

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, in the Board Room of said City on December 19, 1978, at 7:30 P. M.

Those present: Mayor Sidney O. Smith
City Attorney, Thomas W. Tyner
Aldermen: W. E. Boutwell
W. H. Campbell
George B. Draughn
Robert E. Russell
Bobby W. Runnels

Others present: William H. Jones
Charles Walker
Mr. & Mrs. A. G. Sledge
W. H. Smith
Joe Barron and many others

The Mayor declared a quorem present and declared the city council in session.

The invocation was offered by Robert E. Russell.

The minutes of the regular meeting of December 5, 1978, were read by Priscilla C. Daniel.

THEREUPON, Alderman Russell made a motion that the minutes be accepted as read. Alderman Draughn seconded the motion.

Those present and voting "AYE":
Alderman W. E. Boutwell
Alderman W. H. Campbell
Alderman George B. Draughn
Alderman Robert E. Russell
Alderman Bobby W. Runnels

Those present and voting "NAY":
None

WHEREAS, Mayor Smith asked for public comment. There was none.

WHEREAS, William H. Jones stated that he would like in behalf of his clients to request the aid of the Board in acquiring information from Enterprise Products as to the proposed route and other details concerning the proposed pipeline to be installed from Petal to Mobile. Mr. Jones requested that upon receipt of this information, the Board consider the possibility of an ordinance regulating the laying and operation of any pipeline within the City of Petal.

THEREUPON, Mayor Smith stated that this would be taken under advisement.

WHEREAS, Robert F. Drake, school board attorney, presented the following resolution concerning the bond sale for the Petal Municipal Separate School District. The resolution read as follows, to-wit:

R E S O L U T I O N

The Mayor and Board of Aldermen again took up for consideration the matter of the sale of Three Million, Seven Hundred Fifty Thousand Dollars (\$3,750,000) School Bonds of the Petal Municipal Separate School District pursuant to a resolution adopted on the 7th day of November, 1978.

The City Clerk reported that, as directed by the aforesaid resolution adopted on the 7th day of November, 1978, she had caused copies of the Notice of Bond Sale to be mailed

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to prospective bidders for said bond, to each copy of said Notice there was attached an Official Statement showing the assessed valuation of taxable property within the District; the amount of outstanding indebtedness of the District, the population of the District, and such other information as may be desired by prospective bidders for said bonds.

The Clerk further reported that, pursuant to the aforesaid resolution, she did cause to be published in the Hattiesburg American, a newspaper published in Forrest County, Mississippi, a notice that sealed proposals for the purchase of the aforesaid bonds would be received by the Mayor and Board of Aldermen at the City Hall in the City of Petal, Mississippi, until the hour of 2:00 o'clock P. M., Central Standard Time, on Tuesday, the 5th day of December, 1978, and that said notice was published in said newspaper on November 23, 24, and December 1, 1978, and that said notice was also published in the Bond Buyer on November 24, 1978, and November 30, 1978; and the Clerk presented to the Mayor and Board of Aldermen proofs of publication of said notice as aforesaid.

The Clerk further reported that, pursuant to the aforesaid notices of bond sale, there were filed with her, at or prior to the hour of 2:00 o'clock P. M., Central Standard Time, on Tuesday, the 5th day of December, 1978, three (3) sealed proposals for the purchase of said bonds, and the Clerk then and there at a specially called meeting of the Mayor and Board of Aldermen, presented said sealed proposals to the Mayor and Board of Aldermen. Thereupon, the Mayor then instructed the City Attorney to proceed to open the said sealed bids and to read the same aloud in the presence and hearing of the Mayor and Board of Aldermen and of the bidders and other persons assembled.

The city attorney then proceeded to open the aforesaid bids, which are summarized as follows:

<u>NAMES OF BIDDERS</u>	<u>FOR BONDS BEARING INTEREST AT THE RATE OR RATES OF</u>	<u>AMOUNT OF BID</u>	<u>AVERAGE INTEREST RATE</u>
Deposit Guaranty National Bank and Associates	1979-1988	6-3/4%	
	1989-1994	5.60%	
	1995-2000	6%	
	2001-2003	6-1/4%	\$3,750,000 6.061%
1st Mississippi National Bank	1937-1987	6.5%	
	1988	5.8	
	1989-1990	5.6	
	1991-1993	5.7	
	1994-1995	5.8	
	1996	5.9	
	1997	6.0	
	1998	6.1	
	1999-2000	6.2	
	2001	6.3	
2002-2003	6.4	\$3,750,000 6.08403	
A. Duncan Williams Inc.	1979-1990	6.4	
	1991-1994	5.9	
	1995-1999	6.0	
	2000-2001	6.3	
	2002-2003	6.4	\$3 750 000 6 1754

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Following the reading of the aforesaid bids, the Mayor and Board of Aldermen took said bids under advisement until their next meeting, to be held on that same evening of December 5, 1978, at 7:30 P. M.

At the regularly scheduled meeting of December 5, 1978, among other matters, the Mayor and Board of Aldermen proceeded to consider the bids for the purpose of determining which was the best and most advantageous bid submitted, and the bid of Deposit Guaranty National Bank and Associates was deemed to be the best and most advantageous bid submitted and was accepted as such, subject to final approval of the bond attorneys to be submitted on or before December 19, 1978.

