

MINUTES — Petal, Mississippi

tary measures in accordance with standard sanitary field procedures as set forth by Depart of the ARMY.

f. Any pits or holes dug by the National Guard on the property will be backfilled or left in the condition prescribed by the owner and no waste material will be left on the surface of the ground.

g. No timber will be used by the National Guard.

h. No live ammunition, demolitions, or explosives will be used on the premises.

i. The troops which use the said site will remove all vehicles and equipment and will leave the property in a condition as near as possible to that existing prior to the use of the property immediately preceding said use. Should there be any question regarding restoration, the Adjutant General, State of Mississippi, should be notified and he will have the items corrected by the Commander, 890th Engr Bn (Cbt Hv).

j. The permitter shall not in any way be obligated or liable for injury or damages to personnel and/or equipment incident to use of said property.

k. The Mississippi National Guard agrees to hold the Permitters, jointly and severally, harmless from any cost, damage, and expenses of any kind or nature and to indemify said Permitters as to any costs, damages, and expenses of any kind or nature that Permitters might incur, become liable for or which might arise in any out of the use of the property by the Mississippi National Guard and any of their personnel, employees, agents, or other persons.

DATED THIS THE 4th day of December, 1979.

/s/ Priscilla C. Daniel
WITNESS

/s/ Sidney O. Smith
PERMITTER

* * * * *
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 Runnels made a motion to purchase on site liability insurance for the Mississippi National Guard. 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 stated that the City will be responsible for the diesel fuel used by the National Guard on the recreation project.

THEREUPON, Alderman Runnels made a motion to authorize the city clerk to advertise for bids for approximately 3,000 gallons diesel fuel. Alderman Runnels seconded the motion. The Notice read as follows, to-wit:

NOTICE TO BIDDERS

Sealed bids will be received by the City of Petal, Mississippi, until 7:30 P. M., on Tuesday, December 18, 1979, in the Board Room of said city for approximately 3,000 gallons diesel fuel. This fuel will be pciked up at the bulk plant as

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Proposals shall be marked "Sealed Proposal for Diesel".

The City of Petal, Mississippi, reserves the right to reject any and all bids, and to waive any formalities. Any bid or proposal accepted will be on the basis of the lowest and best bid or proposal.

CITY OF PETAL, MISSISSIPPI

By /s/ Priscilla C. Daniel
PRISCILLA C. DANIEL
City Clerk

* * * * *

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, Paul Shows, City Engineer, presented the following contract for engineering services on the recreational facility. The contract read as follows, to-wit:

CONTRACT AGREEMENT FOR
ENGINEERING SERVICES

THIS CONTRACT made this 4th day of December, 1979, by and between the CITY OF PETAL, Petal, Mississippi, hereinafter designated as the OWNER, and SHOWS & DEARMAN, Consulting Engineers, 1507 Hardy Street, Hattiesburg, Mississippi, hereinafter designated as the ENGINEER.

WHEREAS: The OWNER desires to engage the professional services of the ENGINEER in construction of the Petal City Park in Section 1, T-4-N, R-13-W, Forrest County, Petal, Mississippi, hereinafter referred to as the PROJECT.

NOW, THEREFORE, the parties hereto mutually agree as follows:

THE ENGINEER AGREES to perform professional services in connection with the Project as hereinafter stated:

1. PLANNING

- (A) The Engineer will attend conferences with the OWNER to determine the requirements and discuss the scheduling of work. He will also attend conferences with the Mississippi Bureau of Outdoor Recreation, pertaining to the PROJECT.
- (B) The Engineer will make specific recommendations with preliminary layout sketches, etc. The Engineer will make a preliminary cost estimate of the PROJECT.

2. DESIGN AND CONSTRUCTION ADMINISTRATION

- (A) The Engineer will prepare all surveys required for the preparation, design of plans and specifications.
- (B) The Engineer will prepare and process all applications and other documents required by the Mississippi Bureau of Outdoor Recreation relating to a grant to assist in financing the PROJECT.

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- (C) The Engineer will prepare all detailed plans and specifications necessary for the construction and installation of the PROJECT.
- (D) The Engineer will prepare the necessary proposal and contract documents as may be required in connection with the receiving of bids and award of contract for work to be performed and for equipment and/or materials to be furnished and installed.
- (E) The Engineer will assist in the tabulations of bids received from contractors, manufacturers, and vendors submitting proposals for work to be done and/or equipment to be furnished or installed and/or materials to be furnished.
- (F) The Engineer will provide supervision for the construction and installation of equipment throughout the construction, including construction and staking. Supervision herein referred to is not intended and will not be interpreted to include daily full time presence of the Engineer, but will include during the construction period, visits by the Engineer to the Project in such frequency as the Engineer may deem necessary to insure the Owner of proper execution of construction and installation of equipment relating to the proposed Project. This supervision does not include a resident inspector throughout the construction period.
- (G) The Engineer will prepare and approve monthly estimates of contractors and/or others for payment by the Owner for construction work performed and/or equipment furnished or installed and/or materials furnished.
- (H) The Engineer will prepare as-built plans and maps of the completed Project in the event that any changes are made in the plans for the work subsequent to the original approval of the detail plans and specifications prepared for construction.

