

## MINUTES — Petal, Mississippi

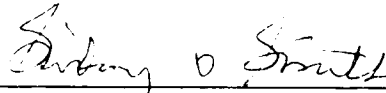
Those present and voting "AYE":

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 March 6, 1979, was adjourned at 11:40 P. M.

  
 \_\_\_\_\_  
 SIDNEY O. SMITH, MAYOR

(SEAL)

ATTEST:

  
 \_\_\_\_\_  
 Priscilla C. Daniel, 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, on March 20, 1979, at 7:30 P. M., in the Board Room of said City.

Those present:

Mayor Sidney O. Smith

City Attorney, Thomas Tyner

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

Others present:

William Page, Jr.  
 W. L. Page, Sr.  
 Fred Page  
 Raymond Dearman  
 Robert Drake and  
 many others

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

The invocation was offered by George B. Draughn.

The minutes of the regular meeting of March 6, 1979, were read by Priscilla C. Daniel.

THEREUPON, Alderman Boutwell made a motion to accept the minutes as read. 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

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THEREUPON, Fred Page requested a variance of Rule Number Six of the Rules and Regulations of the Hillcrest Cemetery to allow the placement of a family marker at Mrs. Aretha Page's gravesite. Mr. Page stated that the monument had been purchased and was ready to be set before the family learned of the rule prohibiting the placement.

THEREUPON, Alderman Campbell made a motion to take this under advisement. Alderman Boutwell seconded the motion.

Those present and voting "AYE":

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

Those present and voting "NAY":

None

Those present and abstaining:

George B. Draughn

WHEREAS, Raymond Dearman, City Engineer, presented a drainage study of the Oak, Pine and South George streets to the board for their consideration. Mr. Dearman stated that this problem could be corrected by the placement of culverts and the placement of inlets at certain intervals. The cost of this project would be approximately \$9,000 to \$10,000.

WHEREAS, Mr. Dearman stated that after meeting with Mark Smith of Mississippi Air & Water Pollution Control, Shows and Dearman cannot proceed with the preparation of the addendum without the Sewer System Evaluation Survey interim report and the design of the collection system.

Mr. Dearman stated that upon receipt of the interim report, a Step II Grant application to design the Rehab, the Beverly Hills collection system and the transportation line to the regional treatment facility in Hattiesburg could be submitted.

THEREUPON, Alderman Runnels made a motion to authorize the city attorney to write a letter on behalf of the board to Gulf South Engineers demanding a copy of the Sewer System Evaluation System interim report. 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 requested the wishes of the board concerning the appointment of a planning commission.

THEREUPON, the following were nominated by their respective aldermen: W. A. Amason, Mike Vail (at large) - Archie Lee, Bill Barlow (Ward I) - B. A. Lee, Tommy Cross (Ward 2) - John Bass, Jimmy Dale Odom (Ward 3)- E. R. "Buddy" Myrick, Jack Forte (Ward 4).

THEREUPON, Alderman Campbell made a motion to appoint the aforementioned nominees to the planning commission. Alderman Russell seconded the motion.

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Those present and voting "AYE":

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

Those present and voting "NAY":

None

WHEREAS, Robert Drake, municipal judge, requested that the board consider the appointment of a Judge Pro-tem in the event the municipal judge was absent. This would not incur any additional expense to the city.

THEREUPON, Alderman Boutwell made a motion to adopt the following order appointing James R. Hayden as Judge Pro-tem. Alderman Runnels seconded the motion. The order read as follows, to-wit:

WHEREAS, the Mayor and Board of Aldermen deem it necessary to appoint an individual as Judge Pro-tem.

NOW, THEREFORE, BE IT ORDERED that James R. Hayden be, and he is hereby appointed as Judge Pro-tem, effective April 2, 1979, until further orders of the Mayor and Board of Aldermen.

SO ORDERED by the Mayor and Board of Aldermen of the City of Petal, Mississippi, on this the 20th day of March, A. D., 1979.

\* \* \* \* \*

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, Judge Drake stated that Representative Trent Lott will be in Petal on May 4 at 2:00 o'clock P. M., to address the high school student body in commemoration of Law Day. Judge Drake invited the mayor and board of aldermen to attend.

WHEREAS, Mayor Smith presented the proration for the month of February to the board.

THEREUPON, Alderman Russell made a motion to invest the \$32,364.44 yearly allocation for the municipal fire protection fund with the currently invested funds at the highest interest rate. 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 requested the wishes of the Board concerning the

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on March 6, 1979.

THEREUPON, Alderman Boutwell made a motion to have the records of the City of Petal microfilmed and to allocate \$3000 for the venture. 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 claim number 136B of the R & E fund for the City of Petal Water and Sewer Department.

