

BE IT REMEMBERED THAT A PUBLIC HEARING WAS CALLED TO ORDER ON MARCH 19, 1991 AT 6:30 PM PURSUANT TO SECTION 21-19-11 OF THE MISSISSIPPI CODE OF 1972, AS AMENDED, BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF PETAL, MISSISSIPPI FOR THE PURPOSE OF DETERMINING THE STATUS OF THE PROPERTY OWNED BY DONALD AND LILLIE HELTON AT 140 STEVENS STREET.

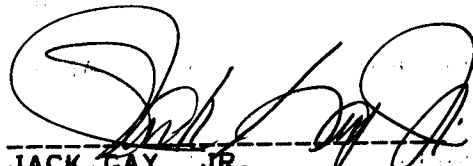
THOSE PRESENT	MAYOR JACK GAY, JR.
CITY ATTORNEY	THOMAS W TYNER
ALDERMEN	REUBEN CLEPPER JERRY CROWE DONALD H ROWELL BOBBY RUNNELS LEROY SCOTT
OTHERS PRESENT	DAN TOLBERT PEGGY PARKER

WHEREAS, MAYOR GAY STATED THAT THE UNSANITARY CONDITIONS ON DONALD AND LILLIE HELTON'S PROPERTY HAS BEEN BROUGHT TO THE ATTENTION OF THE BOARD AND AFTER PROPER NOTICE THE HEARING HAS BEEN CALLED. THE PROPERTY IN QUESTION IS DESCRIBED AS FOLLOWS:

LOT 6 BLK 1 E HATTIESBURG S/D

WHEREAS, MAYOR GAY STATED THAT THE HELTON'S ARE NOT IN ATTENDANCE AND THAT MR TOLBERT HAS CITED THE PROPERTY BECAUSE THE OCCUPANT OF THE PROPERTY HAS BEEN DISPOSING OF HOUSEHOLD GARBAGE AND LITTER UNDER THE HOUSE AND IN THE YARD MAKING THE UNSANITARY CONDITIONS A MENACE TO THE PUBLIC HEALTH AND SAFETY OF THE COMMUNITY.

THEREUPON, MAYOR GAY STATED THAT THE BUILDING INSPECTOR WILL PROCEED WITH THE NECESSARY STEPS TO CORRECT THE SITUATION.



JACK GAY, JR.
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 MARCH 19, 1991 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 JERRY CROWE DONALD H ROWELL BOBBY W RUNNELS LEROY SCOTT
OTHERS PRESENT	PEGGY PARKER

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

THE INVOCATION WAS OFFERED BY LEROY SCOTT.

THE PLEDGE OF ALLEGIANCE WAS RECITED.

WHEREAS, ALDERMAN CLEPPER MADE A MOTION THAT THE MINUTES OF THE REGULAR MEETING BE ACCEPTED AS WRITTEN. ALDERMAN CROWE SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE":

ALDERMAN REUBEN CLEPPER
ALDERMAN JERRY CROWE
ALDERMAN DONALD H ROWELL
ALDERMAN BOBBY W RUNNELS
ALDERMAN LEROY SCOTT

THOSE PRESENT AND VOTING "NAY":

NONE

WHEREAS, MAYOR GAY CALLED FOR PUBLIC COMMENT; BUT THERE WAS NONE.

WHEREAS, FIRE CHIEF AUBRA EVANS RECOMMENDED TO THE BOARD THAT VOLUNTEER FIREMAN BILLY JOE KITCHENS BE APPOINTED AS THE TRAINING OFFICER FOR THE FIRE DEPARTMENT, SINCE HE HIS A CERTIFIED INSTRUCTOR FOR THE FIRE ACADEMY.

THEREUPON, ALDERMAN SCOTT MADE A MOTION TO APPOINT BILLY JOE KITCHENS AS TRAINING OFFICER FOR THE FIRE DEPARTMENT AT A RATE OF \$50.00 PER MONTH EFFECTIVE APRIL 1, 1991. ALDERMAN CROWE SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE":

ALDERMAN REUBEN CLEPPER
ALDERMAN JERRY CROWE
ALDERMAN DONALD H ROWELL
ALDERMAN BOBBY W RUNNELS
ALDERMAN LEROY SCOTT

THOSE PRESENT AND VOTING "NAY":

NONE

WHEREAS, MAYOR GAY PRESENTED THE REQUEST FOR PROGRESS PAYMENT FROM NEEL-SCHAFFER, INC. FOR WILLIS A. BOND'S RENTAL REHAB PROJECT NUMBER 0068000399 IN THE AMOUNT OF \$4,000.

THEREUPON, ALDERMAN CLEPPER MADE A MOTION TO PAY WILLIS A BOND \$4,000. PROGRESS PAYMENT UPON RECEIPT OF THE FUNDS FROM CDBG. ALDERMAN CROWE SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE":

- ALDERMAN REUBEN CLEPPER
- ALDERMAN JERRY CROWE
- ALDERMAN DONALD H ROWELL
- ALDERMAN BOBBY W RUNNELS
- ALDERMAN LEROY SCOTT

THOSE PRESENT AND VOTING "NAY":

NONE

WHEREAS, MAYOR GAY PRESENTED A LETTER FROM THE PLANNING COMMISSION RECOMMENDING THAT THE BOARD OF ALDERMEN ADOPT SUBDIVISION REGULATIONS.

THEREUPON, ALDERMAN CLEPPER MADE A MOTION TO ADOPT THE FOLLOWING ORDINANCE TO REGULATE THE DEVELOPMENT OF SUBDIVISIONS IN THE CITY OF PETAL. ALDERMAN CROWE SECONDED THE MOTION.

SEE EXHIBIT "A"

ORDINANCE 1991 (75)

THOSE PRESENT AND VOTING "AYE":

- ALDERMAN REUBEN CLEPPER
- ALDERMAN JERRY CROWE
- ALDERMAN DONALD H ROWELL
- ALDERMAN BOBBY W RUNNELS
- ALDERMAN LEROY SCOTT

THOSE PRESENT AND VOTING "NAY":

NONE

WHEREAS, MAYOR GAY PRESENTED THE SPECIFICATIONS FOR THE CLEANING AND PAINTING OF THE ELEVATED WATER TANK AT PLANT "C".