THE OWNER AGREES in consideration of services performed by the Engineer as hereinafter set out to:

1. PLANNING, DESIGN, AND CONSTRUCTION ADMINISTRATION

- (A) Pay the Engineer for all services as hereinbefore set forth, in PLANNING, DESIGN, AND CONSTRUCTION ADMINISTRATION for the Project, the lump sum amount of Eight Thousand and No/100 Dollars (\$8,000.00). (This sum is based upon \$112,000 of construction cost).
- (B) When authorization is given for additional units, which requires that the Engineering work must be performed at a different time or times, then the compensation to the Engineer will be negotiated or made according to the following rates, for hours worked on authorized units:

Engineer	25.00 per hour
Party Chief	15.00 per hour
Instrument Man	12.00 per hour
Draftsman	12.00 per hour
Rodman	7.00 per hour
Typist	7.00 per hour

All hours worked in excess of 8 hours per day will be paid at the rate of one and one-half (1½) times the amount stated above.

- (C) The fee for PLANNING, DESIGN, AND CONSTRUCTION ADMINISTRATION shall be paid to the Engineer when the \$112,000 Dollars of construction is completed and accepted by the Owner and the Mississippi Bureau of Outdoor Recreation.

2. LABORATORY TESTING, SAMPLING, ETC.

The Owner will pay for all sampling, laboratory testing, and other extra services separate and apart from the fee hereinbefore stated.

3. MODIFICATION OF PLAN

- (A) In the event Owner requires modifications or changes in the plans after having been accepted by the Owner, and the Mississippi Bureau of Outdoor Recreation, and the changes are no fault of the Engineer, the

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Owner shall give the Engineer in writing the description of such changes ordered.

(B) The Owner shall pay the Engineer according to the hourly rates as herein before set forth in PLANNING, DESIGN, AND CONSTRUCTION ADMINISTRATION.

4. INSURANCE AND COMPLIANCE.

(A) The Engineer shall maintain such insurance as Workman's Compensation and liability insurance to protect him from claims under this contract.

(B) The Engineer will comply with local, state and federal laws applicable to the work hereinbefore set out. The Engineer will comply with applicable sections of the Title IV of the Civil Rights Act of 1964 attached as Exhibit "B" of this contract.

(C) The Engineer will provide any records, payrolls, etc., that are pertinent to the PROJECT for the purpose of making audits, examinations, excerpts, and transcription, to the Owner, Mississippi Bureau of Outdoor Recreation, and the Comptroller General of the United States, within ten (10) days after the receipt of the request.

(D) The Engineer will hold the Owner harmless for acts or failure to act by themselves or their employees.

5. TERMINATION

(A) The Owner may terminate this contract after giving the Engineer ten (10) days written notice, upon failure of the Engineer to perform the duties specified herein or to comply with the terms hereof.

(B) In the event of a termination of this contract before the compliance of the PROJECT, the Owner shall pay the Engineer for all work completed and in progress as hereinbefore set out in this contract.

(C) In the event of the termination of this contract during the construction of the PROJECT, the Owner shall pay the Engineer that part of the remaining twenty-five percent (25%) as stated in the PLANNING, DESIGN, AND CONSTRUCTION ADMINISTRATION, in proportion to the amount of completed construction.

THIS AGREEMENT is hereby executed for and on behalf of the CITY OF PETAL and Shows and Dearman, Consulting Engineers, of Hattiesburg, Mississippi.

THE CITY OF PETAL, MISSISSIPPI

By: /s/ Sidney O. Smith
Sidney O. Smith, Mayor

ATTEST:

/s/ Priscilla C. Daniel
Priscilla C. Daniel, City Clerk

SHOWS & DEARMAN

By /s/ Paul J. Shows
Paul J. Shows

ATTEST:

Raymond M. Dearman /s/
Raymond M. Dearman

* * * * *

THEREUPON, Alderman Boutwell made a motion to authorize the Mayor and City Clerk to execute the foregoing contract. Alderman Runnels seconded the motion.

Those present and voting "AYE":

- Alderman W. E. Boutwell
- Alderman W. H. Campbell
- Alderman George B. Draughn

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Those present and voting "NAY":

None

WHEREAS, Mayor Smith requested the wishes of the Board concerning the paving of Ford Drive.

