

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 17, 1992 AT 7:00 P.M. 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 RUNNELS
LEROY SCOTT

OTHERS PRESENT

APRIL MURPHY
MILTON SCHLESINGER
HARTLEY FAIRCHILD
BOBBY MALLEY
AUBRA EVANS
MIKE SMITH
AND MANY OTHERS

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 THAT THE MINUTES OF THE REGULAR MEETING OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF PETAL, MS OF MARCH 3, 1992 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 RUNNELS
ALDERMAN LEROY SCOTT

THOSE PRESENT AND VOTING "NAY":

NONE

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

WHEREAS, MAYOR GAY AND WESLEY HUGHES, FIRE COORDINATOR, PRESENTED AN AWARD TO APRIL MURPHY, STUDENT AT PETAL ELEMENTARY SCHOOL, FOR HER SELECTION IN THE "NAME THE FIRE HOUND CONTEST". THE NAME MISS MURPHY SUBMITTED WAS DRAWN AND THE FIRE HOUND WAS NAMED "FIRE DOG".

(ALDERMAN RUNNELS LEFT)

WHEREAS, MILTON SCHLESINGER, ATTORNEY FOR BRIAN LAI-FOOK AND HOLLIS ARTLEY ADDRESSED THE BOARD CONCERNING THE REZONING OF THE PARCEL OF LAND OWNED BY MR ARTLEY AT 109 FORD DRIVE WHICH WOULD ALLOW HIM TO BUILD TWO(2) FOUR PLEXES INSTEAD OF ONE (1) DUPLEX. MR. SCLESINGER STATED THAT THIS WOULD NOT IN HIS OPINION CONSTITUTE SPOT ZONING SINCE THE ADJOINING PARCEL CONSIST OF TWO (2) FOUR PLEXES AND REZONING WOULD NOT ALTER OR BE DETRIMENTAL TO THE NEIGHBORHOOD AND REQUESTED THAT THE DECISION OF THE PLANNING COMMISSION TO DENY MR LAI-FOOK AND MR ARTLEY THE ZONING CHANGE BE REVERSED.

THEREUPON, ALDERMAN SCOTT MADE A MOTION TO TAKE THE RECOMMENDATION OF THE PLANNING COMMISSION TO DENY THE ZONING CHANGE UNDER ADVISEMENT UNTIL THE MAYOR AND BOARD CAN MEET WITH THE PLANNING COMMISSION. ALDERMAN CROWE SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE":

ALDERMAN REUBEN CLEPPER
ALDERMAN JERRY CROWE
ALDERMAN DONALD H ROWELL
ALDERMAN LEROY SCOTT

THOSE PRESENT AND VOTING "NAY":

NONE

WHEREAS, HARTLEY FAIRCHILD, LANDSCAPE ARCHITECT, ADDRESSED THE BOARD CONCERNING THE PREPARATION OF A MASTER LANDSCAPING PLAN FOR THE PROPERTY THAT WILL ACCOMMODATE THE MULTI-PURPOSE CENTER, LIBRARY AND OTHER CITY ACTIVITIES AND FOR THE CITY AS A WHOLE. MR HARTLEY EXPLAINED THE FUNCTIONS OF A MASTER PLAN AND THE BENEFITS GAINED BY ESTABLISHING A UNIQUE IMAGE FOR THE CITY.

(ALDERMAN RUNNELS RETURNED)

THEREUPON, MR. FAIRCHILD STATED THAT HIS FEES FOR A MASTER PLAN COULD BE A FLAT FEE FOR SERVICES OR SET ON AN HOURLY BASIS. THIS WOULD DEPEND ON THE BOARD AND THEIR DECISION AS TO WHAT TYPE OF PROJECT THEY WOULD LIKE TO EMBARK UPON.

THEREUPON, MAYOR GAY STATED THAT THE BOARD WOULD PREPARE IDEAS AND INVITE MR FAIRCHILD BACK TO MAKE A PRESENTATION OF A TYPICAL PROJECT AND WHAT THE CITY WOULD BE GETTING FOR HIS FEES.

WHEREAS, BOBBY MALLEY, CHIEF OF WAGE AND CONTRIBUTION REPORTING, PUBLIC EMPLOYEES RETIREMENT SYSTEM OF MISSISSIPPI, ADDRESSED THE BOARD CONCERNING THEIR OPTION TO ADOPT AN ADDITIONAL AGREEMENT TO THE ORIGINAL AGREEMENT THE CITY ENTERED INTO WITH THE PUBLIC EMPLOYEES SYSTEM IN OCTOBER 1987 WHICH WOULD ALLOW CITY EMPLOYEES COULD OBTAIN CREDIT FOR PAST EMPLOYMENT WITH THE CITY PRIOR TO 1987 BY MAKING PAYMENT OF BOTH THE EMPLOYER AND EMPLOYEE CONTRIBUTIONS, PLUS INTEREST TO THE RETIREMENT SYSTEM.

THEREUPON, ALDERMAN RUNNELS MADE A MOTION TO ENTER INTO THE ADDITIONAL AGREEMENT WITH THE PUBLIC EMPLOYEES RETIREMENT SYSTEM WHICH WOULD ALLOW CITY EMPLOYEES TO OBTAIN CREDIT FOR PAST EMPLOYMENT BY MAKING PAYMENT OF BOTH THE EMPLOYER AND EMPLOYEE CONTRIBUTIONS, PLUS INTEREST TO THE RETIREMENT SYSTEM. ALDERMAN CROWE SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE":

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

THOSE PRESENT AND VOTING "NAY":

NONE

WHEREAS, MAYOR GAY REQUESTED THE WISHES OF THE BOARD CONCERNING THE BIDS RECEIVED AT THE MEETING OF MARCH 3, 1992 FOR THE BACKHOE.

