

MINUTES - PETAL, MISS.

BE IT REMEMBERED that there was begun and held a regular meeting of the Mayor and Board of Aldermen of the City of Petal, Mississippi, on March 15, 1977, at 7:30 P. M. in the Mayor's office in the City Hall.

Those Present: Mayor Ulmer Byrd
 City Attorney: Thomas W. Tyner
 Aldermen: W. H. Clearman
 Mitchell Curry
 George B. Draughn
 A. L. Henderson, Jr.
 Charles A. Sumrall

Mayor Byrd declared a quorum was present and declared the City Council in session.

The invocation was offered by W. H. Clearman.

The minutes of the meeting held March 1, 1977, were read by Susan B. Smith.

THEREUPON, Alderman Sumrall made a motion to adopt the minutes as read. Alderman Curry seconded the motion.

Those present and voting "Yea"

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

Those present and voting "Nay"

None

WHEREAS, the hour of 7:30 P. M. having arrived, Mayor Byrd opened and publicly read the bid for a one year's supply of gasoline.

The only bid received was from Pine Belt Oil Company in the amount of \$.51 per gallon. The bid read as follows, to-wit:

February 4, 1977

Ms Susan Smith
 City of Petal
 Box 564
 Petal, Ms 39465

We will deliver Union 76 NO-lead regular gasoline from March 1, 1977, till February 28, 1978, in approximately 2000 gallon quantities to the City of Petal, for \$.5500 per gallon, less \$.04 federal tax equaling \$.5100 per gallon. These prices are subject to change with major oil company increases or decreases.

Sincerely,

/s/ James C. Barr
 James C. Barr

THEREUPON, Alderman A. L. Henderson, Jr., made a motion to accept Pine Belt Oil Company bid in the amount of \$.51 per gallon. The motion was seconded by Alderman W. H. Clearman.

Those present and voting "Yea"

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

Those present and voting "Nay"

None

WHEREAS, Mr. Tom Tyner read the following resolution between the City of Petal, Mississippi, and the East Forrest Utility District. The resolution read as follows, to-wit:

RESOLUTION

WHEREAS, the East Forrest Utility District of Forrest County, Mississippi, a public corporation, was created in order to provide water and sewage systems within an area of Forrest County, Mississippi; and

WHEREAS, there has recently been created a municipal corporation, the City of Petal, Mississippi, whose boundaries are synonymous with the boundaries of the said East Forrest Utility District; and

WHEREAS, the Board of Commissioners of said District and the Mayor and Board of Aldermen have found and determined and does now find and determine that it would be in the public interest that the said District convey to the City of Petal, a municipal corporation, all of the existing water and sewer facilities which said District now owns, and

WHEREAS, it would be in the public interest that said District convey to said City of Petal, Mississippi for the sum of \$10.00, and other good and valuable considerations, including, the agreement of the City to assume and to discharge all indebtedness of the District; and

WHEREAS, under the laws of the State of Mississippi, the sixty percent (60%) of those voters of a municipality must approve a contract of sale of a water system to a municipality, before the contract can be finalized; and

WHEREAS, the said Board of Commissioners of said District and the Mayor and Board of Aldermen have found and determined and does now again find and determine that it is in the public interest that the District enter into an AGREEMENT with the City of Petal, Mississippi, a true and correct copy of which is attached to this Resolution;

NOW, THEREFORE, be it resolved by the Board of Commissioners of the East Forrest Utility District of Forrest, County, Mississippi, and the Mayor and Board of Aldermen of Petal, Mississippi, as follows:

1. That the existing water and sewer facilities now owned and being operated by the East Forrest Utility District of Forrest County, Mississippi, be conveyed from said District to the City of Petal, Mississippi, a municipal corporation.

2. That in consideration of the conveyance of the assets of the said East Forrest Utility District of Forrest County, Mississippi, that the City of Petal, Mississippi, agree to pay to the said District the sum of \$10.00, and to assume and discharge all indebtedness and obligations of the said District,

including the bonded indebtedness of said District, to be discharged in accordance with the terms of said bonds.