THEREUPON, Alderman Runnels made a motion to pay one-half of the cost of paving for Ford Drive with the Beat 2 and Beat 3 supervisors paying the other half. Alderman Boutwell seconded the motion.

Those present and voting "AYE":

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

Those present and voting "NAY":

None

WHEREAS, Paul Shows stated that the water department has been contacted for water and sewer service at a proposed shopping center on Highway 42 and Old Corinth Road. Mr. Shows stated that the existing sewer lines in this area are loaded, but that in the new sewer plans, a new line is planned to come down Highway 42.

THEREUPON, Alderman Russell made a motion to allow the proposed shopping center to tie in temporarily to the existing sewer lines until the proposed sewer line is available, and at that time, the shopping center be required to tie into the new line at their own expense. Alderman Draughn seconded the motion.

Those present and voting "AYE":

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

Those present and voting "NAY":

None

WHEREAS, Mayor Smith requested the wishes of the Board concerning the Christmas holidays for the city employees.

THEREUPON, Alderman Russell made a motion to make an exception and give the employees the day off on Christmas Eve, as well as Christmas Day for 1979. 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 Runnels made a motion to give the employees an "employees appreciation dinner" on Thursday, December 20, 1979, and to authorize the city clerk to make the preparations. Alderman Russell seconded the motion.

Those present and voting "AYE":

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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 claims numbers 5648 through 5706 of the general fund.

THEREUPON, Alderman Russell made a motion to pay claims numbers 5648 through 5706 of the general fund. 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 presented claims numbers 810A through 832A of the O & M fund, and claims numbers 223B through 231B of the R & E fund of the City of Petal Water and Sewer Fund.

THEREUPON, Alderman Campbell made a motion to pay claims numbers 810A through 832A of the O & M fund, and claims numbers 223B through 231B of the R & E fund. 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 presented the following proofs of publication to the Board.

- 1) Truck Route Ordinance
- 2) Water Ordinance Amendment
- 3) Zoning Ordinance Amendment

THEREUPON, Alderman Boutwell made a motion that the proofs of publication be filed. 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, Mayor Smith stated that Robert Judy, the building inspector, has requested permission to attend the Mississippi Building Official Association Workshop, December 18, 19, and 20 in Jackson, Mississippi.

THEREUPON, Alderman Boutwell made a motion to pay the \$10.00 registration fee for Mr. Judy to attend the workshop and to authorize the payment of expenses incurred. Alderman Runnels seconded the motion.

Those present and voting "AYE":

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

Those present and voting "NAY":

None

WHEREAS, Alderman Runnels made a motion to adopt the following order to rescind the truck route ordinance 1979 (45). Alderman Draughn seconded the motion. The order read as follows, to-wit:

O R D E R

BE IT ORDERED that Ordinance 1979 (45), being an Ordinance establishing truck routes in the City, designating certain other streets in the city for truck traffic, providing for enforcement, prescribing penalties for the violation of its provisions, and establishing an effective date and for related purposes, being the same is hereby repealed effective on this the 4th day of December, A. D., 1979.

SO ORDERED by the Mayor and Board of Aldermen on this the 4th day of December, A. D., 1979.

* * * * *

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 stated that the school board is considering the sale of the property where the junior high building is presently located.

THEREUPON, Alderman Campbell made a motion to request a meeting with the local school board to discuss the possibility of reserving footage on Highway 42 and North Main Street for additional downtown parking. 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 order to hire Marilyn Schwandt as part-time help in the water department and also in the tax department. 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 hire an individual as a part-time employee in the water department and the tax department.

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she is hereby hired as a part-time employee in the water department and the tax department for the City of Petal at a rate of pay of \$3.25 per hour, to serve from December 10, 1979, 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 4th day of December, A. D., 1979.

* * * * *

THEREUPON, Alderman Runnels made a motion to adopt the foregoing order hiring Marilyn Schwandt. 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 presented the following letter from Judge Drake concerning the appointment of a city prosecutor. The letter read as follows, to-wit:

December 4, 1979

Mayor and Board of Aldermen
City of Petal
Post Office Box 564
Petal, Mississippi 39465

RE: CITY PROSECUTOR: REPLACEMENT FOR THE HONORABLE GLEN WHITE

Gentlemen:

As you are well aware, the Honorable Glen White has been serving as our City Prosecutor and has been exemplary and an honor to the profession in such capacity. However, due to a change in the Statutory Law of the State of Mississippi, and a change in the duties for the Assistant District Attorney for Forrest County, Mr. White will no longer be able to function as our City Prosecutor after January 1, 1980. This results from Mr. White's job as a full-time Assistant District Attorney for Forrest County.