THEREUPON, ALDERMAN RUNNELS MADE A MOTION TO ACCEPT THE LOWEST BID FROM LEE TRACTOR SERVICE IN THE AMOUNT OF \$26,943.00. ALDERMAN SCOTT SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE":

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

THOSE PRESENT AND VOTING "NAY":

NONE

WHEREAS, MAYOR GAY STATED THAT THE CITY WILL NEED TO ADVERTISE FOR BIDS FOR A CONTRACTOR TO FURNISH EQUIPMENT, LABOR AND RELATED ITEMS NECESSARY FOR THE PLANTING OF TREES IN ACCORDANCE WITH THE PLANS OF THE SBA TREE GRANT PROJECT.

THEREUPON, ALDERMAN CLEPPER MADE A MOTION TO AUTHORIZE THE CITY CLERK TO ADVERTISE FOR BIDS FOR THE PLANTING OF THE TREES FOR THE SBA TREE GRANT PROJECT. ALDERMAN CROWE SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE":

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

THOSE PRESENT AND VOTING "NAY":

NONE

WHEREAS, MAYOR GAY PRESENTED A REQUEST FOR 1991 TAX SALE CANCELLATION ON PARCEL # 115-15-044.5 ASSESSED TO BURNA L & DONNA L HINTON DUE TO A REDUCTION IN VALUE BY FORREST COUNTY AND TO AUTHORIZE THE REFUND OF \$106.02 TO MARGARET HINTON.

THEREUPON, ALDERMAN SCOTT MADE A MOTION TO AUTHORIZE THE CITY CLERK TO REFUND TO MARGARET HINTON \$106.02 BECAUSE OF A REDUCTION IN VALUE ON PARCEL # 115-15-044.5. ALDERMAN CROWE SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE":

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

THOSE PRESENT AND VOTING "NAY":

NONE

WHEREAS, MAYOR GAY PRESENTED A REQUEST FOR 1990 TAX SALE CANCELLATION ON PARCEL 103-C-7-12.00 ASSESSED TO SUZETTE MCINNIS (GLENDA COOLEY) BECAUSE OF DOUBLE ASSESSMENT AND TO REFUND \$38.54 TO GEORGE MERRITT, PURCHASER AT TAX SALE.

THEREUPON, ALDERMAN RUNNELS MADE A MOTION TO AUTHORIZE THE CITY CLERK TO MAKE THE TAX SALE CANCELLATION AND TO REFUND \$38.54 TO GEORGE MERRITT, PURCHASER AT TAX SALE. ALDERMAN SCOTT SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE":

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

THOSE PRESENT AND VOTING "NAY":

NONE

WHEREAS, MAYOR GAY STATED THAT AFTER ADDITIONAL INVESTIGATION OF THE CLAIM MADE BY ANN NOWLAND FOR THE CITY TO PURCHASE HER A NEW TIRE BECAUSE SHE HIT A POTHOLE ON SOUTH GEORGE, MAYOR GAY FOUND THAT MRS. NOWLAND'S TIRE WAS APPROXIMATELY 3 YEARS OLD AND HAD 22,000 MILES ON IT.

THEREUPON, ALDERMAN CLEPPER MADE A MOTION TO MAKE AN ADJUSTED PAYMENT, BASED ON THE DEPRECIATION OF THE TIRE, OF \$35.00 TO MRS NOWLAND. ALDERMAN CROWE SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE":

ALDERMAN REUBEN CLEPPER
ALDERMAN JERRY CROWE
ALDERMAN DONALD H ROWELL
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 FEBRUARY TO THE BOARD.

THEREUPON, ALDERMAN SCOTT MADE A MOTION TO ACCEPT THE REVENUES AND EXPENDITURES REPORT. ALDERMAN CLEPPER SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE":

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

THOSE PRESENT AND VOTING "NAY":

NONE

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

WHEREAS, MAYOR GAY PRESENTED A REQUEST FORM NEEL-SCHAFFER, INC. FOR A PROGRESS PAYMENT TO WILLIS A BOND FOR THE RENTAL REHAB PROJECT NUMBER 006800PI02 IN THE AMOUNT OF \$2,800.00 AND TO PAY \$200.00 INTO THE RENTAL REHAB ESCROW FUND FOR THE PAYMENT OF SOFT COST TO NEEL-SCHAFFER, INC.

WHEREAS, MAYOR GAY PRESENTED A REQUEST FROM NEEL-SCHAFFER, INC. FOR A FINAL PAYMENT TO WILLIAM G. SANSING AND ROBERT M. LOWE ON RENTAL REHAB PROJECT # 006800441 IN THE AMOUNT OF \$2,000.

THEREUPON, ALDERMAN RUNNELS MADE A MOTION TO MAKE THE FINAL PAYMENT TO WILLIAM G. SANSING AND ROBERT M. LOWE IN THE AMOUNT OF \$2,000. ALDERMAN SCOTT SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE":

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

THOSE PRESENT AND VOTING "NAY":

NONE

WHEREAS, MAYOR GAY PRESENTED A REQUEST FROM NEEL-SCHAFFER, INC. FOR A FINAL PAYMENT TO WILLIAM G. SANSING AND ROBERT M. LOWE ON RENTAL REHAB PROJECT # 006800442 IN THE AMOUNT OF \$2,100.00.

