

BE IT REMEMBERED THAT A PUBLIC HEARING, PURSUANT TO SECTION 21-19-11 OF THE MISSISSIPPI CODE OF 1972, AS AMENDED, WAS CALLED TO ORDER ON MAY 15, 1990 AT 6:30 P.M.

THOSE PRESENT

MAYOR JACK GAY, JR.

CITY ATTORNEY

THOMAS W. TYNER

ALDERMEN

REUBEN CLEPPER

BOBBY RUNNELS

LERROY SCOTT

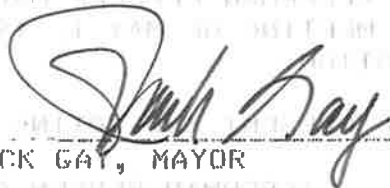
OTHER PRESENT

DAN TOLBERT

WHEREAS, MAYOR GAY STATED THAT THE UNSAFE AND UNSANITARY CONDITIONS AT THE PROPERTY OF B.F. HOLLINGSWORTH LOCATED AT 112 MCKINNON STREET AND BEING MORE PARTICULARLY DESCRIBED AS:

BEG 80 FT S NEC LOT 1 W 150 FT S 80 FT E 150 N  
80 FT TO POB, BLK 4 E HATTIESBURG S/D

HAS BEEN BROUGHT TO THE ATTENTION OF THE BOARD AND AFTER PROPER NOTICE THE HEARING HAS BEEN CALLED. MAYOR GAY NOTED THAT THE PROPERTY OWNER IS NOT PRESENT.



JACK GAY, MAYOR

(SEAL)

ATTEST:



PRISCILLA C. DANIEL  
CITY CLERK

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 MAY 15, 1990 AT 7:00 PM IN THE BOARD ROOM OF SAID CITY.

THOSE PRESENT	MAYOR JACK GAY, JR.
CITY ATTORNEY	THOMAS W TYNER
ALDERMEN	REUBEN CLEPPER BOBBY RUNNELS LEROY SCOTT
OTHERS PRESENT	RICHARD ALLEN FLYNT JIMMIE WALTERS

THE MAYOR DECLARED A QUORUM PRESENT AND DECLARED THE CITY COUNCIL IN SESSION.

THE INVOCATION WAS OFFERED BY THOMAS W TYNER.

THE PLEDGE OF ALLEGIANCE WAS RECITED.

WHEREAS, ALDERMAN CLEPPER MADE A MOTION TO ACCEPT THE MINUTES OF THE REGULAR MEETING OF MAY 1, 1990, AS AMENDED. ALDERMAN SCOTT SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE":

ALDERMAN REUBEN CLEPPER  
ALDERMAN BOBBY RUNNELS  
ALDERMAN LEROY SCOTT

THOSE PRESENT AND VOTING "NAY":

NONE

WHEREAS, MAYOR GAY CALLED FOR PUBLIC COMMENT.

THEREUPON, ALLEN FLYNT STATED THAT ON BEHALF OF THE PETAL HIGH SCHOOL BAND BOOSTERS, HE WOULD LIKE TO THANK THE MAYOR AND BOARD FOR THE KEY TO THE CITY AND THE FRAMED LETTER THAT WAS PRESENTED TO THE CHAMBLEE, GEORGIA BAND ON MAY 11, 1990.

WHEREAS, MAYOR GAY PRESENTED THE A REQUEST FOR REZONING FROM ROBERT ALLEN RAINEY FOR HIS PROPERTY AT 772 HIGHWAY 42.

THEREUPON, ALDERMAN SCOTT MADE A MOTION TO SET THE HEARING ON JUNE 12, 1990 AT 7:00 PM. ALDERMAN RUNNELS SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE":

ALDERMAN REUBEN CLEPPER  
ALDERMAN BOBBY RUNNELS  
ALDERMAN LEROY SCOTT

THOSE PRESENT AND VOTING "NAY":

NONE

WHEREAS, MAYOR GAY PRESENTED THE FOLLOWING PROOFS OF PUBLICATION TO THE BOARD:

- 1) PUBLIC NOTICE - ZONING CHANGE HEARING - SIEGREST
- 2) ORDINANCE NUMBER 1979 (42-A63)

THEREUPON, ALDERMAN CLEPPER MADE A MOTION THAT THE FOREGOING PROOFS OF PUBLICATION BE ACCEPTED AND FILED. ALDERMAN RUNNELS SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE":

ALDERMAN REUBEN CLEPPER  
ALDERMAN BOBBY RUNNELS

THOSE PRESENT AND VOTING "NAY":  
NONE

WHEREAS, MAYOR GAY PRESENTED A DRAINAGE EASEMENT FROM KENNETH WEST AND THELMA J WEST.

