

MINUTES — Petal, Mississippi

considered this change order do hereby give the Mayor the authority to execute Change Order Number One (1) to Amendment Number One (1) for the engineering agreement with Gulf South Engineers.

SO RESOLVED by the Mayor and Board of Aldermen on this the 3rd day of July, A. D., 1979.

THEREUPON, Alderman Boutwell seconded the motion adopting this Resolution.

Those present and voting "AYE":

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

Those present and voting "NAY":

None

* * * * *

CHANGE ORDER NO. 1

TO

AMENDMENT NO. 1
ENGINEERING AGREEMENT

THIS Change Order No. 1, made and entered into this 3rd day of July, 1979;

BY AND BETWEEN

CITY OF PETAL, a political subdivision of the State of Mississippi, represented herein by its duly authorized Mayor, appearing herein pursuant to a resolution adopted by the City of Petal on July 3, 1979, a true extract copy of which is attached hereto and made a part hereof (hereinafter sometimes referred to as "OWNER") and

MISSISSIPPI GULF SOUTH ENGINEERS, INC., appearing herein through the duly authorized President (hereinafter sometimes referred to as "ENGINEER");

is a revision of Exhibit B, Attachment 1 to Amendment No. 1 dated February 7, 1978, to the original agreement for professional engineering services between the OWNER AND ENGINEER, dated October 7, 1974.

W I T N E S S E D

WHEREAS, Amendment No. 1 dated February 7, 1978, to the original engineering agreement between OWNER and ENGINEER dated October 7, 1974, provided in Exhibit B, Attachment No. 1, a schedule of unit costs and the associated estimated quantities which formed the bases of the Part II-Unit Cost Indefinite Quantity total fee as indicated in the Exhibit B, Compensation Formula of said Amendment No. 1, and

WHEREAS, said estimated quantities can now be specifically defined due to actual conditions found to exist during execution of this work and adjustments required by the Environmental Protection Agency.

NOW, THEREFORE, be it understood by the parties hereto, that said Exhibit B, Attachment No. 1 of the previously defined Amendment No. 1 is revised as indicated below and to be completed within sixty (60) days.

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CHANGE ORDER NO. 1
to
AMENDMENT NO. 1, ENGINEERING AGREEMENT
PETAL, MISSISSIPPI
SSES
July 2, 1979.

Item	Task	Unit	Fixed Unit Cost	Estimated Quantities	Amount	Revised Quantities	Amount
I	Physical Survey	Manhole	\$ 24.20	350	\$ 8,470	419	\$10,139.80
II	Smoke Testing	Linear Ft.	0.119	105,000	12,495	140,676	16,740.44
III	Lamping	Linear Ft.	0.049	11,000	539	10,581	518.47
IV	Pump Station Analysis	Each	959.00	3	2,877	6	5,754.00
V	Flow Monitoring	Meter/Day	36.75	120	4,410	314	11,539.50
VI	Preparatory Cleaning	Linear Ft.	1.23			1,950	2,398.50
	Subtotal:				\$28,791		\$47,090.71
INTERIM REPORT SUBMITTED							
VI	Preparatory Cleaning	Linear Ft.	1.23	11,000	\$13,530	6,686	\$ 8,223.78
VII	Internal Inspection	Linear Ft.	.68	11,000	7,480	6,686	4,546.48
	Subtotal:				\$21,010		\$12,770.26
	Total:				\$49,801		\$59,860.97
	Fixed Amount:				18,339		18,339.00
					\$68,140		\$78,199.97
	Net Change:				\$10,059.97		
	Local Share (25%):				\$ 2,515.00		

Alderman Boutwell seconded the motion. Those present and voting "AYE":

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

Those present and voting "NAY":

None

WHEREAS, Mayor Smith presented Robert Judy's zoning administration recommendation concerning the zoning variance requested by Don K. Aycock. The recommendation read as follows:

LETTER

June 22, 1979
Petal, Ms 39465

Re: Variance for Mr. Don K. Aycock, Old Corinth Road

Board of Appeals:

I visited the property and talked with Mr. Aycock.

