

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 NOVEMBER 7, 2000 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<br>CHARLES E. HOLBROOK<br>ROBERT F. LANGFORD<br>LEROY SCOTT |
| OTHERS PRESENT | DEBORAH REYNOLDS<br>BUDDY REYNOLDS<br>NETTIE FARRIS                          |

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

THE INVOCATION WAS OFFERED BY WILLIE W. HINTON.

THE PLEDGE OF ALLEGIANCE WAS RECITED.

WHEREAS, MAYOR GAY PRESENTED THE AGENDA WITH THE FOLLOWING AMENDMENTS.

ADD:

VII. BIDS - QUOTES

A) INCLUDE THE WORD "EMERGENCY" IN REFERENCE TO THE BRIDGE ABUTMENT REPAIRS.

X. GENERAL BUSINESS

3) DELETE

7) RONNIE BRYANT, JR. RESIGNATION

XI. SEMINARS & TRAVEL

B) CHANGE DATE AND LOCATION OF SHAWN ELLIS SCHOOL TO LAFAYETTE, LA ON DECEMBER 18 & 19, 2000

XVI. CONSIDERATION OF COMMITTEE, ETC.

A) DELETE

B) FMLA REQUEST FOR AVA PICKETT

C) APPROVE RATING AND RANKING OF ENGINEERING & ADMINISTRATION FOR 2001 CDBG

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

THOSE PRESENT AND VOTING "YEA"

ALDERMAN WILLIE W. HINTON  
ALDERMAN CHARLES E. HOLBROOK  
ALDERMAN ROBERT F. LANGFORD

**ALDERMAN LEROY SCOTT**

**THOSE PRESENT AND VOTING "NAY"**

**NONE**

**WHEREAS, MAYOR GAY PRESENTED THE MINUTES OF THE REGULAR MEETING OF THE 17<sup>TH</sup> OF OCTOBER AND THE RECESSED MEETING OF THE 24<sup>TH</sup> OF OCTOBER.**

**THEREUPON, ALDERMAN LANGFORD MADE A MOTION THAT THE MINUTES OF THE REGULAR MEETING OF THE 17<sup>TH</sup> OF OCTOBER AND THE MINUTES OF THE REGULAR RECESSED MEETING OF THE 24<sup>TH</sup> OF OCTOBER BE ACCEPTED AS WRITTEN. ALDERMAN SCOTT SECONDED THE MOTION.**

**THOSE PRESENT AND VOTING "YEA"**

**ALDERMAN WILLIE W. HINTON  
ALDERMAN CHARLES E. HOLBROOK  
ALDERMAN ROBERT F. LANGFORD  
ALDERMAN LEROY SCOTT**

**THOSE PRESENT AND VOTING "NAY"**

**NONE**

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

**WHEREAS, MAYOR GAY PRESENTED THE LETTER FROM SHOWS, DEARMAN & WAITS, INC. DECLARING THE REPAIRS ON THE CHAPPELL HILL BRIDGE TO BE AN EMERGENCY.**

**SEE EXHIBIT "A"**

**LETTER**

**THEREUPON, ALDERMAN HINTON MADE A MOTION TO PAY C. J. MORGAN, INC. \$3,000.00 FOR THE REPAIRS TO THE CHAPPELL HILL BRIDGE ABUTMENT. ALDERMAN HOLBROOK SECONDED THE MOTION.**

**THOSE PRESENT AND VOTING "YEA"**

**ALDERMAN WILLIE W. HINTON  
ALDERMAN CHARLES E. HOLBROOK  
ALDERMAN ROBERT F. LANGFORD  
ALDERMAN LEROY SCOTT**

**THOSE PRESENT AND VOTING "NAY"**

**NONE**

**WHEREAS, MAYOR GAY PRESENTED THE FOLLOWING AGREEMENT BETWEEN THE CITY OF HATTIESBURG AND THE CITY OF PETAL FOR THE WASTEWATER TREATMENT FEES.**

**SEE EXHIBIT "B"**

AGREEMENT BETWEEN CITY OF  
HATTIESBURG AND CITY OF PETAL

THEREUPON, ALDERMAN HOLBROOK MADE A MOTION TO AUTHORIZE THE  
MAYOR TO EXECUTE THE AGREEMENT. ALDERMAN HINTON SECONDED THE  
MOTION.

THOSE PRESENT AND VOTING "YEA"

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

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR GAY PRESENTED THE HOLIDAYS AS PROCLAIMED BY  
GOVERNOR RONNIE MUSGROVE.

THANKSGIVING --- THURSDAY, NOVEMBER 23, 2000  
FRIDAY, NOVEMBER 24, 2000

CHRISTMAS ---- MONDAY, DECEMBER 25, 2000  
TUESDAY, DECEMBER 26, 2000

NEW YEARS DAY ---MONDAY, JANUARY 1, 2001

THEREUPON, ALDERMAN LANGFORD MADE A MOTION TO ADOPT THE  
FOREGOING DAYS AS HOLIDAYS FOR THE ELIGIBLE CITY EMPLOYEES.  
ALDERMAN SCOTT SECONDED THE MOTION.

THOSE PRESENT AND VOTING "YEA"

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

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR GAY PRESENTED A REQUEST FROM THE HERITAGE COMPANY.

THEREUPON, THERE WAS NO ACTION TAKEN ON THIS MATTER.