THEREUPON, ALDERMAN CLEPPER MADE A MOTION THAT THE FOREGOING EASEMENT BE ACCEPTED AND TO PAY MR AND MRS WEST \$10.00 FOR THE DRAINAGE EASEMENT. ALDERMAN SCOTT SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE":  
ALDERMAN REUBEN CLEPPER  
ALDERMAN BOBBY RUNNELS  
ALDERMAN LEROY SCOTT

THOSE PRESENT AND VOTING "NAY":  
NONE

WHEREAS, MAYOR GAY PRESENTED THE DRAINAGE EASEMENT FROM DAN F. PRIM.

THEREUPON, ALDERMAN RUNNELS MADE A MOTION TO ACCEPT THE DRAINAGE EASEMENT FROM MR PRIM AND TO PAY HIM \$10.00 FOR THE EASEMENT. ALDERMAN SCOTT SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE":  
ALDERMAN REUBEN CLEPPER  
ALDERMAN BOBBY RUNNELS  
ALDERMAN LEROY SCOTT

THOSE PRESENT AND VOTING "NAY":  
NONE

WHEREAS, MAYOR GAY PRESENTED THE REVENUES AND EXPENDITURES REPORT FOR THE MONTH OF APRIL TO THE BOARD.

THEREUPON, ALDERMAN SCOTT MADE A MOTION TO ACCEPT THE REVENUE AND EXPENDITURE REPORT FOR THE MONTH OF APRIL. ALDERMAN RUNNELS SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE":  
ALDERMAN REUBEN CLEPPER  
ALDERMAN BOBBY RUNNELS  
ALDERMAN LEROY SCOTT

THOSE PRESENT AND VOTING "NAY":  
NONE

WHEREAS, MAYOR GAY PRESENTED THE FOLLOWING PROCLAMATION OF EXISTENCE OF A LOCAL EMERGENCY TO THE BOARD CONCERNING THE FLOODING EXPERIENCED ON SUNDAY MAY 13, 1990.

SEE EXHIBIT "A"

PROCLAMATION OF EXISTENCE OF A LOCAL EMERGENCY

THEREUPON, ALDERMAN SCOTT MADE A MOTION TO ADOPT THE FOREGOING PROCLAMATION. ALDERMAN CLEPPER SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE":  
ALDERMAN REUBEN CLEPPER  
ALDERMAN BOBBY RUNNELS  
ALDERMAN LEROY SCOTT

THOSE PRESENT AND VOTING "NAY":  
NONE

WHEREAS, MAYOR GAY STATED THAT DAVIS BOND HAS PAID FOR A NEW WATER TAP PRIOR TO THE STATE HEALTH DEPARTMENT APPROVAL FOR A SEPTIC TANK AT THE SITE, THEREFORE MR BOND HAS REQUESTED A REFUND FOR THE TAP FEE OF \$250.00.

THEREUPON, ALDERMAN SCOTT MADE A MOTION TO REFUND MR BOND THE \$250.00 FOR THE TAP FEE AND FOR THE CITY CREW TO REMOVE THE TAP AT THE MAIN. ALDERMAN RUNNELS SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE":

ALDERMAN REUBEN CLEPPER  
ALDERMAN BOBBY RUNNELS  
ALDERMAN LEROY SCOTT

THOSE PRESENT AND VOTING "NAY":

NONE

WHEREAS, MAYOR GAY STATED THAT HE HAS RECEIVED A LETTER FROM THE ATTORNEY FOR THE CURRIE ESTATE CONCERNING THE PROPERTIES ACROSS FROM THE PETAL CITY PARK. MAYOR GAY STATED THAT THEY ARE NOT INTERESTED IN SELLING THE PROPERTY BUT ARE INTERESTED IN LEASING THE PROPERTY TO THE CITY. MAYOR GAY STATED THAT IF THE BOARD APPROVES HE WILL PURSUE THE LEASE ASPECT WITH THE CURRIES.

THEREUPON, ALDERMAN RUNNELS STATED THAT THE CITY COULD USE THE ADDITIONAL LAND FOR PARKING AND THE FEELINGS OF THE BOARD WOULD BE TO DISCUSS A LONG TERM LEASE WITH THE CURRIES.

WHEREAS, MAYOR GAY PRESENTED THE REQUEST FOR WILLIAM PAGE, JOHN ANDERSON TO ATTEND THE MISSISSIPPI FIRE FIGHTERS ASSOCIATION MEETING IN NATCHEZ, MS. JUNE 14-16, 1990.

