

**STATE OF MISSISSIPPI  
COUNTY OF PEARL RIVER  
CITY OF PICAYUNE**

Be It Remembered that the Mayor and City Council of the City of Picayune, Pearl River County, Mississippi, met at City Hall, 203 Goodyear Blvd., in said City, Tuesday, April 2, 2013, at 5:00 p.m. in regular session with the following officials present: Mayor Ed Pinero, Council Members Larry Watkins, Lynn Bumpers, Todd Lane, Larry Breland and Wayne Gouguet, City Manager Jim Luke and City Clerk Amber Hinton.

It Being Determined a quorum was present, the following proceedings were held.

Opening prayer was given by Larry Watkins, followed by the Pledge of Allegiance led by Mayor Ed Pinero.

**ORDER TO APPROVE MINUTES**

Motion was made by Council Member Watkins, seconded by Council Member Gouguet to approve the Minutes for the City of Picayune dated March 19, 2013.

The following roll call was made:

**VOTING YEA:** Mayor Ed Pinero, Council Members Watkins, Bumpers, Lane, Breland and Gouguet

**VOTING NAY:** None

**ABSENT AND NOT VOTING:** None

**ABSTAINING AND NOT VOTING:** None

The motion was declared carried.

**MOTION TO AMEND THE AGENDA TO INCLUDE REQUEST TO PROCLAIM APRIL AS SAFE DIGGING MONTH**

Motion was made by Council Member Gouguet, seconded by Council Member Watkins to amend the agenda to include request to proclaim April as Safe Digging Month.

REGULAR MEETING APRIL 2, 2013  
FIRST MEETING HELD AT NEW CITY HALL COMPLEX

The following roll call was made:

**VOTING YEA:** Mayor Ed Pinero, Council Members Watkins, Bumpers, Lane, Breland and Gouguet

**VOTING NAY:** None

**ABSENT AND NOT VOTING:** None

**ABSTAINING AND NOT VOTING:** None

The motion was declared carried.

**PROCLAIM APRIL AS SAFE DIGGING MONTH**

Motion was made by Council Member Gouguet, seconded by Council Member Watkins to proclaim April as Safe Digging Month.

REGULAR MEETING APRIL 2, 2013  
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PROCLAMATION

**WHEREAS**, each year, Mississippi's underground utility infrastructure is jeopardized by unintentional damage by those who fail to call to have underground lines located prior to digging. Undesired consequences such as service interruption, damage to the environment, personal injury and even death are the potential results; and

**WHEREAS**, Mississippi 811, Inc., promotes the national Call-Before-You-Dig number, 811, in an effort to reduce these damages. Designated by the FCC in 2005, 811 provides excavators and homeowners a simple number to reach their local one-call center to request utility line locations at the intended dig site; and

**WHEREAS**, through education of safe digging practices, excavators and homeowners can save time and money keeping our City/Town safe and connected by making a simple call to 811 in advance of any digging project; waiting the required amount of time; respecting the marked lines by maintaining visual definition throughout the course of the excavation; and finally, digging with care around the marks; and

**WHEREAS**, all parties agree that safe digging is a shared responsibility. To know what's below, call 811 two working days before you dig.

**NOW, THEREFORE**, I, Mayor \_\_\_\_\_ of the City/Town of \_\_\_\_\_ do hereby proclaim April 2013 as

**SAFE DIGGING MONTH**

In the City/Town of \_\_\_\_\_ and encourage excavators and homeowners throughout the City/Town of \_\_\_\_\_ to always call 811 before digging. Safe Digging is No Accident.

In witness whereof, I have hereunto set my hand and caused the Great Seal of City/Town to be affixed.

Done in City/Town on the Day/Month/Year

\_\_\_\_\_  
Mayor of City/Town

The following roll call was made:

**VOTING YEA:** Mayor Ed Pinero, Council Members Watkins, Bumpers, Lane, Breland and Gouguet

**VOTING NAY:** None

**ABSENT AND NOT VOTING:** None

**ABSTAINING AND NOT VOTING:** None

The motion was declared carried.