WHEREAS, MAYOR GAY PRESENTED A REQUEST FOR AN AD FROM MAGNOLIA  
GRAPHIC IN A COMMUNITY DIRECTORY.

THEREUPON, THERE WAS NO ACTION TAKEN ON THIS MATTER.

WHEREAS, MAYOR GAY PRESENTED CLAIMS # 59396 - 59836 OF THE CITY OF  
PETAL GENERAL FUNDS AND THE PETAL WATER AND SEWER FUNDS.

**THEREUPON, ALDERMAN HOLBROOK MADE A MOTION TO PAY CLAIMS # 59396 – 59836 OF THE CITY OF PETAL GENERAL FUNDS AND THE PETAL WATER AND SEWER FUNDS. ALDERMAN LANGFORD SECONDED THE MOTION.**

**THOSE PRESENT AND VOTING "YEA"**

**ALDERMAN WILLIE W. HINTON  
ALDERMAN CHARLES E. HOLBROOK  
ALDERMAN ROBERT F. LANGFORD  
ALDERMAN LEROY SCOTT**

**THOSE PRESENT AND VOTING "NAY"**

**NONE**

**WHEREAS, MAYOR GAY PRESENTED A LETTER OF RESIGNATION FROM RONNIE BRYANT, JR.**

**THEREUPON, ALDERMAN HOLBROOK MADE A MOTION TO ACCEPT MR. BRYANT'S RESIGNATION. ALDERMAN LANGFORD SECONDED THE MOTION.**

**THOSE PRESENT AND VOTING "YEA"**

**ALDERMAN WILLIE W. HINTON  
ALDERMAN CHARLES E. HOLBROOK  
ALDERMAN ROBERT F. LANGFORD  
ALDERMAN LEROY SCOTT**

**THOSE PRESENT AND VOTING "NAY"**

**NONE**

**WHEREAS, MAYOR GAY PRESENTED A REQUEST FOR DAN TOLBERT TO ATTEND THE BUILDING OFFICIALS WINTER WORKSHOP IN VICKSBURG, MS. DECEMBER 13-15,2000.**

**THEREUPON, ALDERMAN HOLBROOK MADE A MOTION TO AUTHORIZE MR. TOLBERT TO ATTEND THE BUILDING OFFICIALS WINTER WORKSHOP AND TO PAY HIS EXPENSES. ALDERMAN LANGFORD SECONDED THE MOTION.**

**THOSE PRESENT AND VOTING "YEA"**

**ALDERMAN WILLIE W. HINTON  
ALDERMAN CHARLES E. HOLBROOK  
ALDERMAN ROBERT F. LANGFORD  
ALDERMAN LEROY SCOTT**

**THOSE PRESENT AND VOTING "NAY"**

**NONE**

**WHEREAS, MAYOR GAY PRESENTED A REQUEST FOR PHILLIP MCCREARY TO ATTEND THE INSTRUCTOR COURSE ON PPCT AT THE UNIVERSITY OF SOUTHERN MS.**

THEREUPON, ALDERMAN HOLBROOK MADE A MOTION TO AUTHORIZE MR. MCCREARY TO ATTEND THE COURSE ON PPCT AT USM AND TO PAY HIS EXPENSES. ALDERMAN LANGFORD SECONDED THE MOTION.

THOSE PRESENT AND VOTING "YEA"

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

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR GAY PRESENTED A REQUEST FOR DETECTIVE SHAWN ELLIS TO ATTEND THE SEX CRIMES INVESTIGATION SEMINAR IN LAFAYETTE, LA. ON DECEMBER 18 & 19, 2000.

THEREUPON, ALDERMAN HOLBROOK MADE A MOTION TO AUTHORIZE DETECTIVE ELLIS TO ATTEND THE SEMINAR AND TO PAY HIS EXPENSES. ALDERMAN LANGFORD SECONDED THE MOTION.

THOSE PRESENT AND VOTING "YEA"

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

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR GAY PRESENTED THE FOLLOWING ORDER HIRING BARRY FOIL IN THE FIRE DEPARTMENT EFFECTIVE NOVEMBER 23, 2000.

ORDER

WHEREAS, THE MAYOR AND BOARD OF ALDERMEN DO HEREBY DEEM IT NECESSARY TO HIRE A RECRUIT IN THE FIRE DEPARTMENT DUE TO THE RESIGNATION OF JONATHAN WILDMAN.

IT IS HEREBY ORDERED THAT BARRY FOIL BE HIRED EFFECTIVE NOVEMBER 23, 2000 AT A RATE OF \$ 7.656 PER HOUR.

SO ORDERED ON THIS THE 7<sup>TH</sup> DAY OF NOVEMBER 2000.

