

BE IT REMEMBERED THAT A PUBLIC HEARING, PURSUANT TO SECTION 21-19-11 OF THE MISSISSIPPI CODE OF 1972, AS AMENDED, WAS CALLED TO ORDER ON AUGUST 21, 2007 AT 5:00 P.M. IN THE BOARDROOM OF CITY HALL TO DETERMINE THE STATE OF THE PROPERTY OWNED BY JIMMIE DALE ODOM AT 1178 HWY 11.

THOSE PRESENT	MAYOR CARL SCOTT
ALDERMEN	DAVID CLAYTON KAY FAIRLEY JAMES MOORE STEVE STRINGER LIESA WEAVER
OTHERS PRESENT	DARRIN CARROLL LARRY CARROLL TOMMYE CORLEY B C LEWIS AND OTHERS

WHEREAS, MAYOR SCOTT NOTED THAT JIMMIE DALE ODOM WAS PRESENT, AND THAT THE RETURN RECEIPT ON THE CERTIFIED NOTICE HAS BEEN SIGNED.

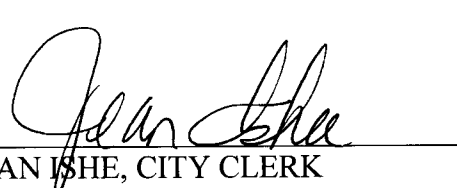
WHEREAS, DARRIN CARROLL, BUILDING INSPECTOR, STATED THAT THE PROPERTY HAS NOT BEEN CLEARED OF ALL OF THE JUNKED VEHICLES, AND TRASH AND THAT THE MOBILE HOME NEEDS TO REMOVED.

THEREUPON, MAYOR SCOTT STATED THAT IT WOULD BE HIS RECOMMENDATION THAT THE BOARD MAKE A FINDING THAT MR ODOM'S PROPERTY LOCATED AT **1178 HWY 11** PRESENTS A SAFEEY HAZARD AND IS IN SUCH A STATE OF DISREPAIR AS TO BE A MENANCE TO THE PUBLIC HEALTH AND SAFETY OF THE COMMUNITY AND THAT THE MOBILE HOME CAN EITHER BE BROUGHT UP TO STANDARD BY THE OWNER OR TEAR IT DOWN AND IF THE OWNER HAS NOT BEGUN AN EFFORT WITHIN 45 DAYS FROM TODAY OF THE BOARD'S DECISION FOR THE CITY TO PROCEED TO TAKE ACTION.

  
\_\_\_\_\_  
CARL SCOTT, MAYOR

(SEAL)

ATTEST:

  
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JEAN ISHE, CITY CLERK

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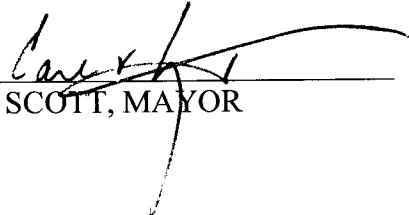
BE IT REMEMBERED THAT A PUBLIC HEARING, PURSUANT TO SECTION 21-19-11 OF THE MISSISSIPPI CODE OF 1972, AS AMENDED, WAS CALLED TO ORDER ON AUGUST 21, 2007 AT 5:00 P.M. IN THE BOARDROOM OF CITY HALL TO DETERMINE THE STATE OF THE PROPERTY OWNED BY JIMMIE DALE ODOM AT 920 HWY 11.

THOSE PRESENT	MAYOR CARL SCOTT
ALDERMEN	DAVID CLAYTON KAY FAIRLEY JAMES MOORE STEVE STRINGER LIESA WEAVER
OTHERS PRESENT	DARRIN CARROLL LARRY CARROLL TOMMYE CORLEY B C LEWIS AND OTHERS

WHEREAS, MAYOR SCOTT NOTED THAT JIMMIE DALE ODOM WAS PRESENT, AND THAT THE RETURN RECEIPT ON THE CERTIFIED NOTICE HAS BEEN SIGNED.

WHEREAS, DARRIN CARROLL, BUILDING INSPECTOR, STATED THAT THE PROPERTY HAS NOT BEEN CLEARED OF THE VIOLATIONS CITED IN HIS LETTER.

THEREUPON, MAYOR SCOTT STATED THAT IT WOULD BE HIS RECOMMENDATION THAT THE BOARD MAKE A FINDING THAT MR ODOM'S PROPERTY LOCATED AT **920 HWY 11** CAN EITHER BE BROUGHT UP TO STANDARD BY THE OWNER OR TEAR IT DOWN AND IF THE OWNER HAS NOT BEGUN AN EFFORT WITHIN 45 DAYS FROM TODAY OF THE BOARD'S DECISION FOR THE CITY TO PROCEED TO TAKE ACTION.

  
\_\_\_\_\_  
CARL SCOTT, MAYOR

(SEAL)

ATTEST:

  
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JEAN SHEE, CITY CLERK

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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 AUGUST 21, 2007 AT 7:00 P.M. IN THE BOARDROOM OF SAID CITY.

THOSE PRESENT	MAYOR CARL SCOTT
CITY ATTORNEY	THOMAS TYNER
ALDERMEN	DAVID CLAYTON KAY FAIRLEY JAMES MOORE STEVE STRINGER LIESA WEAVER
OTHERS PRESENT	DR RAMON NAPIER DON SEALY LEE SHELBOURN ALLEN FLYNT NETTIE FARRIS AND MANY OTHERS

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

THE INVOCATION WAS OFFERED BY REV JAY SPILLER OF FIRST BAPTIST CHURCH.

THE PLEDGE OF ALLEGIANCE WAS RECITED.

WHEREAS, MAYOR SCOTT PRESENTED THE AGENDA WITH THE FOLLOWING CHANGES:

VIII. OLD BUSINESS

3. REQUEST TO RECONSIDER CRAFT APARTMENT COMPLEX ON N MAIN STREET.

THEREUPON, ALDERMAN STRINGER MADE A MOTION TO ADOPT THE AGENDA WITH THE FOREGOING CHANGES. ALDERMAN WEAVER SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN DAVID CLAYTON  
ALDERMAN KAY FAIRLEY  
ALDERMAN JAMES MOORE  
ALDERMAN STEVE STRINGER  
ALDERMAN LIESA WEAVER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR SCOTT PRESENTED THE MINUTES OF THE REGULAR MEETING OF AUGUST 7, 2007.

THEREUPON, ALDERMAN CLAYTON MADE A MOTION THAT THE MINUTES OF THE REGULAR MEETING OF AUGUST 7, 2007 BE ADOPTED AS WRITTEN. ALDERMAN STRINGER SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN DAVID CLAYTON  
ALDERMAN KAY FAIRLEY  
ALDERMAN JAMES MOORE  
ALDERMAN STEVE STRINGER  
ALDERMAN LIESA WEAVER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR SCOTT CALLED FOR PUBLIC COMMENT. THERE WAS NONE.

WHEREAS, MAYOR SCOTT REQUESTED THE WISHES OF THE BOARD CONCERNING THE PROPERTY OWNED BY JIMMIE DALE ODOM LOCATED AT 920 HWY 11 ON WHICH THE HEARING WAS HELD AT 5:00 P.M. ON THIS DATE.