3. That a CONTRACT, a true and correct copy of which is attached to this Resolution, be entered into by and between the East Forrest Utility District of Forrest County, Mississippi, and the City of Petal, Mississippi, a municipal corporation, under the terms and provisions therein recited.

The above Resolution was presented to the Board of Commissioners of the East Forrest Utility District at its regular meeting on the 10th day of March A. D., 1977, and its adoption was moved by Commissioner George B. Draughn and was seconded by Commissioner James I. Palmer and was adopted by a majority vote, which was as follows:

Commissioner Byrd voted "Aye"

Commissioner Draughn voted "Aye"

Commissioner Palmer voted "Aye"

The above Resolution was presented to the Board of Aldermen of the City of Petal, Mississippi, at its regular meeting on the 15th day of March, A. D., 1977, and its adoption was moved by Alderman Mitchell Curry, seconded by Alderman Charles A. Sumrall, and was adopted by a majority vote which was as follows:

Alderman Clearman Voted "Aye"

Alderman Curry Voted "Aye"

Alderman Henderson voted "Aye"

Alderman Draughn voted "Aye"

Alderman Sumrall voted "Aye"

UNANIMOUSLY RESOLVED by the Board of Commissioners of the East Forrest Utility District on this the 10th day of March, A. D., 1977.

Commissioner Byrd voted "Aye"

Commissioner Palmer voted "Aye"

Commissioner Draughn voted "Aye"

UNANIMOUSLY RESOLVED by the Mayor and Board of Aldermen of the City of Petal, Mississippi, on this the 15th day of March, A. D., 1977.

Alderman Clearman voted "Aye"

Alderman Curry voted "Aye"

Alderman Draughn voted "Aye"

Alderman Henderson voted "Aye"

Alderman Sumrall voted "Aye"

CONTRACT FOR PURCHASE OF THE
EAST FORREST UTILITY DISTRICT

THIS AGREEMENT entered into on this, the 15th day of March, 1977, by the City of Petal, Mississippi, a municipal corporation, hereinafter called the City, and the East Forrest Utility District, a body politic and corporate of the State of

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Mississippi, hereinafter called the Company, witnesseth:

1. That the City hereby agrees to purchase from the Company, the waterworks and sewage system, and all property, real and personal, and mixed, together with all improvements attached to and forming a part of the water and sewage system of the said East Forrest Utility District.

2. In consideration for the sale and transfer of the property of the East Forrest Utility District, the City agrees to pay to the East Forrest Utility District, the sum of \$10.00, and further agrees to assume and to discharge all outstanding indebtedness of the East Forrest Utility District, including all open accounts owed by the East Forrest Utility District, and further, the City agrees to pay and to discharge as and when due, the bonded indebtedness of said East Forrest Utility District.

3. It is further agreed by the City and the Company, that its officials and officers will sign and execute, and pass the appropriate orders to effect the sale, transfer, and assignment of the assets and liabilities of the East Forrest Utility District to the City of Petal, Mississippi, a municipal corporation, within ten (10) days from and after June 7, 1977, provided this contract is approved by sixty (60%) percent of the qualified electors of the City of Petal, Mississippi, voting on said date to approve this contract.

WITNESS the signatures of the parties, by and through their respective representatives, on this, the 15th day of March, 1977.

CITY OF PETAL

By: /s/ Ulmer Byrd
MAYOR

ATTEST:

/s/ Susan B. Smith
CITY CLERK

EAST FORREST UTILITY DISTRICT

By: /s/ Ulmer Byrd
COMMISSIONER

/s/ James I. Palmer
COMMISSIONER

/s/ George Draughn
COMMISSIONER

* * * * *

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THEREUPON, Alderman Mitchell Curry made a motion to adopt the resolution as read. The motion was seconded by Alderman Charles A. Sumrall.

Those present and voting "Yea"

Alderman W. H. Clearman
Alderman Mitchell Curry
Alderman George B. Draughn
Alderman A. L. Henderson
Alderman Charles A. Sumrall

Those present and voting "Nay"

None

WHEREAS, Mr. Tyner addressed the board stating that he could foresee a special meeting to be held in the month of May for the adoption of a resolution calling for a special election on June, 7, 1977.

