

BE IT REMEMBERED THAT THERE IS BEGUN AND HELD THE REGULAR MEETING OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF PETAL, MISSISSIPPI ON DECEMBER 2, 1997 AT 7:00 P.M. IN THE BOARD ROOM OF SAID CITY.

THOSE PRESENT

MAYOR JACK GAY

CITY ATTORNEY

THOMAS W. TYNER

ALDERMEN

WILLIE W. HINTON
CHARLES E. HOLBROOK
ROBERT F. LANGFORD
DONALD H. ROWELL
LEROY SCOTT

OTHERS PRESENT

FIRE CHIEF AUBRA EVANS
DAN TOLBERT
POLICE CHIEF WAYNE MURPHY
MIKE SMITH

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, MAYOR GAY PRESENTED THE AGENDA TO THE BOARD WITH THE FOLLOWING AMENDMENTS:

ADD: X. GENERAL BUSINESS

1.1 BARBARA GRAHAM - GOING OUT OF BUSINESS PERMIT

THEREUPON, ALDERMAN SCOTT MADE A MOTION TO ADOPT THE AGENDA WITH THE FOREGOING AMENDMENTS. ALDERMAN HOLBROOK SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE":

ALDERMAN WILLIE W. HINTON
ALDERMAN CHARLES E. HOLBROOK
ALDERMAN ROBERT F. LANGFORD
ALDERMAN DONALD H. ROWELL
ALDERMAN LEROY SCOTT

THOSE PRESENT AND VOTING "NAY":

NONE

WHEREAS, ALDERMAN ROWELL MADE A MOTION TO ACCEPT THE MINUTES OF THE REGULAR MEETING OF NOVEMBER 18, 1997. ALDERMAN HOLBROOK SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE":

ALDERMAN WILLIE W. HINTON
ALDERMAN CHARLES E. HOLBROOK
ALDERMAN ROBERT F. LANGFORD
ALDERMAN DONALD H. ROWELL
ALDERMAN LEROY SCOTT

THOSE PRESENT AND VOTING "NAY":

NONE

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

WHEREAS, DAN TOLBERT, BUILDING INSPECTOR, PRESENTED A REQUEST FOR A ZONING CHANGE HEARING FROM WILLIAM AND SHERRIE POORE FOR THEIR PROPERTY AT 537 NEW RICHTON ROAD.

THEREUPON, ALDERMAN ROWELL MADE A MOTION TO SCHEDULE THE HEARING ON JANUARY 8, 1998 AT 7:00 P.M. ALDERMAN LANGFORD SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE":

ALDERMAN WILLIE W. HINTON
ALDERMAN CHARLES E. HOLBROOK
ALDERMAN ROBERT F. LANGFORD
ALDERMAN DONALD H. ROWELL
ALDERMAN LEROY SCOTT

THOSE PRESENT AND VOTING "NAY":

NONE

WHEREAS, MAYOR GAY REQUESTED THE WISHES OF THE BOARD CONCERNING THE REQUEST FOR A REDUCTION OF THE GARBAGE FEES AT CARITAS MANOR.

NO ACTION WAS TAKEN.

WHEREAS, BARBARA GRAHAM, OWNER OF CIRCLE G DISCOUNT WESTERN STORE, PRESENTED THE FOLLOWING LETTER REQUESTING THAT THE CITY WAIVER THE PROVISIONS OF SECTION 75-65-3 AND 75-65-17 IN REGARDS TO HER GOING OUT OF BUSINESS SALE.

SEE EXHIBIT "A"

LETTER

THEREUPON, ALDERMAN ROWELL MADE A MOTION TO WAIVE THE PERMIT REQUIREMENT AND THE BOND REQUIREMENT IN SECTION 75-65-3 BUT TO SET A 75 DAY LIMIT FOR THE SALE, MAKING THE SALE DATES DECEMBER 3, 1997 THROUGH FEBRUARY 15, 1998. ALDERMAN SCOTT SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE":

ALDERMAN WILLIE W. HINTON
ALDERMAN CHARLES E. HOLBROOK
ALDERMAN ROBERT F. LANGFORD
ALDERMAN DONALD H. ROWELL
ALDERMAN LEROY SCOTT

THOSE PRESENT AND VOTING "NAY":

NONE

WHEREAS, MAYOR GAY PRESENTED THE FOLLOWING LETTER FROM CRAFT INVESTMENTS REQUESTING REIMBURSEMENT FOR DAMAGES DUE TO A WATER LEAK IN THE MAIN LINE.

