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 AT 7:00 P.M. ON OCTOBER 20, 1992 IN THE BOARD ROOM OF SAID CITY.

THOSE PRESENT MAYOR JACK GAY, JR.

CITY ATTORNEY THOMAS W TYNER

ALDERMEN

REUBEN CLEPPER JERRY CROWE BOBBY RUNNELS LEROY SCOTT

OTHERS PRESENT

WAYNE MURPHY AUBRA EVANS CHARLES GILLIS RAYMOND DEARMAN DEMERY GRUBBS BILLY F MADDEN MRS. DORIS PRINE AND OTHERS

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

THE INVOCATION WAS OFFERED BY

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 OCTOBER 6, 1992 BE ACCEPTED AS WRITTEN. ALDERMAN CROWE SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE":

ALDERMAN REUBEN CLEPPER ALDERMAN JERRY CROWE ALDERMAN BOBBY RUNNELS ALDERMAN LEROY SCOTT

THOSE PRESENT AND VOTING "NAY":

NONE

WHEREAS, MAYOR GAY CALLED FOR PUBLIC COMMENT.

THEREUPON, BILLY F. MADDEN ADDRESSED THE BOARD CONCERNING COMPLAINTS FROM HIS NEIGHBORS ABOUT HIS PET RABBITS, ROOSTER AND CHICKENS.

THEREUPON, MAYOR GAY STATED THAT THE CITY INSPECTOR HAS RECEIVED A PETITION FROM MR MADDEN'S NEIGHBORS CONCERNING THE ODOR FROM THE PETS, THE CROWING OF THE ROOSTER, AND THE UNSIGHTLINESS OF THE PENS. MAYOR GAY STATED THAT THE PROPERTY IS NOT ZONED FOR THIS TYPE OF PETS.

THEREUPON, ALDERMAN RUNNELS MADE A MOTION TO TAKE THIS SITUATION UNDER ADVISEMENT UNTIL THE NEXT BOARD MEETING. ALDERMAN CROWE SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE":

ALDERMAN REUBEN CLEPPER ALDERMAN JERRY CROWE ALDERMAN BOBBY RUNNELS ALDERMAN LEROY SCOTT

THOSE PRESENT AND VOTING "NAY":

CITY OF PETAL MINUTE BOOK 13

THEREUPON, MAYOR GAY SUGGESTED THAT MR MADDEN TRY TO ELIMINATE THE ODOR FROM HIS PETS AND TO POSSIBLY CLEAN UP THE AREA IN THE NEXT TWO WEEKS.

WHEREAS, FIRE CHIEF AUBRA EVANS PRESENTED A RECOMMENDATION TO THE BOARD TO PROMOTE FIREMAN FIRST CLASS JIMMY BARDING TO 2ND LT EFFECTIVE OCTOBER 22, 1992.

THEREUPON, ALDERMAN RUNNELS MADE A MOTION TO ADOPT THE FOLLOWING ORDER PROMOTING JIMMY BARDING TO 2ND LT EFFECTIVE OCTOBER 22, 1992. ALDERMAN CROWE SECONDED THE MOTION.

ORDER

WHEREAS, THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF PETAL, MISSISSIPPI DO HEREBY DEEM IT NECESSARY TO PROMOTE FIREMAN FIRST CLASS JIMMY BARDING TO 2ND LT. UPON THE RECOMMENDATION OF CHIEF EVANS. IT IS HEREBY ORDERED THAT JIMMY BARDING BE PROMOTED TO 2ND LT. EFFECTIVE OCTOBER 22, 1992. SO ORDERED ON THIS THE 20TH DAY OF OCTOBER, A.D., 1992.

THOSE PRESENT AND VOTING "AYE":

ALDERMAN REUBEN CLEPPER ALDERMAN JERRY CROWE ALDERMAN BOBBY RUNNELS ALDERMAN LEROY SCOTT

THOSE PRESENT AND VOTING "NAY":

NONE

WHEREAS, CHARLES GILLIS OF THE SMALL BUSINESS ADMINISTRATION ADDRESSED THE BOARD CONCERNING OPPORTUNITIES AVAILABLE TO SMALL BUSINESSES THROUGH HIS OFFICE AND A BREAKDOWN OF THE SERVICES WHICH HAVE BEEN MADE AVAILABLE TO BUSINESSES IN THE LOCAL AREA.

WHEREAS, RAYMOND DEARMAN ADDRESSED THE BOARD CONCERNING THE THE COMPLETION OF THE SEWER REHABILITATION PROJECT AND THE FINAL PAYMENT DUE TO THE CONTRACTOR.