THEREUPON, ALDERMAN SCOTT MADE A MOTION TO AUTHORIZE THE CITY CLERK TO ADVERTISE FOR BIDS FOR THE CLEANING AND PAINTING OF THE ELEVATED WATER TANK AT PLANT "C". ALDERMAN CLEPPER SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE":

- ALDERMAN REUBEN CLEPPER
- ALDERMAN JERRY CROWE
- ALDERMAN DONALD H ROWELL
- ALDERMAN BOBBY W RUNNELS
- ALDERMAN LEROY SCOTT

THOSE PRESENT AND VOTING "NAY":

NONE

WHEREAS, MAYOR GAY STATED THAT WILLIAM HOWARD HAS PAID \$185.00 FOR A SEWER TAP AND IT WAS THEN DISCOVERED THAT A TAP ALREADY EXISTED AT 201 E 7TH AVENUE. MAYOR GAY STATED THAT HE RECOMMENDED THAT MR HOWARD BE REFUNDED THE \$185.00 TAP FEE.

THEREUPON, ALDERMAN RUNNELS MADE A MOTION TO REFUND WILLIAM HOWARD OF 201 E 7TH AVENUE \$185.00 FOR THE TAP FEE PAID IN ERROR. ALDERMAN CROWE SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE":

- ALDERMAN REUBEN CLEPPER
- ALDERMAN JERRY CROWE
- ALDERMAN DONALD H ROWELL
- ALDERMAN BOBBY W RUNNELS
- ALDERMAN LEROY SCOTT

THOSE PRESENT AND VOTING "NAY":

NONE

WHEREAS, MAYOR GAY PRESENTED THE FOLLOWING PROOFS OF PUBLICATION:

- A) ORDINANCE 1979 (42-A 69)
- B) NOTICE TO PUBLIC - MATURING TAX SALE
- C) NOTICE TO INTERESTED PARTIES - SEWER SYSTEM IMPROVEMENTS
- D) CDBG COMBINED NOTICE OF NO SIGNIFICANT IMPACT

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

THOSE PRESENT AND VOTING "AYE":

ALDERMAN REUBEN CLEPPER
ALDERMAN JERRY CROWE
ALDERMAN DONALD H ROWELL
ALDERMAN BOBBY W RUNNELS
ALDERMAN LEROY SCOTT

THOSE PRESENT AND VOTING "NAY":

NONE

WHEREAS, MAYOR GAY REQUESTED THE WISHES OF THE BOARD CONCERNING THE REGISTRATION AND RESERVATIONS FOR THE MISSISSIPPI MUNICIPAL CONVENTION JUNE 12-14, 1991 IN BILOXI, MISSISSIPPI.

THEREUPON, ALDERMAN CLEPPER MADE A MOTION TO AUTHORIZE THE CITY CLERK TO PAY THE REGISTRATION AND RESERVATIONS FOR THE CITY OFFICIALS, CITY ATTORNEY AND CITY CLERK. ALDERMAN CROWE SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE":

ALDERMAN REUBEN CLEPPER
ALDERMAN JERRY CROWE
ALDERMAN DONALD H ROWELL
ALDERMAN BOBBY W RUNNELS
ALDERMAN LEROY SCOTT

THOSE PRESENT AND VOTING "NAY":

NONE

WHEREAS, MAYOR GAY STATED THAT AS PART OF THE AMERICAN WATER WORKS ASSOCIATION'S EFFORTS TO PROMOTE SAFE DRINKING WATER WE HAVE BEEN REQUESTED TO PROCLAIM THE WEEK OF MAY 5-11, 1991 AS DRINKING WATER WEEK.

THEREUPON, ALDERMAN RUNNELS MADE A MOTION TO PROCLAIM THE WEEK OF MAY 5-11, 1991 AS DRINKING WATER WEEK. ALDERMAN CROWE SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE":

ALDERMAN REUBEN CLEPPER
ALDERMAN JERRY CROWE
ALDERMAN DONALD H ROWELL
ALDERMAN BOBBY W RUNNELS
ALDERMAN LEROY SCOTT

THOSE PRESENT AND VOTING "NAY":

NONE

WHEREAS, MAYOR GAY PRESENTED THE REVENUE AND EXPENDITURE REPORT FOR THE MONTH OF FEBRUARY.

THEREUPON, ALDERMAN CROWE MADE A MOTION TO ACCEPT THE REVENUE AND EXPENDITURE REPORT FOR THE MONTH OF FEBRUARY. ALDERMAN CLEPPER

THOSE PRESENT AND VOTING "AYE":

ALDERMAN REUBEN CLEPPER
ALDERMAN JERRY CROWE
ALDERMAN DONALD H ROWELL
ALDERMAN BOBBY W RUNNELS
ALDERMAN LEROY SCOTT

THOSE PRESENT AND VOTING "NAY":

NONE

WHEREAS, MAYOR GAY PRESENTED THE REPORT OF PRIVILEGE LICENSE COLLECTED FOR THE MONTH OF FEBRUARY.

WHEREAS, MAYOR GAY PRESENTED THE FOLLOWING ORDER INCREASING CHRIS CLARK, PART-TIME HELP IN THE RECREATION DEPARTMENT, RATE OF PAY TO \$4.25 PER HOUR EFFECTIVE APRIL 1, 1991 TO COMPLY WITH THE FEDERAL WAGE AND HOUR MINIMUM WAGE RATE.

ORDER

WHEREAS, THE MAYOR AND BOARD OF ALDERMEN DO HEREBY DEEM IT NECESSARY PURSUANT TO THE FEDERAL WAGE AND HOUR MINIMUM WAGE RATE INCREASE TO INCREASE THE RATE OF PAY FOR CHRIS CLARK.

IT IS HEREBY ORDERED THAT EFFECTIVE APRIL 1, 1991 THAT CHRIS CLARK'S HOURLY RATE OF PAY BE INCREASED TO \$4.25 PER HOUR.

SO ORDERED ON THIS THE 19TH DAY OF MARCH, A.D., 1991.

THEREUPON, ALDERMAN CROWE MADE A MOTION TO ADOPT THE FOREGOING ORDER. ALDERMAN CLEPPER SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE":

ALDERMAN REUBEN CLEPPER
ALDERMAN JERRY CROWE
ALDERMAN DONALD H ROWELL
ALDERMAN BOBBY W RUNNELS
ALDERMAN LEROY SCOTT

THOSE PRESENT AND VOTING "NAY":

NONE

WHEREAS, MAYOR GAY STATED THAT CURRENTLY THE CITY IS PAYING ONE-HALF AND THE EMPLOYEE IS PAYING ONE-HALF OF THE COST OF THE UNIFORMS FOR THE STREET, SANITATION AND WATER DEPARTMENTS AND THAT SOME OF THE EMPLOYEES BECAUSE OF THE COST ARE ONLY ORDERING 3 UNIFORMS PER WEEK; THEREFORE IT IS HIS RECOMMENDATION THAT THE CITY PAY THE FULL AMOUNT OF THE UNIFORMS UP TO 5 UNIFORMS PER WEEK PER EMPLOYEE.