SEE EXHIBIT "B"

LETTER

THEREUPON, ALDERMAN HOLBROOK MADE A MOTION TO TABLE THE MATTER UNTIL MORE INFORMATION CAN BE OBTAINED. ALDERMAN SCOTT SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE":

ALDERMAN WILLIE W. HINTON
ALDERMAN CHARLES E. HOLBROOK
ALDERMAN ROBERT F. LANGFORD
ALDERMAN DONALD H. ROWELL
ALDERMAN LEROY SCOTT

THOSE PRESENT AND VOTING "NAY":

NONE

WHEREAS, MAYOR GAY PRESENTED A REQUEST FROM RECREATION DIRECTOR MIKE SMITH TO PAY LEAF O'NEAL \$232.20 FOR THE TENNIS INSTRUCTION DURING SEPTEMBER, OCTOBER AND NOVEMBER.

THEREUPON, ALDERMAN HOLBROOK MADE A MOTION TO PAY MR. O'NEAL \$232.20. ALDERMAN LANGFORD SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE":

ALDERMAN WILLIE W. HINTON
ALDERMAN CHARLES E. HOLBROOK
ALDERMAN ROBERT F. LANGFORD
ALDERMAN DONALD H. ROWELL
ALDERMAN LEROY SCOTT

THOSE PRESENT AND VOTING "NAY":

NONE

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

- A) NOTICE TO BIDDERS - TRAFFIC CONTROL SIGNS
- B) ORDINANCE #1986 (68G) SUMMER SEWER RATE
- C) ORDINANCE #1979 (42A93) JACK BURT ZONING CHANGE
- D) ORDINANCE # 1975 (18) A-2 BUILDING PERMITS SQUARE FOOTAGE
- E) ORDINANCE #1979 (42A94) HELEN SMITH ZONE CHANGE

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

THOSE PRESENT AND VOTING "AYE":

ALDERMAN WILLIE W. HINTON
ALDERMAN CHARLES E. HOLBROOK
ALDERMAN ROBERT F. LANGFORD
ALDERMAN DONALD H. ROWELL
ALDERMAN LEROY SCOTT

THOSE PRESENT AND VOTING "NAY":

NONE

WHEREAS, MAYOR GAY PRESENTED CLAIMS # 45110 - 45450 OF THE CITY OF PETAL GENERAL FUNDS AND THE CITY OF PETAL WATER AND SEWER FUNDS.

THEREUPON, ALDERMAN ROWELL MADE A MOTION TO PAY CLAIMS # 45110 - 45450 OF THE CITY OF PETAL GENERAL FUNDS AND THE CITY OF PETAL WATER AND SEWER FUNDS. ALDERMAN SCOTT SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE":

ALDERMAN WILLIE W. HINTON
ALDERMAN CHARLES E. HOLBROOK
ALDERMAN ROBERT F. LANGFORD
ALDERMAN DONALD H. ROWELL
ALDERMAN LEROY SCOTT

THOSE PRESENT AND VOTING "NAY":

NONE

WHEREAS, MAYOR GAY PRESENTED A TRAVEL REQUEST FROM FIRE CHIEF AUBRA EVANS TO ATTEND THE MIDWINTER CHIEFS CONFERENCE IN PHILADELPHIA, MS. ON JANUARY 8-10, 1998.

THEREUPON, ALDERMAN HOLBROOK MADE A MOTION TO AUTHORIZE CHIEF EVANS TO ATTEND THE CONFERENCE AND TO PAY HIS EXPENSES. ALDERMAN HINTON SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE":

ALDERMAN WILLIE W. HINTON
ALDERMAN CHARLES E. HOLBROOK
ALDERMAN ROBERT F. LANGFORD
ALDERMAN DONALD H. ROWELL
ALDERMAN LEROY SCOTT

THOSE PRESENT AND VOTING "NAY":

NONE

WHEREAS, MAYOR GAY PRESENTED THE FOLLOWING ORDER INCREASING TERRY WHATLEY'S RATE OF PAY TO \$6.50 PER HOUR EFFECTIVE DECEMBER 18, 1997.