THEREUPON, ALDERMAN CROWE MADE A MOTION TO PAY SHOWS, DEARMAN & WAITES \$7,580.90 FOR INSPECTION FEES THROUGH SEPTEMBER 20, 1992. ALDERMAN CLEPPER SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE":

ALDERMAN REUBEN CLEPPER ALDERMAN JERRY CROWE ALDERMAN BOBBY RUNNELS ALDERMAN LEROY SCOTT

THOSE PRESENT AND VOTING "NAY":

NONE

WHEREAS, DEMERY GRUBBS, OF HOLLEY, GRUBBS, MITCHUM AND PHILLIPS, FINANCIAL CONSULTANTS, ADDRESSED THE BOARD CONCERNING THE MUNICIPAL LEASE-PURCHASE OPTION FOR FINANCING THE PROPOSED MULTIPURPOSE BUILDING.

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THEREUPON, ALDERMAN CLEPPER MADE A MOTION TO RECESS THE REGULAR MEETING. ALDERMAN CROWE SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE":

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ALDERMAN REUBEN CLEPPER ALDERMAN JERRY CROWE ALDERMAN BOBBY RUNNELS ALDERMAN LEROY SCOTT

THOSE PRESENT AND VOTING "NAY":

NONE

THEREUPON, ALDERMAN CROWE MADE A MOTION TO RECONVENE THE REGULAR MEETING OF THE MAYOR AND BOARD OF ALDERMEN. ALDERMAN SCOTT SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE":

ALDERMAN REUBEN CLEPPER ALDERMAN JERRY CROWE ALDERMAN BOBBY RUNNELS ALDERMAN LEROY SCOTT

THOSE PRESENT AND VOTING "NAY":

NONE

WHEREAS, MAYOR GAY PRESENTED THE FOLLOWING LETTER FROM BOBBY RUNNELS AND DOUG N SHEPHERD REQUESTING A REFUND FOR THE \$20.00 PAID FOR A PRIVILEGE LICENSE BECAUSE THEY WILL NOT BE ALLOWED BY THE STATE TO OPERATE A USED CAR SALES FROM THE LOCATION OF MR RUNNELS INSURANCE OFFICE.

THEREUPON, ALDERMAN CLEPPER MADE A MOTION TO REFUND MR RUNNELS AND MR SHEPHERD \$20.00. ALDERMAN CROWE SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE":

ALDERMAN REUBEN CLEPPER ALDERMAN JERRY CROWE ALDERMAN LEROY SCOTT

THOSE PRESENT AND VOTING "NAY":

NONE

THOSE PRESENT AND ABSTAINING:

ALDERMAN BOBBY RUNNELS

WHEREAS, MAYOR GAY PRESENTED THE FOLLOWING SUBORDINATION AGREEMENT TO SUBORDINATE THE CITY'S LIEN OF \$4,858.00 TO A LOAN APPLIED FOR BY JACK C. COOLEY AT MAGNOLIA FEDERAL BANK IN THE AMOUNT OF \$25,000.

SEE EXHIBIT "A"

SUBORDINATION AGREEMENT

THEREUPON, ALDERMAN SCOTT MADE A MOTION TO AUTHORIZE THE MAYOR TO EXECUTE THE FOREGOING AGREEMENT. ALDERMAN CROWE SECONDED THE MOTION. THOSE PRESENT AND VOTING "AYE":

ALDERMAN REUBEN CLEPPER ALDERMAN JERRY CROWE ALDERMAN BOBBY RUNNELS ALDERMAN LEROY SCOTT

THOSE PRESENT AND VOTING "NAY":

NONE

WHEREAS, MAYOR GAY PRESENTED THE PRIVILEGE LICENSE REPORT FOR THE MONTH OF SEPTEMBER, 1992.

WHEREAS, MAYOR GAY PRESENTED THE REVENUES AND EXPENDITURES REPORT FOR THE MONTH OF SEPTEMBER, 1992.

THEREUPON, ALDERMAN SCOTT MADE A MOTION TO ACCEPT THE REVENUE AND EXPENDITURE REPORT FOR THE MONTH OF SEPTEMBER, 1792. ALDERMAN CROWE SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE":

ALDERMAN REUBEN CLEPPER ALDERMAN JERRY CROWE ALDERMAN BOBBY RUNNELS ALDERMAN LEROY SCOTT

THOSE PRESENT AND VOTING "NAY":

NONE

WHEREAS, MAYOR GAY PRESENTED A TRAVEL REQUEST FOR LT. RODNEY JARRELL AND SERGEANT KENT WADE TO ATTEND A SUPERVISION/MANAGEMENT SCHOOL AT THE MS LAW ENFORCEMENT TRAINING ACADEMY OCTOBER 27-29, 1992.

