

for administrative services on the Rental Rehab program.

THEREUPON, Alderman Campbell made a motion, to pay Neel-Schaffer, Inc. \$2,240.00. Alderman Boutwell seconded the motion.

Those present and voting "AYE": W. E. Boutwell  
W. H. Campbell  
Leroy Scott  
Michael Lewis

Those present and voting "NAY": None

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

Those present and voting "AYE": W.E. Boutwell  
W. H. Campbell  
Leroy Scott  
Michael Lewis

Those present and voting "NAY": None

There being no further business, the regular recessed meeting of Nov. 19th, 1985 was adjourned on this the 22nd day of November, A.D., 1985.

SIDNEY O. SMITH, MAYOR

(SEAL)

ATTEST:

*Priscilla C. Daniel*  
PRISCILLA C. DANIEL, CITY CLERK

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BE IT REMEMBERED, that there was begun and held the regular meeting of the Mayor and Board of Aldermen of the City of Petal, Mississippi, on December 3, 1985 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  
Leroy Scott  
R. L. Hullum  
Michael Lewis (arrived late)  
Others present: W. G. Barlow  
Paul Shows  
Ford Weatherford  
B. R. May

The Mayor declared a quorem present and declared the City Council in session. The minutes of the regular meeting of November 19, 1985 were read by Thomas Tyner.

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

Those present and voting "AYE": W. E. Boutwell  
W. H. Campbell  
Leroy Scott  
R. L. Hullum

Those present and voting "NAY": None

WHEREAS, Mayor Smith called for public comment but there was none.

WHEREAS, W. G. Barlow, Building Inspector, requested the Board appoint an Electrical Committee and a Plumbing Committee to assist in the licensing of new plumbers and electricians.

THEREUPON, Alderman Boutwell made a motion to appoint the following committees for a term of one year effective January 1, 1986. Alderman Scott seconded the motion.

Those present and voting "AYE":           W. E. Boutwell  
  W. H. Campbell  
  Leroy Scott  
  R. L. Hullum

Those present and voting "NAY":           None

Plumbing Committee

James H. Dye  
Joe R. Byrd  
Robert L. King  
Jude Tisdale

Electrical Committee

Joe McMurry  
Jimmy Coston  
Milton Palmer  
Billy Richardson  
Lowery Ridgway

WHEREAS, Paul Shows, City Engineer, requested that the Mayor and Board of Aldermen authorize the appraisals on the properties on the Leaf River project.

THEREUPON, Alderman Boutwell made a motion to authorize the employment of an appraiser on the Leaf River Project. Alderman Scott seconded the motion.

Those present and voting "AYE":           W. E. Boutwell  
  W. H. Campbell  
  Leroy Scott  
  R. L. Hullum

Those present and voting "NAY":           None

(Alderman Lewis arrived)

WHEREAS, Mr. Shows requested permission to advertise for bids for construction of the sewer project.

THEREUPON, Alderman Campbell made a motion to authorize the advertising for bids on the sewer project. Alderman Boutwell seconded the motion.

Those present and voting "AYE":           W. E. Boutwell  
  W. H. Campbell  
  Leroy Scott  
  R. L. Hullum  
  Michael Lewis

Those present and voting "NAY":           None

WHEREAS, Mayor Smith presented the following Proofs of Publication:

- 1) Notice of Public Hearing- Rec. Grant
- 2) Notice of Hearing- Variance-Poore
- 3) Notice to Bidders-Police Cars
- 4) Ord. 1979 (42-A28)
- 5) Ord. 1979 (42-A27)

THEREUPON, Alderman Lewis made a motion that the foregoing proofs of publication be accepted and filed. Alderman Scott seconded the motion.

Those present and voting "AYE":           W. E. Boutwell  
  W. H. Campbell  
  Leroy Scott  
  R. L. Hullum  
  Michael Lewis

Those present and voting "NAY":           None

WHEREAS, Mayor Smith presented claim numbers 16001-16197 of the General Fund.

THEREUPON, Alderman Campbell made a motion to pay claim numbers 16001-16197 of the General Fund. Alderman Boutwell seconded the motion.

Those present and voting "AYE": W. E. Boutwell Those present and voting  
W. H. Campbell "Nay": None  
Leroy Scott  
R. L. Hillum  
Michael Lewis (Abstained)

WHEREAS, Mayor Smith presented claim numbers 3281-3334 of the O & M Fund and claim number 804-B of the R & E Fund.

THEREUPON, Alderman Campbell Made a motion to pay claim numbers 3281-3334 of the O & M Fund and claim number 804-B of the R & E Fund. Alderman Boutwell seconded the motion.