THEREUPON, ALDERMAN ROWELL MADE A MOTION TO MAKE THE FINAL PAYMENT TO WILLIAM G. SANSING AND ROBERT M. LOWE ON RENTAL REHAB PROJECT # 00680042 IN THE AMOUNT OF \$2,100.00. ALDERMAN CROWE SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE":

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

THOSE PRESENT AND VOTING "NAY":

NONE

WHEREAS, MAYOR GAY PRESENTED A REQUEST FROM CHIEF WAYNE MURPHY FOR TRAVEL AND MEALS FOR THE CHIEF AND DETECTIVE TOMMY FEDERICK TO TRAVEL TO ST TAMMANY PARISH, LA. TO APPEAR IN CIRCUIT COURT AND TESTIFY ON MARCH 30, 31 AND APRIL 1, 1992.

THEREUPON, ALDERMAN ROWELL MADE A MOTION TO AUTHORIZE THE TRAVEL AND MEALS FOR THE CHIEF AND THE DETECTIVE. ALDERMAN CROWE SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE":

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

THOSE PRESENT AND VOTING "NAY":

NONE

WHEREAS, MAYOR GAY REQUESTED THE WISHES OF THE BOARD CONCERNING THE PURCHASE OF A TRACTOR AND ATTACHMENTS FOR ROTARY MOWER (SIDE-MOUNT) FOR THE STREET DEPARTMENT.

THEREUPON, ALDERMAN ROWELL MADE A MOTION TO AUTHORIZE THE CITY CLERK, UPON RECEIPT OF SPECIFICATIONS, TO ADVERTISE FOR BIDS FOR A TRACTOR FOR THE STREET DEPARTMENT AND TO OBTAIN THE ATTACHMENTS FOR ROTARY MOWER (SIDE MOUNT) BY ACCEPTANCE OF WRITTEN QUOTATIONS AFTER THE PURCHASE OF THE TRACTOR. ALDERMAN CROWE SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE":

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

THOSE PRESENT AND VOTING "NAY":

NONE

WHEREAS, MAYOR GAY PRESENTED THE QUOTATIONS FOR A 36 MONTH AND A 60 MONTH LEASE-PURCHASE AGREEMENT IN THE AMOUNT OF \$26,943.00 FOR THE BACKHOE.

SEE EXHIBIT "B"

A.P.R.

	36 MO	60 MO
FIRST CONTINENTAL LEASING P O BOX 15097 HATTIESBURG, MS. 39401	6.45%	6.95%
HANCOCK BANK P O BOX 4019 GULFPORT, MS. 39502	7.410%	8.150%
BELL ATLANTIC TRICON 3601 MINNESOTA DRIVE BLOOMINGTON, MN. 55435	DID NOT SUBMIT A.P.R.	

THEREUPON, ALDERMAN ROWELL MADE A MOTION TO ADOPT THE FOLLOWING RESOLUTION AUTHORIZING AND APPROVING THE EXECUTION OF A 36 MONTH EQUIPMENT LEASE-PURCHASE AGREEMENT WITH FIRST CONTINENTAL LEASING. ALDERMAN CROWE SECONDED THE MOTION.

SEE EXHIBIT "C"

RESOLUTION AUTHORIZING AND APPROVING THE EXECUTION OF AN EQUIPMENT LEASE-PURCHASE AGREEMENT WITH FIRST CONTINENTAL LEASING

THOSE PRESENT AND VOTING "AYE":

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

THOSE PRESENT AND VOTING "NAY":

NONE

WHEREAS, MAYOR GAY REQUESTED THE WISHES OF THE BOARD CONCERNING THE REPLACEMENT OF THE TRENCHER AND TRAILER IN THE WATER DEPARTMENT.

THEREUPON, ALDERMAN CLEPPER MADE A MOTION TO AUTHORIZE THE CITY CLERK, UPON RECEIPT OF THE SPECIFICATIONS, TO ADVERTISE FOR BIDS FOR A TRENCHER FOR THE WATER DEPARTMENT AND TO OBTAIN THE TRAILER BY ACCEPTANCE OF WRITTEN QUOTATIONS AFTER THE PURCHASE OF THE TRENCHER. ALDERMAN SCOTT SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE":

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

THOSE PRESENT AND VOTING "NAY":

NONE

WHEREAS, MAYOR GAY PRESENTED TWO (2) WRITTEN QUOTATIONS FOR THE PURCHASE OF A 54 FOOT BATTING CAGE NET FOR THE BALLPARK.

SEE EXHIBIT "D"

GRAND SLAM U.S.A. 2510 WEST FOURTH STREET HATTIESBURG, MS. 39401	\$607.00
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OSOBOURNE INNOVATIVE PRODUCTS 2262 C STREET SUITE A ENUMCLAW, WA 98022	\$800.00 + 65.00 SHIPPING
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THEREUPON, ALDERMAN CLEPPER MADE A MOTION TO ACCEPT THE WRITTEN QUOTATION FROM GRAND SLAM U.S.A. IN THE AMOUNT OF \$607.00. ALDERMAN CROWE SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE":

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

THOSE PRESENT AND VOTING "NAY":

NONE

WHEREAS, MAYOR GAY PRESENTED INVOICE # 202588 IN THE AMOUNT OF \$3,307.79 FROM NEEL-SCHAFFER, INC. FOR THE ADMINISTRATION OF THE 1991 PETAL RENTAL REHAB.

THEREUPON, ALDERMAN SCOTT MADE A MOTION TO PAY NEEL-SCHAFFER, INC. \$3,307.79. ALDERMAN RUNNELS SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE":

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

THOSE PRESENT AND VOTING "NAY":

NONE

WHEREAS, MAYOR GAY PRESENTED INVOICE # 202581 IN THE AMOUNT OF \$3,600.00 FROM NEEL-SCHAFFER, INC. FOR THE PROGRAM ADMINISTRATION OF THE SEWER IMPROVEMENT PROJECT.

