

**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, 815 North Beech Street, in said City, Tuesday, January 2, 2007, at 6.00 p.m. in regular session with the following officials present: Council Members Leavern Guy, Donald Parker, Anna Turnage, Larry Watkins and Jerry Bounds, City Manager Ed Pinero, Jr., Mayor Greg Mitchell was absent.

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

Opening prayer was given by Council Member Donald Parker, followed by the Pledge of Allegiance led by Council Member Leavern Guy.

**MOTION WAS MADE TO APPROVE THE CITY OF PICAYUNE MINUTES DATED
DECEMBER 19, 2006**

Motion was made by Council Member Turnage, seconded by Council Member Bounds to approve the City of Picayune Minutes dated December 19, 2006.

The following roll call was made:

VOTING YEA: Council Members Guy, Parker, Turnage, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: Mayor Mitchell

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

ORDER TO APPROVE THE ISSUANCE OF MANUAL CHECKS

Motion was made by Council Member Turnage, seconded by Council Member Bounds to approve the issuance of the following manual checks:

MANUAL CHECKLIST

**COUNCIL MEETING
January 2, 2007**

PAY TO	EXPENSE	AMOUNT
MS State Treasure, Dept of Finance	Court Fine & Assessments for August 2006	8,300.50
MS State Treasure, Dept of Finance	Court Fines & Assessments for September 2006	8,375.50

MS State Treasure, Dept of Finance	Court Fines & Assessments for November 2006	15,138.00
Pearl River Co Law Library	Assessments for November 2006	190.50
DPS Fund #3747	Crime stoppers for November 2006 assessments	1,228.50
Waste Management	Invoice dated 10/01/05 for debris removal pickup	19,380.04
Stewart Sneed Hewes, Inc.	Down payment due for property insurance and EDP insurance effective 12//1/06	46,748.28

The following roll call was made:

VOTING YEA: Council Members Guy, Parker, Turnage, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: Mayor Mitchell

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

ORDER TO APPROVE DOCKET

Motion was made by Council Member Watkins, seconded by Council Member Parker to approve the docket for the month of December in the amount of \$686,312.42.

The following roll call was made:

VOTING YEA: Council Members Guy, Parker, Turnage, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: Mayor Mitchell

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

CONTINUANCE OF STATE OF EMERGENCY

Motion was made by Council Member Watkins, seconded by Council Member Bound to continue state of emergency status for the next thirty days.

The following roll call was made:

VOTING YEA: Council Members Guy, Parker, Turnage, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: Mayor Mitchell

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

MOTION TO AMEND THE AGENDA

Motion was made by Council Member Watkins, seconded by Council Member Turnage to amend the agenda to include the following items:

1. Set an Initial Public Hearing Notice for a Katrina Supplemental Community Development Block Grant.
2. Request acceptance of fiscal year 2006 Homeland Security Grant award from the MS Department of Public Safety/Office of Homeland Security.

The following roll call was made:

VOTING YEA: Council Members Guy, Parker, Turnage, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: Mayor Mitchell

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

MOTION TO SET AN INITIAL PUBLIC HEARING NOTICE

Motion was made by Council Member Turnage, seconded by Council Member Bounds it set an Initial Public Hearing Notice for January 29, 2007 at 1:00 pm for the purpose of obtaining citizens input into the development of the project applications to the Mississippi Development Authority for a Katrina Supplemental Community Development Block Grant.

The following roll call was made:

VOTING YEA: Council Members Guy, Parker, Turnage, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: Mayor Mitchell

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

MOTION TO ACCEPT GRANT AWARD

Motion was made by Council Member Watkins, seconded by Council Member Turnage to approve request to accept Grant Award for Fiscal Year 2006 Homeland Security Grant from the MS Department of Public Safety/Office of Homeland Security.

STATE OF MISSISSIPPI
AND
GOVERNOR HALEY R. BARBOUR



HOMELAND SECURITY
COOPERATIVE AGREEMENT

Between

CITY OF PICAYUNE

AND

MISSISSIPPI DEPARTMENT OF PUBLIC SAFETY



HOMELAND SECURITY COOPERATIVE AGREEMENT (CA)

On behalf of Governor Haley Barbour, this Cooperative Agreement is entered into between the Department of Public Safety, Office of Homeland Security, hereto referred to as *Grantee*, and Picayune, Mississippi, hereto referred to as *Subgrantee*.