WHEREUPON, Alderman Boutwell offered and moved the adoption of the following resolution:

RESOLUTION DIRECTING THE SALE AND AWARD OF THREE MILLION, SEVEN HUNDRED FIFTY THOUSAND DOLLARS, (\$3,750,000) SCHOOL BONDS OF THE PETAL MUNICIPAL SEPARATE SCHOOL DISTRICT, DATED MARCH 1, 1978

WHEREAS, the Mayor and Board of Aldermen of the City of Petal, Mississippi, on the 7th day of November, 1978, did adopt a certain resolution directing that Three Million, Seven Hundred, Fifty Thousand Dollars (\$3,750,000) School Bonds of the Petal Municipal Separate School District be offered for sale to the highest bidder therefor on sealed bids to be received until the hour of 2:00 o'clock P. M., Central Standard Time, on Tuesday, the 5th day of December, 1978; and

WHEREAS, as directed by the aforesaid resolution and as required by Section 31-19-25, Mississippi Code of 1972, as annotated, the City Clerk did give notice of the sale of said bonds by publication in the Hattiesburg American, a newspaper published in the City of Hattiesburg, Mississippi, and in the bond buyer, published in the City of New York; said notice having been published in said newspaper at least two times, and the first publication having been made at least ten (10) days preceding the 5th day of December, 1978, and in the Bond Buyer at least one time at least ten (10) days preceding the 5th day of December, 1978, all as shown by proofs of publication of said notice filed in the office of the City Clerk; and

WHEREAS, the Mayor and Board of Aldermen did meet at the City Hall in the City of Petal at 2:00 o'clock P. M., Central Standard Time, on Tuesday, the 5th day of December, 1978; and

WHEREAS, at said time and place three (3) sealed proposals for the purchase of said bonds were received, examined, and considered by the Mayor and Board of Aldermen and

WHEREAS, the Mayor and Board of Aldermen find and determine that the highest and best bid made for said bonds was made by the Deposit Guaranty National Bank and Associates.

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and further find that said offer was accompanied by a certified check payable to the Petal Municipal Separate School District, in the amount of Seventy-five Thousand Dollars, (\$75,000), issued or certified by a bank located in the State of Mississippi, as a guaranty that said bidders would carry out their contract and purchase the bonds if their bid be accepted; and

WHEREAS, said bid made by the Deposit Guaranty National Bank and Associates has been fully approved by the Bond Attorneys:

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF PETAL, MISSISSIPPI, AS FOLLOWS:

SECTION I. That the Three Million, Seven Hundred Fifty Thousand Dollars (\$3,750,000) School Bonds of the Petal Municipal Separate School District, bearing date of March 1, 1978, shall be and the said bonds are hereby awarded and sold to the Deposit Guaranty National Bank and Associates in accordance with the offer submitted to the Mayor and Board of Aldermen in words and figures as follows, to-wit:

SEE

FOLLOWING

PAGE

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PROPOSAL FOR THE PURCHASE OF

\$3,750,000

SCHOOL BONDS

PETAL MUNICIPAL SEPARATE SCHOOL DISTRICT PETAL, FORREST COUNTY, MISSISSIPPI

Mayor and Board of Aldermen Petal, Mississippi 39465

Gentlemen:

For Three Million, Seven Hundred Fifty Thousand Dollars (\$3,750,000), par value, School Bonds of the Petal Municipal Separate School District, Petal, Mississippi, bearing interest at the rate or rates specified below, we will pay you Three Million, Seven Hundred Fifty Thousand Dollars (\$3,750,000) and accrued interest to the date of delivery of said bonds to us.

The said bonds shall bear interest as follows:

Table with 2 columns: Maturities (1979-2003) and Interest Rates (6.75%, 5.6%, 6.00%, 6.25%)

It is hereby represented that the gross interest cost, computed upon the above-specified rate or rates of interest will be \$3,116,417.50 that the net interest cost (deducting premium, if any) will be \$3,116,417.50 and that the average interest rate will be 6.061%.

It is understood and agreed by the undersigned, that if there be any discrepancy as between the actual interest cost or average interest rate computed upon the rate or rates of interest above specified and the interest cost or average interest rate figured hereinabove set forth, the interest rate or rates above specified and the actual interest cost or average interest rate computed upon said rate or rates shall prevail.

Subject to your approval, the said bonds shall be payable as to principal and interest at a place to be designated by the undersigned within forty-eight (48) hours after the acceptance of this bid. Such designation shall be in writing addressed to the City Clerk.

This proposal is subject to all of the terms and conditions of the Notice of Sale, a copy of which is hereto annexed and made a part hereof.

A certified or cashier's check in the amount of Seventy-five Thousand Dollars (\$75,000) payable to the Petal Municipal Separate School District, Petal, Mississippi, accompanies this proposal as evidence of good faith, and said check shall be returned to the undersigned if this bid be not accepted or if the City should fail to deliver the said bonds to the undersigned in accordance with the terms of this bid; otherwise, said check shall be held by the City and shall be applied as and when the bonds are delivered and paid for under the terms of this bid, as part payment therefor, or be applied as and for liquidated damages in the event that the undersigned fails to take up and pay for said bonds.