THEREUPON, ALDERMAN SCOTT MADE A MOTION TO AUTHORIZE THE FOREGOING TO ATTEND THE MS FIRE FIGHTERS ASSOCIATION MEETING IN NATCHEZ, MS. JUNE 14-16, 1990 AND TO PAY HIS EXPENSES. ALDERMAN CLEPPER SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE":

ALDERMAN REUBEN CLEPPER  
ALDERMAN BOBBY RUNNELS  
ALDERMAN LEROY SCOTT

THOSE PRESENT AND VOTING "NAY":

NONE

WHEREAS, MAYOR GAY PRESENTED THE REQUEST FOR AUBRA EVANS TO ATTEND THE MISSISSIPPI FIRE CHIEFS ASSOCIATION MEETING IN NATCHEZ, MS. JUNE 12-16, 1990.

THEREUPON, ALDERMAN SCOTT MADE A MOTION TO AUTHORIZE MR EVANS TO ATTEND THE MS FIRE CHIEFS ASSOCIATION MEETING IN NATCHEZ, MS. AND TO PAY HIS EXPENSES. ALDERMAN CLEPPER SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE":

ALDERMAN REUBEN CLEPPER  
ALDERMAN BOBBY RUNNELS  
ALDERMAN LEROY SCOTT

THOSE PRESENT AND VOTING "NAY":

NONE

WHEREAS, MAYOR GAY PRESENTED A RECOMMENDATION FROM FIRE CHIEF HARRY HOOKS TO APPOINT JIMMY BARDING AS THE FIRE DEPARTMENT TRAINING OFFICER AND TO PAY HIM \$50.00 A MONTH FOR THE ADDITIONAL DUTY.

THEREUPON, ALDERMAN SCOTT MADE A MOTION TO APPOINT JIMMY BARDING AS THE TRAINING OFFICER FOR THE FIRE DEPARTMENT AND TO PAY HIM AN ADDITIONAL \$50.00 PER MONTH. ALDERMAN CLEPPER SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE":

ALDERMAN REUBEN CLEPPER  
ALDERMAN BOBBY RUNNELS  
ALDERMAN LEROY SCOTT

THOSE PRESENT AND VOTING "NAY":

NONE

WHEREAS, MAYOR GAY STATED THAT B.F. AND EDNA HOELLINGSWORTH HAD FAILED, ALTHOUGH PROPERLY NOTIFIED, TO APPEAR AT THE PUBLIC HEARING WHICH WAS HELD AT 6:30 PM MAY 15, 1990 AND HE WOULD RECOMMEND THAT PURSUANT TO SECTION 21-19-11 OF THE MISSISSIPPI CODE OF 1972, AS AMENDED, THE PROPERTY BE CLEANED BY CITY CREWS AND THE COST BE ASSESSED AS A LIEN AGAINST SUCH PROPERTY.

THEREUPON, ALDERMAN CLEPPER MADE A MOTION THAT PURSUANT TO SECTION 21-19-11 OF THE MISSISSIPPI CODE OF 1972, AS AMENDED, THE PROPERTY OWNED BY B.F. AND EDNA HOLLINGSWORTH BE CLEANED BY CITY CREWS AND THE COST OF THE LABOR AND RENTAL OF THE EQUIPMENT BE ASSESSED AS A LIEN AGAINST THE FOLLOWING DESCRIBED PROPERTY:

BEG 80 FT S NEC LOT 1 W 150 FT S 80 FT E 150 FT  
N 80 FT TO POB BLK 4 E HATTIESBURG S/D

ALDERMAN RUNNELS SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE":

ALDERMAN REUBEN CLEPPER  
ALDERMAN BOBBY RUNNELS  
ALDERMAN LEROY SCOTT

THOSE PRESENT AND VOTING "NAY":

NONE

WHEREAS, MAYOR GAY STATED THAT DALLAS E SMITH AND AMELIA SMITH HAVE FAILED TO CONTINUE TO CLEAN THEIR PROPERTY AS PROMISED AT THE HEARING ON MAY 1, 1990 THEREFORE HE WOULD RECOMMEND THAT PURSUANT TO SECTION 21-19-11 OF THE MISSISSIPPI CODE OF 1972, AS AMENDED, THE PROPERTY BE CLEANED BY CITY CREWS AND THE COST BE ASSESSED AS A LIEN AGAINST SUCH PROPERTY.