THEREUPON, Mayor Ulmer Byrd read the proclamation designating the month of April as Clean-Up-Month. The proclamation read as follows, to-wit:

A PROCLAMATION BY THE MAYOR

WHEREAS, there is much to be done to make a cleaner, safer, more beautiful city for all of us to enjoy, and

WHEREAS, the City would like to participate in the state-wide observance of making April "Clean-Up-Month", and

WHEREAS, the Petal Home and Garden Club, and the Petal Magnolia Club, civic organizations within the City of Petal, Mississippi, are desirous of implementing a clean up drive within the City for the Month of April, and

NOW, THEREFORE, I, ULMER BYRD, acting under and by virtue of the authority vested in me by the constitution and laws of this City to proclaim April as

"CLEAN UP MONTH"

in Petal, Mississippi, and I do hereby request and urge the Citizens of the City to respond to the efforts of the Petal Home and Garden Club and the Petal Magnolia Club.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Petal, Mississippi, to be affixed.

DONE at the City Hall, in the City of Petal, Mississippi, this 15th day of March, in the year of our Lord nineteen hundred and seventy-seven, and of the Independence of the United States of America the two hundred and first.

/s/ Ulmer Byrd

MAYOR

* * * * *

WHEREAS, Mr. Tyner reported to the Board concerning the City of Petal Ordinance 1977 (34) which was submitted to the U. S. Department of Justice for the ruling. Mr. Tyner stated that a letter had been written concerning our Ordinance, but due to typographical corrections, the letter will be retyped and submitted to the City of Petal approving the at-large-elections.

Mr. Tyner continued to explain that the Voting Rights Act states that if the

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U. S. Department of Justice does not submit a ruling of objection within sixty (60) days, there is automatic approval of such ordinance; the submission has been in the U. S. Department of Justice for more than sixty (60) days. However, the City of Petal is enjoined by an order of the U. S. District for the Northern District of Mississippi, from having at-large-elections and a court injunction is stronger than the directive language of the Voting Rights Act. Mr. Tyner cited other cases that were acted upon in which the clients chose to proceed with at-large-elections without proper approval and they were involved in lengthy court cases. Mr. Tyner stated that the best advise he could give the Board if they desire at-large-elections, would be to wait until a written decision has been received from the U. S. Justice Department. After discussion, the Board agreed to make a decision by the regular meeting of April 5th.

WHEREAS, Alderman Sumrall read a letter of resignation from fireman Frankie Bryant. The letter read as follows, to-wit:

February 24, 1977

TO: Mr. Ford Weatherford, Fire Chief
City of Petal

FROM: Frankie Bryant

Please accept my resignation as a full-time fireman for the City of Petal, effective March 1, 1977.

I would like to retain status as a volunteer fireman.

I would also like to take this opportunity to express my appreciation for the many courtesies extended to me during my tenure as fireman.

Thank you.

Sincerely,

/s/ Frankie Bryant
Frankie Bryant

/oe

cc: Susan Smith, City Clerk

THEREUPON, Alderman A. L. Henderson made a motion that the letter of resignation from Frankie Bryant be accepted. The motion was seconded by Alderman Charles A. Sumrall.

Those present and voting "Yea"

- Alderman W. H. Clearman
- Alderman Mitchell Curry
- Alderman George Draughn
- Alderman Charles A. Sumrall
- Alderman A. L. Henderson

Those present and voting "Nay"

None

WHEREAS, Mr. Sumrall stated to the Board that the normal procedure for screening applications of firemen has been for the volunteers to screen all applications and then submit the qualified applicants to the Board. Thereupon, Mr. Sumrall stated that three applications had been submitted, but only one applicant met the proper requirements. Mr. Sumrall stated that the volunteers chose Mr. Bobby Fennell, and requested the wishes of the Board.

THEREUPON, Alderman W. H. Clearman made a motion hiring Bobby Fennell, effective March 7, 1977. The motion was seconded by Alderman Henderson.

Those present and voting "Yea":

- Alderman W. H. Clearman
- Alderman Mitchell Curry
- Alderman A. L. Henderson
- Alderman George Draughn
- Alderman Charles A. Sumrall

Those present and voting "Nay"

None

WHEREAS, Mayor Byrd read a letter of resignation from Tommie Jean Ward. The letter read as follows, to-wit:

March 2, 1977

Mayor Ulmer Byrd
Board of Aldermen
City of Petal
Petal, Mississippi 39465

Gentlemen:

I am hereby submitting my notice of resignation effective March 2, 1977.