ASSOCIATES: This bid is for immediate acceptance. First Tennessee Bank, N.A. Howard, Weil, Labouisse, & Friedrichs, Inc. Merrill Lynch, White Weld Market Group Scharff & Jones, Inc.

DEPOSIT GUARANTY NATIONAL BANK & ASSOCIATES By: B. R. Sigrest, President - Hattiesburg

(Note: No addition to or alteration in this proposal is to be made, and any erasure may cause a rejection of the bid. Bids must be filed with the City Clerk, sealed, at or prior to 2:00 P.M., Central Standard Time, on Tuesday the 5th day of December, 1978.)

ACCEPTANCE

The above proposal accepted by resolution of the Mayor and Board of aldermen of the City of Petal, Mississippi, and receipt of the within-mentioned check hereby acknowledged, this 5th day of December, 1978.

Signature of Mayor

Attest: Signature of City Clerk (Seal)

SECTION II. That the checks of all unsuccessful bidders for said bonds forthwith be returned to them upon their respective receipts therefor, and that the check of the successful bidder shall be held uncashed by the City Clerk pending delivery of the said bonds in accordance with the terms of sale and award.

SECTION III. That the aforesaid Three Million, Seven Hundred Fifty Thousand Dollars (\$3,750,000) School Bonds of the Petal Municipal Separate School District, bearing date of March 1, 1978, shall bear interest at the following rates per annum:

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<u>MATURITIES</u>	<u>RATES OF INTEREST</u>
1979-1988	6-3/4%
1989-1994	5.60%
1995-2000	6%
2001-2003	6-1/4%

and that the said bonds and the interest coupons attached thereto shall be payable in lawful money of the United States of America at Deposit Guaranty National Bank, Jackson, State of Mississippi.

SECTION IV. That the City Clerk shall attend to the preparation and execution of said bonds and also shall attend to the delivery of said bonds to the purchasers thereof upon receipt of payment therefor.

Alderman Russell seconded the motion to adopt the foregoing resolution, and the question being put to a roll call vote, the result was as follows:

- Alderman Boutwell voted Yea
- Alderman Campbell voted Yea
- Alderman Draughn voted Yea
- Alderman Runnels voted Yea
- Alderman Russell voted Yea

The motion having received the affirmative vote of all the Aldermen present, being a quorum of the Board, the Mayor declared the motion carried and the resolution adopted, this the 19th day of December, A. D., 1978.

* * * * *

THEREUPON, Alderman Boutwell made a motion to adopt the foregoing resolution. Alderman Russell seconded the motion.

Those present and voting "AYE":

- Alderman W. E. Boutwell
- Alderman W. H. Campbell
- Alderman George B. Draughn
- Alderman Robert E. Russell
- Alderman Bobby W. Runnels

Those present and voting "NAY":

None

WHEREAS, Mayor Smith presented the following agreement from the Mississippi State Highway Department concerning the acquisition and use of state and federal highway funds. The agreement read as follows, to-wit:

FEDERAL-AID URBAN SYSTEM AGREEMENT

This AGREEMENT made by and between the CITY OF PETAL, Forrest County, Mississippi, hereinafter referred to as the CITY, and the MISSISSIPPI STATE HIGHWAY DEPARTMENT, hereinafter referred to as the DEPARTMENT for the purpose of establishing the agreed conditions under which the CITY may utilize Federal-aid Urban Funds provided by the Federal-aid Highway Act of 1973, and subsequent acts.

WHEREAS: It is understood that conditions present-

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requirements contained in DEPARTMENT Standard Operating Procedures and Federal Highway Administration Federal-aid Highway Prpgram Manuals, and

WHEREAS: The CITY proposes to construct, reconstruct and/or improve traffic services on certain CITY streets by the utilization of Federal-aid Urban Funds provided by the Federal-aid Highway Act of 1973 and subsequent acts as allocated to the CITY by the DEPARTMENT, and

WHEREAS: The Federal-aid Urban System shall be the system of streets selected by the CITY with the concurrence of the DEPARTMENT and the Federal Highway Administration as set forth in Section 109 of the Federal-aid Highway Act of 1973 (Subsection (d) of Section 103 of Title 23, United States Code), and

WHEREAS: The DEPARTMENT has allocated a specific amount of Urban Funds to the CITY in accordance with the formula for distribution to urban areas throughout the State of Mississippi and intends to allocate additional Federal-aid Urban Funds as these funds become available, and

WHEREAS: The allocated Federal-aid Urban Funds may be used for funding approved projects using the maximum allowable funding ratio unless such participation would result in an amount greater than the total CITY allocation at which time the Federal participation will be reduced accordingly that the total CITY allocation will not be exceeded, and

WHEREAS: The selection of projects on the Federal-aid Urban System for utilization of the allocated Federal-aid Urban Funds will be made by the City and will be subject to the concurrence of the DEPARTMENT and the Federal Highway Administration.

NOW, THEREFORE, it is mutually agreed that:

Articles of this Agreement shall supersede all previous Federal-aid Urban System Agreements between the CITY and the State Highway Commission of the State of Mississippi. The CITY will for each project:

ARTICLE I: Select the proposed project located on the Federal-aid Urban System and contact the DEPARTMENT District Engineer to determine the eligibility of the project for funding under the Federal-aid Urban Program.