THEREUPON, ALDERMAN CLEPPER MADE A MOTION TO AUTHORIZE LT. JARRELL AND SGT. WADE TO ATTEND THE SUPERVISION/MANAGEMENT SCHOOL IN JACKSON OCTOBER 27-29, 1992. ALDERMAN CROWE SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE":

ALDERMAN REUBEN CLEPPER ALDERMAN JERRY CROWE ALDERMAN BOBBY RUNNELS ALDERMAN LEROY SCOTT

THOSE PRESENT AND VOTING "NAY":

NONE

WHEREAS, FIRE CHIEF AUBRA EVANS PRESENTED THE BOARD WITH THE SPECIFICATIONS FOR A 2 WHEEL DRIVE 4 DOOR 1993 JIMMY WHICH IS ON THE STATE CONTRACT BID PRICE AT A COST OF \$ 14,730.36 FROM PAUL MOAK MOTORS IN MADISON.

THEREUPON, ALDERMAN CROWE MADE A MOTION FOR THE CHIEF TO CHECK WITH LOCAL GMC DEALERS TO SEE IF HE COULD OBTAIN THE SAME VEHICLE AT LESS THAT STATE CONTRACT PRICE AND IF NOT TO AUTHORIZE THE PURCHASE OF THE GMC JIMMY FROM PAUL MOAK MOTORS AT STATE CONTRACT PRICE. ALDERMAN SCOTT SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE":

ALDERMAN REUBEN CLEPPER ALDERMAN JERRY CROWE ALDERMAN BOBBY RUNNELS ALDERMAN LEROY SCOTT

THOSE PRESENT AND VOTING "NAY":

CITY OF PETAL OF MELTING

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WHEREAS, MAYOR GAY PRESENTED A LETTER FROM THE BUILDING INSPECTOR CITING THE CONDITIONS ON THE PARCEL OF LAND OWNED BY TOXEY M AND BETH RISCHER MORRIS AT THE CORNER OF FORD DRIVE AND EAST FOURTH AVENUE IN PETAL AS A NUISANCE TO THE NEIGHBORS BECAUSE OF THE UNCLEANLINESS OF THE LOT.

THEREUPON, ALDERMAN RUNNELS MADE A MOTION TO SET A HEARING TO DETERMINE THE UNCLEANLINESS OF THE LOT AND TO NOTIFY THE OWNER BY CERTIFIED MAIL OF THE HEARING TO BE HELD ON DECEMBER 1, 1992 AT 6:30 P.M. IN THE BOARD ROOM OF CITY HALL. ALDERMAN CROWE SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE":

ALDERMAN REUBEN CLEPPER ALDERMAN JERRY CROWE ALDERMAN BOBBY RUNNELS ALDERMAN LEROY SCOTT

THOSE PRESENT AND VOTING "NAY":

NONE

WHEREAS, MAYOR GAY PRESENTED PROCLAIMING THE WEEK OF OCTOBER 24, 1992 AS "NATIONAL CONSUMER WEEK" IN ORDER TO EDUCATE OUR CITIZENS ABOUT CONSUMER FRAUD IN THE MARKETPLACE AND HOW TO AVOID BECOMING VICTIMS.

THEREUPON, ALDERMAN RUNNELS MADE A MOTION TO PROCLAIM THE WEEK OF OCTOBER 24, 1992 AS "NATIONAL CONSUMER WEEK". ALDERMAN CROWE SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE":

ALDERMAN REUBEN CLEPPER ALDERMAN JERRY CROWE ALDERMAN BOBBY RUNNELS ALDERMAN LEROY SCOTT

THOSE PRESENT AND VOTING "NAY":

NONE

WHEREAS, MAYOR GAY PRESENTED A GROUND LEASE BETWEEN THE CITY OF PETAL AND THE CURRIE ESTATE FOR THE FOLLOWING DESCRIBED PROPERTY:

ALL OF THE EAST 3/4 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 1 TOWNSHIP 4 NORTH, RANGE 13 WEST, LYING SOUTHEAST OF HILLCREST ROAD, BEING A PART OF AND SITUATED IN FORREST COUNTY, MISSISSIPPI

SEE EXHIBIT "B"

GROUND LEASE - CURRIE PROPERTY

THEREUPON, ALDERMAN SCOTT MADE A MOTION TO AUTHORIZE THE MAYOR TO EXECUTE THE LEASE BETWEEN THE CITY OF PETAL AND CURRIE ESTATE. ALDERMAN CROWE SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE":

ALDERMAN REUBEN CLEPPER ALDERMAN JERRY CROWE ALDERMAN BOBBY RUNNELS ALDERMAN LEROY SCOTT

THOSE PRESENT AND VOTING "NAY":

NONE

CITY OF PETAL MINUTE BOOK 13

WHEREAS, MAYOR GAY PRESENTED CONTRACT MODIFICATION NUMBER 1 TO CONTRACT NUMBER 92-039-325 OF THE PINEBELT RECYCLING PROJECT.