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

THOSE PRESENT AND VOTING "YEA"

ALDERMAN WILLIE W. HINTON  
ALDERMAN CHARLES E. HOLBROOK

**ALDERMAN ROBERT F. LANGFORD  
ALDERMAN LEROY SCOTT**

**THOSE PRESENT AND VOTING "NAY"**

**NONE**

**WHEREAS, MAYOR GAY PRESENTED AN AMENDMENT TO ORDINANCE 1984 (57A)  
AMENDING SECTION 5 (A) (1).**

**SEE EXHIBIT "C"**

**ORDINANCE 1984 (57A)**

**AN ORDINANCE AMENDING ORDINANCE 1984 (57)  
AND FOR RELATED PURPOSES**

**THEREUPON, ALDERMAN SCOTT MADE A MOTION TO ADOPT THE FOREGOING  
ORDINANCE. ALDERMAN HOLBROOK SECONDED THE MOTION.**

**THOSE PRESENT AND VOTING "YEA"**

**ALDERMAN WILLIE W. HINTON  
ALDERMAN CHARLES E. HOLBROOK  
ALDERMAN ROBERT F. LANGFORD  
ALDERMAN LEROY SCOTT**

**THOSE PRESENT AND VOTING "NAY"**

**NONE**

**WHEREAS, MAYOR GAY STATED THAT HE HAS TALKED TO KIM BRELAND AT  
ALLEN FLYNT'S OFFICE ABOUT PREPARING PLANS AND SPECIFICATIONS FOR THE  
RESTROOMS BEHIND THE POLICE STATION. MAYOR GAY STATED THAT MS.  
BRELAND WILL PREPARE THE PLANS AND SPECIFICATIONS FOR APPROXIMATELY  
\$100.00.**

**THEREUPON, ALDERMAN HOLBROOK MADE A MOTION TO AUTHORIZE MS.  
BRELAND TO PREPARE THE PLANS AND SPECIFICATIONS FOR THE RESTROOMS  
AND TO PAY HER APPROXIMATELY \$100.00. ALDERMAN HINTON SECONDED THE  
MOTION.**

**THOSE PRESENT AND VOTING "YEA"**

**ALDERMAN WILLIE W. HINTON  
ALDERMAN CHARLES E. HOLBROOK  
ALDERMAN ROBERT F. LANGFORD  
ALDERMAN LEROY SCOTT**

**THOSE PRESENT AND VOTING "NAY"**

**NONE**

**WHEREAS, MAYOR GAY STATED THAT PURSUANT TO THE CITY'S POLICY, AVA  
PICKETT HAS REQUESTED FAMILY MEDICAL LEAVE ACT, DUE TO HER  
OVERLAPPING RHEUMATOID ARTHRITIS AND LUPUS.**

THEREUPON, ALDERMAN HINTON MADE A MOTION TO AUTHORIZE THE FMLA FOR AVA PICKETT. ALDERMAN HOLBROOK SECONDED THE MOTION.

THOSE PRESENT AND VOTING "YEA"

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

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR GAY PRESENTED THE MINUTES OF THE PROCUREMENT SELECTION COMMITTEE FOR THE ENGINEERING SERVICES AND THE RECOMMENDATION OF THE PROCUREMENT SELECTION COMMITTEE FOR THE ENGINEERING SERVICES.

SEE EXHIBIT "D"

MINUTES OF THE PROCUREMENT SELECTION COMMITTEE  
RECOMMENDATION OF PROCUREMENT SELECTION COMMITTEE

THEREUPON, ALDERMAN HOLBROOK MADE A MOTION TO AWARD THE ENGINEERING SERVICES BID TO SHOWS, DEARMAN & WAITS, INC. ALDERMAN SCOTT SECONDED THE MOTION.

THOSE PRESENT AND VOTING "YEA"

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

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR GAY PRESENTED THE MINUTES OF THE PROCUREMENT SELECTION COMMITTEE FOR THE ADMINISTRATIVE CONSULTANT AND THE RECOMMENDATION OF THE PROCUREMENT SELECTION COMMITTEE FOR THE ADMINISTRATIVE CONSULTANT.

SEE EXHIBIT "E"

MINUTES OF THE PROCUREMENT SELECTION COMMITTEE  
RECOMMENDATION OF THE PROCUREMENT SELECTION COMMITTEE

THEREUPON, ALDERMAN HOLBROOK MADE A MOTION TO AWARD THE PROPOSAL FOR THE ADMINISTRATIVE CONSULTANT TO JIMMY G. GOURAS, URBAN PLANNING CONSULTANTS, INC. ALDERMAN SCOTT SECONDED THE MOTION.

THOSE PRESENT AND VOTING "YEA"

**ALDERMAN WILLIE W. HINTON  
ALDERMAN CHARLES E. HOLBROOK  
ALDERMAN ROBERT F. LANGFORD  
ALDERMAN LEROY SCOTT**

**THOSE PRESENT AND VOTING "NAY"**

**NONE**

**WHEREAS, KEN SMITH, EXECUTIVE DIRECTOR OF THE PINE BELT SOLID WASTE AUTHORITY, ADDRESSED THE BOARD CONCERNING THE AUDIT BY THE LANDFILL AND OTHER MATTERS CONCERNING THE LANDFILL.**

**WHEREAS, CITY ATTORNEY THOMAS W. TYNER REQUESTED AN EXECUTIVE SESSION TO DISCUSS PENDING LITIGATION.**

**THEREUPON, ALDERMAN HOLBROOK MADE A MOTION TO CLEAR THE ROOM TO DETERMINE IF AN EXECUTIVE SESSION IS NEEDED. ALDERMAN SCOTT SECONDED THE MOTION.**