THEREUPON, ALDERMAN SCOTT MADE A MOTION TO PAY NEEL-SCHAFFER, INC. \$3,600.00. ALDERMAN CROWE SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE":

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

THOSE PRESENT AND VOTING "NAY":

NONE

WHEREAS, MAYOR GAY PRESENTED THE FOLLOWING AFFIRMATIVE MARKETING POLICIES AND PROCEDURES FOR THE CITY OF PETAL 1991 RENTAL REHABILITATION PROGRAM WHICH INCLUDES THE TENANT ASSISTANCE/RELOCATION POLICY FOR THE CITY OF PETAL PROGRAM.

SEE EXHIBIT "E"

AFFIRMATIVE MARKETING POLICIES AND PROCEDURES
1991 RENTAL REHABILITATION PROGRAM

THEREUPON, ALDERMAN ROWELL MADE A MOTION TO ADOPT THE FOREGOING AFFIRMATIVE MARKETING POLICIES AND PROCEDURES FOR THE 1991 RENTAL REHABILITATION PROGRAM. ALDERMAN CROWE SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE":

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

THOSE PRESENT AND VOTING "NAY":

NONE

WHEREAS, ALDERMAN RUNNELS MADE A MOTION AUTHORIZING THE MAYOR TO SEND A LETTER TO DR FRED TATUM, CHAIRMAN OF THE HATTIESBURG, PETAL AND FORREST COUNTY LIBRARY BOARD OF TRUSTEES, STATING THE CITY'S OBJECTIONS TO THE HIRING OF AN ARCHITECT FROM MINNESOTA FOR THE NEW LIBRARY BUILDING IN HATTIESBURG AND TO SEND COPIES OF THE LETTER TO EACH MEMBER OF THE BOARD. ALDERMAN CROWE SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE":

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

THOSE PRESENT AND VOTING "NAY":

NONE

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

THOSE PRESENT AND VOTING "AYE":

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

THOSE PRESENT AND VOTING "NAY":

NONE

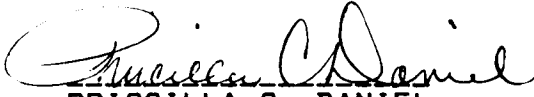
THEREBEING NO FURTHER BUSINESS, THE REGULAR MEETING OF THE
MAYOR AND BOARD OF ALDERMEN OF THE CITY OF PETAL, MISSISSIPPI WAS
ADJOURNED ON THIS THE 17TH DAY OF MARCH, A.D., 1992.



JACK GAY
MAYOR

(SEAL)

ATTEST:



PRISCILLA C. DANIEL
CITY CLERK

EXHIBIT "A"



FORREST COUNTY FARM SUPPLY

401 Jackson Street • Post Office Box 1566 • Hattiesburg, MS 39401
Telephone 582-3545, 582-5182

March 11, 1992

City of Petal
P. O. Box 564
Petal, MS 39465

Attn: Jack Gay

This to quote the City of Petal the following merchandise:

14 rolls weld wire 48"x2"x4"x100' @ 34.99 each= \$489.86

135 6' steel T post @2.19=295.65

Total quote \$785.51

Sincerely,

Bill Roberts, Store Manager

E: nEMAR 11 '92 14:00 601-54461000

**DEIN SNEIMPER
AND SONS, INC.**

MS 1-800-367-5783
AL-LA 1-800-231-2480

19666

Steel Service Division

D-U-N-S 821-4306

Attn: Mr Jack Gay, Mayor

Box 466, Hattiesburg, MS 39403-0466

QUOTATION

CUST. NO.	City of Petal		SHIP TO	Petal, MS 39465		
SOLD TO	Bill Roberts		SALESMAN	Bill Roberts		
CUSTOMER ORDER NO.			SHIPPED VIA:	THEIR TRUCK <input type="checkbox"/>	TERMS: <u>11/30</u> <input type="checkbox"/>	
			OUR TRUCK <input type="checkbox"/>	Motor Freight <input type="checkbox"/>	DATE: <u>3/11/92</u>	
STOCK NO.	ORDERED	SHIPPED	ITEM	TOTAL UNIT	PRICE	AMOUNT
14	✓		48" 2 x 4 Welded Wire 14yr		29.58	411.30
135	✓		6' T-POSTS		2.18	294.30
675	✓		Clover Brand STEEL T PRODUCTS			N/C
Price good for two weeks from date of quote				SUB TOTAL		705.60
				NO% TAX		
				TOTAL		

In the event of default of payment, customer agrees to pay all attorney fees and other cost of collection. THIS INVOICE IS DUE 30 DAYS FROM DATE OF INVOICE IF NOT PAID within 30 days from invoice date. A service charge will be charged at the rate of 1 1/2% per month or 18% per annum.

CUSTOMER SIGNATURE X

ORIGINAL

HARCOCK BANK

CERTIFICATE OF EXTENSION MONTHLY PAY * Fully Amortized
Actuarial Unit period
EXHIBIT "B"

Pending Date 04/01/92	1st Payment Date 05/01/92	Maturity Date 04/01/95	1st Term 1 mo + 0 days	Month 36
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of Pmts 36 Amt of Pmts 836.90 When payments are due Monthly beginning 05/01/92

7.410 % Input Rate 7.410 % A.P.R.

ITEMIZATION	AMOUNT	TOTAL
Pd Directly/Customer	26,943.00	26,943.00
LOAN AMOUNT		26,943.00
INTEREST		3,188.28
		3,188.28 FINANCE CHARGE
		30,131.28 TOTAL OF PAYMENTS

Customer _____ Loan Officer _____ Date 03/17/92

© Bell Atlantic
Tricon

Bell Atlantic Tricon Government Finance
3501 Minnesota Drive, Suite 900
Bloomington, MN 55433
612 897-1548
Fax 612 831-3583

March 17, 1992

City of Petal, MS
Attn: Ms. Priscilla Daniel

Dear Ms. Daniel,

Bell Atlantic Tricon Government Finance, Inc. is pleased to provide you with a financing quote for the acquisition of a new backhoe. The specifics are as follows:

Cost: \$26,943
Payments: 36 monthly payments in advance of \$926.84 or
60 monthly payments in advance of \$630.47

The pricing contained is fixed for a period of 30 days from the date of this letter and is contingent upon the City qualifying for credit approval and mutual acceptance of required documentation.