Those present and voting "AYE": W. E. Boutwell  
W. H. Campbell  
Leroy Scott  
R. L. Hillum  
Michael Lewis (Abstained)

Those present and voting "NAY": None

There came on this day for consideration of the Mayor and Board of Aldermen the matter of accepting and approving a Fiscal Agent Agreement concerning \$2,500,000 General Obligation Sewer Bonds, Series 1985, and after due consideration, Alderman Boutwell offered and moved the adoption of the following Resolution.

THERE came on this day for consideration by the Mayor and Board of Aldermen the matter of accepting and approving a "Fiscal Agent Agreement Concerning \$2,500,000 General Obligation Sewer Bonds, Series 1985" and, after due consideration, Alderman Boutwell offered and moved the adoption of the following resolution:

RESOLUTION ACCEPTING AND APPROVING A FISCAL AGENT AGREEMENT WITH THE PEOPLES BANK OF BILOXI, BILOXI, MISSISSIPPI, CONCERNING \$2,500,000 GENERAL OBLIGATION SEWER BONDS, SERIES 1985, AND AUTHORIZING AND DIRECTING THE CLERK OF THE MUNICIPALITY TO SPREAD SAID AGREEMENT UPON THE MINUTES OF THE MAYOR AND BOARD OF ALDERMEN.

WHEREAS, the Mayor and Board of Aldermen of the City of Petal, Mississippi (the "Governing Body" of the "Municipality"), acting for and on behalf of the Municipality, does hereby find, determine, adjudicate and declare as follows:

1. This Governing Body has previously determined to issue the \$2,500,000 General Obligation Sewer Bonds, Series 1985, of the Municipality (the "Bonds").

2. By its resolution authorizing and directing the issuance of the Bonds, adopted October 1, 1985, the Governing Body authorized the payment of reasonable fees to the Registrar/Transfer/Paying Agent (the "Fiscal Agent") for the performance of services normally rendered and the incurring of normal expenses reasonably and necessarily paid as are customarily paid to such agents, subject to agreement between the Municipality and the Fiscal Agent.

3. It now becomes necessary to accept and approve an agreement with the Fiscal Agent for the Bonds.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY AS FOLLOWS:

SECTION 1. The Governing Body hereby accepts, approves and enters into the following Fiscal Agent Agreement with The Peoples Bank of Biloxi, Biloxi, Mississippi, and directs the Mayor and Clerk of the Municipality to execute said Agreement for and on behalf of the Municipality, their signatures on said Agreement being conclusive evidence of the Municipality's approval:

DRAFT

FISCAL AGENT AGREEMENT  
CONCERNING \$2,500,000  
GENERAL OBLIGATION SEWER BONDS, SERIES 1985

The Peoples Bank of Biloxi, Biloxi, Mississippi (the "Bank"), hereby acknowledges receipt of the Bond Resolution of the Mayor and Board of Aldermen of the City of Petal, Mississippi (the "Governing Body" of the "Municipality") adopted October 1, 1985, wherein the Municipality authorized the designation of a Registrar/Transfer/Paying Agent (the "Fiscal Agent") for the \$2,500,000 General Obligation Sewer Bonds, Series 1985 (the "Bonds"), of the Municipality, and hereby accepts said designation as made by the Governing Body by resolution adopted November 5, 1985. The Bank further acknowledges that it has reviewed said Bond Resolution and agrees to act as Fiscal Agent pursuant to the provisions thereof.

It is agreed that so long as the Municipality maintains on deposit at the Bank sufficient funds for the Bank, in its capacity as Paying Agent, to meet the payment of principal of and interest on the Bonds on the due date thereof, the Bank will hold harmless and indemnify the Municipality from any and all damages or claims for damages arising out of or connected with the payment or non-payment of the Bonds.

It is further agreed that the Bank, in its capacity as Transfer Agent for the Bonds, will hold harmless and indemnify the Municipality from any and all damages or claims for damages arising out of or connected with the erroneous issuance of bond certificates in amounts in excess of that authorized by said Bond Resolution.

A copy of the Bank's schedule of compensation detailing its current fees as Fiscal Agent is attached hereto and made a part hereof. However, we reserve the right to adjust the fees thereupon after thirty (30) days' prior written notice to the Clerk of the Municipality.

THE PEOPLES BANK OF BILOXI  
BILOXI, MISSISSIPPI

DRAFT

SECTION 2. The Clerk of the Municipality is hereby authorized and directed to spread the Fiscal Agent Agreement and attached fee schedule upon the minutes of the Governing Body.