Article I. Purpose

The purpose of this Cooperative Agreement (CA) is to utilize 100% federal funding (no match required) provided through the Office of Grants and Training, U.S. Department of Homeland Security to enhance capabilities within the State of Mississippi to respond to acts of domestic and international terrorism including the use of weapons of mass destruction. The Department of Public Safety, Office of Homeland Security will accomplish this by prioritizing and facilitating the delivery and use of federal financial assistance as identified in the published Office of Grants and Training Homeland Security Grant Program Guidance (attached). This enables the Subgrantee to exercise management discretion and control in achieving the specified objectives of this Cooperative Agreement within the State of Mississippi. It is intended that this partnership will result in the development of a competent and sustainable system designed to provide prevention/deterrence and emergency response to a potential terrorism event within the State.

Article II. Scope of Work

The objectives outlined within the performance period of this Cooperative Agreement will be supportive of the priorities defined in the State Homeland Security Three-Year Strategic Plan in the form of equipment, planning, training, exercise, management and administration funding and shall be in compliance with the Office of Grants and Training Homeland Security Grant Program Guidance.

Article III. Period of Performance

The period of performance for this Cooperative Agreement shall begin on the date of acceptance of the **SUB-GRANT AWARD** execution and shall continue through the period of SUB-GRANT AWARD unless terminated by the Department of Public Safety. Future SUB-GRANT AWARDS for supporting the requirements of the jurisdiction may be awarded under the terms of this agreement through additional sub grants so long as all signatory officials remain unchanged.

Article IV. Roles and Responsibilities

A. Local Sub grantee General Guidance

1. The local *Subgrantee* shall develop and improve their capability to combat the affects of a terrorism event. This is accomplished through the purchase of specialized equipment as identified in the published OJP selected equipment list or support of planning, exercises or training activities associated with the prevention, response or recovery from terrorism incidents.
2. The chief elected official is responsible for committing to the terms of this CA, budgeting local funds to purchase equipment or support jurisdictional exercise, training and planning efforts for executing this CA on behalf of the *Subgrantee*'s jurisdiction.
3. The Sub-Grantee shall designate a *Subgrantee* public official as the Subgrantee Grant Administrator (SGA) for developing and attaching the CA scope of work to Appendices A & B, obtaining project approval from respective officials, reporting, submitting applications to Grantee, equipment distribution, training, and obtaining and submitting supporting documentation and requests for reimbursement on behalf of the *Subgrantee* to *Grantee* for repayment. **The SGA shall be responsible for reporting to the Mississippi Office of Homeland Security (MSOHS) via the Initial Strategy Implementation Plan (ISIP) and the Biannual Strategy Implementation Report (BSIR)**

B. Local Homeland Security Program Guidance

The Homeland Security Grant Program (HSGP) through the State Homeland Security Program (SHSP) provides funds for homeland security and emergency operations planning; the purchase of specialized equipment to enhance the capability of State and local agencies to prevent, respond to, and mitigate incidents of terrorism involving the use of chemical, biological, radiological, nuclear, and explosive (CBRNE) weapons and cyber attacks; for costs related to the design, development, and conduct of a State CBRNE and cyber security training programs and attendance at OGT-sponsored CBRNE training courses; for costs related to the design, development, conduct, and evaluation of CBRNE and cyber security exercises; and for costs associated with implementing State Homeland Security Assessments and Strategies (SHSAS). See Annex A (Local Homeland Security Program) for specific guidance, policies, and reporting requirements.

C. Local Law Enforcement Terrorism Prevention Program Guidance

The HSGP through the Law Enforcement Terrorist Prevention Program (LETPP) will provide law enforcement communities with funds to support the following prevention activities: information sharing to pre-empt terrorist attacks; target hardening to reduce vulnerability of selected high value targets; recognition of potential or developing threats; interoperable communications; and intervention of terrorists before they can execute a threat. These funds may be used for planning, organization, training, exercises, and equipment. See Annex B (Law Enforcement Terrorism Prevention Program) for specific guidance, policies, and reporting requirements.

D. Local Citizen Corps Program Guidance

The HSGP through the Citizen Corps Program (CCP) funds will be used to support Citizen Corps Councils with planning, outreach, and management of Citizen Corps programs and activities. The CCP provides the resources necessary for local jurisdictions and local communities to: 1) bring together the appropriate leadership to form and sustain a Citizen Corps Council; 2) develop and implement a plan for the community to engage all citizens in homeland security, community preparedness, and family safety; 3) conduct public education and outreach in order to inform the public about their role in crime prevention, mitigation, emergency preparedness for all hazards, and public health measures, including bioterrorism, and to encourage personal responsibility and action; 4) develop and implement Citizen Corps programs offering training and volunteer opportunities to support first responders, disaster relief groups, and community safety efforts, to include the federal programs: Community Emergency Response Teams (CERT), Medical Reserve Corps(MRC); and 5) coordinate Citizen Corps activities with other DHS funded programs and other federal initiatives. See Annex C (Local Citizen Corps Program) for specific guidance, policies, and reporting requirements.