In light of this inability to continue service, it is my recommendation that effective January 1, 1980, that the Honorable James R. Hayden be appointed City Prosecutor for the City of Petal, Mississippi. Mr. Hayden has in the past worked for the City of Petal as my Judge Pro Tem and has provided our City with fine service. It is on the past record of performance as well as my personal knowledge of Mr. Hayden's abilities that I make this recommendation.

If you have any questions with regard to my recommended appointment, please do not hesitate to contact me.

Warmest Personal Regards,

/s/ Robert F. Drake
JUDGE ROBERT F. DRAKE

RFD:lim

cc: Honorable James R. Hayden
Post Office Box 281
Hattiesburg, Mississippi 39401

* * * * *

THEREUPON, Alderman Boutwell made a motion to accept Judge Drake's recommendation upon receipt of Mr. White's resignation and to adopt the following order appointing Mr. Hayden as city prosecutor. Alderman Campbell seconded the motion. The order read as follows, to-wit:

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O R D E R

WHEREAS, due to the resignation of Glen White, 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 James R. Hayden is hereby appointed as the City Prosecutor for the City of Petal to serve from January 1, 1980, at a monthly salary of \$324.00 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 4th day of December, A. D., 1979.

* * * * *

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 made a motion to pay the chief of police \$100.00 per month car expense due to the frequent use of the chief's personal automobile, effective December 1, 1979. 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 stated that it is necessary for the city to advertise for bids for depositories.

THEREUPON, Alderman Runnels made a motion to authorize the City Clerk to advertise for depositories for the year 1980. Alderman Russell seconded the motion. The notice read as follows, to-wit:

N O T I C E

Pursuant to the provisions of Section 27-105-305, and 27-105-353, Mississippi Code of 1972, and amendments thereto, Notice is hereby given to all banks in Forrest County, Mississippi, that bids will be received from banks at the regular meeting of the Mayor and Board of Aldermen of the City of Petal, Mississippi, to be held in the Board Room of the City Hall until 7:30 P. M., Wednesday, January 2, 1980, for the privilege of keeping funds for the City of Petal, Mississippi, and the Petal Municipal Separate School District, with added territory, such bids to be submitted as provided by law, and particularly as provided by Sections 27-105-305, and 27-105-353, Mississippi Code of 1972, annotated and amendments thereto.

The City of Petal, Mississippi, reserves the right to

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reject any and all bids and to waive any formalities. Any bid accepted will be on the basis of the lowest and best bid.

WITNESS my signature and the seal of said City on this the 10th day of December, A. D., 1979.

CITY OF PETAL, MISSISSIPPI

By /s/ Priscilla C. Daniel
Priscilla C. Daniel
City Clerk

* * * * *

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 letter from Debbie Mozingo requesting a refund for overpayment of auto ad valorem taxes. The letter read as follows, to-wit:

L E T T E R

November 26, 1979

Mayor and Board of Aldermen
Petal, Ms 39465

Dear Mayor and Board,

For the last two years, I have recently found out that I have been charged for a 1977 Monte Carlo car tag when I should have been charged for a 1977 Chevette.

I have enclosed evidence of this mistake. I would appreciate any refund due me resulting from this mistake.

I have also sent a letter to Forrest County Board of Supervisors concerning this matter.

Thank you,

/s/ Debbie Mozingo
Debbie Mozingo

* * * * *

THEREUPON, Alderman Runnels made a motion to authorize the city clerk to refund \$14.17 to Ms. Mozingo for overpayment of taxes for the year 1977 to 1978. 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, Alderman Campbell stated that Mr. Williamson has requested that Lee King's position be changed from truck driver to laborer in the sanitation department.

THEREUPON, Alderman Campbell made a motion to adopt the following order changing Lee King's title to laborer in the sanitation department at a rate of pay of \$3.24 per hour effective 11-29-79. Alderman Draughn seconded

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O R D E R

WHEREAS, the Mayor and Board of Aldermen of the City of Petal, Mississippi, deem it necessary to hire a laborer in the Sanitation Department.

IT IS THEREFORE ORDERED that Lee King be, and he is hereby changed from driver to laborer for the sanitation department at a rate of pay of \$3.24 per hour, to serve from November 29, 1979, 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 4th day of December, A. D., 1979.

* * * * *

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 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

There being no further business, the regular meeting of the Mayor and Board of Aldermen of the City of Petal, Mississippi, was adjourned on this the 4th day of December, A. D., 1979, at 10:40 P. M.

Sidney O. Smith

 SIDNEY O. SMITH, MAYOR

(SEAL)

ATTEST:

Priscilla C. Daniel

 Priscilla C. Daniel, City Clerk