THEREUPON, ALDERMAN MOORE MADE A MOTION FINDING THAT THE PROPERTY IS A HEALTH AND SAFETY HAZARD TO THE COMMUNITY AND TO ADOPT THE FOLLOWING RESOLUTION DECLARING THE SAME AND LETTER FROM THE BUILDING DEPARTMENT. ALDERMAN CLAYTON SECONDED THE MOTION.

SEE EXHIBIT "A"

RESOLUTION  
LETTER FROM BUILDING DEPARTMENT

THOSE PRESENT AND VOTING "AYE"

ALDERMAN DAVID CLAYTON  
ALDERMAN KAY FAIRLEY  
ALDERMAN JAMES MOORE  
ALDERMAN STEVE STRINGER  
ALDERMAN LIESA WEAVER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR SCOTT REQUESTED THE WISHES OF THE BOARD CONCERNING THE PROPERTY OWNED BY JIMMIE DALE ODOM LOCATED AT 1178 HWY 11 ON WHICH THE HEARING WAS HELD AT 5:00 P.M. ON THIS DATE.

THEREUPON, ALDERMAN WEAVER MADE A MOTION TO GRANT A CONDITIONAL USE PERMIT ON MOBILE HOME TO BE USED AS OFFICE SPACE AND BRING UP TO CODE WITH TIME FRAME OF 45 (FOURTY-FIVE) DAYS TO COMPLETE. ALDERMAN STRINGER SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN STEVE STRINGER  
ALDERMAN LIESA WEAVER

THOSE PRESENT AND VOTING "NAY"

ALDERMAN DAVID CLAYTON  
ALDERMAN KAY FAIRLEY  
ALDERMAN JAMES MOORE

THEREUPON, ALDERMAN MOORE MADE A MOTION FINDING THAT THE MOBILE HOME AND VEHICLES HAS TO BE REMOVED WITHIN 45 (FOURTY-FIVE) DAYS AND THE PROPERTY BROUGHT UP TO CODE AND TO ADOPT THE FOLLOWING RESOLUTION DECLARING THE SAME. ALDERMAN CLAYTON SECONDED THE MOTION.

SEE EXHIBIT "B"

RESOLUTION

THOSE PRESENT AND VOTING "AYE"

ALDERMAN DAVID CLAYTON  
ALDERMAN KAY FAIRLEY  
ALDERMAN JAMES MOORE

THOSE PRESENT AND VOTING "NAY"

ALDERMAN STEVE STRINGER  
ALDERMAN LIESA WEAVER

WHEREAS, MAYOR SCOTT PRESENTED A REQUEST TO GRANT CONDITIONAL USE PERMIT TO MAGNOLIA STATE BANK LOCATED AT 1130 EVELYN GANDY PARKWAY.

THEREUPON, ALDERMAN MOORE MADE A MOTION TO GRANT A CONDITIONAL USE PERMIT TO MAGNOLIA STATE BANK TO PLACE A MODULAR BUILDING AT 1130 EVELYN GANDY PARKWAY FOR NO LONGER THAN 24 MONTHS AND TO START CONSTRUCTION OF THE MAIN BUILDING WITHIN NINE (9) MONTHS. ALDERMAN CLAYTON SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN DAVID CLAYTON

ALDERMAN JAMES MOORE  
ALDERMAN STEVE STRINGER  
ALDERMAN LIESA WEAVER

THOSE PRESENT AND VOTING "ABSTAIN"

ALDERMAN KAY FAIRLEY

WHEREAS, MAYOR SCOTT PRESENTED A REQUEST TO OVERRIDE VETO ON  
CONDITIONAL USE PERMIT TO MAJORIE VIZZINNI ON CASSILL STREET.

SEE EXHIBIT "C"

VETO LETTER

THEREUPON, ALDERMAN CLAYTON MADE A MOTION TO OVERRIDE VETO FOR  
CONDITIONAL USE PERMIT TO MAJORIE VIZZINNI ON CASSILL STREET. ALDERMAN  
STRINGER SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN DAVID CLAYTON  
ALDERMAN STEVE STRINGER

THOSE PRESENT AND VOTING "NAY"

ALDERMAN KAY FAIRLEY  
ALDERMAN JAMES MOORE  
ALDERMAN LIESA WEAVER

THEREUPON, THE REQUEST TO OVERRIDE VETO WAS DEFEATED.

WHEREAS, MAYOR SCOTT PRESENTED THE FOLLOWING ORDINANCE CHANGING  
FROM C-2 (GENERAL COMMERCIAL DISTRICT) TO R-4 (HIGH DENSITY RESIDENTIAL)

SEE EXHIBIT "D"

ORDINANCE 1979(42A-290)

THEREUPON, ALDERMAN STRINGER MADE A MOTION TO ADOPT THE FOREGOING  
ORDINANCE. ALDERMAN WEAVER SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN DAVID CLAYTON  
ALDERMAN KAY FAIRLEY  
ALDERMAN JAMES MOORE  
ALDERMAN STEVE STRINGER  
ALDERMAN LIESA WEAVER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR SCOTT PRESENTED A REQUEST TO PAY INVOICE TO GENERAL  
PUMP IN THE AMOUNT OF \$17,006.00 FOR 2 PUMPS AT CARTERVILLE ROAD AND WATTS  
DRIVE.

THEREUPON, ALDERMAN STRINGER MADE A MOTION TO AUTHORIZE THE CITY  
CLERK TO PAY THE INVOICE TO GENERAL PUMP IN THE AMOUNT OF \$17,006.00 FOR TWO  
PUMPS AT CARTERVILLE ROAD AND WATTS DRIVE. ALDERMAN FAIRLEY SECONDED THE  
MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN DAVID CLAYTON  
ALDERMAN KAY FAIRLEY  
ALDERMAN JAMES MOORE  
ALDERMAN STEVE STRINGER  
ALDERMAN LIESA WEAVER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR SCOTT PRESENTED A REQUEST TO REFUND MARY GOHLKE \$59.00 FOR OVERPAYMENT OF WATER BILL.

THEREUPON, ALDERMAN FAIRLEY MADE A MOTION TO AUTHORIZE THE CITY CLERK TO REFUND MARY GOHLKE \$59.00 FOR OVERPAYMENT OF WATER BILL. ALDERMAN WEAVER SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN DAVID CLAYTON  
ALDERMAN KAY FAIRLEY  
ALDERMAN JAMES MOORE  
ALDERMAN STEVE STRINGER  
ALDERMAN LIESA WEAVER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR SCOTT PRESENTED THE RESIGNATION OF SHARON SCOTT IN THE JUDICIAL DEPARTMENT.

THEREUPON, ALDERMAN WEAVER MADE A MOTION TO ACCEPT THE RESIGNATION OF SHARON SCOTT IN THE JUDICIAL DEPARTMENT EFFECTIVE SEPTEMBER 11, 2007. ALDERMAN FAIRLEY SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN DAVID CLAYTON  
ALDERMAN KAY FAIRLEY  
ALDERMAN JAMES MOORE  
ALDERMAN STEVE STRINGER  
ALDERMAN LIESA WEAVER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR SCOTT PRESENTED THE RESIGNATION OF SGT WILLIAM JOHN IN THE POLICE DEPARTMENT.