The area of the property is less than the zoning requirement only because the necessary distance from Mr. Walter Aycock's house had to be maintained. The front property line is less than required because of the irregular shape of the property.

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Mr. Aycock is going to set his trailer back even with the front of his father's house and will have room on the sides and the rear.

After considering all the facts carefully, I would recommend a variance be granted to Mr. Aycock.

Respectfully submitted,

/s/ Robert B. Judy
Robert B. Judy

* * * * *

THEREUPON, Alderman Boutwell made a motion accepting Mr. Judy's recommendation approving Mr. Aycock's variance request. Alderman Runnels seconded the motion.

Those present and voting "AYE":

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

Those present and voting "NAY":

None

WHEREAS, City Attorney, Thomas Tyner, advised the Board concerning the easement from John Efird and Petal Investment Corporation to the right-of-way on North Main. The easement read as follows, to-wit:

STATE OF MISSISSIPPI

COUNTY OF FORREST

RIGHT-OF-WAY AND EASEMENT

WHEREAS, Petal Investment Corporation, a Mississippi corporation, is the owner of 35.44 acres, more or less, situated in the Northeast Quarter of the Southeast Quarter (NE¼ SE¼) of Section 35, Township 5 North, Range 13 West, Forrest County, Mississippi, and West First Avenue in the City of Petal, Mississippi, extends along the North boundary of the corporate property and North Main Street in the said City of Petal extends along the entire 1,129.83 feet of the East boundary of the corporate property; and

WHEREAS, the City of Petal, a municipal corporation, desires a right-of-way along the North and East boundaries of the corporate property adjacent to West First Avenue and North Main Street for public purposes, which may eventually include the widening of said streets and the paving thereof by said City, and Petal Investment Corporation is willing to convey unto said City such a right-of-way or easement, subject to the reservation by the corporation of the perpetual right of ingress and egress to its property across such right-of-way or easement and to the additional right of the corporation to use the property within the easement or right-of-way for its own purposes, until such time as the City of Petal elects to use the same;

NOW, THEREFORE, be it known for good and valuable con-

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acknowledged and confessed, including mutual benefits to be derived by the Grantor and the Grantee, Petal Investment Corporation, a Mississippi corporation, Grantor, acting by its undersigned duly authorized officers, subject to the reservation hereinafter set forth, does hereby grant and convey unto the City of Petal, Mississippi, a municipal corporation, Grantee, a right-of-way or easement for public purposes over and across the following described strips of land adjacent to and along North Main Street, and West Fourth Avenue, in the City of Petal, Mississippi, to-wit:

Commence at the Northeast corner of the Northeast Quarter of the Southeast Quarter of Section 35, Township 5 North, Range 13 West, Forrest County, Mississippi, for the point of beginning. From this point of beginning, run South 1,129.83 feet; thence run West for 25 feet; thence run North for 1,104.83 feet; thence run West for 1,295 feet; thence run North for 25 feet; thence run East for 1,320 feet back to the point of beginning, containing 1.39 acres, more or less, and being situated in the Northeast Quarter of the Southeast Quarter of Section 35, Township 5 North, Range 13 West, Forrest County, Mississippi;

less and except any part thereof presently situated with in West First Avenue and North Main Streets.

This conveyance is subject to the reservation by the Grantor for itself, its successors or assigns of the perpetual right of ingress and egress to its property over and across all of the property within the right-of-way or easement herein conveyed and to the additional right of the Grantor to use the property within the easement or right-of-way for its own purposes, until such time as the City of Petal elects to use the same for public purposes.

The City of Petal, Mississippi, accepts this right-of-way or easement pursuant to Order entered on June, 1979, and with the express understanding that its acceptance shall not impose upon it the duty to widen or pave either of said streets but conveys the privilege of doing so at such time as it may elect.

IN TESTIMONY WHEREOF, witness the signature of Petal Investment Corporation, a Mississippi corporation, acting by its undersigned duly authorized officer on this, the 3rd day of July, A. D., 1979.