THEREUPON, Alderman Russell made a motion to pay claim number 136B for emergency repairs to the sewer line to Mechanical Construction Company. 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, Alderman Russell made a motion to authorize John Anderson, fireman, to attend the Mississippi Firefighter's School in Jackson and to pay the expenses incurred. Alderman Boutwell 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 Boutwell stated that the city has the application to apply for a grant for a narcotic officer and a car through the governor's office of criminal justice planning division.

THEREUPON, Alderman Russell made a motion to authorize the chief of police, the mayor and the city clerk to apply for the grant. Alderman Campbell seconded the motion.

Those present and voting "AYE":

Alderman W. E. Boutwell  
Alderman W. H. Campbell  
Alderman Robert E. Russell  
Alderman Bobby W. Runnels

Those present and voting "NAY":

None

Those present and abstaining:

Alderman George B. Draughn

WHEREAS, Mayor Smith presented the following proofs of publication:

- 1) Audit
- 2) Zoning Ordinance

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THEREUPON, Alderman Campbell made a motion that the proofs of publication be accepted and filed. Alderman Boutwell 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 H. Russell

Those present and voting "NAY":

None

WHEREAS, Mayor Smith requested the wishes of the Board concerning a replacement for Homer Joe Pearce, highways and streets superintendent.

THEREUPON, Alderman Campbell made a motion to adopt the following order appointing James Williamson as superintendent of highways and streets effective March 26, 1979, at an annual salary of \$13,200. Alderman Boutwell seconded the motion. The order read as follows, to-wit:

O R D E R

WHEREAS, the Mayor and Board of Aldermen deem it necessary to employ a superintendent of the Water Department due to the resignation of Homer Joe Pearce.

IT IS THEREFORE ORDERED that James Williamson be and he is hereby appointed to the position of Superintendent of Water Department and Highways and Streets, effective March 26, 1979, at an annual salary of \$13,200.00, until further orders of the Mayor and Board of Aldermen of the City of Petal, Mississippi.

SO ORDERED on this, the 20th day of March, A. D., 1979.

\* \* \* \* \*

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 a decision needed to be reached concerning the request of the Page family for a variance of the rules and regulations of the Hillcrest Cemetery.

THEREUPON, Alderman Russell made a motion to deny the request of the Page family. Alderman Campbell seconded the motion.

Those present and voting "AYE":

- Alderman W. E. Boutwell
- Alderman W. H. Campbell
- Alderman Robert E. Russell

Those present and voting "NAY":

Alderman Bobby W. Runnels

Those present and abstaining:

Alderman George B. Draughn

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the grant application to BOR needs to be executed.

THEREUPON, Alderman Runnels made a motion to authorize Mayor Smith to execute the needed documents for the Board of Recreation grant for the recreational facility. 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, Alderman Russell stated that the fire department officials are in need of badges for the officers, which badges will be passed on in the department to their successors.

THEREUPON, Alderman Draughn made a motion to purchase badges for the fire chief and the officers in the fire department. 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, Alderman Russell requested that the board consider purchasing three signs at \$100 each from the Petal Optimist Club for advertising.

THEREUPON, Alderman Runnels made a motion to purchase the three advertising signs from the Petal Optimist Club. 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 resignation to the board:

March 20, 1979

TO: Gary Morrow, Chief of Police  
FROM: Margaret Hinton, Dispatcher

Dear Chief Morrow:

Please consider this letter an official notice of my resignation, to be effective April 1, 1979.

I would like to let you know that I have thoroughly enjoyed my position at this department. The reason that I am leaving is that I need more money. I have been offered a job that will meet my needs. I would like to thank you for the opportunity to have been able to work with you and this department.

Sincerely,

Margaret Hinton

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March 1, 1979

Gary Morrow, Chief  
Petal Police Department

Dear Sir:

I wish to offer my sincere apologies to yourself, the honorable board of aldermen, and to the City of Petal. When I was hired for the job of dispatcher for the Petal Police Department, it was with mutual understanding that I would be able to manage my personal debts and obligations and would be able to remain at the position permanently. However, since being employed, I have been forced to work a greater number of hours at a second job to support my family. I therefore, have less time to give to my family. I remain tired, irritable, and under a great amount of stress and feel that I am unable to fulfill the obligation that I accepted to the best of my abilities.

For these reasons, I wish to offer my resignation, effective at 7:00 a. m., March 9, 1979. My respect and confidence in the leaders of the city and the Petal Police Department has grown considerably since working here, and I feel that I am a better person for having had the opportunity to work with the people of the Police Department.

With sincere wishes for continued growth and development of Petal, I remain

Respectfully yours,  
  
/s/ John F. Gardner  
John F. Gardner

\* \* \* \* \*

I, John Dearman, submit my resignation with the City of Petal, effective March 30th, 1979.