**THOSE PRESENT AND VOTING "YEA"**

**ALDERMAN WILLIE W. HINTON  
ALDERMAN CHARLES E. HOLBROOK  
ALDERMAN ROBERT F. LANGFORD  
ALDERMAN LEROY SCOTT**

**THOSE PRESENT AND VOTING "NAY"**

**NONE**

**MAYOR GAY REOPENED THE MEETING.**

**THEREUPON, ALDERMAN HOLBROOK MADE A MOTION THAT AN EXECUTIVE SESSION WAS NOT NEEDED AND REOPENED THE MEETING. ALDERMAN SCOTT SECONDED THE MOTION.**

**THOSE PRESENT AND VOTING "YEA"**

**ALDERMAN WILLIE W. HINTON  
ALDERMAN CHARLES E. HOLBROOK  
ALDERMAN ROBERT F. LANGFORD  
ALDERMAN LEROY SCOTT**

**THOSE PRESENT AND VOTING "NAY"**

**NONE**

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

**THOSE PRESENT AND VOTING "YEA"**

**ALDERMAN WILLIE W. HINTON  
ALDERMAN CHARLES E. HOLBROOK  
ALDERMAN ROBERT F. LANGFORD**

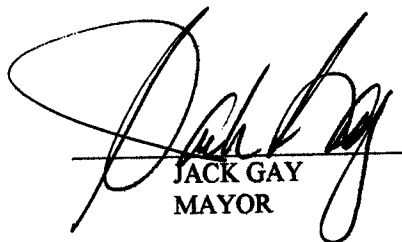


ALDERMAN LEROY SCOTT

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 7<sup>TH</sup> DAY OF NOVEMBER, AD, 2000.



JACK GAY  
MAYOR

(SEAL)

ATTEST:



PRISCILLA C DANIEL  
CITY CLERK

EXHIBIT "A"

**SHOWS, DEARMAN & WAITS, INC.**

CONSULTING ENGINEERS

P.O. BOX 1711, 301 SECOND AVENUE  
HATTIESBURG, MISSISSIPPI 39403-1711  
TELEPHONE 601-544-1821  
FAX 601-544-0501

RAYMOND M. DEARMAN, P.E., R.L.S.  
MICHAEL T. WAITS, P.E., R.L.S.  
WILLIAM F. WAITS, P.E., R.L.S.  
NICHOLAS M. CONNOLLY, P.E.  
KYLE D. WALLACE, P.E.

PAUL J. SHOWS (

November 16, 2000

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

Attn: Mayor Jack Gay

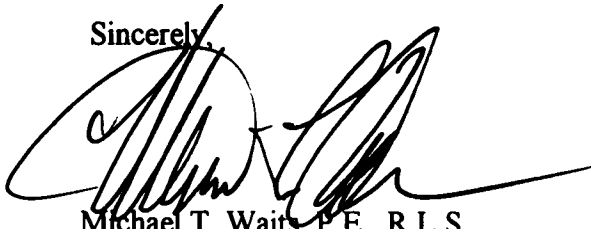
RE: Bridge Damage  
Chappell Hill Road

Dear Mayor Gay:

I investigated damaged to the four span bridge on Chappell Hill Road over Green's Creek. The outside pile on Intermediate Bent #2 has been damaged by a fire. The piling in the Eastern Abutment are severely damaged from decay deterioration. It is my professional opinion you should reduce the load limit to 10,000 lbs. and take immediate action to cause the bridge to be repaired.

Should you have any questions or comments, please do not hesitate to call. With kindest regards, I remain

Sincerely,



Michael T. Waits, P.E., R.L.S.

MTW/bs

EXHIBIT "B"

AGREEMENT

THIS AGREEMENT, entered into on the day and date hereinafter provided by and between the CITY OF HATTIESBURG, MISSISSIPPI, a municipal corporation hereinafter referred to as "HATTIESBURG" and the CITY OF PETAL, MISSISSIPPI, a municipal corporation, hereinafter referred to as "PETAL" for the purpose of setting forth the terms, conditions and covenants under and consistent with which HATTIESBURG will receive wastewater flow from PETAL into its wastewater treatment facility, at its South Lagoon, and to provide for payment of HATTIESBURG'S treatment charges.

ARTICLE I

Definitions

Section 1.01. DEFINITION OF TERMS. Terms and expressions used in this Agreement, including the preamble hereof, shall have the meaning set forth in this Article:

- (a) "*Domestic Wastewater*" means liquid and water-carried waste discharge from sanitary conveniences of dwellings, business buildings, institutions and the like, as distinct from wastes in industrial waste.
- (b) "*Fiscal Year*" means the twelve (12) month period beginning October 1 of each year.
- (c) "*Hattiesburg*" means the City of Hattiesburg, Mississippi, a municipal corporation.
- (d) "*Industrial Waste*" means the liquid and water borne wastes from industrial processes as distinct from wastes in domestic wastewater.
- (e) "*Month*" means calendar month.
- (f) "*Operation and Maintenance Expense*" means the current expense paid or accrued in the operation, maintenance and ordinary repair of the wastewater treatment facility of Hattiesburg and shall include without limitation the generality of the foregoing capital expenditures, insurance premiums and administrative expenses of Hattiesburg and such other reasonable and necessary current expenses relating solely to the wastewater treatment facility, as shall be in accordance with sound accounting practices, but shall not include any allowance for depreciation.
- (g) "*Person*" means and includes the State of Mississippi, a public agency as defined herein, or any municipal entity, town or political subdivision of governmental agency of the State of Mississippi or of the United States of America, or any

EXHIBIT "B"

individual, co-partnership, association, firm, trust, State or any other entity whatsoever.

