided by law. The license may be renewed at any time within the month in which the preceding tax was paid without being delinquent.

THEREUPON Alderman W. H. Clearman made a motion to adopt Section 6: Renewal of License. The motion was seconded by George B. Draughn.

Those present and voting "Aye":

W. H. Clearman
Mitchell Curry
George B. Draughn
A. L. Henderson, Jr.

Those present and voting "Nay":

NONE

Section 7: Delinquent Payments

If a taxpayer shall fail to procure the license and pay the tax as provided in this Ordinance, then the City Tax Collector shall, in addition to such tax, collect a penalty thereon in the maximum amount authorized in such case by the laws of the State of Mississippi. The taxpayer shall likewise be guilty of a misdemeanor for failure to pay such tax when due, and upon conviction thereof,

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may be fined therefor as authorized by this Ordinance and state law.

THEREUPON Alderman Mitchell Curry made a motion to adopt Section 7: Delinquent Payment. The motion was seconded by W. H. Clearman.

Those present and voting "Aye":

W. H. Clearman
Mitchell Curry
George B. Draughn
A. L. Henderson, Jr.

Those present and voting "Nay":

NONE

Section 8: Violation of Ordinance Provisions.

Any person violating any of the provisions of this Ordinance, unless otherwise stated, shall be guilty of a misdemeanor and upon conviction for a first offense, may be fined not more than \$25.00, and for the second offense, not less than \$25.00, and not more than \$50.00, and for each subsequent offense not less than \$50.00, and not more than \$250.00. Each violation shall be a separate offense. In addition to being dealt with criminally, the City Tax Collector may seize and sell any property of such person liable for such tax and penalty, in the same manner as he may distrain and sell property of other taxpayers delinquent for the payment of ad valorem taxes due on personal property.

THEREUPON Alderman W. H. Clearman made a motion to adopt Section 8: Violation of Ordinance Provisions. The motion was seconded by Mitchell Curry.

Those present and voting "Aye":

W. H. Clearman
Mitchell Curry
George B. Draughn
A. L. Henderson, Jr.

Those present and voting "Nay":

NONE

Section 9: Effective Date.

The above and foregoing Ordinance shall take effect and be in force from and after December 1, A. D., 1974.

Those present and voting "Aye":

W. H. Clearman
Mitchell Curry
George B. Draughn
A. L. Henderson, Jr.

Those present and voting "Nay":

NONE

The foregoing Ordinance having been reduced to writing, the same was introduced and read and a vote was taken thereon, first section by section, and then upon the Ordinance as a whole with the following results:

Those present and voting "Yea" and in favor of the passage, adoption and approval of Sections 1, 2, 3, 4, 5, 6, 7, 8 and 9 of the foregoing Ordinance:

Alderman W. H. Clearman
Alderman George B. Draughn
Alderman A. L. Henderson, Jr.
Alderman Mitchell Curry

Those present and voting "Nay" or against the adoption of any section of the foregoing Ordinance:

Those present and voting "Yea" and in favor of the adoption of the foregoing Ordinance as a whole:

Alderman W. H. Clearman
Alderman George B. Draughn
Alderman A. L. Henderson, Jr.
Alderman Mitchell Curry

Those present and voting "Nay" or against the adoption of the foregoing Ordinance as a whole:

NONE

WHEREUPON, the foregoing Ordinance be, and the same is hereby passed, adopted, and approved on this, the 15th day of October, A. D., 1974

/s/ Ulmer Byrd
MAYOR

(SEAL)

ATTEST:

/s/ Susan B. Smith
CITY CLERK

THEREUPON Thomas Tyner read the following Ordinance, to-wit:

ORDINANCE 1974 (11)

AN ORDINANCE ADOPTING THE STATE OF
MISSISSIPPI PRIVILEGE TAX LAW
ON ALCOHOLIC BEVERAGES

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

Section 1: State Alcoholic Beverage Tax Law Adopted.

The Mississippi Alcoholic Beverage Tax Law on light wines and beer, and being Sections 27-71-301 through 27-71-347 of the Mississippi Code of 1972, as amended, be and the same is hereby adopted as the alcoholic beverage tax law on light wines and beer for the City of Petal, Mississippi.