Thank you,  
  
/s/ John Dearman

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THEREUPON, Alderman Boutwell made a motion to accept the foregoing letters of resignation. 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, City Attorney, Thomas Tyner, presented the following Ordinance 1979 (43), replacing and repealing Ordinance 1978 (41) concerning the use of the city streets for soliciting, peddling, etc. The Ordinance read as follows, to-wit:

ORDINANCE 1979 (43)

AN ORDINANCE PROHIBITING THE USE OF STREETS AND SIDEWALKS AS PLACES OF TRADE OR BUSINESS, PROHIBITING THE ENTRANCE UPON PRIVATE PREMISES OF SOLICITORS, PEDDLERS, HAWKERS, OR ITINERANT MERCHANTS, REQUIRING THE POSTING OF A BOND BY TRANSIENT VENDORS AND PHOTOGRAPHERS, MAKING EXCEPTIONS THERETO, PROVIDING FOR SEVERABILITY OF THE SECTIONS, AND PROVIDING A PENALTY FOR VIOLATION THEREOF, AND SPECIFICALLY REPEALING ORDINANCE 1978 (41)

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

SECTION I. Use of Streets and Sidewalks as Places of Trade or Business

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sidewalks of the city as places of trade or business or as stands from which to conduct any trade or business.

This section shall not be construed as preventing the temporary stopping or parking of vehicles on the streets for the purpose of making sale or delivery of goods, wares, merchandise or produce on private premises to occupants of the dwellings or buildings thereon where such sale or delivery is not prohibited by other ordinances of the City of Petal; but shall be construed as prohibiting the stopping or parking of vehicles or other forms of conveyance on the streets for the purpose of selling and delivering from vehicles to the general public any goods, wares, merchandise or produce or otherwise engaging in trade or business therefrom with the general public.

SECTION II. Use of Streets and Sidewalks for Solicitation, etc., for Purpose of Selling Wares, Merchandise, Etc.

It is hereby declared to be a public nuisance and it shall be unlawful for any person to solicit, accost or canvas persons on the streets or sidewalks of the city for the purpose of selling any books, wares, merchandise or articles of any description. Such practice is hereby declared to be obnoxious to the personal rights, convenience and privileges of the public and is further declared as impeding orderly traffic on streets and sidewalks.

SECTION III. Application of Section 2 to Charitable, Civic or Service Organizations

The provisions of the preceding Section (Section II) shall not apply to persons soliciting funds in drives sponsored by and solely for charitable, civic or service organizations, except that any solicitation or canvassing on the streets of the City of Petal by pedestraints or otherwise is declared to be a public nuisance, danger and hazard and punishable as a misdemeanor.

SECTION IV. Entrance upon Private Premises

The practice of going in and upon private residences in the city by solicitors, peddlers, hawkers, or itinerant merchants, not having been requested or invited to do so by the owner or occupant of such private residences for the purpose of soliciting orders for the sale of goods, wares and merchandise or disposing of or peddling or hawking the same, is declared to be a nuisance and punishable as a misdemeanor; the activities contained and set forth in Section 21-19-35 of the Mississippi Code of 1972, are hereby specifically exempted.

SECTION V. Furnishing of Penal Bond

Transient vendors and traveling photographers shall, in advance of any solicitations within the City of Petal, furnish to the City of Petal, a good and sufficient penal bond in an amount not to exceed One Thousand Dollars (\$1,000.00) conditioned that if said transient vendors and traveling photographers shall



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relating to transient vendors and traveling photographers, said obligation shall be void, otherwise, to remain in full force and effect.

SECTION VI. Section IV Not Applicable to Sale of  
Farm and Garden Produce

The provisions of Section IV shall not apply to the sale, distribution or soliciting of orders for the sale of milk, dairy products, vegetables, poultry, eggs and other farm and garden produce so far as the sale of such commodities is authorized by law.

SECTION VII. Penalty for Violation

Any person convicted of violating any provision of this Ordinance shall be guilty of a misdemeanor and shall be punished by a fine of not more than fifty dollars (\$50.00).

SECTION VIII. Repeal

Ordinance 1978 (41) is hereby repealed.

SECTION IX.

The provisions of this ordinance shall be severable; the validity of all sections of the ordinance will not be affected by any determination of a court of competent jurisdiction that one section of the ordinance is void or voidable except for said section.

SECTION X. Effective Date

The above and foregoing ordinance shall take effect and be in force from and after one month from its adoption.

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

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

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

Those present and voting "NAY" or against the adoption of any section of the foregoing ordinance:

None

Those present and voting "AYE" and in favor of the adoption of the foregoing ordinance as a whole:

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" or against the adoption of the foregoing ordinance as a whole:

None

WHEREUPON, the foregoing ordinance be, and the same is

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March, A. D., 1979.

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

ATTEST:

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

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THEREUPON, Alderman Russell made a motion to adopt the ordinance as read. 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

THEREUPON, Alderman Russell made a motion to adjourn. 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

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 20th day of March, A. D., 1979, at 11:00 o'clock p. m.

*Sidney O. Smith*  
SIDNEY O. SMITH, MAYOR

(SEAL)

ATTEST:

*Priscilla C. Daniel*  
Priscilla C. Daniel, City Clerk