THEREUPON, ALDERMAN STRINGER MADE A MOTION TO REGRETFULLY ACCEPT THE RESIGNATION OF SGT WILLIAM JOHN IN THE POLICE DEPARTMENT EFFECTIVE AUGUST 24, 2007. ALDERMAN FAIRLEY SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN DAVID CLAYTON  
ALDERMAN KAY FAIRLEY  
ALDERMAN JAMES MOORE  
ALDERMAN STEVE STRINGER  
ALDERMAN LIESA WEAVER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR SCOTT PRESENTED A REQUEST FROM THE PART-TIME POLICE OFFICERS TO TRANSFER A CROWN VICTORIA (VIN #2FAFP71W21X110042) THAT WAS BOUGHT THROUGH FUND RAISERS THE AUXILLARY HAD AND TO BE PLACED IN FIXED ASSESTS.

THEREUPON, ALDERMAN STRINGER MADE A MOTION TO ACCEPT THE CROWN VICTORIA (VIN #2FAFP71W21X110042) FROM THE PART-TIME POLICE OFFICERS TO BE PLACED IN THE CITYS FIXED ASSESTS. ALDERMAN FAIRLEY SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN DAVID CLAYTON  
ALDERMAN KAY FAIRLEY  
ALDERMAN JAMES MOORE  
ALDERMAN STEVE STRINGER  
ALDERMAN LIESA WEAVER

THOSE PRESENT AND VOTING "NAY"



NONE

WHEREAS, MAYOR SCOTT PRESENTED A REQUEST TO SET A ZONING HEARING DATE FOR THE FOLLOWING PROPERTIES:

- A. 105 FORD DRIVE
- B. 113 FORD DRIVE

THEREUPON, ALDERMAN FAIRLEY MADE A MOTION TO SET THE ZONING HEARING FOR AUGUST 28, 2007 AT 7:00 P.M. ALDERMAN WEAVER SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN DAVID CLAYTON  
ALDERMAN KAY FAIRLEY  
ALDERMAN JAMES MOORE  
ALDERMAN STEVE STRINGER  
ALDERMAN LIESA WEAVER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR SCOTT PRESENTED AN AGREEMENT WITH THE CITY OF PETAL AND MDOT FOR "SAFE ROUTES TO SCHOOL PROGRAM AWARD".

SEE EXHIBIT "E"

GENERAL AGREEMENT BETWEEN  
THE MISSISSIPPI DEPARTMENT OF TRANSPORTATION  
UNDER AUTHORITY OF THE MISSISSIPPI TRANSPORTATION COMMISSION  
AND  
CITY OF PETAL

THEREUPON, ALDERMAN MOORE MADE A MOTION TO AUTHORIZE THE MAYOR TO EXECUTE THE AGREEMENT BETWEEN THE CITY OF PETAL AND MDOT. ALDERMAN CLAYTON SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN DAVID CLAYTON  
ALDERMAN KAY FAIRLEY  
ALDERMAN JAMES MOORE  
ALDERMAN STEVE STRINGER  
ALDERMAN LIESA WEAVER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR SCOTT PRESENTED A REQUEST FOR JEAN ISHEE AND STACY WALTERS TO ATTEND THE STATEWIDE DELINQUENT WATER BILL DATA BASE SEMINAR AUGUST 28, 2007 IN HATTIESBURG, MS.

THEREUPON, ALDERMAN FAIRLEY MADE A MOTION TO AUTHORIZE JEAN ISHEE AND STACY WALTERS TO ATTEND THE STATEWIDE DELINQUENT WATER BILL DATA BASE SEMINAR AUGUST 28, 2007 IN HATTIESBURG, MS. ALDERMAN WEAVER SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN DAVID CLAYTON  
ALDERMAN KAY FAIRLEY  
ALDERMAN JAMES MOORE  
ALDERMAN STEVE STRINGER  
ALDERMAN LIESA WEAVER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR SCOTT PRESENTED A REQUEST FOR BRIAN WELLS TO ATTEND THE STATE FIRE ACADEMY SEPTEMBER 10-OCTOBER 19, 2007 IN JACKSON, MS.

THEREUPON, ALDERMAN STRINGER MADE A MOTION TO AUTHORIZE BRIAN WELLS TO ATTEND THE STATE FIRE ACADEMY SEPTEMBER 10-OCTOBER 19, 2007 IN JACKSON, MS AND TO PAY HIS EXPENSES. ALDERMAN CLAYTON SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN DAVID CLAYTON  
ALDERMAN KAY FAIRLEY  
ALDERMAN JAMES MOORE  
ALDERMAN STEVE STRINGER  
ALDERMAN LIESA WEAVER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR SCOTT PRESENTED A REQUEST FOR ADAM JAMES TO ATTEND THE STATE FIRE ACADEMY SEPTEMBER 10-OCTOBER 19, 2007 IN JACKSON, MS.

THEREUPON, ALDERMAN STRINGER MADE A MOTION TO AUTHORIZE ADAM JAMES TO ATTEND THE STATE FIRE ACADEMY SEPTEMBER 10-OCTOBER 19, 2007 IN JACKSON, MS AND TO PAY HIS EXPENSES. ALDERMAN CLAYTON SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN DAVID CLAYTON  
ALDERMAN KAY FAIRLEY  
ALDERMAN JAMES MOORE  
ALDERMAN STEVE STRINGER  
ALDERMAN LIESA WEAVER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR SCOTT PRESENTED A REQUEST FOR DESMOND ESCOBAR TO ATTEND THE STATE FIRE ACADEMY SEPTEMBER 10-OCTOBER 19, 2007 IN JACKSON, MS.

THEREUPON, ALDERMAN STRINGER MADE A MOTION TO AUTHORIZE DESMOND ESCOBAR TO ATTEND THE STATE FIRE ACADEMY SEPTEMBER 10-OCTOBER 19, 2007 IN JACKSON, MS AND TO PAY HIS EXPENSES. ALDERMAN CLAYTON SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN DAVID CLAYTON  
ALDERMAN KAY FAIRLEY  
ALDERMAN JAMES MOORE  
ALDERMAN STEVE STRINGER  
ALDERMAN LIESA WEAVER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR SCOTT PRESENTED A REQUEST FOR T J BURKHALTER TO ATTEND THE STATE FIRE ACADEMY SEPTEMBER 20 FOR CPAT TEST IN JACKSON, MS.

THEREUPON, ALDERMAN STRINGER MADE A MOTION TO AUTHORIZE T J BURKHALTER TO ATTEND THE STATE FIRE ACADEMY SEPTEMBER 20 FOR CPAT IN JACKSON, MS AND TO PAY HIS EXPENSES. ALDERMAN CLAYTON SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN DAVID CLAYTON  
ALDERMAN KAY FAIRLEY  
ALDERMAN JAMES MOORE  
ALDERMAN STEVE STRINGER  
ALDERMAN LIESA WEAVER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR SCOTT PRESENTED A REQUEST TO ATTEND THE LEADERSHIP TRAINING SEMINAR AT THE DUNCAN GRAY CENTER IN CANTON, MS AUGUST 23-24, 2007.