SEE EXHIBIT "C"

CONTRACT MODIFICATION NUMBER 1

THEREUPON, ALDERMAN SCOTT MADE A MOTION TO AUTHORIZE THE MAYOR TO EXECUTE THE CONTRACT MODIFICATION NUMBER 1 FOR THE PINEBELT RECYCLING PROJECT. ALDERMAN CROWE SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE":

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ALDERMAN REUBEN CLEPPER ALDERMAN JERRY CROWE ALDERMAN BOBBY RUNNELS ALDERMAN LEROY SCOTT

THOSE PRESENT AND VOTING "NAY":

NONE

WHEREAS, MAYOR GAY STATED THAT JAMES K. BOSHART EMPLOYEE IN THE STREET DEPARTMENT HAS BEEN ABSENT WITHOUT LEAVE SINCE THURSDAY OCTOBER 15, 1992.

THEREUPON, ALDERMAN CROWE MADE A MOTION TO AUTHORIZE ZOLLIE STEVENS, STREET SUPERINTENDENT, TO DISMISS MR BOSHART FOR BEING ABSENT WITHOUT LEAVE AND TO INSTRUCT THE CITY CLERK SEND CERTIFIED NOTICE OF THE CHARGES AND MR BOSHART'S RIGHT TO A HEARING TO RESPOND TO THE CHARGES AND IF HE ELECTS TO DO SO THAT HE MUST RESPOND IN WRITING TO THE CITY CLERK BY THURSDAY, OCTOBER 29, 1992. ALDERMAN CLEPPER SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE":

ALDERMAN REUBEN CLEPPER ALDERMAN JERRY CROWE ALDERMAN BOBBY RUNNELS ALDERMAN LEROY SCOTT

THOSE PRESENT AND VOTING "NAY":

NONE

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

THOSE PRESENT AND VOTING "AYE":

ALDERMAN REUBEN CLEPPER ALDERMAN JERRY CROWE 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 20TH DAY OF OCTOBER, AJD. 1992.

JACK MAYOR

(SEAL)

ATTEST:

PRISCILLA C. DANIEL Janel CITY CLERK

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STATE OF MISSISSIPPI : COUNTY OF FORREST ::

SUBORDINATION AGREEMENT

where A, B, CT COLLA " executed to THE CITY OF PETAL Beneficiary, a certain deed of trust with THOMAS W. TINER named as Trustee therein, and which deed of trust was for the purpose of securing the principal sum of \$4,858.00, and which

is recorded in Book 790 _____ at Page 509 _____ of the Records of
Mortgages and Deeds of Trust on Lands on file in the office of
the Chancery Clerk of FORREST ______ County,
Mississippi, covering the following described real property,
situate and being in the CITY OF PETAL ______, County of
______, State of Mississippi, to-wit:

SEE ATTACHED EXHIBIT "A"

WHEREAS, JACK C. COOLEY AND WIFE MARY A. COOLEY have made application to Magnolia Federal Bank for Savings, a corporation, for a loan in the sum of \$25,000.00 r NOW,THEREFORE, in consideration of the sum of TEN DOLLARS (\$10.00), cash in hand paid, and other good and valuable

considerations, the receipt of which is hereby acknowledged, the undersigned, <u>CITY OF PETAL</u>,

Beneficiary in the hereinabove described deed of trust, does hereby subordinate the lien of the said deed of trust to the deed of trust executed or to be executed by the said <u>JACK C. COOLEY</u> <u>AND WIFE MARY A. COOLEY</u>, to Magnolia Federal Bank for Savings, a corporation, and William F. Jones, as Trustee, to secure an indebtedness of $\frac{5}{25,000.00}$, and does hereby agree that the rights of Magnolia Federal Dank for Savings, as

Beneficiary, shall be paramount and superior to its rights under the said deed of trust, as well as any extensions, renewals or future advances thereunder, and that any foreclosure of said deed of trust by the undersigned shall not in any manner affect the right of Magnolia Federal Bank for Savings, a corporation, as Beneficiary, under its deed of trust.