THEREUPON, ALDERMAN RUNNELS MADE A MOTION THAT PURSUANT TO SECTION 21-19-11 OF THE MISSISSIPPI CODE OF 1972, AS AMENDED, THE PROPERTY OWNED BY DALLAS E AND AMELIA SMITH LOCATED AT 213 N GEORGE STREET BE CLEANED BY CITY CREWS AND THE COST OF THE LABOR AND RENTAL OF THE EQUIPMENT BE ASSESSED AS A LIEN AGAINST THE FOLLOWING DESCRIBED PROPERTY:

LOT 7 BLK 2 BRADSHAW HEIRS S/D

ALDERMAN SCOTT SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE":

ALDERMAN REUBEN CLEPPER  
ALDERMAN BOBBY RUNNELS  
ALDERMAN LEROY SCOTT

THOSE PRESENT AND VOTING "NAY":

NONE

WHEREAS, MAYOR GAY STATED THAT RUBY BYRD FAILED, ALTHOUGH PROPERTY NOTIFIED, TO APPEAR AT THE PUBLIC HEARING WHICH WAS HELD ON MAY 1, 1990 AT 6:30 PM AND HE WOULD RECOMMEND THAT PURSUANT TO SECTION 21-19-11 OF THE MISSISSIPPI CODE OF 1972, AS AMENDED, THE PROPERTY BE CLEANED BY CITY CREWS AND THE COST BE ASSESSED AS A LIEN AGAINST SUCH PROPERTY.

THEREUPON, ALDERMAN SCOTT MADE A MOTION THAT THE PROPERTY OWNED BY RUBY BYRD BE CLEANED BY CITY CREWS AND THE COST OF THE LABOR AND RENTAL OF THE EQUIPMENT BE ASSESSED AS A LIEN AGAINST THE FOLLOWING DESCRIBED PROPERTY:

LOTS 12 & 13 BLK 2 E SIDE ADDITION

ALDERMAN CLEPPER SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE":

ALDERMAN REUBEN CLEPPER  
ALDERMAN BOBBY RUNNELS  
ALDERMAN LEROY SCOTT

THOSE PRESENT AND VOTING "NAY":

NONE

WHEREAS, MAYOR GAY STATED THAT THE LEGISLATURE HAS RESTORED THE TERM CONTRACTS BETWEEN THE CITY AND CONTRACTORS OF COMMODITIES.

THEREUPON, ALDERMAN SCOTT MADE A MOTION TO AUTHORIZE THE CITY CLERK TO ADVERTISE FOR A TERM CONTRACT NOT TO EXCEED 24 MONTHS FOR ASPHALT IN PLACE AND FOB PLANT. ALDERMAN RUNNELS SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE":

ALDERMAN REUBEN CLEPPER  
ALDERMAN BOBBY RUNNELS  
ALDERMAN LEROY SCOTT

THOSE PRESENT AND VOTING "NAY":

NONE

WHEREAS, ALDERMAN RUNNELS REQUESTED THAT THE MAYOR CALL TRENT LOTT AND THAD COCHRAN REQUESTING THEIR HELP IN OBTAINING THE CORPS OF ENGINEERS HELP WITH THE DRAINAGE PROBLEMS ON GREEN'S CREEK.

THEREUPON, ALDERMAN RUNNELS STATED THAT THE CITY EMPLOYEES AND VOLUNTEERS SHOULD BE COMMENDED FOR THE OUTSTANDING JOBS THEY PERFORMED DURING THE FLOODING OF MAY 13, 1990.

WHEREAS, CITY ATTORNEY THOMAS TYNER REQUESTED THE WISHES OF THE BOARD CONCERNING THE LITIGATION PROCEEDINGS AGAINST WILLIAM E GRAYSON SINCE MR GRAYSON HAS BEGUN MOVING HIS NONCONFORMING ACTIVITIES TO A PROPERLY ZONED PROPERTY.

THEREUPON, ALDERMAN RUNNELS MADE A MOTION TO WITHHOLD ANY FURTHER ACTION AGAINST MR GRAYSON. ALDERMAN CLEPPER SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE":

ALDERMAN REUBEN CLEPPER  
ALDERMAN BOBBY RUNNELS  
ALDERMAN LEROY SCOTT

THOSE PRESENT AND VOTING "NAY":

NONE

WHEREAS, MR TYNER PRESENTED THE FOLLOWING SUBORDINATION AGREEMENT TO CONTINUE THE SUBORDINATE THE LIEN OF THE DEED OF TRUST FROM TED PECOT TO THOMAS W TYNER, TRUSTEE, CITY OF PETAL, BENEFICIARY SECURING THE ORIGINAL INDEBTEDNESS OF \$35,000.00 AND TO THE ASSUMPTION FROM TED C. PECOT, KATRINIA WAITS AND PAT WAITS TO HOLLIS E ARTLEY.