THEREUPON, ALDERMAN CLEPPER MADE A MOTION THAT THE CITY PAY THE FULL COST OF THE EMPLOYEES UNIFORMS IN THE STREET, SANITATION AND WATER AND SEWER DEPARTMENTS EFFECTIVE APRIL 1, 1991. ALDERMAN SCOTT SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE":

ALDERMAN REUBEN CLEPPER
ALDERMAN JERRY CROWE
ALDERMAN DONALD H ROWELL
ALDERMAN BOBBY W RUNNELS
ALDERMAN LEROY SCOTT

THOSE PRESENT AND VOTING "NAY":

NONE

WHEREAS, MAYOR GAY STATED THAT HE HAS SPOKEN WITH REPRESENTATIVES FROM THE MISSISSIPPI FORREST COMMISSION AND THAT HE IS ATTEMPTING TO HAVE PETAL DESIGNATED AS A TREE CITY, USA.

WHEREAS, MAYOR GAY REQUESTED THE WISHES OF THE BOARD CONCERNING THE HEARING FOR DONALD AND LILLIE HELTON'S PROPERTY AT 140 STEVENS STREET.

THEREUPON, ALDERMAN CROWE MADE A MOTION TO ADVISE THE HELTON'S THAT THEY HAVE 10 DAYS TO BRING THERE PROPERTY INTO COMPLIANCE WITH CITY CODES AND TO AUTHORIZE THE MAYOR AND CITY INSPECTOR TO PROCEED AFTER THE DEADLINE WITH THE CITY'S PROCEDURES FOR THE CLEAN-UP OF PROPERTIES. ALDERMAN CLEPPER SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE":

ALDERMAN REUBEN CLEPPER
ALDERMAN JERRY CROWE
ALDERMAN DONALD H ROWELL
ALDERMAN BOBBY W RUNNELS
ALDERMAN LEROY SCOTT

THOSE PRESENT AND VOTING "NAY":

NONE

WHEREAS, MAYOR GAY PRESENTED THE INTERLOCAL AGREEMENT BETWEEN THE CITY AND THE OTHER HE GOVERNMENTAL ENTITIES FORMING THE PINE BELT REGIONAL SOLID WASTE MANAGEMENT AUTHORITY.

SEE EXHIBIT "B"

INTERLOCAL AGREEMENT

THEREUPON, ALDERMAN CLEPPER MADE A MOTION TO AUTHORIZE THE MAYOR TO EXECUTE THE INTERLOCAL AGREEMENT. ALDERMAN CROWE SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE":

ALDERMAN REUBEN CLEPPER
ALDERMAN JERRY CROWE
ALDERMAN DONALD H ROWELL
ALDERMAN BOBBY W RUNNELS
ALDERMAN LEROY SCOTT

THOSE PRESENT AND VOTING "NAY":

NONE

WHEREAS, MAYOR GAY STATED THAT THE CITY OF PETAL IS COMMITTED TO THE GOALS OF AFFIRMATIVE MARKETING WHICH WILL BE IMPLEMENTED IN OUR RENTAL REHABILITATION PROGRAM AND THAT THESE GOALS WILL BE REACHED THROUGH THE FOLLOWING POLICIES AND PROCEDURES:

SEE EXHIBIT "C"

THE CITY OF PETAL
AFFIRMATIVE MARKETING POLICIES AND PROCEDURES
RENTAL REHABILITATION PROGRAM
1990

THEREUPON, ALDERMAN CLEPPER MADE A MOTION TO ADOPT AND IMPLEMENT THE FOREGOING POLICIES AND PROCEDURES. ALDERMAN RUNNELS SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE":

ALDERMAN REUBEN CLEPPER
ALDERMAN JERRY CROWE
ALDERMAN DONALD H ROWELL
ALDERMAN BOBBY W RUNNELS
ALDERMAN LEROY SCOTT

WHEREAS, MAYOR GAY PRESENTED A REQUEST FOR A TAX SALE CANCELLATION FOR PARCEL # 18114-20-025.01 IN THE NAME OF LAWRENCE C. MOSES SOLD TO JOHN MCINNIS BECAUSE OF DOUBLE ASSESSMENT.

THEREUPON, ALDERMAN RUNNELS MADE A MOTION TO REFUND JOHN MCINNIS \$25.87 FOR THE TAX SALE CANCELLATION ON PARCEL #18114-20.-025.01 IN THE NAME OF LAWRENCE C. MOSES. ALDERMAN SCOTT SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE":

ALDERMAN REUBEN CLEPPER
ALDERMAN JERRY CROWE
ALDERMAN DONALD H ROWELL
ALDERMAN BOBBY W RUNNELS
ALDERMAN LEROY SCOTT

THOSE PRESENT AND VOTING "NAY":

NONE

WHEREAS, ALDERMAN CROWE MADE A MOTION TO CLOSE THE BOARD MEETING TO DETERMINE WHETHER OR NOT TO DECLARE AND EXECUTIVE SESSION. ALDERMAN RUNNELS SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE":

ALDERMAN REUBEN CLEPPER
ALDERMAN JERRY CROWE
ALDERMAN DONALD H ROWELL
ALDERMAN BOBBY W RUNNELS
ALDERMAN LEROY SCOTT

THOSE PRESENT AND VOTING "NAY":

NONE

THEREUPON, ALDERMAN CROWE MADE A MOTION TO REOPEN THE MEETING. ALDERMAN RUNNELS SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE":

ALDERMAN REUBEN CLEPPER
ALDERMAN JERRY CROWE
ALDERMAN DONALD H ROWELL
ALDERMAN BOBBY W RUNNELS
ALDERMAN LEROY SCOTT

THOSE PRESENT AND VOTING "NAY":

NONE

WHEREAS, MAYOR GAY PRESENTED A LETTER FROM ZOLLIE STEVENS, SUPERINTENDENT OF THE STREETS, CONCERNING EMPLOYEE, ROBERT SMITH AND THE ACTION HE TOOK IN PLACING MR SMITH ON LEAVE WITHOUT PAY EFFECTIVE MARCH 6, 1991.