**ORDER TO APPROVE DOCKET**

Motion was made by Council Member Lane, seconded by Council Member Watkins to approve the docket for April 2, 2013 in the amount of \$710,375.55.

The following roll call was made:

**VOTING YEA:** Mayor Ed Pinero, Council Members Watkins, Bumpers, Lane, Breland and Gouguet

**VOTING NAY:** None

**ABSENT AND NOT VOTING:** None

**ABSTAINING AND NOT VOTING:** None

The motion was declared carried.

**APPROVE REQUEST FROM COAST ELECTRIC FOR USE OF CITY PROPERTY IN THE EVENT OF AN EMERGENCY**

Motion was made by Council Member Watkins, seconded by Council Member Gouguet to approve request from Coast Electric for the use of the field owned by the City west of Farmer Fresh Produce and north of Martin Luther King and also all open areas of Industrial Park during emergency situations for the use of parking trucks and storing materials.

The following roll call was made:

**VOTING YEA:** Mayor Ed Pinero, Council Members Watkins, Bumpers, Lane, Breland and Gouguet

**VOTING NAY:** None

**ABSENT AND NOT VOTING:** None

**ABSTAINING AND NOT VOTING:** None

The motion was declared carried.

**ACCEPT DONATIONS FOR THE PLAZA AT THE NEW CITY HALL FROM BUTLER SNOW, ROTARY CLUB OF PICAYUNE AND THE PICAYUNE EXCHANGE CLUB**

Motion was made by Council Member Breland, seconded by Council Member Watkins to accept donations for the Plaza at the new City Hall from Butler Snow, Rotary Club of Picayune and the Picayune Exchange Club totaling \$1,600.00.

The following roll call was made:

**VOTING YEA:** Mayor Ed Pinero, Council Members Watkins, Bumpers, Lane, Breland and Gouguet

**VOTING NAY:** None

**ABSENT AND NOT VOTING:** None

**ABSTAINING AND NOT VOTING:** None

The motion was declared carried.

*AT THIS TIME BIDS WERE OPENED FOR THE \$3,000,000 UTILITY REVENUE BONDS. NO ACTION TAKEN, DEFERRED TILL END OF MEETING AFTER BIDS WERE VERIFIED*

**APPROVE REQUEST TO RE-APPROVE THE APPLICATION FOR THE SAFE ROUTES TO SCHOOL PROGRAM**

Motion was made by Council Member Breland, seconded by Council Member Gouguet to approve request to re-approve the application for the Safe Routes to School Program with the changes in funding to a 20% City match.

The following roll call was made:

**VOTING YEA:** Mayor Ed Pinero, Council Members Watkins, Bumpers, Lane, Breland and Gouguet

**VOTING NAY:** None

**ABSENT AND NOT VOTING:** None

**ABSTAINING AND NOT VOTING:** None

The motion was declared carried.

**SET A DATE FOR A PUBLIC HEARING**

Motion was made by Council Member Watkins, seconded by Council Member Lane to set a date of May 7, 2013 for a Public Hearing for property cleanup at the following properties:

- |                      |                         |
|----------------------|-------------------------|
| 1. S. Blanks Ave.    | parcel 6176140040404300 |
| 2. 714 S. Blanks     | parcel 6176140040404400 |
| 3. Baylous St.       | parcel 6176140010804000 |
| 4. N. Abrams Ave.    | parcel 6176140010406200 |
| 5. 409 N Curran Ave. | parcel 6176140020201400 |
| 6. N. Buren Ave      | parcel 6176140010303900 |

The following roll call was made:

**VOTING YEA:** Mayor Ed Pinero, Council Members Watkins, Bumpers, Lane, Breland and Gouguet

**VOTING NAY:** None

**ABSENT AND NOT VOTING:** None

**ABSTAINING AND NOT VOTING:** None

The motion was declared carried.

**APPROVE REQUEST TO ADVERTISE FOR THE SYSTEM-WIDE CAST IRON GAS MAIN REPLACEMENT PROJECT**

Motion was made by Council Member Lane, seconded by Council Member Watkins to approve request for permission to advertise for the System-Wide Cast Iron Gas Main Replacement Project.