WITNESS THE SIGNATURE of said corporation, by its duly authorized officer on this, the <u>10th</u> day of <u>October</u>. A.D., 19 92

STATE OF MISSISSIPPI COUNTY OF ______

Personally appeared before me, the undersigned authority in and for said County and State, the within named, <u>Jack Gav</u>_________ who acknowledged that

as ______, on behalf and by ______, authority of _______

he signed, executed and delivered the above and foregoing instrument on the day and year therein mentioned, as the act and

deed of said corporation. Given under my hand and seal of office on this the _20th day of ______, A.D., 19 92.

Wa Chikest

MY COMMISSION EXPIRES: My Commission Expires August 14, 1994

EXHIBIT "A"

A part of the Southeast Quarter of the Southeast Quarter (SE‡ of the SE‡) of Section 35, Township 5 North, Range 13 West, in the City of Petal, County of Forrest, State of Rississippi, and more particularly described as follows, to-wit:

Begin at a point 450 feet North and 82.5 feet East of the Southwest Corner of the Southeast Quarter of the Southwest Quarter (SE4 of the SE4) of said Section, Township and Range, and run East, slong the South line of. Jackson Street a distance of the South line of. Jackson Street a distance of 1.200 feet, thence run West for a distance of 82.5 feet, thence run North for a distance of 200 feet to the "Point" of Beginning" PAGE 303

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EXHIBIT "B"

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EXHIBIT "B"

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EXHIBIT "C"

MISSISSIPPI DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT EMERGY DIVISION CONTRACT MODIFICATION MUMBER 1

STATE OF MISSISSIFFI COUNTY OF RINDS

CONTRACT NUMBER 92-039-325

The Mississippi Department of Economic and Community Development, Energy and Transportation Division, (herein referred to as MDBCD, STD) and City of Petal, Mississippi (herein referred to as CONTRACTOR) entered into a contractual agreement on December 15, 1991.

WITHESSETS TEAT:

WHEREAS, effective July 1, 1992, due to reorganization of the Executive Branch of Mississippi State Government, the Mississippi Department of Economic and Community Development, Energy and Transportation Division (MDECD, ETD) became the Mississippi Department of Economic and Community Development, Energy Division (NDECD, ED); and,

WERNERS, MDSCD, ED has determined that adjustments in budget are necessary for successful completion of contractual obligations as specified in CONTRACT NUMBER 92-039-325;

IT IS NOW THEREFORE AGREED BY THE PARTIES THAT:

Paragraph 6.A. Consideration and Payment is amended as follows:

A. <u>Consideration</u>. As consideration for the performance of this contract MDECD, ETD agrees to reinburse the CONTRACTOR an amount not to exceed \$17,645.00 -

BUDGET ITEMS

<u>Capital</u> Emisment	<u>Budget</u>	Remested Chapte	Hen Budgat
Truck Trailer	\$ 5,000.00 4,500.00	(1,286.66) (640.78)	\$ 3,713.34 3,859.22
Modifications Containers	3,500.00	1,449.83	4,949.83
Subtotal	\$13,000.00	(477.61)	\$12,522.39
Operations and Maintenance			
Truck		(301 60)	565.41
Fuel	867.00 400.00	(301.59) (310.00)	90.00
Repairs Tires	400.00	(310.00)	90.00
<u>Trailer</u> Repairs	338.00	(302.00)	36.00
Subtotal	\$ 2,005.00	(1,223.59)	\$ 781.41
<u>Overhead</u> Promotion	667.00	1,232.94	1,899.94
Technical Assistance Identifying markets, equipment selection, and logistical support	\$ 1,974.00		\$ 1,974.00
Recycling Coordinator's Travel calculated at			
\$.02 cents per mile		301.59	301.59
Staff Development		166.67	166.67
Subtotal	\$ 2,640.00	1,701.20	\$ 4,341.20
Total	\$17,645.00		\$17,645.00

Except as it is modified by the provisions of this Contract Modification Number 1, MDRCD.STD Contract Number 92-039-325 shall remain in full force and effect and all other provisions thereof are hereby incorporated and reaffirmed as if fully set forth herein.

WITNESS THE SIGNATURE OF THE PARTIES, this the _____ day of OCTOBER , 1992.

CITI OF PETAL 10/21/92.

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Munice Chamil

MISSISSIPPI DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT

JAMES B. REIDEL EXECUTIVE DIRECTOR

DATE

WITTERS.

RMERGY DIVISION

CHESTER B. SMITH DIRECTOR

DATE	