PETAL INVESTMENT CORPORATION

By: /s/ John I. Efird
John I. Efird, President

* * * * *

STATE OF MISSISSIPPI
COUNTY OF FORREST

Personally appeared before me, the undersigned authority in and for said county and state, the within named John I.

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Efird, President of Petal Investment Corporation, who acknowledged that he signed and delivered the above and foregoing Right-of-Way and Easement on the day and year therein mentioned as his free and voluntary act and deed.

Given under my hand and official seal of office on this, the 3rd day of July, A. D., 1979.

/s/ Jeanette L. Travis
NOTARY PUBLIC

My Commission Expires:

Feb. 25, 1983

THEREUPON, Alderman Boutwell made a motion to accept the foregoing easement. Alderman Runnels seconded the motion.

Those present and voting "AYE":

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

Those present and voting "NAY":

None

WHEREAS, pursuant to the previous order of the Mayor and Board of Aldermen, a hearing was conducted on June 26, 1979, by the Planning Commission to consider the change of zoning for Robert Pumphrey, and a report was received. The report read as follows, to-wit:

July 2, 1979

Mayor and Board of Aldermen
City of Petal, Mississippi

Re: Request for Zoning Change
Robert Pumphrey

The request for zoning change by Robert Pumphrey for the lots located at the Northwest Corner of Pecan Terrace and Ogilsvie was heard on June 26, 1979, at 7:00 o'clock P. M.

It is the decision of the Planning Commission to deny Mr. Pumphrey's request for rezoning from R-1 to R-3 for the following reasons:

- 1) The change would constitute spot zoning
2) It would be contrary to the City's comprehensive plan
3) It would be detrimental to adjacent residential property
4) It would increase traffic congestion
5) It would reduce residential property values

/s/ W. G. Barlow
W. G. Barlow, Chairman

WHEREAS, the Mayor stated that it is necessary to set a date for the revenue sharing proposed use hearing.

THEREUPON, Alderman Runnels made a motion to set the date of the proposed use hearing for August 7, 1979, at 7:00 o'clock P. M., in the Board Room of the City Hall. Alderman Russell seconded the motion.

Those present and voting "AYE":

- Alderman W. E. Boutwell
Alderman George B. Draughn
Alderman Bobby W. Runnels

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Those present and voting "NAY":

None

WHEREAS, Mayor Smith stated that a Board of Zoning Appeals will be needed.

THEREUPON, Alderman Draughn made a motion to appoint the following to serve for the designated terms as the Board of Zoning Appeals.

WARD I	W. A. Amason	1 year
WARD II	Jack Gay	2 years
WARD III	Tom Walley	3 years
WARD IV	Wallace Childress	4 years
At Large	Ernest Montague	5 years

Alderman Runnels seconded the motion.

Those present and voting "AYE":

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

Those present and voting "NAY":

None

WHEREAS, Mayor Smith presented the Motor Vehicle Assessment Schedule to the Board.

THEREUPON, Alderman Russell made a motion to adopt the following order 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, having received from the Mississippi Tax Commission a copy of the motor vehicle assessment schedule adopted by said commission for the fiscal year 1979-1980;

WHEREAS, the Mayor and Board of Aldermen of said city have examined and considered the aforesaid assessment schedule and desire to adopt the same for said city in assessing and collecting ad valorem taxes on motor vehicles for the ensuing year;

WHEREAS, the Mayor and Board of Aldermen are also desirous for the county tax collector to collect the City of Petal's motor vehicle ad valorem taxes as stated in Section 27-51-29 of the Mississippi Code of 1972, as annotated and recompiled;

IT IS THEREFORE, HEREBY ORDERED by the Mayor and Board of Aldermen of the City of Petal, Mississippi, that;

The motor vehicle assessment schedule for the fiscal year 1979 and 1980 adopted by the Mississippi State Tax Commission under the provisions of the Motor Vehicle Ad Valorem Tax Act of 1958, as amended by the laws of 1960, (being Section 27-51-21 of the Mississippi Code of 1972, as annotated and recompiled), is hereby adopted as the motor vehicle assessment schedule for the City of Petal, Mississippi, for the ensuing fiscal year.