The following roll call was made:

**VOTING YEA:** Mayor Ed Pinero, Council Members Watkins, Bumpers, Lane, Breland and Gouguet

**VOTING NAY:** None

**ABSENT AND NOT VOTING:** None

**ABSTAINING AND NOT VOTING:** None

The motion was declared carried.

**AUTHROIZE SURPLUS OF SPRINT PHONE AND AUTHORIZE PRIVATE SALE OF PHONE ON EBAY**

Motion was made by Council Member Breland, seconded by Council Member Lane to authorize to surplus a Sprint phone, Serial No. DNPGYNF7DTC1 and authorize private sale of phone on Ebay.

The following roll call was made:

**VOTING YEA:** Mayor Ed Pinero, Council Members Watkins, Bumpers, Lane, Breland and Gouguet

**VOTING NAY:** None

**ABSENT AND NOT VOTING:** None

**ABSTAINING AND NOT VOTING:** None

The motion was declared carried.

**APPROVE RESOLUTION DIRECTING THE SALE AND AWARD OF COMBINED UTILITY SYSTEM REVENUE BONDS, SERIES 2013**

Motion was made by Council Member Watkins, seconded by Council Member Gouguet to approve Resolution Directing the Sale and Award of Combined Utility System Revenue Bonds, Series 2013 of the City of Picayune Mississippi, to be dated as of April 1, 2013 in the Principal Amount of Three Million Dollars (\$3,000,000); and a Resolution Approving and Authorizing the Form of Execution and Distribution of an Official Statement Pertaining to Bonds.

REGULAR MEETING APRIL 2, 2013  
FIRST MEETING HELD AT NEW CITY HALL COMPLEX

The Mayor and City Council (the "Governing Body") of the City of Picayune, Mississippi (the "City"), acting for and on behalf of the City, took up for consideration the matter of issuance of Combined Utility System Revenue Bonds, Series 2013 of the City in the principal amount of Three Million Dollars (\$3,000,000) (the "Bonds") to raise money for the purpose of providing funds for (i) improvement, repair and extension of the combined gas lines of the City, (ii) funding the Debt Service Reserve Fund, and (iii) paying the costs of issuance of the Bonds.

The City Clerk reported that pursuant to a resolution adopted March 19, 2012, she did cause to be published in the *Picayune Item*, a newspaper published in the City and having general circulation in the City, and qualified under the provisions of Section 31-19-25, Mississippi Code of 1972, as amended from time to time, a notice that sealed proposals for the purchase of the Bonds would be received by the City Clerk in her office until the hour of 5:00 o'clock P.M. on April 2, 2013, for subsequent presentation to the Mayor and Governing Body of the City at its regular scheduled meeting of 5:00 o'clock P.M. on April 2, 2013; said notice was published on March 20, 2013 and March 26, 2013, in said newspaper, the first publication having been made at least ten (10) days preceding the date set for the receipt of bids.

The City Clerk then and there presented a publisher's affidavit as proof of publication of said Notice in the aforesaid newspaper, a copy of which was directed to be inserted in the minutes of this Board and is attached hereto as **EXHIBIT A**, attached hereto and made a part hereof.

**RESOLUTION DIRECTING THE SALE AND AWARD OF COMBINED UTILITY SYSTEM REVENUE BONDS, SERIES 2013 OF THE CITY OF PICAYUNE, MISSISSIPPI, TO BE DATED AS OF APRIL 1, 2013, IN THE PRINCIPAL AMOUNT OF THREE MILLION DOLLARS (\$3,000,000); AND A RESOLUTION APPROVING AND AUTHORIZING THE FORM OF, EXECUTION AND DISTRIBUTION OF AN OFFICIAL STATEMENT PERTAINING TO BONDS.**

**WHEREAS**, the Governing Body of the City, acting for and on behalf of the City, hereby finds, determines, adjudicates and declares as follows:

1. The Governing Body on March 19, 2013, 2013, did adopt a resolution directing that the Bonds be offered for sale on sealed bids to be received by the City Clerk in her office until the hour of 5:00 o'clock P.M. on April 2, 2013, for subsequent presentation to the Mayor and Governing Body of the City at its regular scheduled meeting of 5:00 o'clock P.M. on April 2, 2013.