If you have any questions please feel free to call myself or Susan Knutson at the above state phone number.

We look forward to working with you on this project.


Chris Mason



March 16, 1992

City of Petal
City Hall
Petal, MS

Gentlemen:

It is a pleasure to submit for your consideration the following proposal to provide lease-purchase financing based on the terms and conditions set forth below:

1. Lessor: First Continental Leasing, a division of Bank of Mississippi
2. Lessee: City of Petal
3. Equipment Description: Backhoe
4. Equipment Cost: \$26,943.00
5. Lease Term: 3 - 5 Years
6. Lease Payments: 36 @ \$820.75 ea.
60 @ \$529.80 ea.
7. Lease Rate: 3 Years - 6.45%
5 Years - 6.95%
8. Purchase Option: Title is passed to Lessee at lease expiration for no further consideration.

9. Nonappropriation/Termination: The lease provides that Lessee is to make reasonable efforts to obtain funds to satisfy the obligation in each fiscal year. However, the lease may be terminated without penalty in the event of nonappropriation. In such event, the Lessee agrees to provide an attorney's opinion confirming the events of nonappropriation and Lessee's exercise of diligence to obtain funds. The Lease provides that if the lease is terminated, Lessee is precluded from replacing the equipment with equipment or services intended to perform a similar function.

EXHIBIT "C"

RESOLUTION AUTHORIZING AND APPROVING EXECUTION
OF AN EQUIPMENT LEASE-PURCHASE AGREEMENT WITH
FIRST CONTINENTAL LEASING, A DIVISION OF BANK OF MISSISSIPPI
FOR THE PURPOSE OF LEASE-PURCHASING CERTAIN EQUIPMENT

WHEREAS, the Mayor and Board of Aldermen (the "Governing Body") of City of Petal, Mississippi (the "Lessee"), acting for and on behalf of the Lessee hereby finds, determines and adjudicates as follows:

1. The Lessee desires to enter into an Equipment Lease-Purchase Agreement with the Exhibits attached thereto in substantially the same form as attached hereto as Exhibit "A" (the "Agreement") with First Continental Leasing, a division of Bank of Mississippi (the "Lessor") for the purpose of presently purchasing the equipment as described therein for the total cost specified therein (collectively the "Equipment") and to purchase such other equipment from time to time in the future upon appropriate approval;
2. The Lessee is authorized pursuant to Section 31-7-13(e) of the Mississippi Code of 1972, as amended, to acquire equipment and furniture by Lease-purchase agreement and pay interest thereon by contract for a term not to exceed 5 years;
3. It is in the best interest of the residents served by Lessee that the Lessee acquire the Equipment pursuant to and in accordance with the terms of the Agreement; and
4. It is necessary for the Lessee to approve and authorize the Agreement.
5. The Lessee desires to designate the Agreement as a qualified tax-exempt obligation of Lessee for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986 (the "Code").

NOW, THEREFORE, BE IT RESOLVED by this Governing Body for and on behalf of the Lessee as follows:

Section 1. The Agreement and Exhibits attached thereto in substantially the same form as attached hereto as Exhibit "A" by and between the Lessor and the Lessee is hereby approved and JACK GAY, JR., MAYOR (the "Authorized Officer") is hereby authorized and directed to execute said Agreement on behalf of the Lessee.

Section 2. The Agreement is being issued in calendar year 1992.

Section 3. Neither any portion of the gross proceeds of the Agreement nor the Equipment identified to the Agreement shall be used (directly or indirectly) in a trade or business carried on by any person other than a governmental unit, except for such use as a member of the general public.

Section 4. No portion of the rental payments identified in the Agreement (a) is secured, directly or indirectly, by property used or to be used in a trade or business carried on by a person other than a governmental unit, except for such use as a member of the general public, or by payments in respect of such property; or (b) is to be derived from payments (whether or not to Lessee) in respect of property or borrowed money used or to be used for a trade or business carried on by any person other than a governmental unit.

Section 5. No portion of the gross proceeds of the Agreement are used (directly or indirectly) to make or finance loans to persons other than governmental units.

Section 6. Lessee hereby designates the Agreement as a qualified tax-exempt obligation for purposes of Section 265(b) of the Code.

Section 7. In calendar year 1992, Lessee has designated \$ 26,943.00 of tax-exempt obligations (including the Agreement) as qualified tax-exempt obligations. Including the Agreement herein so designated, Lessee will not designate more than \$10,000,000 of obligations issued during calendar year 1992 as qualified tax-exempt obligations.

Section 8. Lessee reasonably anticipates that the total amount of tax-exempt obligations (other than private activity bonds) to be issued by Lessee during calendar year 1992 will not exceed \$10,000,000.


Section 9. For purposes of this resolution, the amount of Tax-exempt obligations stated as either issued or designated as qualified tax-exempt obligations includes tax-exempt obligations issued by all entities deriving their issuing authority from Lessee or by an entity subject to substantial control by Lessee, as provided in Section 265(b)(3)(E) of the Code.

Section 10. The Authorized Officer is further authorized for and on behalf of the Governing Body and the Lessee to do all things necessary in furtherance of the obligations of the Lessee pursuant to the Agreement, including execution and delivery of all other documents necessary or appropriate to carry out the transactions contemplated thereby in accordance with the terms and provisions thereof.