Sincerely yours,

/s/ T. J. Ward
T. J. Ward

Mayor Byrd requested the wishes of the Board. Thereupon, Alderman Curry made a motion accepting Tommie Jean Ward's letter of resignation. The motion was seconded by Alderman W. H. Clearman.

Those present and voting "Yea"

- Alderman W. H. Clearman
- Alderman Mitchell Curry
- Alderman A. L. Henderson
- Alderman George Draughn
- Alderman Charles A. Sumrall

Those present and voting "Nay"

None

WHEREAS, Mayor Byrd presented to the Board a proposal from Chief Wallace for pay increases for Leonard Murphy and Howard Bryant. The proposal read as follows, to-wit:

CITY OF PETAL/DEPARTMENT OF POLICE/P. O. BOX 583/PETAL, MS 39465

March 14, 1977

TO: Susan B. Smith, Personnel Officer

FROM: Chief of Police

SUBJECT: Salary Scales

INTER OFFICE MEMO: RE: December 22, 1976

In reply to your memo, subject; pay scales, may I request the following two men to be advanced to 1st class patrolmen due to the length of service, improved attitude toward police work, plus additional training.

- Ptn. 1st Leonard Murphy (2-14-75)
- Ptn. 1st Howard Bryant (1-15-75)

Effective 1 March 1977.

B. R. Wallace
Chief of Police

BRW/lb

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THEREUPON, Alderman Mitchell Curry made a motion to adopt the proposal as read. The motion was seconded by Alderman Sumrall.

Those present and voting "Yea"

- Alderman W. H. Clearman
- Alderman Mitchell Curry
- Alderman George Draughn
- Alderman A. L. Henderson
- Alderman Charles A. Sumrall

Those present and voting "Nay"

None

WHEREAS, Mayor Byrd presented to the Board a proposal for signs to be located at the schools. The proposal read as follows, to-wit:

Dear Sirs:

The following is a list of signs necessary for traffic regulation at the Petal High School and Junior High Campus.

- 4 "Do Not Enter"
- 4 "One Way"
- 2 "No Stopping or Standing"
- All of the above erected on 8 foot poles
- 5 "School Zone 15 MPH" on roll-away- base

Sincerely,

/s/ Lanny Robinson
Sgt. Lanny Robinson

THEREUPON, Mayor Byrd requested the wishes of the Board. Alderman A. L. Henderson made a motion to proceed with purchasing the proper signs for the aforesaid proposal. The motion was seconded by Alderman Charles A. Sumrall.

Those present and voting "Yea"

- Alderman W. H. Clearman
- Alderman Mitchell Curry
- Alderman George Draughn
- Alderman A. L. Henderson
- Alderman Charles A. Sumrall

Those present and voting "Nay"

None

WHEREAS, Mayor Byrd stated that Mrs. Priscilla Daniel had been working part time during tax collection, and requested the wishes of the Board as to hiring Mrs. Daniel to fill the vacancy created by resignation of Tommie Jean Ward.

THEREUPON, Alderman Clearman made a motion to hire Mrs. Daniel in the vacated position of Tommie Jean Ward. The motion was seconded by Alderman Sumrall.

Those present and voting "Yea"

- Alderman W. H. Clearman
- Alderman Mitchell Curry
- Alderman George Draughn
- Alderman A. L. Henderson
- Alderman Charles A. Sumrall

Those present and voting "Nay"

None

Alderman Draughn made a motion to appoint Mrs. Priscilla Daniel as deputy tax collector and to be bonded. The motion was seconded by Alderman Henderson.

Those present and voting "Yea"

- Alderman W. H. Clearman
- Alderman George Draughn
- Alderman Mitchell Curry
- Alderman A. L. Henderson
- Alderman Charles A. Sumrall

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Those present and voting "Nay"

None

WHEREAS, there was a discussion among the Board members concerning wainscoating throughout the city hall and wallpaper except in the store room and mechanical room. The Board agreed to proceed with wainscoating and wallpaper.