- (h) "*Petal*" means the City of Petal, Mississippi, a municipal corporation.
- (i) "*Point of Entry*" means the point at which wastewater enters Hattiesburg's wastewater treatment facility.
- (j) "*Proportionate Share*" means that percentage of Petal's wastewater contributed to Hattiesburg's wastewater treatment facility for previous twelve (12) months or from date of Agreement if less than twelve (12) months.
- (k) "*Wastewater*" means domestic wastewater and industrial waste, together with such infiltration that may be present.
- (l) "*Wastewater Treatment Facility*" means the facility of Hattiesburg for treatment and disposal of wastewater, situated in Forrest County, Mississippi, as such facility now exists and as it may be hereinafter improved and/or expanded by Hattiesburg and commonly referred to as the "South Lagoon".

ARTICLE II

Discharge of Wastewater, Title and Metering

Section 2.01. **DISCHARGE.** Petal shall have the right to discharge wastewater into Hattiesburg's wastewater treatment facility.

Section 2.02. **POINT OF ENTRY.** Petal shall discharge its wastewater through point or points of entry designated by Hattiesburg or at such additional points of entry as may be mutually agreed to by Hattiesburg and Petal.

Section 2.03. **CONVEYANCE TO POINT OF ENTRY.** It shall be the sole responsibility of Petal, including and liability incurred in connection therewith, to convey such wastewater to the point of entry through Petal's disposal system to Hattiesburg's wastewater treatment facility. Petal further agrees and covenants at its own expense to conduct and/or maintain its system up to the point of entry.

Section 2.04. **TITLE TO WASTEWATER AND RESPONSIBILITY THEREFORE.** Title to wastewater discharged hereunder shall remain in Petal to point of entry, and upon passing through point of entry, title thereto and all effluent therefrom shall pass to Hattiesburg. As between the parties, each party hereto agrees to save and hold the other party harmless from all claims, demands, and causes of action which may be asserted by any person on account of the reception, transportation, delivery and disposal while title remains in such party. Provided, however, that any charge against Hattiesburg resulting from the operation of Petal's sewer disposal system shall be deemed an expense of and charged to Petal, regardless of whether title

EXHIBIT "B"

to the wastewater giving rise to any such charge against Hattiesburg has vested in Hattiesburg. Petal shall be advised of and have the right to contest any charge made by any charging agency.

This covenant is not made for the benefit of any third party. Hattiesburg takes responsibility as between the parties hereto for the proper reception and ultimate treatment and disposal of such wastewater received by it from point of entry; provided, however, that the wastewater meets applicable Federal and State standards and restrictions.

Section 2.05. **METERING.** At point of entry into Hattiesburg's wastewater treatment facility, or at such point which will allow for measuring all of Petal's wastewater, the necessary equipment and device of standard type for measuring properly all of Petal's wastewater shall be installed, operated and maintained by Petal. Such meters and other equipment shall be the property of Petal. Hattiesburg and Petal shall have access to such metering equipment at all reasonable times for inspection and examination, but the reading, calibration and adjustment thereof shall be done by employees or agents of Petal in the presence of a representative of Hattiesburg if requested by Hattiesburg. All reading of meters will be read weekly and entered upon proper books of records maintained by Petal and a copy of each weekly reading will be provided to Hattiesburg. Hattiesburg shall have access to these record books during reasonable business hours. Meters shall be calibrated in accordance with recommendation of the manufacturer of the meters. If, for any reason a meter is out of service or out for repair, or if, upon any test, the percentage of accuracy of any meter is found to be ten percent (10%) or more, plus or minus, registration thereof shall be corrected for a period of time extending back to the time when such inaccuracy began, if such time is ascertainable, and if such time is not ascertainable, then for a period extending back one-half (1/2) of the time elapsed since the date of the last calibration, but in no event further back than a period of six (6) months.

Section 2.06. **UNIT OF MEASUREMENT.** The unit of measurement for wastewater delivery hereunder shall be one thousand (1,000) gallons, U.S. Standard Liquid Measure, or such other lawful unit as Hattiesburg may determine to be appropriate and applicable.

ARTICLE III.

Comprehensive Sewer Use Provisions

Section 3.01. **ADMISSIBLE DISCHARGES.** Petal agrees that wastewater discharge from its system into Hattiesburg's wastewater treatment facility shall be of such quality that:

- (a) Effluent thereof shall not be in violation of and will fully comply with Chapter 21, Section 24 of Hattiesburg's Code of Ordinances, a copy of which is attached hereto and made a part hereof, and
- (b) Effluent thereof meets the then current standards of the State Department of Environmental Quality and the United States Environmental Protection Agency and any other governmental body having legal authority to set standards for such effluent; and

**EXHIBIT "B"**

- (c) Hattiesburg's wastewater treatment facility is not damaged to the extent to cause unnecessary repairs or replacement or increased operation and maintenance expenses.

Section 3.02. **COMPREHENSIVE SEWER USE PROVISIONS.** Petal shall adopt, maintain and impose upon its users such rules and regulations as are necessary to insure compliance with Section 3.01 to the same extent as would be imposed by an appropriate Ordinance of Hattiesburg if such user were located within the jurisdiction of Hattiesburg.