THEREUPON, ALDERMAN CROWE MADE A MOTION TO ENTER INTO EXECUTIVE SESSION TO DISCUSS THE REPERCUSSIONS OF POSSIBLE LEGAL ACTION AND THE DISCUSSION OF THE SUSPENSION OF AN EMPLOYEE. ALDERMAN SCOTT SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE":

ALDERMAN REUBEN CLEPPER
ALDERMAN JERRY CROWE
ALDERMAN DONALD H ROWELL
ALDERMAN BOBBY W RUNNELS
ALDERMAN LEROY SCOTT

THOSE PRESENT AND VOTING "NAY":

THEREUPON, ALDERMAN SCOTT MADE A MOTION TO ADJOURN THE EXECUTIVE SESSION. ALDERMAN CROWE SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE":

ALDERMAN REUBEN CLEPPER
ALDERMAN JERRY CROWE
ALDERMAN DONALD H ROWELL
ALDERMAN BOBBY W RUNNELS
ALDERMAN LEROY SCOTT

THOSE PRESENT AND VOTING "NAY":

NONE

THEREUPON, ALDERMAN CROWE MADE A MOTION TO SET A HEARING FOR APRIL 2, 1991 AT 6:30 PM TO AFFORD ROBERT SMITH THE OPPORTUNITY TO BE HEARD, PURSUANT TO THE CITY'S POLICY, AND TO DETERMINE IF HIS SUSPENSION ON MARCH 6, 1991 WAS APPROPRIATE AND WHETHER OR NOT HE SHOULD BE DISCHARGED FROM EMPLOYMENT WITH THE CITY. ALDERMAN CLEPPER SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE":

ALDERMAN REUBEN CLEPPER
ALDERMAN JERRY CROWE
ALDERMAN DONALD H ROWELL
ALDERMAN BOBBY W RUNNELS
ALDERMAN LEROY SCOTT

THOSE PRESENT AND VOTING "NAY":

NONE

WHEREAS, ALDERMAN SCOTT MADE A MOTION TO AUTHORIZE THE CITY CLERK TO FILE FOR A REVIEW BEFORE THE BOARD OF APPEALS OF THE MISSISSIPPI EMPLOYMENT SECURITY COMMISSION CONCERNING THE CLAIM FILED BY OTIS BERRY AGAINST THE CITY. ALDERMAN CROWE SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE":

ALDERMAN REUBEN CLEPPER
ALDERMAN JERRY CROWE
ALDERMAN DONALD H ROWELL
ALDERMAN BOBBY W RUNNELS
ALDERMAN LEROY SCOTT

THOSE PRESENT AND VOTING "NAY":

NONE

THEREUPON, ALDERMAN CROWE MADE A MOTION TO SCHEDULE A HEARING ON APRIL 2, 1991 AT 6:00 PM TO AFFORD OTIS BERRY THE OPPORTUNITY TO CHALLENGE WHETHER OR NOT HIS TERMINATION FROM EMPLOYMENT ON DECEMBER 21, 1990 WAS VOLUNTARY OR WHETHER OR NOT HE SHOULD BE DISCHARGED FOR CAUSE FOR MISCONDUCT. ALDERMAN ROWELL SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE":

ALDERMAN REUBEN CLEPPER
ALDERMAN JERRY CROWE
ALDERMAN DONALD H ROWELL
ALDERMAN BOBBY W RUNNELS
ALDERMAN LEROY SCOTT

THOSE PRESENT AND VOTING "NAY":

NONE

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

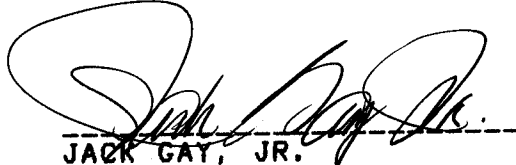
THOSE PRESENT AND VOTING "AYE":

ALDERMAN REUBEN CLEPPER
ALDERMAN JERRY CROWE
ALDERMAN DONALD H ROWELL
ALDERMAN BOBBY W RUNNELS
ALDERMAN LEROY SCOTT

THOSE PRESENT AND VOTING "NAY":

NONE

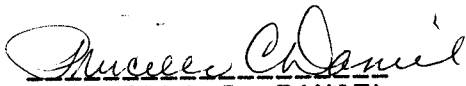
THEREBEING NO FURTHER BUSINESS, THE REGULAR MEETING OF THE MAYOR AND BOARD OF ALDERMAN OF THE CITY OF PETAL, MISSISSIPPI WAS ADJOURNED ON THIS THE 19TH DAY OF MARCH, A.D., 1991.



JACK GAY, JR.
MAYOR

(SEAL)

ATTEST:



PRISCILLA C. DANIEL
CITY CLERK

BE IT ORDAINED BY THE EXHIBIT BOARD OF ALDERMEN OF THE
CITY OF PETAL, MISSISSIPPI:

ORDINANCE 1991(75)

AN ORDINANCE REQUIRING SUBDIVISION PLATS AND ADOPTING
SUBDIVISION REGULATIONS FOR THE CITY OF PETAL, MISSISSIPPI, AND
PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT THEREOF.

WHEREAS, the statutes of the State of Mississippi, Sections
17-1-23 and 17-1-25 of the Mississippi Code of 1972, empower the City to
enact subdivision regulations and to provide for their administration,
enforcement, and amendment; and

WHEREAS, the Mayor and Board of Aldermen deem it necessary,
for the purpose of promoting the health, safety, and general welfare of the
City, to enact such a regulation; and

WHEREAS, the Mayor and Board of Aldermen have prepared such
regulations designed to set forth certain procedures and standards to be
followed in the development or redevelopment of land subdivisions in the
City of Petal to assure that development of the City is orderly, healthful,
efficient, and economical; therefore

A summary of said Ordinance is as follows:

ARTICLE I: PREAMBLE

ARTICLE II: GENERAL

- 200. Title
- 201. Purpose
- 202. Scope
- 203. Definitions

ARTICLE III: PLAT PROCEDURE

- 300. Preapplication Conference
- 301. Preliminary Plat
- 302. Final Plat

ARTICLE IV: REQUIRED IMPROVEMENTS AND DESIGN STANDARDS

- 400. Improvements in Subdivisions
- 401. Streets
- 402. Monument
- 403. Easements
- 404. Blocks
- 405. Alleys
- 406. Lots
- 407. Floodplain Areas
- 408. Water System
- 409. Sanitary Sewers
- 410. Storm Drainage
- 411. General Grading
- 412. Erosion and Sediment Control

ARTICLE V: MISCELLANEOUS

- 500. Fees
- 501. Variances
- 502. Penalties
- 503. Amendments
- 504. Validity
- 505. Repealer
- 506. Effective Date - April 18, 1991

The above and foregoing Ordinance having been reduced to writing, the
same was read and voted upon, first article by article and then upon the
Ordinance as a whole.