THEREUPON Alderman Mitchell Curry made a motion to adopt Section 1: State Alcoholic Beverage Tax Law Adopted. The motion was seconded by W. H. Clearman.

Those present and voting "Aye":

W. H. Clearman
Mitchell Curry
George B. Draughn
A. L. Henderson, Jr.

Those present and voting "Nay":

NONE

Section 2: Privilege Tax Imposed.

On each privilege exercised within this city, for which a business is

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Code of 1972, the City hereby levies an annual privilege tax equal to fifty per cent of the tax imposed by Section 27-71-303 of the Mississippi Code of 1972.

THEREUPON Alderman George B. Draughn made a motion to adopt Section 2: Privilege Tax Imposed. The motion was seconded by A. L. Henderson, Jr.

Those present and voting "Aye":

W. H. Clearman
Mitchell Curry
George B. Draughn
A. L. Henderson, Jr.

Those present and voting "Nay":

NONE

Section 3: License.

Upon payment of the alcoholic beverage taxes on light wines and beer levied by this ordinance, the City Tax Collector shall issue a license for such privilege, and such taxes shall be paid to the City before the commencing of business for which said license is required.

THEREUPON Alderman W. H. Clearman made a motion to adopt Section 3: License. The motion was seconded by George B. Draughn.

Those present and voting "Aye":

W. H. Clearman
Mitchell Curry
George B. Draughn
A. L. Henderson, Jr.

Those present and voting "Nay":

NONE

Section 4: Renewal of License.

The license issued upon payment of the municipal privilege license tax levied on light wines and beer, under the provisions of this ordinance, shall be valid for a period of one (1) year from the date issued unless otherwise provided by law. The license may be renewed at any time within the month in which the proceeding tax was paid without being delinquent.

THEREUPON Alderman A. L. Henderson, Jr. made a motion to adopt Section 4: Renewal of License. The motion was seconded by W. H. Clearman.

Those present and voting "Aye":

W. H. Clearman
Mitchell Curry
George B. Draughn
A. L. Henderson, Jr.

Those present and voting "Nay":

NONE

Section 5: License-Not Transferable.

The license issued under the provisions of this ordinance is not transferable.

THEREUPON Alderman George B. Draughn made a motion to adopt Section 5: License-Not Transferable. The motion was seconded by A. L. Henderson, Jr.

Those present and voting "Aye":

W. H. Clearman
Mitchell Curry
George B. Draughn
A. L. Henderson, Jr.

Those present and voting "Nay":

NONE

Section 6: Delinquent Payment.

If a taxpayer shall fail to procure the license and pay the tax as provided in this ordinance, then the City Tax Collector shall, in addition to such tax, collect a penalty thereon in the maximum amount authorized in such cases by the laws of the state. A license certificate shall be issued such delinquent taxpayer upon payment of such penalty, and the certificate shall show that it was issued for damages and penalties for delinquency in the payment of such tax. The taxpayer shall likewise be guilty of a misdemeanor for failure to pay such tax when due, and upon conviction thereof, may be fined and imprisoned therefor as authorized by this ordinance and state law.

THEREUPON Alderman Mitchell Curry made a motion to adopt Section 6: Delinquent Payment. The motion was seconded by W. H. Clearman.

Those present and voting "Aye":

W. H. Clearman
Mitchell Curry
George B. Draughn
A. L. Henderson, Jr.

Those present and voting "Nay":

NONE

Section 7: Violation of Ordinance Provisions.

Any person violating any of the provisions of this Ordinance, unless otherwise stated, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$500.00, or by imprisonment in the City Jail for not more than six (6) months, or by both such fine and imprisonment, in the discretion of the court. Such fine and imprisonment shall be in addition to any other penalty imposed by any particular section of this ordinance or applicable provision of state law. Any person or persons failing to pay the privilege taxes imposed by this ordinance, and to obtain a license as required for the sale of light wines and beer for which this privilege tax is imposed, without procuring such license, may be proceeded against by suit, and in addition to being dealt with criminally, the City Tax Collector may seize and sell any property of such person liable for such tax and penalty, in the same manner as he may distrain and sell property of other taxpayers delinquent for the payment of ad valorem taxes due on personal property.