Following the reading of the foregoing resolution, ALDERMAN ROWELL moved that the foregoing resolution be adopted, ALDERMAN CROWE seconded the motion for its adoption. The MAYOR put the question to a roll call vote and the result was as follows:

ALDERMAN CLEPPER Voted: AYE
ALDERMAN CROWE Voted: AYE
ALDERMAN ROWELL Voted: AYE
ALDERMAN RINNELS Voted: AYE
ALDERMAN SCOTT Voted: AYE

The motion having received the affirmative vote of all members present, the MAYOR declared the motion carried and the resolution adopted this the 17th day of MARCH, 19 92.


(Presiding officer) Title MAYOR

ATTEST:



CITY CLERK

EXHIBIT "D"

MAR-17-1992 08:07AM FROM Osborne Innovative Prod TO

16015445347 P.01

FAX# (206)825-0163
(800)325-7238
(206)826-3966



OSBORNE INNOVATIVE PRODUCTS

2262 C Street • Suite A • Enumclaw, WA 98022

FACSIMILE COVER SHEET

DATE 3-17-92

OF PAGES SENT (INCLUDING THIS ONE): ONE

TO: PETAL PARKS + REC

ATTENTION: LARRY WATKINS

FROM: JEFF OSBORNE

MESSAGE:

<u>BID FOR BATTING CAGE</u>	
<u>12x15x54 #30</u>	
<u>PRODUCT</u>	<u>\$ 800</u>
<u>SHIPPING</u>	<u>\$ 65</u>
<u>TOTAL</u>	<u>\$ 865</u>



2510 WEST FOURTH STREET
HATTIESBURG, MS 39401
(601) 544-HITS

March 2, 1992

Coach Larry Watkins
Petal High School
Highway 42 East
Petal, MS 39465

BID

One (1) 54 Foot Batting Cage Net - Long Life
ATEC Number N3070

TOTAL PRICE \$607.00

If I can be of further assistance, please don't
hesitate to call.

Sincerely,

Mal Rolison
Mal Rolison

EXHIBIT THE CITY OF PETAL
AFFIRMATIVE MARKETING POLICIES AND PROCEDURES
RENTAL REHABILITATION PROGRAM
1991

Statement of Policy:

In accordance with the Regulations of the Rental Rehabilitation Program, (511.10 (a) (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.

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.

1

- . 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

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.

EXHIBIT "E"

City of Petal
Rental Rehabilitation Program
Tenant Assistance/Relocation Policy

1. Background and Purpose.

Every residential tenant lawfully occupying the property to be rehabilitated who is not prohibited from receiving Federal assistance will be offered help in accordance with the following policies. Any tenant required to move after the date of submission of an application by an owner, shall be assumed to be eligible for assistance unless the City determines that the tenant was not required to move for the purpose of facilitating the project. Relocation expenses for any tenant required to move shall be paid by the owner. Such relocation assistance shall be offered in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended (URA); the current requirements of Section 104(d) of the Housing and Community Development Act of 1974, as amended (if applicable); and the Section 8 Program Administered by Mississippi Regional Housing Authority, No. VI (Public Housing Authority (PHA)).

2. General Policies.

- a. Restrictions on Displacement of Very Low-Income Tenants. The Rental Rehabilitation Program (RRP) regulations at 24 CFR 511.10 (h) state the RRP funds may not be used to rehabilitate a structure if the rehabilitation will cause the displacement of any very low-income family by a family that is not that very low income.
- b. Minimizing Displacement. The RRP regulations state that, consistent with the other goals and objectives of the program the City shall minimize displacement. To the extent feasible, residential occupants shall be provided a reasonable opportunity to lease and occupy a suitable, decent, safe, sanitary and affordable dwelling unit on the real property following completion of the rehabilitation.
- c. Memorandum of Understanding (MOU) between City and PHA. City has executed a MOU with the PHA. The MOU addresses the treatment of tenants who would receive a Federal preference (rent burdened greater than 50 percent of income) and the treatment of RRP tenants who would be rent burdened but would not receive a Federal preference (rent would be between 30 and 50 percent of income). Other issues related to the RRP are also addressed.

3. Timely Notices to Tenants.

- a. Preliminary Notice. As soon as feasible after the City and owner agree to proceed with the RRP, the City shall issue a notice to all occupants of the property, or ensure that the owner issued such a notice. The notice shall include a copy of the Tenant Assistance Policy (TAP) and caution the tenant not to move prematurely because the tenant will either (1) not be displaced by the project, or (2) if displaced, will not be eligible for relocation assistance.
- b. Notice at Time of Execution of Agreement. Promptly after the execution of the agreement with the owner, the City shall issue a notice to each person residing in the property.
 - (1) The notice to tenants who will not be displaced shall explain the reasonable terms and conditions under which they may lease and occupy the real property following completion of the rehabilitation, the rent after rehabilitation, and the steps to be taken to obtain Section 8 assistance.
 - (2) The notice to tenants to be displaced shall indicate their eligibility for relocation assistance and (if applicable) Section 8 assistance, describe the assistance available, and explain the procedures for obtaining assistance.
- c. Manner of Notices. Each notice shall be personally served or sent by certified or registered first-class mail, return receipt requested, and documented in the City's files. Each notice shall be written in plain, understandable language. Persons who are unable to read and understand the notice (e.g., illiterate, foreign language or impaired vision) must be provided with appropriate translation/communication and counseling. Each notice shall indicate the name and telephone number of a person who may be contacted for answers to questions or other needed help.