EXHIBIT "A"

Those present and voting "AYE" and in favor of the passage, adoption approval of Articles I, II, III, IV, and V of the foregoing Ordinance:

- ALDERMAN REUBEN CLEPPER
- ALDERMAN JERRY CROWE
- ALDERMAN DONALD H ROWELL
- ALDERMAN BOBBY W RUNNELS
- ALDERMAN LEROY SCOTT

Those present and voting "NAY" or against any of said articles of the foregoing Ordinance:

NONE

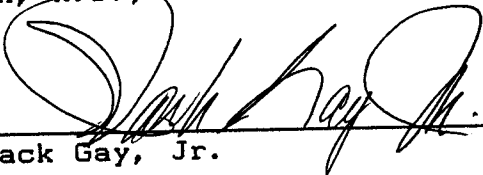
Those present and voting "AYE" and in favor of the passage, adoption and approval of the Ordinance as a whole:

- ALDERMAN REUBEN CLEPPER
- ALDERMAN JERRY CROWE
- ALDERMAN DONALD H ROWELL
- ALDERMAN BOBBY W RUNNELS
- ALDERMAN LEROY SCOTT

Those present and voting "NAY" or against the passage, adoption and approval of the Ordinance as a whole:

NONE

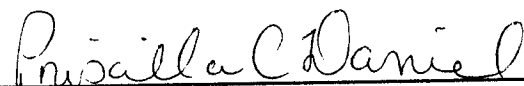
WHEREFORE, the foregoing Ordinance was duly passed, adopted and approved on this the 19th day of March, A.D., 1991.



Jack Gay, Jr.
Mayor

(SEAL)

ATTEST:



Priscilla C. Daniel
City Clerk

EXHIBIT "B"
INTERLOCAL COOPERATION AGREEMENT

This Interlocal Cooperation Agreement is made and entered into among the City of Hattiesburg, Mississippi, the City of Laurel, Mississippi and the City of Petal, Mississippi, all of which are municipal corporations organized and existing under the laws of the State of Mississippi; and the Board of Supervisors of Covington County, Mississippi, the Board of Supervisors of Forrest County, Mississippi, the Board of Supervisors of Jones County, Mississippi, the Board of Supervisors of Lamar County, Mississippi, and the Board of Supervisors of Perry County, Mississippi; all of the above named parties hereinafter being referred to as "the Parties".

RECITALS:

1. The United States Environmental Protection Agency ("USEPA") has proposed new regulations which will require major changes, at great expense, in the management of nonhazardous solid waste for municipalities and counties.
2. The Parties have heretofore commissioned an engineering and feasibility study in order to give the Parties direction in complying with the new regulations and such plan reflected that the most cost effective method of dealing with solid waste disposal was through a regional solid waste management system, including a sanitary landfill facility jointly owned and/or operated by the Parties.
3. The Parties desire to join together to implement changes in the management of solid waste within their respective governmental boundaries, in order to minimize the negative impacts on the environment, maximize cost-effectiveness in addressing the management of solid waste and to comply with proposed regulations from the USEPA.
4. Pursuant to the provisions of the Interlocal Cooperation Act of 1974, Miss. Code Ann. §§ 17-13-1 et seq. (Supp. 1990), counties and municipalities may make the most efficient use of their powers by cooperating and contracting with one another to their mutual advantage, and thereby provide services and facilities which will accord best with the geographic, economic, population and other factors to best serve the needs and development of such local governmental units.
5. The Parties, being counties and municipalities, are authorized by law to make available to the general public collection and disposal facilities for solid waste; to regulate the collection and disposal of garbage and rubbish in sanitary landfills; to acquire property, real

or personal, for the maintenance and operation of garbage disposal facilities; and to enter into mutual agreements with other ~~EXHIBIT~~ Municipalities, or corporations or individuals, to jointly establish, operate and maintain rubbish or garbage disposal systems and to jointly collect, haul and/or dispose of solid waste.

6. Miss. Code Ann. § 17-13-7 provides that the Parties may contract to exercise and carry out jointly any power, authority or responsibility exercised or capable of being exercised by a local governmental unit.
7. The Parties desire to enter into this Interlocal Cooperation Agreement, pursuant to Miss. Code Ann. §§ 17-13-1 et seq. ("this Agreement") for the purpose of (i) obtaining an option on a site; (ii) initiating the application process for any and all necessary permits for the construction and operation of a sanitary landfill and any other facilities necessary to operate a regional solid waste management system; (iii) making application for state and federal grants; (iv) providing for the collection of solid waste, if necessary and feasible; (v) influencing all proposed solid waste legislation that will be introduced in the 1991 Regular Session of the Mississippi Legislature and (vi) taking any other necessary or proper action, in order to jointly establish, operate and maintain a solid waste management system to serve all generators of solid waste, whether residential, commercial or industrial in nature, located within the governmental units represented by the Parties.
8. The Mississippi State Legislature has heretofore created the Environmental Protection Council for the purpose of preparing a state wide plan to deal with solid waste disposal facilities and to assure compliance with the new regulations, and it is anticipated that legislation will be enacted into law that will provide the mechanism for the respective cities and counties throughout the state in order to comply with the new regulations and in the event that should occur, the Parties hereto may elect to reorganize under the new legislation and convey and assign all tangible and intangible assets accruing under this Agreement to a statutorily formed entity created under the new legislation.

Now therefore, for and in consideration of the above, and the mutual benefits accruing to the Parties, the Parties do hereby agree as follows:

EXHIBIT 1B

Duration.

This Agreement shall be in full force and effect until terminated in writing by all the Parties.

2.

Purpose.

The purpose of this Agreement is for the Parties, by joint undertaking, to (i) obtain an option on a site; (ii) initiate the application process for any and all necessary permits for the construction and operation of a sanitary landfill, and any other facilities necessary to operate a regional solid waste management system; (iii) make application for state and federal grants; (iv) to provide for the collection of solid waste, if necessary and feasible; (v) influencing all proposed solid waste legislation that will be introduced in the 1991 Regular Session of the Mississippi Legislature and (vi) to take any other necessary and proper action in order to jointly establish, operate and maintain a solid waste management system which will serve all generators of solid waste, whether residential, commercial or industrial in nature, located within the governmental units represented by the respective Parties.

Statutory Authority.

The Parties are authorized to exercise and carry out jointly the powers, authorities and responsibilities to be exercised by them pursuant to the terms of this Agreement by Sections 17-17-5, 17-17-7, 17-17-21, 19-5-17, 19-5-19, 21-17-1, 21-17-5, and 21-19-1 of the Miss. Code Ann. of 1972, as amended.