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

Alderman W. E. Boutwell	voted: <u>Yea</u>
Alderman W. H. Campbell	voted: <u>Yea</u>
Alderman Michael V. Lewis	voted: <u>Yea</u>
Alderman R. L. Hullum	voted: <u>Yea</u>
Alderman Leroy Scott	voted: <u>Yea</u>

The motion having received the affirmative vote of a majority of the Aldermen present, the Mayor declared the motion carried and the resolution adopted this 3rd day of December, 1985.

Approved: CITY OF PETAL, MISSISSIPPI

Attest:

Theresa C. Daniel  
City Clerk

By: Ernest V. Smith  
Mayor

Ernest V. Smith  
Mayor

ATTEST:

Theresa C. Daniel  
City Clerk

(SEAL)

(SEAL)

WHEREAS, Mayor Smith presented a resolution requesting that the Supreme Court advance the Cloverleaf Mall case so it will be given an earlier hearing.

IN THE SUPREME COURT OF THE STATE OF MISSISSIPPI

NUMBER 55,622

BROADACRES, INC.; NITA LOGAN, FRED  
LOGAN, J. W. KORNRUMPF, EDITH  
BOLLINGER, MRS. H. GUINN LEWIS, JOHN  
MULLICAN, BILLY B. SLAY, ALINE HAYES,  
RUTH SANFORD, NORVELL M. SANFORD AND  
EILEEN WAGGONER,

APPELLANTS

versus

CITY OF HATTIESBURG, MISSISSIPPI

APPELLEE

MOTION OF APPELLEE, CITY OF HATTIESBURG,  
JOINED BY THE FORREST COUNTY BOARD OF SUPERVISORS,  
THE CITY OF PETAL AND THE HATTIESBURG AREA  
CHAMBER OF COMMERCE TO ADVANCE CASE ON DOCKET

COME NOW the City of Hattiesburg, joined by the Forrest County Board of Supervisors, the City of Petal and the Hattiesburg Area Chamber of Commerce and file this, their Motion To Advance the above-styled and numbered case on the Docket of this Court, in support of which Movants assign the following, to-wit:

1. The Appellee, City of Hattiesburg, heretofore filed a Motion to advance this case which was overruled on February 13, 1985. The grounds recited in said Motion and Appellee's Brief filed therewith are incorporated by reference herein.
2. The additional Movants join herein because of urgent and significant public interest considerations.
3. Subsequent to the filing of Motion To Advance by the Appellee, City of Hattiesburg, it has been determined that the City of Hattiesburg and Forrest County are in serious danger of losing major commercial tenants in any of their said commercial mall areas because of competitive, locational and economic uncertainties which affect the planning of major retail and department store outlets heretofore actively considering locating within the boundaries of Forrest County, but now reportedly looking elsewhere.

4. The economic impact from lost revenues and jobs and the tax base and sales tax revenue impact on the City of Hattiesburg, the City of Petal and Forrest County, Mississippi, inherent in this litigation are significant. Delay in adjudication, however, has compounded such impacts as the same affect retail expansion and locational planning and have resulted in becalming Hattiesburg, Petal and Forrest County in economic slack water, silting up and threatening to run aground.

5. The issues and result in this appeal transcend the named Appellants and Appellee and impact many thousands of citizens and their city and county governments, sufficient reasons to remove this case from those involving merely private interests and to advance the same on the Docket by special category designation as an urgent public interest case.

Respectfully submitted,

CITY OF HATTIESBURG, MISSISSIPPI

BY: G. D. Williamson  
G. D. Williamson, Mayor

Ed Morgan  
Ed Morgan, President, Board  
of Aldermen

FORREST COUNTY BOARD OF SUPERVISORS

By: Lynn Cartledge  
Lynn Cartledge, President

ATTEST:

Jerry C. Hayward  
Jerry C. Hayward, Chancery Clerk,  
Secretary

CITY OF PETAL, MISSISSIPPI

BY: Sidney O. Smith  
Sidney O. Smith, Mayor

W. A. Campbell  
President, Board of Aldermen

HATTIESBURG AREA CHAMBER OF COMMERCE

By: Duane K. McCallister  
Duane K. McCallister, President

ATTEST:

Robert K. Daniels  
Secretary

S. Wayne Easterling  
S. WAYNE EASTERLING, Attorney for  
Appellee, City of Hattiesburg

Paul Richard Lambert  
PAUL RICHARD LAMBERT, Attorney for  
Appellee, City of Hattiesburg

Stone D. Barefield  
STONE D. BAREFIELD, Attorney for  
Forrest County Board of Supervisors