SEE EXHIBIT "B"

SUBORDINATION AGREEMENT

THEREUPON, ALDERMAN CLEPPER MADE A MOTION TO AUTHORIZE THE MAYOR AND THE CITY CLERK TO APPROVE THE SUBORDINATION AGREEMENT. ALDERMAN RUNNELS SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE":

ALDERMAN REUBEN CLEPPER  
ALDERMAN BOBBY RUNNELS  
ALDERMAN LEROY SCOTT

THOSE PRESENT AND VOTING "NAY":

NONE

THEREUPON, ALDERMAN CLEPPER MADE A MOTION TO ADJOURN.  
ALDERMAN RUNNELS SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE":

ALDERMAN REUBEN CLEPPER  
ALDERMAN BOBBY RUNNELS  
ALDERMAN LEROY SCOTT

THOSE PRESENT AND VOTING "NAY":

NONE

THEREBEING NO FURTHER BUSINESS, THE REGULAR MEETING OF THE  
MAYOR AND BOARD OF ALDERMEN OF THE CITY OF PETAL, MISSISSIPPI WAS  
ADJOURNED ON THIS THE 15TH DAY OF MAY, A.D., 1990.

  
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JACK GAY, JR., MAYOR

(SEAL)

ATTEST:

  
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PRISCILLA C. DANIEL  
CITY CLERK

EXHIBIT "A"

PROCLAMATION OF EXISTENCE OF A LOCAL EMERGENCY

by the MAYOR AND ALDERMEN of the CITY of PETAL

WHEREAS, the Mayor and Aldermen of the City of Petal do hereby find:

That conditions of extreme peril to the safety of persons and property have arisen within said city, caused by river flood commencing on or about 10:00 a.m. on the 13th day of May, 1990;

That the aforesaid conditions of extreme peril warrant and necessitate the proclamation of the existence of a local emergency;

NOW, THEREFORE, IT IS HEREBY PROCLAIMED that in accordance with Section 33-15-17, MS Code 1972, a local emergency now exists throughout said city; and

IT IS FURTHER PROCLAIMED AND ORDERED that said local emergency shall be deemed to continue to exist until its termination is proclaimed by the Mayor and Aldermen of the City of Petal, State of Mississippi.

CITY OF PETAL, MISSISSIPPI

  
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Mayor

  
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Alderman

  
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Alderman

  
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Alderman

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Alderman

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Alderman



EXHIBIT "B"

STATE OF MISSISSIPPI            )  
COUNTY OF FORREST            )

SUBORDINATION AGREEMENT

FOR AND IN CONSIDERATION OF THE SUM OF TEN DOLLARS, (\$10.00), and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the undersigned City of Petal, by and through its duly authorized and empowered officers, does hereby agree to subordinate and to continue to subordinate the lien of that Deed of Trust from Ted Pecot to Thomas W. Tyner, Trustee, City of Petal, beneficiary, securing an original indebtedness of \$35,000.00 dated January 29, 1986 and recorded in Deed of Trust Book 625 at Page 518 in the office of the Chancery Clerk of Forrest County, Mississippi, to the lien of that certain Deed of Trust from Ted C. Pecot to William F. Jones, Trustee, Magnolia Federal Bank, beneficiary, securing an original indebtedness of \$74,500.00 dated June 5, 1987 recorded in Deed of Trust Book 665 at Page 459, as recorded in the office of the Chancery Clerk of Forrest County, Mississippi, and to the assumption thereof from Ted C. Pecot, Katrinia Waits and Pat Waits to Hollis E. Artley, said assumption as reflected by the recording of Warranty Deed and Assumption Agreement in the office of the Chancery Clerk of Forrest County, Mississippi, otherwise said Deed of Trust to remain in full force and effect.

WITNESS THE SIGNATURES of officer of City of Petal, on this, the 15<sup>th</sup> day of May, A. D., 1990.

CITY OF PETAL  
BY: [Signature]  
MAYOR

ATTEST:  
[Signature]  
CITY CLERK

EXHIBIT "B"

STATE OF MISSISSIPPI                    )  
COUNTY OF FORREST                    )

This day personally appeared before me, the undersigned authority in and for said County and State Jack Gay and Pricilla Daniels, who each acknowledged that they are Mayor and City Cler, respectively, of the City of Petal and that they signed and delivered the above and foregoing Assumption Agreement on the day and year therein set forth in their official capacity and with full authority on behalf of said City of Petal.

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, on this, the 15th day of May A. D., 1990.

Elizabeth Brewer  
NOTARY PUBLIC

My Commission Expires:

may 16, 1991