4. Availability of Assistance under Section 8 of the United States Housing Act of 1937.

- a. Section 8(u) of the United States Housing Act of 1937 was added by the Housing and Community Development Act of 1987 and was subsequently modified by the Stewart B. McKinney Homeless Assistance Amendments Act of 1988. Section 8(u) as amended reads as follows:
 - "(u) In the case of lower income families living in rental projects rehabilitated under Section 17 of this Act of Section 533 of the Housing Act of 1949 before rehabilitation --
 - (1) Certificates or vouchers under this section shall be made available for families who are required to move out of their units because of the physical rehabilitation activities or because of overcrowding;
 - (2) At the discretion of each public housing agency or other agency administering the allocation of assistance, certificates or vouchers under this section MAY be made available for families who would have to pay more than 30 percent of their adjusted income for rent after rehabilitation whether they choose to remain in, or to move from, the project; and
 - (3) The Secretary shall allocate assistance for certificates or vouchers under this section to ensure that sufficient resources are available to address the physical or economic displacement, or potential economic displacement of existing tenants pursuant to paragraphs (1) and (2).
- b. The HUD-Independent Agencies Appropriations Act for Fiscal Year 1990 states that "highest priority" for use of Section 8 assistance must go to tenants who, as a result of rental rehabilitation activities, would pay greater than 35 percent of income for rent. Whenever the existing allocation of Section 8 certificates and housing vouchers is not sufficient to provide the required assistance to RRP families, PHAs must request additional certificates/housing vouchers from HUD.

NOTE: The applicability of Section 8 assistance for the City's Rental Rehabilitation Program is determined by Mississippi Regional Housing Authority No. VI located in Jackson, Mississippi.

5. Basic Relocation Assistance Requirements. A displaced person, as defined in paragraph 6 below, is entitled to relocation assistance at the levels described in, and in accordance with the

EXHIBIT "E"

requirements of URA. In addition, as described in Paragraph 4a above, eligible tenants who are displaced as a result of overcrowding or physical rehabilitation activities must be offered a Section 8 certificate or housing voucher. The assistance to be provided to displaced persons includes:

- a. Advisory Services. These services include timely information notices, counseling and referrals to comparable replacement dwellings and suitable replacement business locations. (When providing a Section 8 certificate or housing voucher, the PHA will assist the displaced family with the application process and other program procedures including providing a list of replacement dwellings whose owners are willing to participate in the housing voucher or certificate program. The City, however, must ensure that Comparable Replacement Dwellings (CRDs) are made available to all displaced persons -- those who receive Section 8 assistance and those who do not.) Persons displaced from a dwelling shall be advised of their rights under the Fair Housing Act and of replacement housing opportunities that, whenever feasible, provide a choice between relocating within their neighborhoods and other neighborhoods consistent with the City's responsibility to affirmatively further fair housing.
- b. Payment for Moving Expenses.
 - (1) A family or individual displaced from a dwelling may, at their discretion, choose either a payment for actual moving expense and dislocation allowance indicated in the schedule published periodically in the Federal Register by the Department of Transportation.
 - (2) A business or nonprofit organization is eligible for a payment for actual moving and related expenses and a payment for reestablishment expenses; regulations describe those businesses/nonprofit organizations who may qualify to choose certain types of payments.
- c. Replacement Housing Assistance. It is expected that most eligible tenants who are offered a Section 8 certificate or housing voucher will find it to be most advantageous. However, a tenant may, at his or her discretion, elect to obtain cash replacement housing assistance sufficient to enable the person to rent a Comparable Replacement Dwelling for a 42-month period, whether or not a certificate of housing voucher is available. The tenant may use the cash payment to rent or buy a replacement dwelling. If the tenant rents the replacement dwelling, the payment shall not exceed the amount needed to rent the actual replacement dwelling. A rental assistance payment may, at the discretion of the City, be provided in monthly installments. If the tenant elects to buy a replacement dwelling, the payment must be in a lump sum amount. Tenants eligible for a replacement housing payment fall into two categories, as follows:

- (1) An eligible tenant who is displaced from a dwelling that he or she occupied for at least 90 days immediately prior to the execution of the agreement between the owner and the City (deemed to be the initiation of negotiations for purposes of eligibility for replacement housing payments) is entitled to a replacement housing payment in an amount equal to 52 times the amount needed to reduce the rent an average estimated utility costs for a replacement dwelling (actual or CRD, whichever is less costly) to the base monthly rental for the displacement dwelling. Generally, the base monthly rental for the displacement dwelling is the lesser of (a) 30 percent of the tenant's average monthly gross income, or (b) the monthly rent and average utility costs at the displacement dwelling. (If the tenant is provided Section 8 assistance at the replacement dwelling and the tenant's rent and utility costs at the

displacement dwelling were less than his or her "contribution" for a replacement dwelling (actual or CRD, whichever is less costly), the tenant may qualify for a replacement housing payment to cover the gap.)

- (2) Generally, an eligible tenant who is displaced from a dwelling that he or she did not occupy for at least 90 days immediately before the execution of the agreement between the owner and the City (initiation of negotiations) is entitled to a payment in an amount equal to 42 times the amount necessary to reduce the rent and estimated average utility costs for a replacement dwelling (actual or CRD, whichever is less costly) to 30 percent of his or her gross income.