2. As directed by the aforesaid resolution, notice of sale of the Bonds was duly published in the *Picayune Item*, a newspaper published in the City and having general circulation in the City, and qualified under the provisions of Section 31-19-25, Mississippi Code of 1972, as amended from time to time, said notice was published on March 20, 2013 and March 26, 2013, in said newspaper, the first publication having been made at least ten (10) days preceding the date set for the receipt of bids.

3. The Governing Body did meet at their meeting place in the offices of the City at 5:00 o'clock P.M. on April 2, 2013.

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4. At said time and place sealed proposals for the purchase of the Bonds were examined and considered by the Governing Body, said bids having heretofore been presented by and being on file with the City Clerk.

5. The Governing Body does now find, determine and adjudicate that the highest and best bid made and offered for the Bonds on the basis of the lowest net interest cost over the life of the issue was made by Duncan-William, Inc., and said bid was accompanied by a cashier's check, certified check or exchange payable to the City, in the amount of Sixty Thousand Dollars (\$60,000.00), issued or certified by a bank located in the State of Mississippi, as a guarantee that said bidder would carry out its contract and purchase the Bonds if its bid be accepted.

6. The Governing Body finds it necessary to approve the form of, execution and distribution of an Official Statement for the Bonds.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD AS FOLLOWS:**

**SECTION 1.** The Bonds are hereby awarded and sold to Duncan-Williams, Inc., in accordance with the offer submitted to the Governing Body in words and figures as provided in **EXHIBIT B**, attached hereto and made a part hereof.

**SECTION 2.** The Mayor and City Clerk are hereby authorized and directed to endorse upon a copy or duplicate of the aforesaid offer a suitable notation as evidence of the acceptance thereof, for and on behalf of the City.

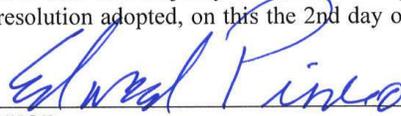
**SECTION 3.** The good faith checks filed by all unsuccessful bidders shall forthwith be returned to them upon their respective receipts therefor, and the good faith check filed by the successful bidder shall be retained by the Governing Body as a guarantee that said bidder shall carry out its contract and purchase the Bonds. If said successful bidder fails to purchase the Bonds pursuant to its bid and contract, the amount of such good faith check shall be retained by the City as liquidated damages for such failure

**SECTION 4.** The Bonds shall be in fully registered form; shall be dated as of April 1, 2013; shall be of the denomination of \$5,000 each or integral multiples thereof up to the amount of a single maturity; shall be numbered from one (1) upward in order of issuance; shall be payable, both as to principal and interest, in lawful money of the United States of America at a financial institution approved by the City, said bank to act as paying agent, registrar and transfer agent for said Bonds; shall bear interest from the date thereof at the rates hereinafter set forth, payable semiannually on April 1 and October 1 in each year (each an "Interest Payment Date"), commencing October 1, 2013; and shall mature and become due and payable serially, on April 1 in the years and principal amounts as follows:

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REGULAR MEETING APRIL 2, 2013  
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The motion having received the affirmative vote of a majority of the members present, the Mayor declared the motion carried and the resolution adopted, on this the 2nd day of April, 2013.

  
\_\_\_\_\_  
MAYOR

ATTEST:  
  
\_\_\_\_\_  
CITY CLERK



The following roll call was made:

**VOTING YEA:** Mayor Ed Pinero, Council Members Watkins, Bumpers, Lane, Breland and Gouquet

**VOTING NAY:** None

**ABSENT AND NOT VOTING:** None

**ABSTAINING AND NOT VOTING:** None

The motion was declared carried.