ARTICLE II. Prepare or compile information necessary for the initiation of the project and submit to the DEPARTMENT District Engineer. Advise the DEPARTMENT in the submittal if the work is to be accomplished by

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contract or by force account using CITY forces/equipment, if additional right-of-way will be required for the project and if the CITY plans to partially finance the project with funds from Federal Agencies other than Federal Highway Administration Federal-aid Urban Funds. In the event work is to be accomplished by force account using CITY forces/equipment, the CITY will also furnish justification for accomplishing the work in that manner.

ARTICLE III. After notification of program approval, make necessary field surveys and prepare preliminary plans for initial review by the DEPARTMENT. After corrections, if necessary, furnish three (3) sets of corrected preliminary plans for a joint field inspection of the project with representatives of the DEPARTMENT, Federal Highway Administration, CITY and Consulting Engineer, if one has been retained by the CITY for the preparation of the plans. The total cost for field surveys and preparation of plans will be borne by the CITY.

ARTICLE IV: Prepare draft environmental study, conceptual relocation plan, preliminary plans and displays as required for, advertise opportunity for, and conduct public hearings, when required; prepare preliminary location and design study reports; coordinate with plans of other agencies; and all related preliminary requirements the total cost of which is to be borne by the CITY.

ARTICLE V: Submit Final Location and Design Study Reports to the DEPARTMENT with request for location and design approval by the DEPARTMENT and Federal Highway Administration.

ARTICLE VI: Using CITY forces or consultants prepare right-of-way plans, maps and deeds; abstract titles; make right-of-way appraisals; make appraisal review; acquire all right-of-way as required for construction of each project; relocate or adjust utilities or enter into agreements for the relocation or adjustment of utilities; enter into agreements for any railroad work required; prepare right-of-way stage relocation plan; provide relocation assistance to all families, farms or business enterprises, etc., that are required to relocate as a result of each project, the total cost of which is to be borne by the CITY.

ARTICLE VII: If right-of-way is required for the construction of a project, the CITY shall acquire the necessary right-of-way in accordance with Title II - Uniform Relocation Assistance and Title III - Uniform Real Property Acquisition of Public Law 91-646, 91st Congress, and the procedures set forth in "Minimum Right-of-Way Requirements"

published by the DEPARTMENT.

ARTICLE VIII: Should the CITY desire Federal-aid Urban participation in construction engineering, methods and rates of compensation for construction engineering services performed will be established in the form of an agreement between the CITY and DEPARTMENT with the approval of the Federal Highway Administration. Individual hourly time charges to the project for construction engineering work performed by each CITY employee must be properly documented, and monthly statements of these charges must be furnished to the DEPARTMENT. Total construction engineering charges by both the CITY and the DEPARTMENT exceeding fifteen (15%) of the total construction cost are not eligible for Federal participation. All non participating charges will be borne by the CITY.

ARTICLE IX: Furnish three (3) sets of review plans and three (3) draft copies of the specifications and proposal documents to the DEPARTMENT for office review by the CITY, DEPARTMENT, Federal Highway Administration and the Consulting Engineer, if one has been retained by the CITY. After corrections, if necessary, furnish to the DEPARTMENT three (3) copies of each of the following: Agreement between the CITY and the DEPARTMENT; Agreement between the City and the Railroad Company if a railroad crossing is involved; Agreement between the City and the Consulting Engineer for construction engineering, if employed; Utility Agreement, if required; Construction Cost Estimate; Right-of-Way and Utility Certification; Construction Plans; and Specifications and Contract Documents.

ARTICLE X: Upon notification of authority to advertise for receipt of bids, proceed with the advertisement, receipt of bids, and opening of bids in accordance with DEPARTMENT and Federal Highway Administration requirements.

ARTICLE XI: After opening of bids, if it is the intention of the CITY to recommend award of the contract, submit the required CITY matching funds for construction and construction engineering to the DEPARTMENT for deposit along with the following; the original and four (4) copies of the letter requesting concurrence in the award; three (3) certified copies of bid tabulations of all bids received; three (3) certified copies of the engineer's estimate; one (1) certified original of the non-collusion affidavit for the low bidder; one (1) certified copy of the Certificate on Minority Firms for the low bidder; and recommendation of award with documentation of the basis for the recommendation should the bid vary more than ten percent (10%) above the engineer's estimate. If the CITY intends to reject bids received, the CITY must submit the

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original and four (4) copies of the letter requesting concurrence from the DEPARTMENT and Federal Highway Administration. If the CITY intends to readvertise for bids, the letter must also include a request for authority to re-advertise which must be approved by the DEPARTMENT and Federal Highway Administration prior to readvertising. If cost overruns increase the cost of the project beyond the amount of the existing project fund, the CITY will deposit the required matching funds with the DEPARTMENT prior to the submittal of an invoice which would exceed that amount. Any CITY matching funds remaining in the project fund upon completion of the project will be returned to CITY.

ARTICLE XII: After the concurrence by the DEPARTMENT and the Federal Highway Administration in the award of the contract the CITY will execute the contract with the Contractor and issue a notice to proceed with the work; and furnish one (1) certified and six (6) other copies of the contract to the DEPARTMENT for distribution.