THEREUPON, ALDERMAN STRINGER MADE A MOTION TO AUTHORIZE CARL SCOTT TO ATTEND THE LEADERSHIP TRAINING SEMINAR AT THE DUNCAN GRAY CENTER IN CANTON, MS AUGUST 23-24, 2007 AND TO PAY HIS EXPENSES. ALDERMAN WEAVER SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN DAVID CLAYTON  
ALDERMAN KAY FAIRLEY  
ALDERMAN JAMES MOORE  
ALDERMAN STEVE STRINGER  
ALDERMAN LIESA WEAVER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR SCOTT PRESENTED THE FOLLOWING ORDER PROMOTING GAVIN GUY.

ORDER

WHEREAS, THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF PETAL, MISSISSIPPI DO HEREBY DEEM IT NECESSARY TO PROMOTE AN OFFICER TO THE RANK OF SERGEANT IN THE DETECTIVE DEPARTMENT IN THE POLICE DEPARTMENT.

IT IS HEREBY ORDERED THAT OFFICER GAVIN GUY BE PROMOTED TO THE RANK OF SERGEANT AT A RATE OF \$31,000.00 ANNUALLY EFFECTIVE OCTOBER 1, 2007.

SO ORDERED ON THIS THE 21<sup>ST</sup> DAY OF AUGUST, 2007.

THEREUPON, ALDERMAN STRINGER MADE A MOTION TO ADOPT THE FOREGOING ORDER. ALDERMAN WEAVER SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN DAVID CLAYTON  
ALDERMAN KAY FAIRLEY  
ALDERMAN JAMES MOORE  
ALDERMAN STEVE STRINGER  
ALDERMAN LIESA WEAVER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR SCOTT PRESENTED THE FOLLOWING ORDER HIRING A DISPATCHER.

ORDER

WHEREAS, THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF PETAL, MISSISSIPPI DO HEREBY DEEM IT NECESSARY TO HIRE A FULLTIME DISPATCHER IN THE POLICE DEPARTMENT.

IT IS HEREBY ORDERED THAT TERESA HELEN ROBINSON BE HIRED AS A FULL-FIME DISPATCHER IN THE POLICE DEPARTMENT AT A RATE OF \$9.54 PER HOUR EFFECTIVE SEPTEMBER 5,2007.

SO ORDERED ON THIS THE 21<sup>ST</sup> DAY OF AUGUST, 2007.

THEREUPON, ALDERMAN CLAYTON MADE A MOTION TO ADOPT THE FOREGOING ORDER. ALDERMAN FAIRLEY SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN DAVID CLAYTON  
ALDERMAN KAY FAIRLEY  
ALDERMAN STEVE STRINGER  
ALDERMAN LIESA WEAVER

THOSE PRESENT AND VOTING "NAY"

ALDERMAN JAMES MOORE

WHEREAS, MAYOR SCOTT PRESENTED THE FOLLOWING ORDER HIRING A DISPATCHER.

ORDER

WHEREAS, THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF PETAL, MISSISSIPPI DO HEREBY DEEM IT NECESSARY TO HIRE A FULL-TIME DISPATCHER IN THE POLICE DEPARTMENT.

IT IS HEREBY ORDERED THAT LADEAN ANTHONY BYRD BE HIRED AS A FULL-TIME DISPATCHER IN THE POLICE DEPARTMENT AT A RATE OF \$9.54 PER HOUR EFFECTIVE AUGUST 27, 2007.

SO ORDERED ON THIS THE 21<sup>ST</sup> DAY OF AUGUST, 2007.

THEREUPON, ALDERMAN CLAYTON MADE A MOTION TO ADOPT THE FOREGOING ORDER. ALDERMAN FAIRLEY SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN DAVID CLAYTON  
ALDERMAN KAY FAIRLEY  
ALDERMAN JAMES MOORE  
ALDERMAN STEVE STRINGER  
ALDERMAN LIESA WEAVER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR SCOTT PRESENTED THE FOLLOWING ORDER CHANGING LARRY CARROLL'S PAY.

ORDER

WHEREAS, THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF PETAL, MISSISSIPPI DO HEREBY DEEM IT NECESSARY TO CHANGE THE PAY SCHEDULE FOR LARRY CARROLL.

IT IS HEREBY ORDERED THAT LARRY CARROLL'S PAY BE CHANGED FROM SALARY TO HOURLY WITH NO SALARY CHANGE EFFECTIVE AUGUST 15, 2007.

SO ORDERED ON THIS THE 21<sup>ST</sup> DAY OF AUGUST, 2007.

THEREUPON, ALDERMAN CLAYTON MADE A MOTION TO ADOPT THE FOREGOING ORDER. ALDERMAN FAIRLEY SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN DAVID CLAYTON  
ALDERMAN KAY FAIRLEY  
ALDERMAN JAMES MOORE  
ALDERMAN STEVE STRINGER  
ALDERMAN LIESA WEAVER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR SCOTT PRESENTED THE FOLLOWING RESOLUTION.

SEE EXHIBIT "F"

RESOLUTION

RESOLUTION SUPPORTING THE PREFERRED ROUTE  
ALTERNATIVE FOR THE EXPANSION OF BYRD BOULEVARD  
TO OLD RICHTON ROAD AND TO REQUEST APPROVAL  
FROM THE FEDERAL HIGHWAY ADMINISTRATION (FHWA)  
TO PRESENT THE DRAFT ENVIRONMENTAL ASSESSMENT  
AT A PUBLIC HEARING

THEREUPON, ALDERMAN FAIRLEY MADE A MOTION TO ADOPT THE FOREGOING  
RESOLUTION. ALDERMAN WEAVER SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN DAVID CLAYTON  
ALDERMAN KAY FAIRLEY  
ALDERMAN JAMES MOORE  
ALDERMAN STEVE STRINGER  
ALDERMAN LIESA WEAVER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR SCOTT CALLED FOR AN EXECUTIVE SESSION TO DISCUSS  
LEGAL MATTERS.

THEREUPON, ALDERMAN CLAYTON MADE A MOTION TO CLEAR THE ROOM IN  
ORDER TO DETERMINE IF AN EXECUTIVE SESSION IS NEEDED. ALDERMAN FAIRLEY  
SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN DAVID CLAYTON  
ALDERMAN KAY FAIRLEY  
ALDERMAN JAMES MOORE  
ALDERMAN STEVE STRINGER  
ALDERMAN LIESA WEAVER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR SCOTT REOPENED THE MEETING.

THEREUPON, ALDERMAN STRINGER MADE A MOTION TO ENTER INTO AN  
EXECUTIVE SESSION TO DISCUSS LEGAL MATTERS. ALDERMAN FAIRLEY SECONDED THE  
MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN DAVID CLAYTON  
ALDERMAN KAY FAIRLEY  
ALDERMAN JAMES MOORE  
ALDERMAN STEVE STRINGER  
ALDERMAN LIESA WEAVER

THOSE PRESENT AND VOTING "NAY"

NONE

THEREUPON, ALDERMAN WEAVER MADE A MOTION TO ADJOURN THE  
EXECUTIVE SESSION. ALDERMAN MOORE SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN DAVID CLAYTON  
ALDERMAN KAY FAIRLEY  
ALDERMAN JAMES MOORE

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ALDERMAN STEVE STRINGER  
ALDERMAN LIESA WEAVER

THOSE PRESENT AND VOTING "NAY"

NONE

NO OFFICIAL ACTION WAS TAKEN IN EXECUTIVE SESSION.