4.

Administration.

This Agreement shall be administered as a joint undertaking of the Parties. A separate entity is not created under this agreement in order to take any official action. The Parties hereby designate the City of Hattiesburg, Mississippi, as having the responsibility of administration of this undertaking. The City of Hattiesburg, Mississippi, through its Chief Administrative Officer (hereinafter referred to as "Administrator"), shall administer the day-to-day operations of this joint undertaking. The Administrator shall receive, disperse and account for all funds of this joint undertaking. There shall be no staffing of this joint undertaking nor any joint board created for the administration of this joint undertaking in order to take any official action.

The Parties hereto shall each appoint a representative who shall jointly meet from time to time, with the Administrator, Legal Counsel and engineering firm for briefings on the status of the

progress being made and for the purpose of providing guidance to the Administrator on carrying the project forward.

EXHIBIT "B"

5.

Joint Undertaking.

The joint undertaking shall be administered as follows:

- (a) Upon receipt of notice of approval of this Agreement by the Office of the Attorney General of the State of Mississippi, each Party shall pay to the Administrator its respective sums as set forth in Exhibit "A" attached hereto and incorporated herein. Each Party shall have the option of paying its respective sum as set forth in Exhibit "A", in four (4) equal monthly payments; the first monthly payment to be made upon receipt of notice of approval as aforesaid, and the remaining payments to be made each consecutive month thereafter until paid in full. The Administrator shall deposit said sums into a separate, interest bearing checking account to be established by the Administrator for the purpose of making expenditures pursuant to the terms of this Agreement.
- (b) The Parties agree to hire legal counsel to perform all legal services involved with carrying out the purposes of this joint undertaking. The Parties further agree to hire an engineering firm to perform all engineering and geotechnical services involved with carrying out the purposes of this joint undertaking. Legal counsel and the engineering firm will work together to handle acquisitions of land for the site(s) of the contemplated facility or facilities, make application for permit to construct and operate such facility or facilities, make application for grants or other federal and state funds, and any other necessary and proper services to be performed and actions to be taken with regard to this joint undertaking. Legal counsel will represent the Parties hereto with respect to pending legislation before the 1991 Regular Session of the Mississippi Legislature. The estimated costs for a portion of these services to be performed and other necessary acts are itemized on Exhibit "B" attached hereto.
- (c) The Parties hereby authorize the Administrator to disperse funds in payment of the expenses incurred pursuant to this joint undertaking. The Administrator shall disperse such funds in his sole discretion upon the presentation of statement or invoice. The Administrator is hereby authorized to make such disbursements in such manner, and to expend funds to obtain options or for acquisition of land in the amount reflected on Exhibit "B", without the necessity of additional authorization by separate resolutions of the governing boards of the Parties for such disbursement.

6.

Acquisition of Property.

- (a) The Parties shall obtain options and/or acquire land as a part of this joint undertaking for the purpose of being used as sites for the facilities contemplated by this Agreement. Any such land acquired, or any option taken to purchase such land, shall be

EXHIBIT "B"

acquired or taken in the name of the Parties hereto. If any such land is acquired under the terms of this Agreement, title to such land shall be taken and held in the name of the Parties hereto.

(b) The Parties anticipate that legislation shall be enacted in the 1991 Regular Session of the Mississippi Legislature which shall allow the Parties to form a solid waste management regional district, or similar entity (hereinafter "District"), which shall assist the Parties in carrying out the joint undertaking of this Agreement, and that any such District shall be authorized under such legislation to acquire and hold title to real and personal property. It is further anticipated that upon passage of such legislation the Parties shall form such a District, pursuant to such legislation. Upon the formation of such a District or other entity by the Parties, the Parties hereto shall convey all its interest to such land, by quitclaim deed, to the District or other entity formed by the Parties.

(c) In the event that title to land is acquired by the Parties hereto and either (i) the Parties fail to form a District as contemplated above, or (ii) this Agreement is terminated by all Parties as provided below, the land shall be sold at a price to be agreed upon by all of the Parties and shall convey title to the purchaser. The proceeds from the sale of such land shall be refunded to the Parties in the same percentages as the purchase price paid when such land was acquired.

Application for Permit.

The Parties shall make application for all required permits for constructing and operating any facilities necessary to operate a regional solid waste management system. Upon the formation of a District as contemplated above, the Parties shall transfer and assign their interests in such permit application to such District. In the event this Agreement is terminated by all Parties as provided below, the Parties shall notify the agency receiving the permit application of this fact, and shall terminate the application for the permit.

8.

Application for Grant.

The Parties shall make application for any available federal or state grant or other funding to assist the Parties with the expenses incurred in this joint undertaking. Such application shall request that any such grant or funding awarded to the Parties shall be paid by the funding authorities to the City of Hattiesburg, Mississippi, and such funds shall be deposited into the checking account established by the Administrator pursuant to Section 5(a) above. The Administrator shall receive, disperse and account for such funds, and such funds shall be administered and used to make expenditures in accordance with this Agreement. Upon formation of a District as contemplated hereinabove, the

Administrator shall transfer and pay over any funds in such checking account to the District.

EXHIBIT "B"

9.

Termination of the Agreement.

(a) Upon termination in writing by all Parties this Agreement shall be completely terminated.

(b) Any one Party can terminate its participation in this Agreement by giving written notice to all other Parties. Any such Party that terminates its participation in this Agreement will not be entitled to a refund of its share of the funds contributed to the joint account.

(c) In the event that this Agreement is terminated pursuant to this Section, all surplus and unexpended funds shall be refunded to the participating Parties hereto in the proportion in which each Party appropriated and contributed such funds or such funds may be transferred to the District created pursuant to Section 6(b) hereof, upon unanimous consent of the Parties hereto.

10.

Amendment.

This Agreement may be amended at any time by the mutual consent of all Parties by an agreement entered into pursuant to the provisions of Sections 17-13-1 et seq. of the Miss. Code of 1972, as amended.

11.

Effective Date/Counterparts.

This Agreement will be effective upon approval by the governing boards of the Parties, and the Attorney General of the State of Mississippi, and any other required approval as provided by law.

This Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument. Separate signature pages, each containing the signature of one of the Parties, may be attached to this Agreement in order to constitute one fully executed Agreement.

12.

Additional Parties

Any additional units of local government not initially participating in this Agreement may join at a later date by executing an Agreement and funding their pro rata share of the cost.