Thomas W. Turner  
THOMAS W. TURNER, Attorney for  
The City of Petal

Frank D. Montague, Jr.  
FRANK D. MONTAGUE, JR., Attorney for  
Hattiesburg Area Chamber of Commerce

CERTIFICATE OF SERVICE

I hereby certify that I have this date mailed, postage prepaid, a true and correct copy of the above and foregoing Motion of Appellee, City of Hattiesburg, Joined by the Forrest County Board of Supervisors, the City of Petal and the Hattiesburg Area Chamber of Commerce To Advance Case On Docket to the following:

Hon. Richard W. McKenzie  
Forrest County Circuit Judge  
Forrest County Courthouse  
Hattiesburg, MS 39401

Hon. Jack H. Pittman  
Attorney for Appellants  
P. O. Box 2015  
Hattiesburg, MS 39401

Hon. James K. Dukes  
P. O. Box 2055  
Hattiesburg, MS 39401

Hon. J. B. Van Slyke, Jr.  
P. O. Drawer 1506  
Hattiesburg, MS 39401.

This, the \_\_\_\_\_ day of December, 1985.

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

Those present and voting "AYE": W. E. Boutwell  
W. H. Campbell  
Leroy Scott  
R. L. Hullum  
Michael Lewis

Those present and voting "NAY": None

WHEREAS, Alderman Campbell made a motion to enter into an executive session to discuss pending litigation. Alderman Lewis seconded the motion.

Those present and voting "AYE": W. E. Boutwell  
W. H. Campbell  
Leroy Scott  
R. L. Hullum  
Michael Lewis

Those present and voting "NAY": None

THEREUPON, Alderman Scott made a motion to adjourn the executive session.  
Alderman Boutwell seconded the motion.

Those present and voting "AYE": W. E. Boutwell  
W. H. Campbell  
Leroy Scott  
R. L. Hullum  
Michael Lewis

Those present and voting "NAY": None

WHEREAS, Alderman Boutwell made a motion to notify J. H. Grayson that the state of his property at 909 South Main Street poses a threat to the safety and welfare of the neighborhood and that a hearing is set pursuant to Section 21-19-11 of the Mississippi Code of 1972, on January 21, 1986 at 7:30 P.M. Alderman Hullum seconded the motion.

Those present and voting "AYE": W. E. Boutwell  
W. H. Campbell  
Leroy Scott  
R. L. Hullum  
Michael Lewis

Those present and voting "NAY": None

WHEREAS, Alderman Lewis made a motion to authorize the transfer of any surplus funds from the Water & Sewer Revenue Fund and the O & M Fund to the Repair and Extension Fund. Alderman Scott seconded the motion.

Those present and voting "AYE": W. E. Boutwell  
W. H. Campbell  
Leroy Scott  
R. L. Hullum  
Michael Lewis

Those present and voting "NAY": None

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

Those present and voting "AYE": W. E. Boutwell  
W. H. Campbell  
Leroy Scott  
R. L. Hullum  
Michael Lewis

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 December, A.D., 1985.

*Sidney O. Smith*  
MAYOR SIDNEY O. SMITH

(SEAL)

ATTEST:

*Priscilla C. Daniel*  
PRISCILLA C. DANIEL  
CITY CLERK

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BE IT REMEMBERED that there was begun and held the regular meeting of the Mayor and Board of Aldermen of the City of Petal, Ms. on Tuesday, December 17, 1985 at 7:30 P.M., in the Board Room of said City.

- Those present: Mayor Sidney O. Smith
- City Attorney: Thomas W. Tyner
- Aldermen: W. E. Boutwell  
W. H. Campbell  
Leroy Scott  
R. L. Hullum (Arrived late)  
Michael Lewis (Arrived late)
- Others present: Gordon Swain  
Carroll Harmon  
Don Inkster  
and others

The Mayor declared a quorem present and declared the City Council in session. The invocation was offered by Leroy Scott.

The minutes of the regular meeting of December 3rd, 1985 were read by Priscilla Daniel.

THEREUPON, Alderman Campbell made a motion that the minutes be accepted as read. Alderman Boutwell seconded the motion.

Those present and voting "AYE": W. E. Boutwell  
W. H. Campbell  
Leroy Scott

Those present and voting "NAY": None

WHEREAS, Mayor Smith called for public comment but there was none.

WHEREAS, the hour of 7:30 P.M. having arrived, the Mayor and Board of Aldermen proceeded to publicly open and read the sealed bids for the depositories. The bids read as follows, to-wit:

SEE

FOLLOWING

PAGES

FOR

BIDS