THEREUPON Alderman George B. Draughn made a motion to adopt Section 7: Violation of Ordinance Provisions. The motion was seconded by Mitchell Curry.

Those present and voting "Aye":

W. H. Clearman
Mitchell Curry
George B. Draughn
A. L. Henderson, Jr.

Those present and voting "Nay":

NONE

Section 8: Effective Date.

The above and foregoing ordinance shall take effect and be in force from and after December 1, A. D., 1974.

THEREUPON Alderman A. L. Henderson, Jr. made a motion to adopt Section 8: Effective Date. The motion was seconded by Mitchell Curry.

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special facilities installed to furnish street lighting service described below: _____

2. The term "contract" as used herein shall mean and include (a) document herewith executed, (b) Company's Street Lighting Rate Schedule (Governmental Authority) SL, and (c) Company's Rules Governing Electric Service on file with Mississippi Public Service Commission, or agency successor thereto. This contract is subject to jurisdiction of such Commission, and to change in manner prescribed by law, which change will apply to this contract from and after effective date thereof. Company will furnish, and Customer will receive and pay for electric street lighting service as herein specified in accordance with provisions of this contract.

3. Company will supply such additional street lighting service as Customer requests during the continuance of this contract, or any renewal thereof, which shall become subject to this contract and shall be considered in all respects as though a part of initial installation described in Section 1 hereof. Customer will furnish and maintain at its expense all Customer-owned lighting installations including special types of posts, fixtures, and/or underground cables which are served by Company hereunder; but Company will furnish at its expense lamp renewals for luminaires of sizes listed in rate schedule for service hereunder. Company shall not be obligated to install at its expense any additional luminaires unless all luminaires previously installed by Company are in operation. Company, however, will make any change in location of any luminaire or luminaires at request of Customer, whether or not such luminaires be in operation, provided all necessary expense incurred in connection with such change is borne by Customer.

4. In event of interruption to service, Company will restore service as soon as it reasonably can do so and will at all times use its best effort in supplying as nearly constant service as is reasonable practicable to the end that all luminaires supplied under this contract, whether a part of initial installation or added subsequently, shall be kept burning during term of this contract or any renewal thereof in accordance with hours prescribed in attached rate schedule. However, that should the supply of electric energy be interrupted or fail for any reason, such interruption or failure shall not constitute a breach of this contract, nor shall Company be liable for damages by reason of such interruption or failure.

5. Customer will notify Company promptly at its nearest office of any luminaire or luminaires not burning, and allow Company one working day after said outage has been officially reported to Company in which to restore said luminaire or luminaires to service. For this purpose, a working day is considered as the time between 3 a.m. and 5 p.m. of any day other than a Sunday or a holiday. Should Company fail to restore any luminaire to service within one working day after the day of receiving official notice of outage from Customer, Customer shall be entitled to a credit for pro-rata cost of the lighting of such luminaire during such hours of regular scheduled hours of burning as it may be out subsequent to expiration of one working day after receipt by Company of official notice of outage from Customer. In no case shall any allowance be made for any time that a luminaire fails to burn prior to receipt of official notice of such outage from Customer or before lapse of one working day after said notice shall have been received.

6. All monthly bills for service hereunder are due as of date rendered and become delinquent ten days thereafter. In the event Customer fails to pay Company for all service rendered under this contract as provided above, Company may, at its option, after twenty (20) days written notice, discontinue such service until full payment is made, but this contract shall not be otherwise affected. Should service be discontinued, it shall be restored upon full payment of all sums due hereunder.

7. Waiver of one or more defaults shall not be considered a waiver of any other or subsequent default.

8. This agreement is executed by Company with understanding that it shall not be binding upon Company until Customer has caused same to be executed by its duly authorized representatives in manner and form prescribed by law.