**MOTION TO ENTER EXECUTIVE SESSION**

Motion was made by Council Member Gouquet, seconded by Council Member Watkins to enter executive session to discuss a pending litigation matter.

The following roll call was made:

**VOTING YEA:** Mayor Ed Pinero, Council Members Watkins, Bumpers, Lane, Breland and Gouquet

**VOTING NAY:** None

**ABSENT AND NOT VOTING:** None

**ABSTAINING AND NOT VOTING:** None

The motion was declared carried.

**MOTION TO EXIT EXECUTIVE SESSION**

Motion was made by Council Member Gouquet, seconded by Council Member Watkins to exit executive session.

The following roll call was made:

**VOTING YEA:** Mayor Ed Pinero, Council Members Watkins, Bumpers, Lane, Breland and Gouquet

**VOTING NAY:** None

**ABSENT AND NOT VOTING:** None

**ABSTAINING AND NOT VOTING:** None

The motion was declared carried.

**ACCEPT SETTLEMENT WITH LANDMARK INSURANCE COMPANY CONCERNING CENTRAPLEX**

Motion was made by Council Member Watkins, seconded by Council Member Lane to accept the settlement of \$117,500.00 with Landmark Insurance Company concerning Centraplex issues and authorize Mayor and City Clerk to sign the same.

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MEMORANDUM

4-2-2013

TO: CITY MANAGER  
FROM: CITY ATTORNEY  
RE: CITY OF PICAYUNE V. LANDMARK INSURANCE COMPANY

Dear Chief Luke:

In connection with the above captioned matter and in summary of the settlement negotiations with Landmark Insurance Company.

As you are aware the Policy Limits on the Centraplex building at the time of loss was \$1,560,000.00. The amount already paid to the City by Landmark was \$1,265,647.80. The amount remaining of coverage was \$294,352.20 the City could possibly obtain from Landmark.

The City Council authorized my office to make an opening offer of \$187,000.00 to settle this matter. Landmark made an opening offer of \$25,000.00 to settle this matter.

The City Council conveyed settlement authority unto the City Manager and City Attorney to settle this matter at the low of \$100,000.00 to the amount remaining up the policy limits of \$294,352.20.

After much negotiating over the course of ten (10) days, the City and Landmark arrived at the settlement figure of \$117,500.00 to resolve this matter subject to approval by the City Council.

In summary where we are at is as follows, to-wit:

1. Opening offer of the City:	\$ 187,000.00
2. Opening offer of Landmark:	\$ 25,000.00
3. Proposed settlement:	\$ 117,500.00
4. Amount City moved to arrive at settlement:	\$ 69,500.00
5. Amount Landmark moved to arrive at settlement:	\$ 92,500.00

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Additionally, pursuant to the settlement with the Foundation for Civic Development, the City would receive 75% of the settlement proceeds with the Foundation receiving 25% percent of said proceeds. These figures are as follows, to-wit:

- |                          |              |
|--------------------------|--------------|
| 1. Amount to City:       | \$ 88,125.00 |
| 2. Amount to Foundation: | \$ 29,375.00 |

Sincerely,

Nathan S. Farmer  
City Attorney

The following roll call was made:

REGULAR MEETING APRIL 2, 2013  
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**VOTING YEA:** Mayor Ed Pinero, Council Members Watkins, Bumpers, Lane, Breland and Gouguet

**VOTING NAY:** None

**ABSENT AND NOT VOTING:** None

**ABSTAINING AND NOT VOTING:** None

The motion was declared carried.

**MOTION TO RECESS**

Motion was made by Council Member Breland, seconded by Council Member Gouguet to recess until Tuesday, April 16, 2013 at 5:00 pm.

The following roll call was made:

**VOTING YEA:** Mayor Ed Pinero, Council Members Watkins, Bumpers, Lane, Breland and Gouguet

**VOTING NAY:** None

**ABSENT AND NOT VOTING:** None

**ABSTAINING AND NOT VOTING:** None

The motion was declared carried.

\_\_\_\_\_  
Ed Pinero, Mayor

ATTEST:

\_\_\_\_\_  
Amber Hinton, City Clerk