ARTICLE XIII: Employ or retain a registered professional engineer as the City Engineer to act for and on behalf of the CITY to be responsible for all construction engineering activities. Other competent technical assistance will be employed by the CITY as deemed necessary to assist the City Engineer. The Chief Engineer of the DEPARTMENT will assign a publicly employed engineer as the Project Engineer to be in responsible charge and direct control of each Federal-aid Urban project. If the CITY retains a Consulting Engineer as the City Engineer, he will be responsible for all construction engineering activities, but such activities will be under the direct control of the Project Engineer assigned by the Chief Engineer. If the CITY employs a full-time publicly employed City Engineer, the CITY agrees that the Chief Engineer may assign the City Engineer as the Project Engineer to be in responsible charge and direct control of the Federal-aid Urban System project.

ARTICLE XIV: Provide for the sampling and testing of all materials to be used in the construction prior to the incorporation in the work and certify to the DEPARTMENT that all materials used meet the requirements of the plans and specifications. This certification will be based upon test reports and manufacturer's certificates as set forth in DEPARTMENT Standard Operating procedure TMM-20-04-00-000. These reports will be maintained on file by the CITY in the City Engineer's records and may be audited by representatives

of the DEPARTMENT at any time during the contract period. DEPARTMENT costs for such audits will be charged to the project.

ARTICLE XV. Prepare and certify monthly estimates of the work completed and make monthly payments to the Contractor based on the value of the work completed, less retainage. Allowable costs, other than costs incurred by competitive bidders, shall be determined in accordance with provisions of Subpart 1-15, Federal Procurement Regulations dated December, 1970, with revisions, and applicable established local policies not in conflict with these Regulations.

ARTICLE XVI: Upon completion of the work by the Contractor, request a final inspection through the DEPARTMENT District Engineer who will coordinate the date of the inspection with the DEPARTMENT Construction Engineer who will further coordinate the date of the inspection with the Federal Highway Administration.

ARTICLE XVII: Advise the Contractor that he is released from maintenance responsibility following final inspection by representatives of the CITY, the DEPARTMENT and Federal Highway Administration which found all work to have been satisfactorily completed. The CITY will further advise the Contractor that final acceptance will follow after completion of other responsibilities.

ARTICLE XVIII: Prepare and submit all computations and final data on the completed work, based on final quantities, for submittal to the DEPARTMENT Final Plans Engineer for checking and verification of quantities. The final estimate prepared and submitted by the CITY must reflect quantities checked by the Final Plans Engineer. DEPARTMENT costs for work by the Final Plans Engineer will be charged to the project.

ARTICLE XIX: Furnish certified copies of all estimates of completed work to the DEPARTMENT for payment and upon completion of the contract furnish a Statement of Materials and Supplies (Form PR-47) for projects totaling \$500,000 or more, a Labor Certificate, and a copy of the release by the bonding company to pay all monies to the contractor.

ARTICLE XX: Upon notification by the DEPARTMENT that the Statement of Materials and Supplies (Form PR-47) when required, the Labor Certificate, and release by the bonding company for final payment to the Contractor, and the satisfactory statement of materials and tests have been received, notify the Contractor by letter of the final

acceptance of the project and termination of his responsibility.

ARTICLE XX1: Maintain proper accounting records, payrolls, documents, papers, and other necessary data to support the cost incurred for services provided, and make such records available to all reasonable times during the contract period and for three (3) years from the date of payment of the final estimate. These records, documents, and data will be available for inspection by the DEPARTMENT, the Federal Highway Administration, and any other authorized representative of the Federal Government, and copies thereof will be furnished if requested.

ARTICLE XX11: Maintain the completed project with CITY maintenance crews and not permit any changes to be made which would affect traffic and/or traffic control at the completed improvement without the prior approval of the DEPARTMENT. Acceptable changes must be in conformance with current standards and with provisions of the "Manual on Uniform Traffic Control Devices for Streets and Highways" and "Informational Guide for Preparing Private Driveway Regulations for Major Highways", American Association of State Highway Officials, 1960. Understand that a failure to fulfill this responsibility in regard to maintenance of the improvement, its operation or regulation will disqualify the CITY from receiving any Federal-aid funds until such time as the deficiencies are corrected to the satisfaction of the DEPARTMENT and Federal Highway Administration.

ARTICLE XX111: Comply with the provisions of Title VI of the 1964 Civil Rights Act, and as these stated provisions apply to a contractor they will also apply to the CITY for force account work. Required Contract Provisions (Form PR-1273) and Special Provisions (FHPM Transmittal 147) dated June 26, 1975 and subsequent revisions, are attached and made a part of this Agreement, and as these stated provisions apply to a contractor they will also apply to the CITY for force account work.

ARTICLE XXIV. Assume all responsibility for and save the DEPARTMENT harmless from any suits, action or claims of any character, brought for or on account of any injuries or damages, received or sustained by any person, persons or property, growing out of any action or omission to act in the conduct of this work.

THE DEPARTMENT will for each project:

ARTICLE 1: Review the proposed project selection of the CITY to determine eligibility for funding using Federal-aid Urban funds. If determined to be eligible

the DEPARTMENT District Engineer will instruct the CITY on the proper procedures for initiation of the project.

ARTICLE 11: Assign a publicly employed engineer as the Project Engineer to be in responsible charge and direct control of each Federal-aid Urban project. Project Engineers will be assigned by the Chief Engineer of the DEPARTMENT. DEPARTMENT costs for work by the Project Engineer will be charged to the project.