WHEREAS, MAYOR SCOTT PRESENTED A REQUEST FOR THE CITY ATTORNEY TO FILE BILL OF COMPLAINT WITH THE COURT.

THEREUPON, ALDERMAN MOORE MADE A MOTION TO AUTHORIZE THE CITY ATTORNEY TO FILE A BILL OF COMPLAINT FOR DISCOVERY vs. BARRONTOWN UTILITY DISTRICT WITH THE COURT. ALDERMAN STRINGER SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN DAVID CLAYTON  
ALDERMAN KAY FAIRLEY  
ALDERMAN JAMES MOORE  
ALDERMAN STEVE STRINGER  
ALDERMAN LIESA WEAVER

THOSE PRESENT AND VOTING "NAY"

NONE

THEREUPON, ALDERMAN STRINGER MADE A MOTION TO ADJOURN. ALDERMAN CLAYTON SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN DAVID CLAYTON  
ALDERMAN KAY FAIRLEY  
ALDERMAN JAMES MOORE  
ALDERMAN STEVE STRINGER  
ALDERMAN LIESA WEAVER

THOSE PRESENT AND VOTING "NAY"


NONE

THEREBEING NO FURTHER BUSINESS OF THE REGULAR MEETING OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF PETAL, MISSISSIPPI WAS ADJOURNED ON THIS THE 21<sup>ST</sup> DAY OF AUGUST, 2007.

  
CARL SCOTT, MAYOR

(SEAL)

ATTEST:

  
JEAN SHEE, CITY CLERK

MINUTE BOOK 277  
RESOLUTION

EXHIBIT "A"

Resolution finding and determining that the dilapidated building and property located at 1178 HWY 11 in Petal, Mississippi and owned by Jimmie Dale Odom is in such a state of dis-repair as to be a menace to the public health and safety of the community

WHEREAS, due and proper notice has been given to the owner of the property located at 1178 Hwy 11 in Petal, Mississippi of a hearing conducted before the Mayor and Board of Aldermen of the City of Petal to determine that said property needs to be brought up to the City's Code and personal property removed from the property.

WHEREAS, said hearing having been duly and properly held and evidence having been presented, all in conformance with Section 21-19-11 of the Mississippi Code of 1972 as amended,

NOW THEREFORE, BE IT RESOLVED;

SECTION 1.

That the dilapidated building located at 1178 Hwy 11, in Petal, Mississippi is in such a state of dis-repair as to be a menace to the public health and safety of the community, and that personal property located thereon is in violation of the zoning classification for said property and should be removed.

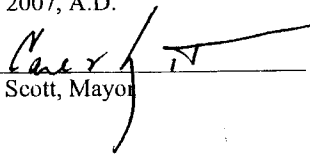
SECTION 2.

That if the owner of said property has not brought the structure and property up to compliance within forty-five (45) days or removed the structure and personal property within forty-five (45) days from this receipt, the City of Petal shall, by the use of Municipal Employees or by Contract, proceed to remove the structure by exercising its rights under the "Cleaning of Private Property" section of the Mississippi code 21-19-11.

SECTION 3.

That all cost incurred by the Municipality, if any, plus penalty, if any, shall become as assessment against said property, all authorized and permitted pursuant to Section 29-19-11 of the Mississippi Code of 1972, as amended.

SO RESOLVED, on this the 21<sup>st</sup> day of August, 2007, A.D.

  
\_\_\_\_\_  
Carl Scott, Mayor

(SEAL)  
ATTEST   
\_\_\_\_\_  
Jean Ishée, City Clerk

CITY OF PETAL  
MINUTE BOOK 27

Resolution finding and determining that the ~~0041143~~ building and property located at 920 HWY 11 in Petal, Mississippi and owned by Jimmie Dale Oxon is in such a state of disrepair as to be a menace to the public health and safety of the community

EXHIBIT "B"

WHEREAS, due and proper notice has been given to the owner of the property located at 920 Hwy 11 in Petal, Mississippi of a hearing conducted before the Mayor and Board of Aldermen of the City of Petal to determine that said property needs to be brought up to the City's Code and personal property removed from the property

WHEREAS, said hearing having been duly and properly held and evidence having been presented, all in conformance with Section 21-19-11 of the Mississippi Code of 1972 as amended.

NOW THEREFORE BE IT RESOLVED;

SECTION 1

That the building located at 920 Hwy 11, in Petal, Mississippi needs to be brought up to city code or removed from the premises, and that personal property located thereon is in violation of the zoning classification for said property and should be removed

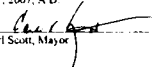
SECTION 2

That if the owner of said property has not brought the structure and property up to compliance within forty-five (45) days or removed the structure and personal property within forty-five (45) days from this receipt, the City of Petal shall, by the use of Municipal Employees or by Contract, proceed to remove the structure by exercising its rights under the "Cleaning of Private Property" section of the Mississippi code 21-19-11

SECTION 3

That all cost incurred by the Municipality, if any, plus penalty, if any, shall become an assessment against said property, all authorized and permitted pursuant to Section 29-19-11 of the Mississippi Code of 1972, as amended.

SO RESOLVED on this the 21<sup>st</sup> day of August, 2007, A.D.

  
Carl Scott, Mayor

(SEAL)


ATTEST:  
  
Jean Eshee, City Clerk



EXHIBIT "C"

Date: August 7, 2007

To: Board of Alderman

From: Mayor Scott

Re: Veto of Agenda Item

At the regularly scheduled meeting of the Board of Alderman on August 7, 2007, an agenda item was passed that I personally believe is not in the best interest of the City of Petal. Therefore pursuant to my veto power as Mayor, I formally veto the following agenda item:

Item 24, General Business. There is absolutely no provision anywhere in statute that allows an accessory structure to be constructed as a stand-alone building on any lot in any zone within the city limits of Petal. Further, the request is ludicrous in that the very reason stated for the conditional use is to maintain the landscape of the property. Something that has not been done, has never been done and I see as very unlikely to ever be done.

It is an injustice to all those surrounding neighbors residing in this subdivision to allow this accessory structure to be built. I hope that you will all reconsider your position.

ORDINANCE NUMBER 1979 (42-A290)

NONE

AN ORDINANCE CHANGING AND AMENDING THE COMPREHENSIVE ZONING ORDINANCE NO. 1979 (42) OF THE CITY OF PETAL, MISSISSIPPI, AS AMENDED BY ORDINANCE NUMBERS 1979 (42-1) THROUGH 1979 (42-A289) SO AS TO CHANGE THE ZONING CLASSIFICATION OF PROPERTY LOCATED ON N. MAIN STREET, PETAL, MS, FROM C-2 (GENERAL COMMERCIAL DISTRICT) TO R-4 (HIGH DENSITY RESIDENTIAL)

EXHIBIT "D"

WHEREUPON, the foregoing Ordinance be, and the same is hereby passed, adopted and approved on this the 21<sup>st</sup> day of August 2007.