Executed as of the 11th day of October, 1974

CITY OF PETAL
Governmental Authority

By /s/ Ulmer Byrd, Mayor
By /s/ Susan B. Smith, City Clerk

MISSISSIPPI POWER COMPANY

By H. R. Brown
Division Manager
By J. P. Stephens
General Sales Manager

The Municipality has caused this agreement to be executed in its corporate name by its Mayor after being duly authorized so to do by resolution of the Council adopted on the 15th day of October, 19 74.

/s/ Susan B. Smith
Clerk

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THEREUPON Aldermen A. L. Henderson, Jr. made a motion to adopt the aforesaid contract with Mississippi Power and Light Company and the motion was seconded by W. H. Clearman, Alderman.

Those present and voting "Aye":

W. H. Clearman
Mitchell Curry
George B. Draughn
A. L. Henderson, Jr.

Those present and voting "Nay":

NONE

Mayor Byrd said that Mississippi Power has agreed to survey the City of Petal and evaluate the need for more lighting. After the study is completed, the power company will suggest feasible locations for more street lights for the citizens of Petal.

WHEREAS Mayor Byrd requested authorization to sign a memorandum of understanding between the Forrest County Soil and Water Conservation District Commissioners and the City of Petal. Mayor Byrd said that the contract would provide services from the Forrest County Soil and Water Conservation District in providing a narrative report including description of soils and tables showing interpretation for soils maps, soils limitation for house sites, septic tank absorption fields, roads, and streets, intensive play areas, sewage lagoons flood hazards. Also assistance in soils suitability as source of topsoil for roadfill, and estimated shrink-swell potential. Mayor Byrd said that this agency is also checking to see if there are any available funds for the cleaning up of Greens Creek.

THEREUPON Alderman Mitchell Curry made a motion to authorize Mayor Byrd to sign the memorandum of understanding between the Forrest County Soil and Water Conservation District Commissioners and the City of Petal. The motion was seconded by Alderman George B. Draughn.

Those present and voting "Aye":

W. H. Clearman
Mitchell Curry
George B. Draughn
A. L. Henderson, Jr.

Those present and voting "Nay":

NONE

THEREUPON Mayor Byrd read Walter B. Sharff's (Administrative Assistance) Letter of Resignation. The letter read as follows:

CITY OF PETAL

ULMER BYRD
MAYOR

POST OFFICE BOX 564
PETAL, MISSISSIPPI 39465

ALDERMEN
W. H. Clearman
Mitchell Curry
George B. Draughn
A. L. Henderson, Jr.
Zollie Stevens

October 3, 1974

TO: Mayor and Board of Alderman, City of Petal

Subject: Letter of Resignation

From: Walter B. Sharff

I Walter B. Sharff hereby submit by resignation as Administrative Assistant effective at 5:00 P.M., October 11, 1974.

I would like to say at this time, that I have enjoyed working for the City of Petal; however, certain circumstances as deemed it necessary for me to resign.

Best wishes to the Mayor and Board of Alderman, for the long and tedious hours they will have to spend in order that the City of Petal may prosper.

Sincerely yours,

/s/Walter B. Sharff
Administrative Assistant

WS/ws

CC: City Attorney

THEREUPON Alderman Mitchell Curry made a motion to accept the Letter of Resignation of Walter B. Sharff. The motion was seconded by George B. Draughn, Alderman.

Those present and voting "Aye":

W. H. Clearman
Mitchell Curry
George B. Draughn
A. L. Henderson, Jr.

Those present and voting "Nay":

NONE

WHEREAS Mayor Byrd said that Kathryn Hutson Parrett had been employed to fill the position of Secretary to the Mayor. Mayor Byrd said this position has recently been vacated by Mrs. Susan B. Smith.

Mayor Byrd explained that this employee's salary is funded by the Governor's Office of Education and Training under the Emergency Employment Act of 1971. Under this grant Mrs. Parrett's contract will extend into the month of March and possibly until June. Mayor Byrd said that there is a possibility of a new grant which will enable the City to hire more employees, but all information is not available as of yet.