ARTICLE 111: On request from the CITY furnish guidance in accomplishing all requirements of the preliminary engineering and right-of-way phase, including all public hearing requirements and environmental requirements.

ARTICLE IV. Assist in scheduling and participate in the field inspection of the proposed project with preliminary plans for adaptation to field requirements.

ARTICLE V. Review and assemble the Plans, Specifications, Engineer's Cost Estimate, Right-of-way and Utility Certification and, on approval, forward this assembly to the Federal Highway Administration for approval and authorization.

ARTICLE VI: Notify the CITY when the project has been authorized by the Federal Highway Administration and advise the CITY of the DEPARTMENT and Federal requirements for advertising and receiving bids.

ARTICLE VII: Review the recommendations and tabulation of bids furnished by the CITY and make recommendations to the Federal Highway Administration concerning the award of a contract. Required matching funds submitted by the CITY will be credited to the project fund by the DEPARTMENT.

ARTICLE VIII: Advise the CITY of the concurrence (or non-concurrence) in the award of the contract, and with concurrence, enter into a project agreement with the Federal Highway Administration based on contract prices and authorize the CITY to proceed with work.

ARTICLE IX: Review and authorize payment to the CITY for the completed work on monthly estimates that have been checked and certified by the CITY and final estimates prepared and submitted by the CITY and checked by the DEPARTMENT Final Plans Engineer. Total payments shall not exceed the total amount allocated to the project.

ARTICLE X. Review and authorize payment to the CITY employees who perform construction engineering work. Construction engineering by DEPARTMENT employees will also be charged to the project with the total construction

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engineering charges by both CITY and DEPARTMENT not to exceed fifteen percent (15%) of total construction cost. All non participating costs will be borne by the CITY.

ARTICLE XI: Make inspections of the work and engineering supervision during the life of the contract and advise the CITY of results. All work is also subject to inspections by the Federal Highway Administration.

ARTICLE XII: Assist the CITY in the preparation of Change Orders and/or Supplemental Agreements to the Contract found to be necessary during the life of the contract.

ARTICLE XIII: Participate in a final inspection of the project upon request of the CITY with representatives of the CITY and the Federal Highway Administration. If work is determined to be satisfactory, the DEPARTMENT will advise the CITY so that they may notify the Contractor that he is released from maintenance responsibility.

ARTICLE XIV: Notify the CITY following receipt of the Statement of Materials and Supplies (Form PR-47) when required; the Labor Certificate; the release by the bonding company for final payment to the Contractor; and the satisfactory statement of materials and tests so that the CITY may notify the Contractor of the final acceptance and termination of his responsibility.

IN WITNESS WHEREOF, the parties have affixed their signatures, CITY OF PETAL on the 19th day of December, 1978, Minute Book 4, Page 6-14; and the DEPARTMENT on the _____ day of _____ 19____, Minute Book _____, Page_____.

CITY OF PETAL, FORREST COUNTY

/s/ Sidney O. Smith
MAYOR

ATTEST:

/s/ Priscilla C. Daniel
CLERK

MISSISSIPPI STATE HIGHWAY DEPARTMENT

/s/ John R. Tabb
DIRECTOR

ATTEST:

/s/ W. Gaylon Tullos
SECRETARY

* * * * *

THEREUPON, Alderman Boutwell made a motion to adopt the foregoing agreement with the State Highway Department. Alderman Russell seconded the motion. Those present and voting "AYE":

Alderman W. E. Boutwell
Alderman W. H. Campbell
Alderman George B. Draughn
Alderman Robert E. Russell
Alderman Bobby W. Runnels

Those present and voting "NAY":

None

WHEREAS, Joe Barron presented the proration for the month of November to the Board.

WHEREAS, Mayor Smith stated that due to the resignation of a dispatcher and policeman in the police department, there is a need to fill these positions.

THEREUPON, Alderman Boutwell made a motion to adopt the following order hiring Wendy Creel as dispatcher at \$2.65 per hour effective December 16, 1978, and an order hiring Murphy McGill as patrolman 3rd class at a salary of \$715.00 per month. Alderman Campbell seconded the motion. The orders read as follows, to-wit:

O R D E R

WHEREAS, the Mayor and Board of Aldermen of the City of Petal, Mississippi, deem it necessary to hire a dispatcher due to the resignation of Lonnie Stewart.

IT IS THEREFORE ORDERED that Wendy Creel be and she is hereby appointed as dispatcher at a rate of \$2.65 per hour for the City of Petal Police Department, to serve from December 16, 1978, until further orders of the Mayor and Board of Aldermen of the City of Petal, Mississippi.

SO ORDERED by the Mayor and Board of Aldermen of the City of Petal, Mississippi, on this the 19th day of December, A. D., 1978.

* * * * *

WHEREAS, the Mayor and Board of Aldermen of the City of Petal, Mississippi, deem it necessary to hire a patrolman 3rd class due to the resignation of Harold Street.

IT IS THEREFORE ORDERED that Murphy McGill be and he is hereby appointed as Patrolman 3rd Class at a monthly salary of \$715.00 to serve from December 16, 1978, until further orders of the Mayor and Board of Aldermen of the City of Petal, Mississippi.

SO ORDERED by the Mayor and Board of Aldermen of the City of Petal, Mississippi, on this the 19th day of December, A. D., 1978.