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

  
CARL SCOTT, MAYOR

SECTION 1. That the Comprehensive Zoning District Map, adopted as part of the Comprehensive Zoning Ordinance Number 1979 (42) of the City of Petal, Mississippi, as amended by Ordinance Numbers 1979 (42-1) through 1979 (42-A289) and the same is hereby changed and amended as per petition filed in connection therewith so that the land described as listed below Change of current zoning from C-2 (General Commercial District) to R-4 (High Density Residential)

(SEAL)

Said land being more particularly described as follows, to wit:

COMM AT THE NE COR OF THE NE 1/4 SE 1/4 OF S35 T5N, R13W. THENCE RUN W A RECORD DISTANCE OF 25FT, THENCE RUN S25FT OR TO A FOUND REBAR ON THE W MARGIN OF MAIN ST. THENCE RUN S01°29'28" E 731.60FT ALG SAID W MARGIN TO A SET REBAR, THENCE RUN N89°49'57" W 150FT TO THE POB, THENCE RUN N89°49'57" W 459.14FT TO A SET 1/2" REBAR, THENCE RUN S00°07'35" E 371.07' TO A SET 1/2" REBAR, THENCE RUN S89°49'57" E 459.14' TO A POINT. THENCE RUN N00°07'35" W 371.07' BACK TO THE POB, ALL CONTAINING 3.91 ACRES MORE OR LESS, IN FORREST COUNTY, MS

ATTEST:  
  
JEAN ISHEE, CITY CLERK

as per map or plat thereof on file in the office of the Chancery Clerk of Forrest County, Mississippi, is hereby classified and placed in the R-4 (High Density Residential) zoning

PUBLISH TIME: OCTOBER 4, 2007

SECTION 2. Except as hereby expressly changed and amended, the aforesaid Comprehensive Zoning Ordinance No. 1979 (42) of the City of Petal, Mississippi, as amended by Ordinance Numbers 1979 (42-1) through 1979 (42-A289) shall be and remain in full force and form as adopted on August 21, 2007.

SECTION 3. That this Ordinance shall take effect and be in full force within thirty (30) days from and after its passage as provided by law. The foregoing Ordinance having been reduced to writing, the same was introduced and read, and a vote was taken thereon, first section by section and then upon the Ordinance as a whole with the following results:

Those present and voting "AYE" and in favor of the passage, adoption and approval of Sections 1, 2 and 3 of the foregoing Ordinance:

- ALDERMAN DAVID CLAYTON
- ALDERMAN KAY FAIRLEY
- ALDERMAN JAMES MOORE
- ALDERMAN STEVE STRINGER
- ALDERMAN LIESA WEAVER

Those present and voting "NAY" or against the adoption of any section of the foregoing Ordinance:

NONE

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

- ALDERMAN DAVID CLAYTON
- ALDERMAN KAY FAIRLEY
- ALDERMAN JAMES MOORE
- ALDERMAN STEVE STRINGER
- ALDERMAN LIESA WEAVER

GENERAL AGREEMENT BETWEEN  
THE MISSISSIPPI DEPARTMENT OF TRANSPORTATION  
UNDER AUTHORITY OF THE MISSISSIPPI TRANSPORTATION COMMISSION  
AND  
CITY OF PETAL

WHEREAS, the APPLICANT has submitted a project proposal to the MDOT describing the project scope and budget which is herein incorporated and made a part of this AGREEMENT as ATTACHMENT A; and

WHEREAS, the APPLICANT will be responsible for all project costs over and above the maximum amount of federal funds allocated to the PROJECT by the Transportation Commission; and

WHEREAS, the APPLICANT certifies that they know of no legal impediments to the completion of the project; and

WHEREAS, the APPLICANT will comply with all evaluation and reporting requirements specified by the MDOT and the Federal Highway Administration (FHWA); and

WHEREAS, the APPLICANT proposes to complete the PROJECT utilizing SRTS funds provided by the SAFETEA-LU, as allocated by the MDOT; and

WHEREAS, the APPLICANT shall complete the project within two years from receipt of the MDOT's Notice to Proceed; and

WHEREAS, it is understood that conditions presented herein are general in nature with details and specific requirements contained in the MDOT Standard Operating Procedures and the FHWA Federal Aid Policy Guide.

NOW THEREFORE, it is mutually agreed that:

**I. GENERAL.**

**SECTION 1. PROHIBITED INTEREST** No member, officer or employee of the APPLICANT or the MDOT or any local public body during his tenure or one (1) year thereafter shall have any interest, direct or indirect, in this AGREEMENT or the proceeds therefrom other than those interests set forth herein.

**SECTION 2. TERMINATION** The MDOT shall have the right to terminate this AGREEMENT with thirty (30) days written notice if the APPLICANT fails to comply with their obligations as provided herein. The APPLICANT shall have the right to terminate this AGREEMENT with thirty (30) days written notice if circumstances beyond the control of the APPLICANT prohibit the APPLICANT from complying with their obligations as provided herein. The AGREEMENT may be terminated at any time by mutual written consent of the APPLICANT and the MDOT. In accordance with the

This AGREEMENT made by and between the MISSISSIPPI TRANSPORTATION COMMISSION, by and through the duly authorized Executive Director of the Mississippi Department of Transportation (MDOT) and the City of Petal, Forrest County, Mississippi, (hereinafter, the APPLICANT) for the purpose of establishing the agreed conditions under which the APPLICANT may utilize special Safe Routes to School funds (SRTS) provided by the *Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)* to complete the proposed project as described below:

**T DESCRIPTION**

**Infrastructure:** Install sidewalks, bike lanes traffic calming devices, signage, sidewalks and bike racks for pedestrian and bicycle travel to W. L. Smith Elementary and Petal Middle School as set forth in the APPLICANT'S Safe Routes to School application submitted to the MDOT.

- Noninfrastructure:** Develop and implement education, encouragement and enforcement programs at W. L. Smith Elementary and Petal Middle School as set forth in the APPLICANT'S Safe Routes to School application.

Hereinafter, both the infrastructure and noninfrastructure projects in combination are referred to as the PROJECT.

WHEREAS, the SRTS PROJECT was approved by the Transportation Commission and allocated a maximum of \$209,828 for infrastructure projects and \$3,200 for noninfrastructure planning and programs for a total of \$213,028 in Safe Routes to School federal funds; and

WHEREAS, the APPLICANT desires assistance from the MDOT to enable and encourage children in grades kindergarten through eight to safely walk and bicycle to and from school; and

Federal guidance for Safe Routes to School projects, the APPLICANT shall bear sole responsibility for any costs incurred prior to the termination.

**II. APPLICANT RESPONSIBILITIES:**

**SECTION 1:** After receipt of the executed General Agreement, The APPLICANT will follow procedures outlined in the *Project Development Manual for Local Public Agencies* for the development of the project. This manual is located at <http://www.gomdot.com/localgov/planning/pdny/manual.htm> (The manual is updated annually; therefore, it is the APPLICANT'S responsibility to ensure the use of the latest version.)