EXHIBIT "C"



CITY OF PETAL

POST OFFICE BOX 564
PETAL, MISSISSIPPI 39465
(601) 545-1776
Fax No. (601) 544-5347

JACK GAY, JR.
MAYOR

REUBEN CLEPPER
JERRY CROWE
DONALD H. ROWELL
BOBBY RUNNELS
LEROY SCOTT
ALDERMEN

PRISCILLA C. DANIEL
CITY CLERK

HENRY BOUNDS
CHIEF OF POLICE

THOMAS W. TYNER
CITY ATTORNEY

**Affirmative Marketing Policies
and Procedures for the
City of Petal**

1990 Rental Rehabilitation Program

The City of Petal has implemented the required Affirmative Marketing Policies and Procedures for the Rental Rehabilitation Program funded through the Mississippi Community Development Block Grant Program.

These Policies and Procedures attached here to shall serve as the official Affirmative Marketing Policies and Procedures for the 1990 Rental Rehabilitation Program.



MAYOR

3/20/91

DATE

EXHIBIT "C"

THE CITY OF PETAL
AFFIRMATIVE MARKETING POLICIES AND PROCEDURES
RENTAL REHABILITATION PROGRAM
1990Statement of Policy:

In accordance with the Regulations of the Rental Rehabilitation Program, (511.10 (m) (2)), and in furtherance of the City of Petal's commitment to non-discrimination and equal opportunity in housing, the City of Petal establishes procedures to affirmatively market units rehabilitated under the Rental Rehabilitation Program. Those procedures are intended to further the objectives of Title VIII of the Civil Rights Act of 1968, Executive Order 11063, and the City of Petal local Fair Housing Act of 1977.

The City of Petal believes that individuals of similar economic levels in the same housing market area should have available to them a like range of housing choices regardless of their race, color, religion, sex, and national origin.

The City of Petal is committed to the goals of affirmative marketing which will be implemented in our Rental Rehabilitation Program through a specific set of steps that the City and participation owners will follow. These goals will be reached through the following procedures:

Procedure 1.Informing the public, potential tenants, and owners about Federal fair housing laws and affirmative marketing policies:

Through its City Administrator, the City of Petal will inform the public, potential tenants, and property owners about this policy and fair housing laws.

The City Administrator will:

inform the general public by

- . Placing a public notice in the

inform potential tenants by

- . Placing a public notice in the
- . Post signs with the Equal Housing opportunity logo at project sites.

EXHIBIT "C"

Page 2

inform owners by

- . Placing a public notice in the
- . Meeting with owners individually and as a group
- . Holding public hearing

Procedure 2.

Requirements for owners to inform the general renter public about available rehabilitated units:

It is the City of Petal's policy to require substantial steps by project owners to carry out affirmative marketing. Owners should provide for costs associated with these requirements in their planned operating costs and City's subsidy decisions, which by necessity will take these costs into account. Owners of small properties with limited management staff may seek waivers of these requirements on a case by case basis from the City.

Participating property owners will be required to make information on the availability of units known through:

- . Advertisements in the local newspaper if the owner ordinarily advertises available rentals in news media.
- . Notification to PHA of vacancy where feasible.
- . Notifying the Mississippi Regional Housing Authority No. VIII and requesting that staff inform applicants on its waiting list about upcoming vacancies.

We will emphasize to owners that to the extent feasible without holding units off the market, they make information about upcoming vacancies to the general public.

The City of Petal will require that property owners selected for participation in the program comply with affirmative marketing requirements by means of signing a Deferred Payment Loan with 10% forgiven on an annual basis for 10 years.

The property owner is also required to match up to 50% of the rehabilitation cost using the following cost and bedroom sizes:

- \$5,000 per unit with no bedroom
- \$6,500 per unit with one bedroom
- \$7,500 per unit with two bedrooms
- \$8,500 per unit with three bedrooms or more

EXHIBIT "C"

Page 3

Failure to carry out the Deferred Payment Loan Requirements could make an owner ineligible to participate in the program with future projects.

Procedure 3.

Special Outreach

For the properties that are to be rehabilitated, the City of Petal has determined the racial/ethnic characteristics of the current tenants and of residents in the surrounding neighborhoods. Based on this analysis, the City of Petal has concluded that there are no persons likely to apply for housing without special outreach.

Procedure 4.

Recordkeeping

The City of Petal will require that owners keep records on:

1. The racial, ethnic, and gender characteristics of tenants, and applicants in the 90 days following rehabilitation as required of the City by Section 511.71 (a) (2);
2. Activities they undertake to inform the general renter public; specifically
 - . Copies of advertisements placed in the local newspaper
 - . Dates on which the owner contacted the Mississippi Regional Housing Authority No. VIII
 - . Dates on which the owner contacted the Mississippi PHA
3. We will also ask property owners to provide us, where possible, with data on how applicants heard about the housing opportunities.

Procedure 5.

Assessment and Corrective Action

The City of Petal will take corrective actions if we find that property owners fail to carry out procedures required of them. If, after discussing with the owners ways to improve procedures the owners continued to fail to meet the affirmative marketing requirements, the City of Petal will consider disqualifying an owner from future participation in the Rental Rehabilitation Program.

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MINUTES OF HEARING HELD ON APRIL 2, 1991

FOR OTIS BERRY

DATE: APRIL 2, 1991

TIME: 6:00 P.M.

PLACE: BOARD ROOM OF THE CITY HALL

THOSE PRESENT: MAYOR JACK GAY, JR.

CITY ATTORNEY THOMAS W TYNER

ALDERMEN REUBEN CLEPPER
 JERRY CROWE
 DONALD H ROWELL
 BOBBY RUNNELS
 LEROY SCOTT

OTHERS PRESENT: CHIEF HENRY BOUNDS
 OFFICER HOUSTON HARTFIELD
 STREET SUPERINTENDENT ZOLLIE STEVENS
 FOREMAN REUBEN WARRICK

CITY ATTORNEY THOMAS W TYNER REQUESTED THAT THE LETTER NOTIFYING OTIS BERRY OF THE SCHEDULED HEARING AND THE COPY OF THE CERTIFIED RETURN RECEIPT BE ATTACHED AS A PART OF THE RECORD. MR. TYNER NOTED THAT MR BERRY WAS NOT IN ATTENDANCE TO OFFER ANY EXPLANATION AND UNDER THOSE CIRCUMSTANCES THE EVIDENCE WAS THEN PRESENTED.