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said city will be held in the City Hall of said City at 7:30 P. M., Tuesday, August 21, 1979, for the purpose of hearing and taking action on any complaint or objection filed in writing objecting to and petitioning for a specified reduction of any portion or portions of said motor vehicle assessment schedule affecting the complainant directly.

This order is entered and the Clerk of the City of Petal, Mississippi, shall have published in a newspaper having a general circulation in the City of Petal, a certified copy hereof, pursuant to and as Notice under the provisions of the Motor Vehicle Ad Valorem Tax Act of 1958, and Chapter 473 of the Laws of 1960, otherwise designated as Section 27-51-21 of the Mississippi Code of 1972, annotated as recompiled.

SO ORDERED on this the 3rd day of July, A. D., 1979.

/s/ Sidney O. Smith
SIDNEY O. SMITH, MAYOR

(SEAL)

ATTEST:

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

* * * * *

Those present and voting "AYE":

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

Those present and voting "NAY":

None

WHEREAS, Mayor Smith presented the following order concerning the promotion of Murphy McGill to Patrolman 2nd Class. 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, upon the completion of the six-month probationary period of Murphy McGill and upon the recommendation of the Assistant Chief of Police do hereby promote Murphy McGill to Patrolman 2nd Class.

IT IS THEREFORE ORDERED that Murphy McGill be, and he is hereby appointed as Patrolman 2nd Class at a monthly salary of \$772.00 to serve from June 30th, 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 day of , A. D., 1979.

* * * * *

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Those present and voting "AYE":

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

Those present and voting "NAY":

None

WHEREAS, Mayor Smith presented claims numbers 5151 through 5216 for the general fund.

THEREUPON, Alderman Boutwell made a motion to pay claims numbers 5151 through 5216. Alderman Runnels seconded the motion.

Those present and voting "AYE":

Alderman W. E. Boutwell
Alderman George B. Druagh
Alderman Robert Russell
Alderman Bobby W. Runnels

Those present and voting "NAY":

None

WHEREAS, Mayor Smith presented claims numbers 648-A through 680-A of the O & M fund and claims numbers 167-B through 173-B of the R & E fund of the City of Petal Water and Sewer Department.

THEREUPON, Alderman Draughn made a motion to pay claims numbers 648-A through 680-A of the O & M Fund and claims numbers 167-B through 173-B of the R & E Fund. Alderman Boutwell seconded the motion.

Those present and voting "AYE":

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

Those present and voting "NAY":

None

WHEREAS, Mayor Smith stated that the Water Department is in need of a calculator.

THEREUPON, Alderman Draughn made a motion to purchase a calculator for \$215.00 from Monroe Calculator at state contract bid price. Alderman Russell seconded the motion.

Those present and voting "AYE":

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

Those present and voting "NAY":

NONE

WHEREAS, Alderman Runnels stated that the city should be taking advantage of the services offered by the South Mississippi Planning and Development District.

THEREUPON, Alderman Runnels made a motion to give the Mayor the authority to write Gary Lukens, South Mississippi Planning and Development District, about the possibility of obtaining a grant for the acquisition of land and building a new library and also the possibility of grants to develop two or three small neighborhood parks. Alderman Boutwell seconded the motion.

Those present and voting "AYE":

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Those present and voting "NAY":

None

THEREUPON, Alderman Runnels made a motion authorizing the Mayor to write Pat Harrison Waterway about the possibility of building a fishing and boating ramp on the Leaf River in the Petal area. Alderman Boutwell seconded the motion.

Those present and voting "AYE":

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

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 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 of the City of Petal, Mississippi, was adjourned on this the 3rd day of July, A. D., 1979.

Sidney O. Smith

SIDNEY O. SMITH, MAYOR

(SEAL)

ATTEST:

Priscilla C. Daniel
PRISCILLA C. DANIEL, CITY CLERK