E. State Grantee

1. The *Grantee* shall be the Department of Public Safety, Office of Homeland Security, acting on behalf of the State of Mississippi.
2. The Commissioner of the Department of Public Safety (DPS) or the Commissioner's Designee is the state signatory official and shall be the principal state official responsible for committing the state to the terms of this agreement. The DPS Commissioner, or his designee acting in the absence of the Commissioner, will exercise final approval authority of all *Subgrantee* applications, grant awards, allocations, and requests for reimbursements and for ensuring overall *Grantee* administration.

3. The DPS, Office of Homeland Security, is designated the *Grantee* Point-of- Contact (POC) for assisting the *Subgrantee* in developing the authorized equipment purchase list, specialized training requirements, and for providing overall day-to-day program management.

Article V. Funding Consideration

The *Grantee* POC will receive and review *Subgrantee's* application and forward to the DPS Commissioner for approval. After approval the *Grantee* will issue a sub-grant award letter, which authorizes the *Subgrantee* to expend local funds and be reimbursed pursuant to the terms of this CA. **Local funds expended prior to the date of the award letter are not authorized to be reimbursed.**

When the *Subgrantee* has expended funds awarded, the SGA will prepare and submit a Request for Reimbursement to the *Grantee POC*. This request shall contain all appropriate supporting documentation to substantiate expenses made in accordance with all applicable requirements. The *Grantee POC* will review the reimbursement package for completeness and forward to the *Grantee* Office of the Comptroller for payment.

- A. The *Grantee* will not be liable under this Agreement for any amount greater than the award allocated by the Office of Grants and Training to the State for the grant performance period.
- B. No cost or obligation shall be incurred by the *Grantee* under this Agreement unless and until the *Grantee* advises the *Subgrantee* in writing that the application has been approved and funds are available.
- C. Reimbursement will be made by the *Grantee* to the *Subgrantee* based on the **Mississippi Subgrantee Reporting Worksheet**. Required documentation must accompany the worksheet.
- D. Reimbursement is contingent upon the funds being expended in accordance with all applicable local and state regulations, as well as Federal guidelines, and submission for reimbursement made in accordance with DPS administrative procedures.
- E. *Subgrantee's* requests for advance of funds to support purchases of equipment or other expenditures must be requested in writing to the grantee POC explaining the justification for the request. Reasons, i.e., shortage of local funds or items not contained in current annual jurisdictional budget must be accompanied by purchase orders. No request for advance of funds will be granted for amounts less than \$2,500.00.

- F. *Subgrantee's* Request for Reimbursement and other required financial reports will be submitted to the *Grantee* with a copy of all receipt(s) or invoices showing that authorized equipment has been paid for in-full by *Subgrantee* and attached to an approved grant application.

Article VI. Maintenance, Replacement costs and Use of Equipment

Equipment purchased under the terms of this CA will be stored, maintained and used in accordance with the purpose and objectives of this Cooperative Agreement. The equipment may be used for terrorism training and exercise purposes and in response to an actual terrorism event. If the equipment is used in response to a non-terrorist related event, then any maintenance or replacement costs will be the sole responsibility of the *Subgrantees*.

Article VII. Nonperformance

Failure by the *Subgrantee* to comply with the terms of this Cooperative Agreement may result in suspension from the program and loss of any outstanding grant fund allocation balance, as determined by the *Grantee*.

Article VIII. Administrative Provisions

A. General

The *Grantee* and *Subgrantee* agree to carry out the administrative and financial requirements of this Agreement in accordance with the policies and procedures established by the Office of Grants and Training and set forth in other applicable state and federal guides.

B. Reports

- a. Initial Strategy Implementation Plan (ISIP) is a detailed report of the planned activities associated with OGT grant funding. All funds provided must be linked to one or more projects, which in turn must support specific goals or objectives in the State Homeland Security Strategy.
- b. The Biannual Strategy Implementation Report (BSIR) will update information on obligations, expenditures, and progress made on activities noted in the ISIP, and will include an update of all information submitted in that report.