**SECTION 2:** The APPLICANT will be responsible for the planning, coordination, and implementation of the Safe Routes to School PROJECT;

**SECTION 3:** The APPLICANT will execute a Facilities Ownership and Use Policy that allows the APPLICANT to maintain and operate or provide for the maintenance and operation of the completed PROJECT. No changes will be made to the completed PROJECT which would alter the approved definition of the PROJECT or which would affect traffic and/or traffic control on the PROJECT without the prior approval of the MDOT. Acceptable changes must be in conformance with current standards and with provisions of the *Manual on Uniform Traffic Control Devices (MUTCD)*, *A Policy on the Design of Highways and Streets* published by the American Association of State Highway and Transportation Officials (AASHTO) and the *ADA Accessibility Guidelines for Buildings and Facilities*. The APPLICANT understands that failure to fulfill this responsibility in regard to maintenance of the PROJECT, its operation or regulation will disqualify the APPLICANT from receiving any *Safe Routes to School* Funds until such time as the deficiencies are corrected to the satisfaction of the MDOT and the FHWA. If the deficiencies are not corrected, the APPLICANT may be required to reimburse the MDOT for all project costs.

**SECTION 4:** The APPLICANT will be required to acknowledge the MDOT and the FHWA for their participation in the project in any news releases or other promotional material for the project. The project sponsor should also notify the MDOT Outreach Division and the MDOT Traffic Engineering Division of any ceremonies related to the PROJECT. If feasible, a plaque or sign identifying the MDOT and the FHWA as providing funding for the project will be required.

**SECTION 5:** The APPLICANT will, to the extent allowed by State law, assume all responsibility for and save the MDOT harmless from any suits, actions or claims of any kind, brought for or on account of any injuries or damages, received or sustained by person, persons or property, growing out of any action or omission to act in the context of this PROJECT.

**SECTION 6:** During the performance of this AGREEMENT, the APPLICANT and the MDOT agree to the following.

(a) **Compliance with the Regulations:** The APPLICANT and the MDOT shall comply with Title VI of the Civil Rights Act of 1964, as amended, and nondiscrimination in programs of the Department of Transportation (Title 49, Code of Federal Regulations, Part 21, 23 CFR 710.405(b), hereinafter referred to as the REGULATIONS), which are herein incorporated by reference only and, therefore, made a part of this AGREEMENT.

(b) **Nondiscrimination:** The APPLICANT, with regard to the work performed by it after award and prior to completion of the AGREEMENT, shall not discriminate on the grounds of sex, age, race, religion, national origin, disability or any other discrimination made unlawful by Federal, state or local laws in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The APPLICANT shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the REGULATIONS, including employment practices when the AGREEMENT covers a program set forth in Appendix B of the REGULATIONS. In addition, the APPLICANT will not participate either directly or indirectly in discrimination prohibited by 23 CFR 710.405(b).

(c) **Equal Employment Opportunity:** The APPLICANT understands that the MDOT is an equal opportunity employer and, therefore, maintains a policy which prohibits unlawful discrimination based on sex, age, race, religion, national origin, disability or any other discrimination made unlawful by Federal, state or local laws. All such discrimination is unlawful and the APPLICANT agrees that, during the term of the AGREEMENT, the APPLICANT will strictly adhere to this policy in employment practices and provision of services.

(d) **Solicitations for Subcontracts including Procurement of Materials and Equipment:** In all solicitations, either by competitive bidding or negotiation made by the APPLICANT for work to be performed under a subcontract, including procurement of materials or equipment, each potential subcontractor or supplier shall be notified by the APPLICANT of the APPLICANT'S obligations under this AGREEMENT and the REGULATIONS relative to nondiscrimination on the grounds of sex, age, race, religion, national origin, disability or any other discrimination made unlawful by Federal, state or local laws.

(e) **Anti-Kick Back Provisions:** All contracts and subcontracts for construction or repair shall include a provision for compliance with the Copeland "Anti-Kick Back" Act (18 U.S.C. 874) as supplemented in Department of Labor regulations (29 CFR, Part 3). This Act provides that each contractor or subcontractor shall be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he is otherwise entitled. The APPLICANT shall report all suspected or reported violations to the MDOT.

(f) **Davis Bacon Act:** When required by the federal grant program legislation all construction contracts awarded to contractors and subcontractors in excess of \$2,000 shall include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 276a to a-7) and as supplemented by Department of Labor regulations (29 CFR, Part 5). Under this Act, contractors shall be required to pay wages to laborers and

mechanics at a rate not less than the minimum wages specified in a wage determination made by the Secretary of Labor. In addition, contractors shall be required to pay wages specified in a wage determination made by the Secretary of Labor. Contractors shall also be required to pay wages not less often than once a week.

in the termination of this AGREEMENT or such other duties as the MDOT deems appropriate. 368

EXHIBIT "E"

(g) Contract Work Hours and Safety Standards Act: Where applicable, all contracts awarded by or to contractors and subcontractors in excess of \$100,000 which involve the employment of mechanics or laborers shall include a provision for compliance with Sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-330) as supplemented by Department of Labor Regulations (29 CFR, Part 5). Under Section 103 of the Act, each contractor shall be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than 1 1/2 times the basic rate of pay for all hours worked in excess of 40 hours in the work week. Section 107 of the Act is applicable to construction work and provides that no laborer or mechanic shall be required to work in surroundings or under working conditions which are unsanitary, hazardous, or dangerous to his/her health and safety as determined under construction, safety, and health standards promulgated by the Secretary of Labor.

(h) Clean Air Act: Compliance with all applicable standards, orders, or requirements issued under Section 306 of the Clean Air Act (42 U.S.C. 1857 (h)), Section 508 of the Clean Water Act (33 U.S.C. 1368), Executive Order 11738, and Environmental Protection Agency regulations (40 CFR Part 15) (Contracts and subcontracts in amounts in excess of \$100,000).

(i) Energy Policy and Conservation Act: Mandatory standards and policies relating to energy efficiency which are contained in the State Energy Conservation Plan issued in compliance with the Energy Policy and Conservation Act (Pub. L. 94-165).

(j) Disadvantaged Business Enterprises (DBE): It is the policy of the MDOT to comply with the requirements of 49 CFR 26, to prohibit unlawful discrimination, to meet its goal for DBE participation, to meet that goal whenever possible by race-neutral means, to create a level playing field, and to achieve that amount of DBE participation that would be obtained in a non-discriminatory marketplace. To meet that objective in any United States Department of Transportation assisted contracts, the APPLICANT and any sub-recipient or sub-contractor shall comply with the MDOT DBE Programs for United States Department of Transportation Assisted Contracts.

i) The APPLICANT, any sub-recipient or sub-contractor shall not discriminate on the basis of sex, age, race, religion, national origin, disability or any other discrimination made unlawful by Federal, state or local laws in the performance of this AGREEMENT. The APPLICANT shall carry out applicable requirements of 49 CFR 26 in the award and administration of United States Department of Transportation assisted contracts. Failure of the APPLICANT to carry out those requirements is a material breach of the AGREEMENT which may result

The APPLICANT approves and adopts the MDOT DBE Program currently in effect, which is incorporated into this AGREEMENT as if written herein. It is fully understood that the current program has been approved by the Federal Highway Administration and modifications to the program may be required from time to time by Federal Authority. In such case, sub-grants of Federal Funds to the APPLICANT through the MDOT shall be contingent upon the APPLICANT approving and adopting all modifications required by Federal Authority upon notification and receipt of the modifications from the MDOT.