ORDER

WHEREAS, THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF PETAL, MISSISSIPPI DO HEREBY DEEM IT NECESSARY DUE TO THE SUCCESSFUL COMPLETION OF HIS TWELVE MONTHS OF EMPLOYMENT TO INCREASE TERRY WHATLEY'S RATE OF PAY.

IT IS HEREBY ORDERED THAT TERRY WHATLEY'S PAY BE INCREASED TO THE RATE OF \$6.50 PER HOUR EFFECTIVE DECEMBER 18, 1997.

SO ORDERED ON THIS THE 2ND DAY OF DECEMBER, A.D., 1997.

THEREUPON, ALDERMAN LANGFORD MADE A MOTION TO ADOPT THE FOREGOING ORDER. ALDERMAN SCOTT SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE":

ALDERMAN WILLIE W. HINTON
ALDERMAN CHARLES E. HOLBROOK
ALDERMAN ROBERT F. LANGFORD
ALDERMAN DONALD H. ROWELL
ALDERMAN LEROY SCOTT

THOSE PRESENT AND VOTING "NAY":

NONE

WHEREAS, MAYOR GAY PRESENTED THE FOLLOWING RESOLUTION ASSESSING CLEANUP FEES TO GEORGE MERRITT'S PROPERTY AT 102 DIXIE AVENUE.

SEE EXHIBIT "C"

RESOLUTION

THEREUPON, ALDERMAN ROWELL MADE A MOTION TO ADOPT THE FOREGOING RESOLUTION. ALDERMAN HINTON SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE":

ALDERMAN WILLIE W. HINTON
ALDERMAN CHARLES E. HOLBROOK
ALDERMAN ROBERT F. LANGFORD
ALDERMAN DONALD H. ROWELL
ALDERMAN LEROY SCOTT

THOSE PRESENT AND VOTING "NAY":

NONE

THEREUPON, ALDERMAN SCOTT MADE A MOTION TO ADJOURN. ALDERMAN HOLBROOK SECONDED THE MOTION.

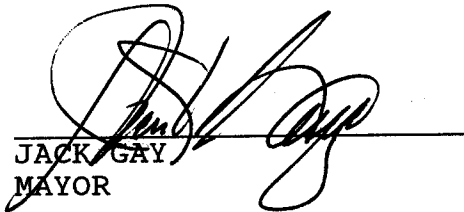
THOSE PRESENT AND VOTING "AYE":

ALDERMAN WILLIE W. HINTON
ALDERMAN CHARLES E. HOLBROOK
ALDERMAN ROBERT F. LANGFORD
ALDERMAN DONALD H. ROWELL
ALDERMAN LEROY SCOTT

THOSE PRESENT AND VOTING "NAY":

NONE

THEREBEING NO FURTHER BUSINESS, THE REGULAR MEETING OF THE
MAYOR AND BOARD OF ALDERMEN WAS ADJOURNED ON THIS THE 2ND DAY OF
DECEMBER, A.D., 1997.


JACK GAY
MAYOR

(SEAL)

ATTEST:


PRISCILLA C. DANIEL
CITY CLERK

EXHIBIT "A"

**Circle G Discount
Western Store**

500 Old Richton Road
Petal, MS 39465

December 2, 1997

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

Dear Sir or Madam:

This letter is to inform the City of Petal that Circle G Discount Western Store is closing its business. Under the Petal City Laws, Section 75-65-3 and 75-65-17, Circle G is requesting a Permit and Waiver of Provisions of Law that is required for "Going Out Of Business Sales".

Sincerely,



Barbara Graham
Owner

EXHIBIT "B"

Craft Investments

911 E. Hardy St.

Hattiesburg, MS 39401

Phone: 601-544-2885 • Fax: 601-544-2889

November 21, 1997

The City of Petal
Board of Alderman
Post Office Box 564
Petal, Ms 39465

Attn: Mayor Jack Gay

Dear Mr. Gay:

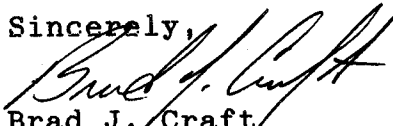
The following is a brief report on what has happened recently at our apartment complex. We were advised to forward this to you for your assistance in helping us to recoup some of the expenses incurred in the following.