Section 3.03. **INDUSTRIAL WASTE.** Petal shall not allow the discharge of any industrial waste into its sewer system without written consent of Hattiesburg. Before any such consent may be given, the industry shall file with Hattiesburg a statement showing the average analysis of the industrial waste it wishes to discharge. No consent for the discharge of industrial waste will be given by the Hattiesburg if such waste does not pass through and inspection manhole located so as to be accessible at all times to inspectors of Hattiesburg and Petal. If inspection indicates that damage may be resulting from the discharge, Petal shall be responsible to Hattiesburg for any such damages, payable immediately upon determination of the amount involved by the parties.

Section 3.04. **TESTING.** Petal shall allow Hattiesburg access to its system at any accessible point for purposed of taking samples of Petal's wastewater for analysis to insure compliance with Article III of this Agreement. The results of such analysis will be made available to Petal at Petal's request.

**ARTICLE IV.**

**Payments and Annual Adjustments**

Section 4.01 During the first fiscal year of this Agreement, Petal shall pay to Hattiesburg for the treatment of its wastewater \$ 0.29 per thousand gallons, based on actual metered volume and is due and payable to Hattiesburg within fifteen (15) days of the end of each month. The \$ 0.29 rate shall be considered the base rate from which adjustments are to be made as hereinafter provided.

Section 4.02. Each monthly payment shall be accompanied by certification from Petal as to the beginning and ending meter reading.

Section 4.03. The metered rate as provided under Section 4.01 shall remain firm for and through the first five (5) fiscal years of this Agreement. Thereafter the meter rate as provided in Section 4.01 for each ensuing fiscal year shall be adjusted based on the movement of the unadjusted figures of the U.S. Department of Labor Consumer Price Index (CPI) for all urban consumers (CPI-U). The metered rate for the sixth (6<sup>th</sup>) fiscal year of this Agreement shall be changed in an amount equal to the percentage of movement of the CPI-U for the previous four (4) years seven (7) month period ending in the month of July. Thereafter, the meter rate shall be changed in an amount equal to the percentage of the movement of the CPI-U for the twelve (12) month period ending in the month of July of each year of this Agreement. The meter rate change as a result of

EXHIBIT "B"

this formula shall automatically become effective on the first day of each fiscal year as herein provided and shall be binding upon Petal for the subsequent fiscal year.

Section 4.04. If, during the term of this Agreement and any extension thereof and by reason of any State or Federal mandate or as may be necessary to accommodate any increase wastewater received at Hattiesburg's wastewater treatment facility, Hattiesburg is required to respond, modify, improve or make additions to its wastewater treatment facility, then and in that event, Petal agrees to pay to Hattiesburg its proportionate share of said costs.

Section 4.05. If, by reason of the provisions set forth in Sections 4.04, Hattiesburg is caused to incur an increase in operation and maintenance expense at its wastewater treatment facility and Petal's proportionate share of that expense would be greater than the adjustment made to the meter rate pursuant to Section 4.03; then in that event, the meter rate shall be changed by Hattiesburg in an amount equal to the percentage of Petal's proportionate share of that expense.

Section 4.06. Petal's proportionate share as provided under Section 4.04 shall be payable within twelve (12) months from date of contract entered into by the City as provided pursuant to Section 4.04.

Section 4.07. If, by reason of any event occurring under Section 4.04, Hattiesburg is required to borrow the necessary funds, including but not limited to any bonded indebtedness, Petal may pay its proportionate share, including interest expense, and any other cost associated therewith, on an annual basis consistent with any repayment obligation and schedule of Hattiesburg; however, should this Agreement be terminated for any reason and at such time there is an outstanding balance due from Petal to Hattiesburg, under the provision of this Section, the balance shall become immediately due and payable.

ARTICLE V

Effective Date and Term of Agreement

Section 5.01. EFFECTIVE DATE. This Agreement shall become effective as of October 1, 2000 and as of that date this Agreement shall constitute the sole and only Agreement between Hattiesburg and Petal as to the matters contained herein.

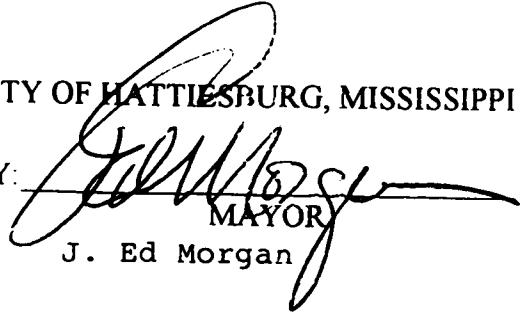
Section 5.02. TERM OF AGREEMENT. This Agreement shall be in force and effect from October 1, 2000 and shall continue in effect from year to year unless either party hereto shall give not less than six (6) month notice in writing to the other that this Agreement shall no longer be in force and effect; however, in no instance shall this Agreement terminate earlier than the end of any fiscal year.

EXHIBIT "B"

WITNESS THE SIGNATURES of the parties on duplicate originals, on this the  
17th day of October, A.D., 2000.