- iii) The APPLICANT will approve and incorporate the MDOT's current specifications on the subject disadvantaged business enterprise which is a part of the DBE Program.
- iv) The APPLICANT will designate and adequately fund a liaison officer as well as such support staff as may be necessary and proper to administer the DBE program and furnish the MDOT a description of the authority, responsibilities and duties of the liaison officer and support staff.
- v) The APPLICANT will allow access by representatives of the MDOT and the FHWA to all parts of the work records documentation as related to the implementation and monitoring of provisions of the DBE Program and specifications.
- vi) Any contract between the APPLICANT and a contractor or consultant shall contain the language of this section, and shall require the same to be included in any and all subcontracts. In addition, the agreement between the APPLICANT and a contractor or consultant shall require prompt payment to all subcontractors or material suppliers for all monies due, within fifteen (15) calendar days after receiving payment from the MDOT.

III. MDOT RESPONSIBILITIES:

SECTION 1: The MDOT Traffic Engineering Division will assist the APPLICANT in the determination of eligibility of proposed projects, will provide guidance in the procedures for initiation and activation of projects and will incorporate selected, eligible projects into the Statewide Transportation Improvement Program.

SECTION 2: The MDOT Traffic Engineering Division will assist the APPLICANT in determining the functional classification for roadway projects and will review and process APPLICANT Project Activation Requests and accompanying RWD-700 and/or RWD-800 Design-Related Data. The MDOT Traffic Engineering Division will also notify the APPLICANT of the approval of the Project Activation Request and RWD-700/RWD-800

(subject to correction of comments, if any) and will advise the APPLICANT of the project number assigned to the PROJECT.

SECTION 3: If requested by the APPLICANT, the MDOT will furnish guidance in accomplishing all requirements of the preliminary engineering and right-of-way phase, including all public hearing requirements and environmental requirements.

SECTION 4: The MDOT Environmental Division will review the Environmental Document prepared by the APPLICANT for the PROJECT and, if approved, will forward it to the FHWA for final approval. The APPLICANT will be notified by the MDOT once final approval of the Environmental Document has been obtained.

SECTION 5: Once the MDOT receives the complete Plans, Specifications, and Estimate (PS&E) Assembly from the APPLICANT for the PROJECT, the MDOT Contract Administration Division will notify the APPLICANT of Disadvantaged Business Enterprise requirements and issue the APPLICANT Authority to Advertise for Bids. The MDOT Contract Administration Division will also enter into a Federal-Aid Project Agreement with the FHWA for the approved PROJECT Federal Funds.

SECTION 6: Once the MDOT authorization in the award of the contract has been made, the MDOT will issue the APPLICANT authority to issue a Notice to Proceed with the construction contract. The MDOT Contract Administration Division, if necessary, will also modify the Federal-Aid Project Agreement for the PROJECT with the FHWA.

SECTION 7: The MDOT will review and authorize payment to the APPLICANT for the completed work on monthly construction progress estimates that have been checked and certified by the APPLICANT'S authorized representative and final estimates prepared and submitted by the APPLICANT'S authorized representative and checked by the MDOT Final Plans Engineer and/or Administrator. Estimates should include charges to the PROJECT by the APPLICANT or by approved consultant employees who perform construction engineering work. Construction engineering services performed by the MDOT employees will also be charged to the PROJECT with the total construction engineering charges by the APPLICANT, approved APPLICANT consultants and the MDOT not to exceed fifteen percent (15%) of the total PROJECT construction cost. Total payments shall not exceed the total amount allocated to the PROJECT.

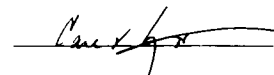
SECTION 8: The MDOT will assist the APPLICANT in the preparation of Quantity Adjustment and/or Supplemental Agreements found to be necessary during the life of the PROJECT.

SECTION 9: Upon request of the APPLICANT, the MDOT will participate in a final inspection of the PROJECT with representatives of the APPLICANT and, possibly, the FHWA. Once all items identified during the inspection, if any, have been satisfactorily corrected, the MDOT will issue a letter for release for maintenance responsibility to the APPLICANT which will, in turn, issue a similar letter for release of maintenance responsibility to the contractor.

SECTION 10: Once the APPLICANT'S request for final payment and all required documentation has been received and determined to be acceptable, final estimates, including any retainage, will be processed for payment.


IN WITNESS WHEREOF, the parties have affixed their signatures,

APPLICANT

 DATE: 8-21-2007

Authorized on the 21 day of August 2007, Minute Book 27, Page No. 357.

ATTEST:



MISSISSIPPI TRANSPORTATION COMMISSION ACTING BY AND THROUGH THE DULY AUTHORIZED EXECUTIVE DIRECTOR OF THE MISSISSIPPI DEPARTMENT OF TRANSPORTATION

\_\_\_\_\_  
Executive Director DATE: \_\_\_\_\_

Authorized on the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, Minute Book \_\_\_\_\_, Page No. \_\_\_\_\_.

ATTEST:

\_\_\_\_\_  
Secretary, Transportation Commission

CITY OF PETAL  
MINUTE BOOK 27  
RESOLUTION MINUTE BOOK 27

RESOLUTION SUPPORTING THE PREFERRED ROUTE,  
ALTERNATIVE FOR THE EXPANSION OF BYRD BOULEVARD  
TO OLD RICHTON ROAD AND TO REQUEST APPROVAL  
FROM THE FEDERAL HIGHWAY ADMINISTRATION (FHWA)  
TO PRESENT THE DRAFT ENVIRONMENTAL ASSESSMENT  
AT A PUBLIC HEARING

WHEREAS, the City of Petal received a Congressional appropriation to provide financial assistance to the city for the expansion of Byrd Boulevard from its current terminus to an intersection with Old Richton Road; and

WHEREAS, the City's Engineer has provided two routing options and two project alternatives for the project which include Option A as the preferred route and Option B as an alternate route; alternatives include a build and a no-build alternative; and

WHEREAS, the City of Petal has determined, based on the recommendation of the City Engineer that Option A as the preferred route and Alternative B as the build alternative are both in the best interest of the City of Petal and its citizens; and

WHEREAS, the City of Petal has commissioned an Environmental Assessment that has determined that there are no significant environmental impacts associated with the project;

NOW, THEREFORE, BE IT RESOLVED by the City of Petal, Mississippi:

1. That the City has determined that Option A as the preferred route and Alternate B as the build option for the expansion of Byrd Boulevard are the preferred options and alternatives for the project and are in the best interest of both the City of Petal and its citizens.
2. That the City seeks approval from the Federal Highway Administration (FHWA) to present the completed Draft Environmental Assessment for public review at a public hearing.

Adoption of the above and foregoing Resolution was moved by Alderman Fairley, the second was by Alderman Weaver, upon roll call, the result was as follows:

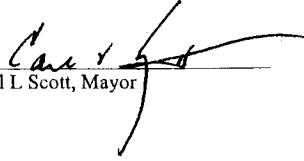
Those present and voting "AYE"

Alderman David Clayton  
Alderman Kay Fairley  
Alderman James Moore  
Alderman Steve Stringer  
Alderman Liesa Weaver

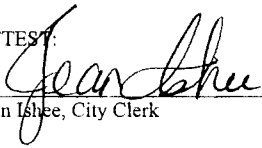
Those present and voting "NAY"

None

The Mayor thereupon declared the motion carried and the Resolution adopted, this the 21<sup>st</sup> day of August, 2007.

  
Carl L. Scott, Mayor

(Seal)

ATTEST:  
  
Jean Ishee, City Clerk

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