* * * * *

Those present and voting "AYE":

Alderman W. E. Boutwell
Alderman W. H. Campbell
Alderman George B. Draughn
Alderman Robert E. Russell
Alderman Bobby W. Runnels

Those present and voting "NAY":

MINUTES — Petal, Mississippi

None

WHEREAS, Mayor Smith stated that due to the disability of Robert Buchanan, the grounds keeper, it is necessary to hire a temporary replacement.

THEREUPON, Alderman Campbell made a motion to adopt the following order to hire Otho Sanford at \$3.00 per hour, effective December 18, 1978. Alderman Draughn seconded the motion. The order read as follows, to-wit:

O R D E R

WHEREAS, the Mayor and Board of Aldermen of the City of Petal, Mississippi, deem it necessary to appoint a temporary grounds keeper due to the disability of Robert Buchanan.

IT IS THEREFORE ORDERED that Otho Sanford be and he is hereby appointed as grounds keeper at a rate of \$3.00 per hour to serve from December 18, 1978, until further orders of the Mayor and Board of Aldermen of the City of Petal, Mississippi.

SO ORDERED by the Mayor and Board of Aldermen of the City of Petal, Mississippi, on this the 19th day of December, A. D., 1978.

* * * * *

Those present and voting "AYE":

Alderman W. E. Boutwell
Alderman W. H. Campbell
Alderman George B. Draughn
Alderman Robert E. Russell
Alderman Bobby W. Runnels

Those present and voting "NAY":

None

WHEREAS, Alderman Campbell made a motion to go into executive session. Alderman Runnels seconded the motion.

Those present and voting "AYE":

Alderman W. E. Boutwell
Alderman W. H. Campbell
Alderman George B. Draughn
Alderman Robert E. Russell
Alderman Bobby W. Runnels

Those present and voting "NAY":

None

THEREUPON, Alderman Draughn made a motion to adjourn the executive session. Alderman Campbell seconded the motion.

Those present and voting "AYE":

Alderman W. E. Boutwell
Alderman W. H. Campbell
Alderman George B. Draughn
Alderman Robert E. Russell
Alderman Bobby W. Runnels

Those present and voting "NAY":

None

WHEREAS, Mayor Smith stated that the annual bids for depositories for municipal funds needed to be advertised.

THEREUPON, Alderman Draughn made a motion to give the city clerk

permission to advertise for bids for the depositories. Alderman Campbell seconded the motion.

Those present and voting "AYE":

- Alderman W. E. Boutwell
- Alderman W. H. Campbell
- Alderman George B. Draughn
- Alderman Robert E. Russell
- Alderman Bobby W. Runnels

Those present and voting "NAY":

None

WHEREAS, Mayor Smith stated that the city is in receipt of a check from the City of Hattiesburg for \$9,842.00, representing the Environmental Protection Agency share of the grant for the Sewer System Evaluation Survey.

THEREUPON, Alderman Boutwell made a motion to give the city clerk permission to pay Gulf South Engineers the \$9,842.00 and the \$3,281.39 from the revenue sharing fund for the City of Petal's share of this grant.

Alderman Runnels seconded the motion.

Those present and voting "AYE":

- Alderman W. E. Boutwell
- Alderman W. H. Campbell
- Alderman George B. Draughn
- Alderman Robert E. Russell
- Alderman Bobby W. Runnels

Those present and voting "NAY":

None

WHEREAS, Mayor Smith stated that William H. Jones has been employed as city prosecutor for six months.

THEREUPON, Alderman Runnels made a motion to adopt the following order increasing the salary for the city prosecutor to \$300 per month. Alderman Russell seconded the motion. The order read as follows, to-wit:

O R D E R

WHEREAS, the Mayor and Board of Aldermen of the City of Petal, Mississippi, deem it necessary to increase the pay scale for William H. Jones, city prosecutor.

IT IS THEREFORE ORDERED that the new pay scale for William H. Jones shall be \$300.00 per month.

IT IS THEREFORE ORDERED that this pay scale become effective December 1, 1978.

SO ORDERED by the Mayor and Board of Aldermen of the City of Petal, Mississippi, on this the 19th day of December, A. D., 1978.

* * * * *

Those present and voting "AYE":

- Alderman W. E. Boutwell
- Alderman W. H. Campbell
- Alderman George B. Draughn
- Alderman Robert E. Russell
- Alderman Bobby W. Runnels

Those present and voting "NAY":

None

WHEREAS, Alderman Boutwell stated that due to the amounts of the bids for the proposed police station and the limited funds of the city, he

would like to make a motion to reject all bids received on December 5, 1978.

Alderman Draughn seconded the motion.

Those present and voting "AYE":

Alderman W. E. Boutwell
Alderman W. H. Campbell
Alderman George B. Draughn
Alderman Bobby W. Runnels
Alderman Robert E. Russell

Those present and voting "NAY":

None

THEREUPON, Alderman Boutwell made a motion to recess the regular meeting until 7:00 o'clock P. M., on Thursday, December 28, 1978. Alderman Draughn seconded the motion.

Those present and voting "AYE":

Alderman W. E. Boutwell
Alderman W. H. Campbell
Alderman George B. Draughn
Alderman Bobby W. Runnels
Alderman Robert E. Russell

Those present and voting "NAY":

None

There being no further business, the regular meeting of the Mayor and Board of Aldermen was recessed on this the 19th day of December, A. D., 1978, at 9:45 P. M.