CITY OF HATTIESBURG, MISSISSIPPI

BY:



MAYOR  
J. Ed Morgan

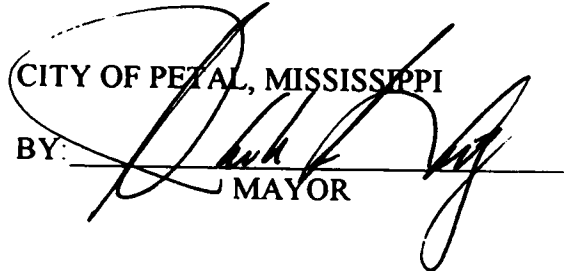
ATTEST:



CITY CLERK

CITY OF PETAL, MISSISSIPPI

BY:



MAYOR

ATTEST:



CITY CLERK



EXHIBIT "C"

~~ORDINANCE NUMBER~~ 1984 (57A)  
OF THE CITY OF PETAL, MISSISSIPPI

AN ORDINANCE AMENDING ORDINANCE NUMBER 1984 (57)  
AND FOR RELATED PURPOSES

BE IT ORDAINED BY, the Mayor and Board of Aldermen of the City of Petal, Mississippi:

SECTION 1. Section 5 (A) (1) shall be amended to read as follows, to wit:

For each ¾ inch connection or tap, \$250.00. However, where a developer of a subdivision or other property has installed a main and stub-out thereon, the service connection charge for a ¾ inch connection or tap shall be \$75.00. Under no circumstances, will split taps be approved.

SECTION 2. Except for the amendment to Ordinance No. 1984 (57) contained herein,

Ordinance 1984 (57) shall remain in full force and effect.

THE ABOVE AND FOREGOING Ordinance having been reduced to writing, was then presented to the Board of Aldermen, section by section, with the following vote: those Aldermen approving the passage and adoption of Section 1 and 2 of the above and foregoing Ordinance:

Alderman Hinton  
Alderman Holbrook  
Alderman Langford  
Alderman Scott

Those Aldermen opposed to the adoption of Section 1 and 2 of the above and foregoing Ordinance as a whole:

None

Those Aldermen voting in favor of the above and foregoing Ordinance as a whole:

Alderman Hinton  
Alderman Holbrook  
Alderman Langford  
Alderman Scott

The above and foregoing Ordinance having received the appropriate vote of the Aldermen, this Ordinance was duly adopted by the Mayor and Board of Aldermen of the City of Petal,

Mississippi, on this, the 7 day of NOVEMBER, A.D., 2000.

  
\_\_\_\_\_  
JACK GAY, MAYOR

ATTEST:


  
PRISCILLA C. DANIEL  
CITY CLERK

EXHIBIT "D"

MINUTES  
PROCUREMENT SELECTION COMMITTEE

11/07/00  
Date

RE: Engineering Services

Members Present: Willie W. Hinton  
Charles F. Holbrook  
Robert F. Langford  
Leroy Scott

The Committee reviewed 2 proposals submitted for the services referenced above using the following selection criteria for evaluation:

| <u>Criteria</u>                       | <u>Maximum Points</u> |
|---------------------------------------|-----------------------|
| Qualifications                        | 40                    |
| Experience                            | 40                    |
| Capacity for Performance (Work Force) | <u>20</u>             |
| <b>Total Points</b>                   | <b>100</b>            |

The Committee members assigned points to each firm or individual based on a careful review of the content of the proposal. The firm receiving the highest number of points from each Committee member received one (1) vote from each member.

| <u>Committee Member</u>    | <u>Firm</u>                       | <u>Total Points</u> | <u>Vote</u> | <u>Total Votes</u> |
|----------------------------|-----------------------------------|---------------------|-------------|--------------------|
| <u>Willie W. Hinton</u>    | <u>Shows, Dearman &amp; Waits</u> | <u>99</u>           | <u>1</u>    | <u>1</u>           |
| <u>Charles F. Holbrook</u> | <u>Shows, Dearman &amp; Waits</u> | <u>100</u>          | <u>1</u>    | <u>1</u>           |
| <u>Robert F. Langford</u>  | <u>Shows, Dearman &amp; Waits</u> | <u>100</u>          | <u>1</u>    | <u>1</u>           |
| <u>Leroy Scott</u>         | <u>Shows, Dearman &amp; Waits</u> | <u>199</u>          | <u>1</u>    | <u>1</u>           |

Based upon a tabulation of points, the proposal submitted by Shows, Dearman & Waits received the highest number of votes.

Pursuant to the HUD regulation entitled "Uniform Administrative Requirements for Grants and Cooperative Agreements to State, Local and Federally Recognized Indian Tribal Governments", said regulation being referred to as the "Common Rule" and the Selection and Procurement Procedures for the City of Petal, Mississippi, the Committee, therefore, recommends the selection of the firm of Shows, Dearman & Waits, Inc. to perform Engineering Services.

Willie W. Hinton  
Member Consultant Selection Committee

Charles F. Holbrook  
Member Consultant Selection Committee

Leroy Scott  
Member Consultant Selection Committee

Robert F. Langford  
Member Consultant Selection Committee

\_\_\_\_\_  
Member Consultant Selection Committee

EXHIBIT "D"

RECOMMENDATION OF  
PROCUREMENT SELECTION  
COMMITTEE

RE: Engineering (Type of Services)

Pursuant to HUD regulation entitled "Uniform Administrative Requirements for Grants and Cooperative Agreements to State, Local and Federally Recognized Indian Tribal Governments"; said regulation being referred to as the "Common Rule", the City of Petal, Mississippi requested proposals for Engineering services.