WHEREAS, Mayor Byrd requested to publish the following notice to Bidders.

NOTICE TO BIDDERS

Sealed bids shall be received by the Mayor and Board of Aldermen of the City of Petal, Mississippi, until 7:30 P. M., on April 5th, 1977, in the City Hall of said City for the following items:

- (1) Wallpaper - "Must Include Installation Price"
- (2) Furniture
- (3) Draperies - "Must Include Material and Labor"
- (4) One Wall Plaque with Connecting Drawer
- (5) Auditorium Seats

Specifications will be on file in the office of the City Clerk of Petal, Mississippi.

Said specifications may be examined during office hours of the City Clerk and arrangements made for securing copies of same.

No bid will be considered which fails to contain the following statement:

"The bid herein made does not exceed the State Contract Price fixed by the Current Indexed List of Commodities or the item herein bid upon is not contained on said Current List."

The lowest and best bid received will be accepted subject to the State Contract Price fixed by the "Indexed List of Commodities" published by the State Commission of Budget and Accounting, and in the event said item does not appear on said "Indexed List of Commodities", then the lowest and best bid may be accepted, but the Board of Aldermen of the City of Petal, Mississippi, reserves the right to reject any and all bids and to waive any formalities.

City of Petal, Mississippi

By: Susan B. Smith, City Clerk

March 17, 24 and 31st

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THEREUPON, Alderman Charles A. Sumrall made a motion authorizing the aforesaid Notice to Bidders. The motion was seconded by Alderman W. H. Clearman.

Those present and voting "Yea"

- Alderman W.H. Clearman
- Alderman Mitchell Curry
- Alderman A. L. Henderson
- Alderman Charles A. Sumrall
- Alderman George B. Draughn

Those present and voting "Nay"

None

Mr. Henderson addressed the board requesting a stop sign on the corner Margaret and Hyland Drive with the sign to be placed on Hyland Drive side. Mr. Clearman also requested a dead-end sign on East 2nd Avenue. The Board agreed to place said signs.

SO BE IT ORDERED that the following proof of publication be and the same is hereby filed as required by law.

Mayor Byrd requested from the Board the authorization for Mr. Tyner to proceed with obtaining the proper lease agreement with the Great South Fairground for a term of ten (10) years.

THEREUPON, Alderman A. L. Henderson made a motion authorizing Mr. Tyner to proceed in writing a ten-year lease agreement between the City of Petal and the Great South Fairground with the term of payment to be equal to each year's taxes, plus \$10.00. The motion was seconded by Alderman Charles A. Sumrall.

Those present and voting "Yea"

Alderman W. H. Clearman
Alderman Mitchell Curry
Alderman A. L. Henderson
Alderman Charles A. Sumrall
Alderman George Draughn

Those present and voting "Nay"

None

WHEREAS, Mrs. Smith addressed the Board reporting the amount of taxes collected and distributed to the Petal Municipal Separate School District from December 13, through March 31.

THEREUPON, Alderman Sumrall made a motion that the meeting be adjourned. Alderman Sumrall seconded the motion.

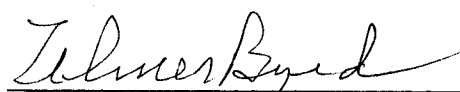
Those present and voting "Yea":

Alderman W. H. Clearman
Alderman Mitchell Curry
Alderman A. L. Henderson
Alderman Charles A. Sumrall
Alderman George Draughn

Those present and voting "Nay"

None

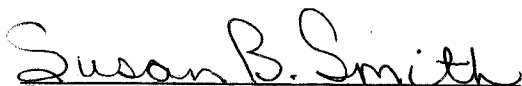
There being no further business, the meeting was ordered adjourned on this the 15th day of March A. D., 1977.



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, Mississippi, at 7:30 P. M., April 5, 1977, in the Mayor's office in the City Hall.

Those Present: Mayor Ulmer Byrd

City Attorney: Thomas W. Tyner

Aldermen: W. H. Glearman
Mitchell Curry
George B. Draughn
A. L. Henderson, Jr.
Charles A. Sumrall

Many Others Present