6. Definition of Displaced Person.

- a. The term "displaced person" means any person (family, individual, business, nonprofit organization or farm) that moves from real property, or moves personal property, permanently and involuntarily as a direct result of rehabilitation, demolition or acquisition for a RRP project. Permanent, involuntarily for a RRP project includes:
 - (1) A permanent move from the real property (building or complex) following notice by the property owner to move permanently from the property, if the move occurs on or after the date that the owner (or person in control of the site) submits a request for RRP assistance that is later approved and funded;
 - (2) A permanent move from the real property that occurs before the submission of the request for assistance to the City, if either the City or the State determines that the displacement resulted directly from rehabilitation, acquisition, or demolition for the project;
 - (3) A permanent move from the real property by a tenant-occupant of a dwelling unit that occurs after the execution of the agreement between the owner and the City, if:
 - (a) The tenant has not been provided a reasonable opportunity to lease and occupy a suitable, decent, safe and sanitary dwelling in the same building/complex following the completion of the project at a rent, including estimated average utility costs, that does not exceed the greater of:
 - (1) The tenant's rent and estimated average utility costs before the execution of the agreement between the City and the owner; or
 - (2) The Total Tenant Payment, as determined under 24 CFR 813.107, if the tenant is lower income, or 30 percent of gross household income if the tenant is not lower-income; or
 - (b) The tenant has been required to relocate temporarily, but:
 - (1) The tenant is not offered payment for all reasonable out-of-pocket expenses incurred in the connection with the temporary relocation, including the cost of moving to an from the temporarily occupied housing and any increased rent and utility costs, or other conditions of the temporary relocation are not reasonable, and

EXHIBIT "E"

(2) The tenant does not return to the building/complex; or

(c) The tenant is required to move to another unit within the building/complex but is not offered reimbursement for all reasonable out-of-pocket expenses incurred in connection with the move or other conditions of the move are not reasonable.

NOTE: The offer of Section 8 assistance would fulfill the affordability requirement in subparagraph a(3)(a) of this paragraph 6 and, if the tenant refuses such offer and moves permanently, he/she would not qualify as a displaced person. On the other hand, if Section 8 assistance cannot be offered (e.g., it is not available or the tenant is not eligible), the tenant's rent/utility cost increases, the new rent/utility cost exceeds the Total Tenant Payment and the tenant elects to move permanently, the tenant would be eligible for relocation assistance at URA levels as described in Paragraph 5 above.

b. A person does not qualify as a displaced person, however, if:

- (1) The person has been evicted for cause based upon a serious or repeated violation of material terms of the lease or occupancy agreement, and the grantee/recipient determines that the eviction was not undertaken for the purpose of evading the obligation to provide relocation assistance; or
- (2) The person moved into the property after the owner's submission of the request for assistance but, before commencing occupancy, received written notice of the owner's intent to terminate the person's occupancy of the project; or
- (3) The person is an owner-occupant who moves as a result of rehabilitation of the property; or
- (4) The person is ineligible under "Persons not displaced" (49 CFR 24.2(g)(2)); or
- (5) The City determines that the person was not displaced as a direct result of acquisition, rehabilitation or demolition for the project, and the State concurs in that determination.

c. The City may, at any time, as the State to determine whether a specific displacement is or would be covered by these rules.

7. Application of CDBG Requirements.

a. General Policy.

If CDBG funds are used to pay any part of the cost of "rehabilitation activities" as defined in 24 CFR 570.202(b) (see subparagraph b below), the project is subject to the requirements of section 104(d) of the Housing and Community Development Act of 1974, as amended, the implementing regulations at 24 CFR 570.606(b) (Entitlement Program and HUD-administered Small Cities Program) and 24 CFR 570.496a(b) (State CDBG Program). Section 104(d) requires:

- (1) The provision of certain additional relocation assistance to any low/moderate-income tenant displaced by the demolition of any housing unit or by the conversion of a low/moderate-income dwelling unit to a use that is not low/moderate-income. (NOTE: The term "low/moderate-income dwelling unit" means a dwelling unit with a market rent (including utility costs) that

does not exceed the applicable Fair Market Rent (FMR) for Section 8 existing housing established under 24 CFR Part 888.); and

- (2) The replacement of any low/moderate-income dwelling unit that is demolished or converted to a use other than low/moderate income housing. (If the pre-rehabilitation market rent does not exceed the applicable FMR but the post-rehabilitation market rent does not exceed the FMR, a "conversion" has taken place and the unit must be replaced. On the other hand, dwelling units rehabilitated with RRP funds may, assuming compliance with the conditions set forth in the CDBG rules, qualify as replacement units for section 104(d) purposes.)

b. CDBG Rehabilitation Activities Triggering CDBG Requirements.

CDBG requirements, such as the section 104(d) requirements, are triggered by the use of CDBG funds to pay any of the costs of rehabilitation activities" as described in 24 CFR 570.202(b). NOTE: In addition to the actual repair work, alterations and additions to structures, this term includes rehabilitation services, such as rehabilitation counseling, energy auditing, preparation of work specifications, loan processing, and property inspections.

c. CDBG Activities Not Triggering Section 104(b) Requirements.

The CDBG section 104(b) requirements are not triggered by the use of CDBG funds to pay the costs of program administration as described in 24 CFR 570.206 or to pay for relocation assistance for tenants under CFR 570.101(i).

8. Nondiscrimination Requirements. The City of Laurel and the owner's participating in the RRP are required to conduct the program activities according to equal housing opportunities and Section 301 of the Housing and Urban Rural Recovery Act of 1983, Public Law Number 98-181, Statute 1153. All phases of the program, including the selection of units to be rehabilitated, the provision of notices, counseling, referrals, or other advisory services and relocation services to persons displaced by the rental rehabilitation activities, shall be administered in a manner that does not result in discrimination because of race, color, religion, sex, age, handicap, family status or national origin.

9. Appeals. If a person disagrees with the City's determination concerning the person's eligibility for, or the amount of, a relocation payment under this section, the person may file a written appeal of that determination with the City of Laurel. The appeal procedures to follow are described in 49 CFR 24.10. A low- or moderate-income person that has been displaced from a dwelling may submit a written request for the review of the City's decision to the Department of Economic and Community Development, Division of Community Development, 301 West Pearl Street, Jackson, Mississippi 39201-3096.