The following proposals were received in the Clerk's Office no later than 5:00 P.M. on Tuesday, October 24, 2000. The Selection Committee met on 11/07/00 to review the proposals received from the following firms and/or individuals:

1. Shows, Dearman & Waits, Inc.
2. Williford, Gearhart & Knight, Inc. (WGK)
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

Each Committee member assigned points to each proposal based on the content of the proposal. The firm receiving the highest number of points is deemed by this Committee to be the most advantageous to the City. We, therefore, recommend award of a contract to Shows, Dearman & Waits, Inc. The firms that were evaluated are listed in order of the points assigned.

| <u>Firm</u>                                   | <u>Total Points</u> |
|---|---------------------|
| <u>Shows, Dearman &amp; Waits, Inc.</u>       | <u>398</u>          |
| <u>Williford, Gearhart &amp; Knight, Inc.</u> | <u>309</u>          |
| _____   | _____               |
| _____   | _____               |

Willi Smith  
Member Consultant Selection Committee

Charles E. Holbrook  
Member Consultant Selection Committee

Leroy Scott  
Member Consultant Selection Committee

Robert F. Longford  
Member Consultant Selection Committee

\_\_\_\_\_  
Member Consultant Selection Committee

EXHIBIT "E"

RECOMMENDATION OF  
PROCUREMENT SELECTION  
COMMITTEE

RE: Administrative Consultant (Type of Services)

Pursuant to HUD regulation entitled "Uniform Administrative Requirements for Grants and Cooperative Agreements to State, Local and Federally Recognized Indian Tribal Governments"; said regulation being referred to as the "Common Rule", the City of Petal, Mississippi requested proposals for Administrative Consulting services.

The following proposals were received in the City Clerk's Office no later than 5:00 P.M. on Tuesday, October 24, 2000. The Consultant Selection Committee met on 11/07/00 to review the proposals received from the following firms and/or individuals:

1. Jimmy G. Gouras, Urban Planning Consultants, Inc.
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

Each Committee member assigned points to each proposal based on the content of the proposal. The firm receiving the highest number of points is deemed by this Committee to be the most advantageous to the City. We, therefore, recommend award of a contract to Jimmy G. Gouras, Urban Planning Consultants, Inc. The firms that were evaluated are listed in order of the points assigned.

| <u>Firm</u>                                     | <u>Total Points</u> |
|---|---------------------|
| <u>Jimmy G. Gouras, Urban Planning Consult.</u> | <u>399</u>          |
| _____   | _____               |
| _____   | _____               |
| _____   | _____               |
| _____   | _____               |

Walter Amato  
Member Consultant Selection Committee

Charles E. Hallmark  
Member Consultant Selection Committee

Terry Scott  
Member Consultant Selection Committee

Robert F. Langford  
Member Consultant Selection Committee

\_\_\_\_\_  
Member Consultant Selection Committee

EXHIBIT "E"

MINUTES  
PROCUREMENT SELECTION COMMITTEE

11/07/00  
Date

RE: Administrative Services

Members Present: Willie W. Hinton  
Charles E. Holbrook  
Robert F. Langford  
Leroy Scott

The Committee reviewed one (1) proposals submitted for the services referenced above using the following selection criteria for evaluation:

| <u>Criteria</u>                       | <u>Maximum Points</u> |
|---------------------------------------|-----------------------|
| Qualifications                        | 40                    |
| Experience                            | 40                    |
| Capacity for Performance (Work Force) | <u>20</u>             |
| <b>Total Points</b>                   | <b>100</b>            |

The Committee members assigned points to each firm or individual based on a careful review of the content of the proposal. The firm receiving the highest number of points from each Committee member received one (1) vote from each member.

| <u>Committee Member</u>    | <u>Firm</u>            | <u>Total Points</u> | <u>Vote</u> | <u>Total Votes</u> |
|----------------------------|------------------------|---------------------|-------------|--------------------|
| <u>Willie W. Hinton</u>    | <u>Jimmy G. Gouras</u> | <u>99</u>           | <u>1</u>    | <u>1</u>           |
| <u>Charles E. Holbrook</u> | <u>Jimmy G. Gouras</u> | <u>100</u>          | <u>1</u>    | <u>1</u>           |
| <u>Robert F. Langford</u>  | <u>Jimmy G. Gouras</u> | <u>100</u>          | <u>1</u>    | <u>1</u>           |
| <u>Leroy Scott</u>         | <u>Jimmy G. Gouras</u> | <u>100</u>          | <u>1</u>    | <u>1</u>           |

Based upon a tabulation of points, the proposal submitted by Jimmy G. Gouras received the highest number of votes.

Pursuant to the HUD regulation entitled "Uniform Administrative Requirements for Grants and Cooperative Agreements to State, Local and Federally Recognized Indian Tribal Governments", said regulation being referred to as the "Common Rule" and the Selection and Procurement Procedures for the City of Petal, Mississippi, the Committee, therefore, recommends the selection of the firm of Jimmy G. Gouras to perform Administrative Services.

Willie W. Hinton  
Member Consultant Selection Committee

Charles E. Holbrook  
Member Consultant Selection Committee

Leroy Scott  
Member Consultant Selection Committee

Robert F. Langford  
Member Consultant Selection Committee

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Member Consultant Selection Committee

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