FOREMAN REUBEN WARRICK STATED THAT IT WAS REPORTED TO HIM THAT THE TRASH TRUCK WHICH WAS LEFT WITH APPROXIMATELY 3/4 OF A TANK OF GAS THE PREVIOUS EVENING WAS LOW ON GAS ON THE MORNING OF DECEMBER 21, 1990. AFTER CHECKING THE AREA, HE DETERMINED THAT GAS HAD BEEN SIPHONED FROM THE TRUCK AND REPORTED IT TO CITY HALL.

CHIEF BOUNDS STATED THAT OFFICER HARTFIELD AND OFFICER MIKE HOWARD WERE SENT DOWN TO THE CITY BARN AND THAT DURING THE INVESTIGATION EVIDENCE WAS FOUND THAT CAST SUSPICION ON OTIS BERRY.

OFFICER HARTFIELD STATED THAT IT HAD RAINED THE NIGHT BEFORE AND THE GROUND WHERE THE TRUCK HAD BEEN PARKED HAD THE IMPRINTS OF THE GAS CANS WHICH HAD BEEN USED TO SIPHON THE GAS. THE TWO FIVE GALLON CANS WERE FOUND ALONG WITH A HOSE IN THE BACK OF OTIS BERRY'S TRUCK. MR BERRY ADMITTED TO THE OFFICERS THAT HE HAD TAKEN THE GAS.

MR BERRY ASKED TO TALK TO CHIEF BOUNDS AND AT WHICH TIME HE ADMITTED TO TAKING THE GAS AND ASKED IF THE CITY WOULD ALLOW HIM TO VOLUNTARILY RESIGN. CHIEF BOUNDS STATED THAT AFTER TALKING TO THE CITY CLERK THAT MR BERRY WAS ALLOWED TO VOLUNTARILY RESIGN AND THE CITY RECOVERED THE GAS.

ALDERMAN ROWELL MADE A MOTION THAT BASED UPON THE EVIDENCE PRESENTED THAT OTIS BERRY'S RESIGNATION BE REFUSED AND THAT HE BE DISCHARGED EFFECTIVE DECEMBER 21, 1990 FOR HIS MISCONDUCT IN TAKING GAS FROM THE CITY OWNED VEHICLE ON DECEMBER 21, 1990. ALDERMAN CROWE SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE":

ALDERMAN REUBEN CLEPPER
 ALDERMAN JERRY CROWE
 ALDERMAN DONALD H ROWELL
 ALDERMAN BOBBY W RUNNELS
 ALDERMAN LEROY SCOTT

THOSE PRESENT AND VOTING "NAY":

NONE



JACK GAY
MAYOR

(SEAL)

ATTEST:



PRISCILLA C. DANIEL
CITY CLERK

MINUTES OF HEARING HELD ON APRIL 2, 1991

FOR ROBERT SMITH

DATE: APRIL 2, 1991

TIME: 6:30 P.M.

PLACE: BOARD ROOM OF THE PETAL CITY HALL

THOSE PRESENT: MAYOR JACK GAY, JR.

CITY ATTORNEY THOMAS W TYNER

ALDERMEN REUBEN CLEPPER
JERRY CROWE
DONALD H ROWELL
BOBBY RUNNELS
LEROY SCOTTOTHERS PRESENT STREET SUPERINTENDENT ZOLLIE STEVENS
FOREMAN REUBEN WARRICK

CITY ATTORNEY THOMAS W TYNER REQUESTED THAT THE LETTER NOTIFYING ROBERT SMITH OF THE SCHEDULED HEARING AND THE COPY OF THE CERTIFIED RETURN RECEIPT BE ATTACHED AS A PART OF THE RECORD.

MR TYNER NOTED THAT MR SMITH HAS BEEN PLACED ON LEAVE WITHOUT PAY BY HIS SUPERVISOR ZOLLIE STEVENS AND THAT MR SMITH IS NOT PRESENT TO OFFER ANY EXPLANATION AND UNDER THOSE CIRCUMSTANCES THE EVIDENCE WAS THEN PRESENTED.

SUPERINTENDENT ZOLLIE STEVENS STATED THAT ROBERT SMITH WAS HIRED JANUARY 7, 1991 AS A TRUCK DRIVER; AND ALTHOUGH MR SMITH HAD VALID COMMERCIAL LICENSE HE DID NOT DEMONSTRATE ANY ABILITIES FOR DRIVING A TRUCK. AFTER RECEIVING COMPLAINTS FROM THE OTHER EMPLOYEES ABOUT MR SMITH'S DRIVING ABILITIES, MR STEVENS STATED THAT HE TOOK MR SMITH OUT IN THE TRUCK AND THAT MR SMITH COULD NOT BACK THE TRUCK UP. MR STEVENS STATED THAT AFTER TALKING WITH THE MAYOR, HE OFFERED MR SMITH A LATERAL TRANSFER INTO THE SANITATION DEPARTMENT. MR STEVENS STATED THAT WHEN HE CALLED ROBERT SMITH IN TO ADVISE HIM OF THE TRANSFER; MR SMITH STARTED YELLING AT HIM AND SAYING THAT MR STEVENS WAS "PREJUDICE"; MR SMITH THEN WENT INTO THE SHOP AND WAS YELLING AT THE OTHER EMPLOYEES.

ACCORDING TO MR STEVENS, WHEN HE TOLD ROBERT SMITH TO GET OFF OF THE PREMISIS AND POINTED TO THE DOOR, MR SMITH SLAPPED MR STEVENS HAND DOWN AND TOLD HIM THAT NO ONE POINTED THEIR FINGER AT HIM NOT EVEN HIS FATHER.

MAYOR GAY STATED THAT ROBERT SMITH CAME TO CITY HALL AND HE CALLED ZOLLIE TO COME DOWN AND IN THE MEETING ZOLLIE RECOUNTED THE SAME EVENTS AND MR SMITH DID NOT DENY THE ACCOUNT OF THE INCIDENT.


THEREUPON, ALDERMAN CLEPPER MADE A MOTION TO CONCUR WITH MR STEVENS ACTION PLACING MR SMITH ON LEAVE WITHOUT PAY AND TO TERMINATE ROBERT SMITH'S EMPLOYMENT WITH THE CITY OF PETAL, MISSISSIPPI FOR WILLFUL MISCONDUCT EFFECTIVE APRIL 2, 1991. ALDERMAN ROWELL SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE":

ALDERMAN REUBEN CLEPPER
ALDERMAN JERRY CROWE
ALDERMAN DONALD H ROWELL
ALDERMAN BOBBY W RUNNELS
ALDERMAN LEROY SCOTT

THOSE PRESENT AND VOTING "NAY":


NONE



JACK GAY
MAYOR

(SEAL)

ATTEST:



PRISCILLA C. DANIEL
CITY CLERK