* * * * *

The recessed meeting of December 19, 1978, was called to order at 7:00 o'clock P. M. on December 28, 1978.

Those present: Mayor Sidney O. Smith
City Attorney, Thomas Tyner

Aldermen: W. E. Boutwell
W. H. Campbell
George B. Draughn
Bobby W. Runnels
Robert E. Russell

Others present: Jim Gladden
Jimmy Dale Odom
W. A. Amason
W. G. Barlow
Tommy Cross

The Mayor declared a quorum present and declared the city council in session.

WHEREAS, Alderman Boutwell stated that he had met with Ysidro Salinas concerning the revised plans for the proposed police station.

THEREUPON, Alderman Russell made a motion to give the City Clerk permission to advertise for bids for the proposed police station when the revised plans and specifications are received from Mr. Salinas. Alderman Boutwell seconded the motion.

Those present and voting "AYE":

Alderman W. E. Boutwell
Alderman W. H. Campbell
Alderman George B. Draughn
Alderman Robert E. Russell
Alderman Bobby W. Runnels

Those present and voting "NAY":

None

WHEREAS, Mayor Smith presented the following letters of resigna-

December 21, 1978

TO: Chief Gary Morrow

FROM: James Dodds

Effective December 21, 1978, I resign from Petal Police Department. I am resigning due to a better job opportunity with the Richton Police Department.

/s/ James H. Dodds
JAMES H. DODDS

* * * * *

December 22, 1978

Honorable Sidney O. Smith
Mayor and Board of Aldermen
City Hall
Petal, Mississippi 39465

Dear Sir:

This letter will serve as written notice that I hereby resign from my position as City Prosecutor effective January 1, 1979. It has been a privilege and a pleasure to serve as the Prosecutor of our City, and I wish to thank you for your consideration of me in such position.

With kindest regards and personal thanks,

Sincerely yours,

/s/ William H. Jones
William H. Jones

* * * * *

THEREUPON, Alderman Boutwell made a motion to accept these resignations. Alderman Campbell seconded the motion,

Those present and voting "AYE":

- Alderman W. E. Boutwell
- Alderman W. H. Campbell
- Alderman George B. Draughn
- Alderman Bobby W. Runnels
- Alderman Robert E. Russell

Those present and voting "NAY":

None

WHEREAS, Alderman Campbell made a motion to adopt the following order to hire Glenn White as City Prosecutor with a salary of \$300 per month, effective January 1, 1979. Alderman Runnels seconded the motion. The order read as follows, to-wit:

WHEREAS, due to the resignation of Bill Jones, the Mayor and Board of Aldermen of the City of Petal, Mississippi, deem it necessary to appoint a City Prosecutor.

IT IS THEREFORE ORDERED that Glenn White is hereby appointed as the City Prosecutor for the City of Petal to serve from January 1, 1979, at a monthly salary of \$300.00 until further orders of the Mayor and Board of Aldermen of the City of Petal, Mississippi.

SO ORDERED by the Mayor and Board of Aldermen of the City of Petal, Mississippi, on this the 19th day of December, A. D., 1978.

* * * * *

Those present and voting "AYE":

MINUTES — Petal, Mississippi

Alderman W. E. Boutwell
 Alderman W. H. Campbell
 Alderman George B. Draughn
 Alderman Robert E. Russell
 Alderman Bobby W. Runnels

Those present and voting "NAY":

None

WHEREAS, Alderman Russell made a motion to purchase the Federal Siren at State Contract bid price from Allied Communications for \$234.90 and to pay the installation of \$15.00 for the Civil Defense truck. Alderman Runnels seconded the motion.

Those present and voting "AYE":

Alderman W. E. Boutwell
 Alderman W. H. Campbell
 Alderman George B. Draughn
 Alderman Robert E. Russell
 Alderman Bobby W. Runnels

Those present and voting "NAY":

None

WHEREAS, Jim Gladden, planning consultant for the City of Petal, presented the proposed zoning ordinance a proposed land use map, for the City of Petal to the board on behalf of the advisory planning commission.

THEREUPON, Alderman Boutwell made a motion to accept the proposed zoning ordinance and the proposed land use map. Alderman Campbell seconded the motion.

Those present and voting "AYE":

Alderman W. E. Boutwell
 Alderman W. H. Campbell
 Alderman George B. Draughn
 Alderman Robert E. Russell
 Alderman Bobby W. Runnels

Those present and voting "NAY":

None

THEREUPON, Alderman Russell made a motion to adjourn. Alderman Campbell seconded the motion.

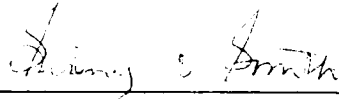
Those present and voting "AYE":

Alderman W. E. Boutwell
 Alderman W. H. Campbell
 Alderman George B. Draughn
 Alderman Robert E. Russell
 Alderman Bobby W. Runnels

Those present and voting "NAY":

None

There being no further business, the recessed meeting was adjourned on this the 28th day of December, A. D., 1978, at 11:15 P. M.



 SIDNEY O. SMITH, MAYOR

(SEAL)

ATTEST:



 Priscilla C. Daniel, City Clerk