On November 6, 1997, we discovered water seeping through concrete at our apartment complex, Cameron East, located at 209 Dixie Ave., Petal. The Petal Water Department was called. We were told we would have to handle it ourselves. Dye & Gunn was hired to repair the main water line leak. We paid to remove concrete and locate the leak. Mr. Gunn insisted this was city property and city water officials concurred. City employees repaired the leak. The following day we had a call that an apartment was flooding. After an extensive search for the water leak it was located on a line going to the hot water heater behind and under the kitchen bar. Large amounts of sand was on the floor. The water heater was half full of sand. We have the water heater on hand for your inspection. Our repairman feels the problem was caused by your repairman allowing sand to enter the main water line. We have paid several service calls to remove sand from strainers at other apartments in the complex.

We feel the City of Petal is responsible and we would like to be reimbursed. Attached are a couple of invoices that were paid. Please note that this is just a portion of the expenses that has arose from the main water line leak.

I would like to add that the forman was very cordial and the repair crew seemed very knowledgeable. I feel this was just an unfortunate accident.

Sincerely,


Brad J. Craft,
Owner

BJC:lm

EXHIBIT "C"

RESOLUTION

WHEREAS, the Mayor and Board of Aldermen of the City of Petal, Mississippi, did on the 8th day of October, 1997, find, determine and adjudicate that certain property belonging to George Merritt was in such a state of uncleanliness as to be a menace to the public health and safety of the community, said property being located at 102 Dixie Avenue, in Forrest County, Mississippi, and being more particularly described as follows, to wit:

LOT 9 BLK 1 DIXIE S/D

WHEREAS, prior to the hearing of the 7th of October 1997, proper notice was given to the owner of the property as required by Section 21-19-11 of the Mississippi Code of 1972, as amended, with certified mail notice being given on September 5, 1997.

WHEREAS, following said determination, the Mayor and Board of Aldermen directed and instructed its Street Superintendent, Reuben Warrick, to appropriately clean said property, so that the same would no longer be in such a state of uncleanliness as to be a menace to the public health and safety of the community, and

WHEREAS, on this day, the Mayor and Board of Aldermen of the City of Petal, Mississippi did receive from said Street Superintendent, Reuben Warrick, a report of the clean-up of said property belonging to George Merritt.

WHEREAS, there was submitted by Reuben Warrick a daily activity report showing the employees of the City of Petal who took part in the cleaning of said property, their rate of pay and the number of hours spent on this project, also cost of materials used.

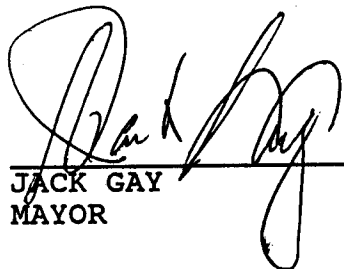
NOW, THEREFORE, BE IT RESOLVED AND ADJUDICATED that the sum of \$212.40 as described by the daily activity

EXHIBIT "C"

report and materials cost has been presented to the Mayor and Board of Aldermen by Reuben Warrick, Street Superintendent, a true and correct copy of which is attached hereto, be charged the property owners for the cleanup of said property, and

BE IT FURTHER RESOLVED that no penalty be assessed as provided by law, but that the sum of \$212.40 assessed as a lien against said described property and that said lien be filed in Forrest County on the Judgement roll thereof and with the Chancery Clerk of Forrest County, and the Tax Collector of the City of Petal be further directed at the next tax sale to sell said land to satisfy said lien, all as provided and mandated by Section 21-19-11 of the Mississippi Code of 1972, as amended.

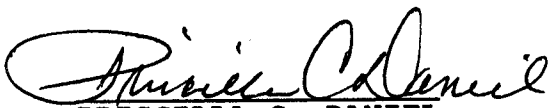
SO RESOLVED on this, the 2nd day of December 1997.



JACK GAY
MAYOR

(SEAL)

ATTEST:



PRISCILLA C. DANIEL
CITY CLERK

THIS

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INTENTIONALLY