THEREUPON Mayor Byrd presented the Cash Flow Statement of the different funds for the period April 5, 1974 thru September 30, 1974. Mayor Byrd said that in the General Fund the receipts total \$91,799.28 with \$47,419.11 total for General Fund Expenditures. Therefore as of October 1, 1974 the balance in General Funds total \$44,380.17. There was no activity in the Disaster Fund for the April 5, 1974 thru September 30, 1974 period leaving a balance as of October 1, 1974 of \$7,250.00. The Capital Improvement Fund was also inactive leaving a total as of October 1, 1974 of \$11,518.00. The Fire Fund received \$32,796.17 plus interest earned of \$538.01 leaving a total balance as of October 1, 1974 of \$11,518.00.

WHEREAS Mitchell Curry addressed the Mayor and Board of Aldermen with comparative figures submitted by various insurance companies. Mitchell Curry stated that some insurance companies could not submit figures because they did not handle municipalities. However, Mr. Curry stated that it seems as though the City may not be able to apply for group insurance of any kind because the insurance companies require that a municipality must have a minimum of at least 12 employees, before the policy can be considered as a group plan.

Mr. Curry said that the City of Petal has employed as of this date eight (8) employees and this does not include the Mayor and Board of Aldermen.

Mayor Byrd said in looking over the budget there is no allocation for insurance for the Mayor and Board of Aldermen. Mayor Byrd stated that he felt that there is a provision that we might use in the budget for insuring the Mayor and Board of Aldermen to enable the City employees to be eligible for group insurance.

THEREUPON Mayor Byrd requested further investigation of this matter.

Chief Garwood addressed the Mayor and Board of Aldermen with information compiled on a storage tank for gasoline for the Police Department. Chief Garwood stated that he felt like the City could save from \$.27 to \$.32 per gallon on gasoline. Chief Garwood said that all the information is readily available if further pursuit is desired in purchasing and installing a storage tank for gasoline for the Police Department. Chief Garwood also stated that he had addressed several organizations and had been on the radio show, Hot Line, and plans to participate on a daily talk show in the near future.

Mayor Byrd commended Chief Garwood and his department for the excellent job they are doing and that he had received some very favorable comments about the Police Department from the citizens of Petal.

Mayor Byrd requested from Mary O'Neal information compiled on making pictures of the Mayor, Board of Aldermen and Police Department. Mrs. O'Neal stated that these pictures would cost \$5.00 per 8 x 10 plus \$.45 per negative for color prints. The black and white pictures would cost \$2.00.

THEREUPON Mayor Byrd requested the Board of Aldermen to take this under consideration and it will be discussed further at a future meeting.

WHEREAS Mayor Byrd requested authorization from the Board of Aldermen to choose the bid which meets the specifications of the Fire Committee and would be the best and lowest bidder. Mayor Byrd said that he would meet with the Fire Committee this week and would compare the bids in accordance with the Fire Committee's specifications. After a thorough comparison the lowest and best bidder would be selected.

THEREUPON Alderman W. H. Clearman made a motion to authorize Mayor Byrd to make a decision as to which bid would be the best and lowest bid. The motion was seconded by A. L. Henderson, Jr., Alderman.

Those present and voting "Aye":

W. H. Clearman
Mitchell Curry
George B. Draughn
A. L. Henderson, Jr.

Those present and voting "Nay":

NONE

THEREUPON Mr. Tyner presented to the Mayor and Board of Aldermen, Susan B. Smith, City Clerk's oath of office. The oath read as follows:

STATE OF MISSISSIPPI,
COUNTY OF FORREST
CITY OF PETAL

I, /s/Susan B. Smith, do solemnly swear that I will faithfully support the Constitution of the United States and the Constitution of the state of Mississippi, and obey the laws thereof; that I am not disqualified from holding the office of City Clerk; that I will faithfully discharge the duties of the office upon which I am about to enter. So help me God.

Sworn to and subscribed before me on this, the 2nd day of October, A. D., 1974.

/s/ Ulmer Byrd
ULMER BYRD, MAYOR
CITY OF PETAL
STATE OF MISSISSIPPI

THERE being no further business the meeting was ordered adjourned on this the 15th day of October, A. D., 1974.

Ulmer Byrd
ULMER BYRD, MAYOR

(SEAL)

ATTEST

Susan B. Smith
Susan B. Smith
City Clerk