C. Other Provisions

1. Nothing in this agreement is intended to conflict with current laws or regulations of Mississippi or your jurisdiction. If a term of this agreement is inconsistent with such authority, then that term shall be invalid, but the remaining terms and conditions of this agreement shall remain in full force and effect.
2. Subgrantee is required to ensure that grant monies are used to support all Emergency Service related agencies and departments, specifically law enforcement, fire and rescue. Senior officials of these agencies must sign this agreement and familiarize themselves with the rules and regulations governing each grant program. They are encouraged to work together in determining and prioritizing their needs and requirements prior to submitting their plan.

LOCAL HOMELAND SECURITY PROGRAM FISCAL YEAR 2006

TOTAL AWARD: **\$ 17,228.00**

A. Program Overview

SHSP is a core homeland security assistance program that provides funds to build capabilities at the State and local levels through planning, equipment, training, and exercise activities and to implement the goals and objectives included in Homeland Security Strategies. SHSP funding also supports the four mission areas of homeland security—prevent, protect, respond, and recover—and addresses all of the National Priorities and the 37 Target Capabilities, as they relate to terrorism.

FY 2006 SHSP funding remains primarily focused on enhancing capabilities to prevent, protect against, respond to, or recover from CBRNE, agriculture, and cyber terrorism incidents. However, in light of several major new national planning priorities, which address such issues as pandemic influenza and the aftermath of Hurricane Katrina, the allowable scope of SHSP activities include catastrophic events, provided that these activities also build capabilities that relate to terrorism.

Many of the capabilities included within the TCL are dual use in nature, in that they can apply to both terrorism preparedness as well as other hazards. Activities implemented under SHSP must support terrorism preparedness and build or enhance capabilities that relate to terrorism in order to be considered eligible, even if the capabilities themselves do not focus exclusively on terrorism. For example, mass evacuation planning supports terrorism preparedness but also other types of catastrophic events. Planning for pandemic influenza and linking that effort to a larger bioterrorism preparedness effort offers another example. Grantees must demonstrate the dual-use nature of any activities implemented under this program that are not explicitly focused on terrorism preparedness.

As defined in the Catastrophic Incident Supplement to the NRP, a catastrophic incident is any natural, technical, or manmade incident, including terrorism, that results in extraordinary levels of mass casualties, damage, or destruction severely affecting the population, infrastructure, environment, economy, national morale, and/or government functions. A catastrophic event could result in sustained national impacts over a prolonged period of time; almost immediately exceeds resources normally available to State, local, Tribal, and private sector authorities in the impacted area; and significantly interrupts governmental operations and emergency services to such an extent that national security

Article IX. Execution

IN WITNESS WHEREOF, the parties names herein have duly executed this Cooperative Agreement on the date set forth below:

SUBGRANTEE: CITY OF PICAYUNE

ATTEST:

By: Leann Smith
Clerk

By: R. Mitee
Title: Mayor

APPROVED AS TO FORM:

By: [Signature]
City Attorney

Date: 11/29/2006

ACKNOWLEDGE:

By: Keith A. Broull
Senior Fire Official

By: Jim Loh
Senior Law Enforcement Official

By: Bobby Strahan
Emergency Management Director

By: PRIVATE
Emergency Medical Services

**GRANTEE: STATE OF MISSISSIPPI
DEPARTMENT OF PUBLIC SAFETY**

By: [Signature]
Commissioner

Date: 12/22/06



HALEY BARBOUR
GOVERNOR

STATE OF MISSISSIPPI
OFFICE OF THE GOVERNOR

Dear City of Picayune:

As Governor of the great state of Mississippi, I am pleased to announce that the Mississippi Department of Public Safety, Office of Homeland Security, has awarded your jurisdiction a grant in the amount of \$17,228.00. This grant is presented for the 2006 program years and awarded to enhance citizens' capabilities in personal preparation and citizen assistance to professional responders during disasters.

Hurricane Katrina, the worst natural disaster in American history, changed the lives of many Mississippians forever. It is my hope that this grant award will aid and reinforce the preparation of all the City of Picayune's citizens.

Once again, I am pleased to announce the award of this grant, which is a collaborative effort between the Mississippi Office of Homeland Security, the Department of Homeland Security and my office in efforts to keep Mississippi's citizens safe and prepared in today's environment.

Sincerely,

A handwritten signature in cursive script, appearing to read "Haley Barbour".

Haley Barbour
Governor
State of Mississippi

STATE OF MISSISSIPPI
HALEY BARBOUR, GOVERNOR
DEPARTMENT OF PUBLIC SAFETY
GEORGE PHILLIPS, COMMISSIONER

STATE HOMELAND SECURITY GRANT PROGRAM AWARD

DATE OF AWARD: December 19, 2006 GRANT NO: 06HS297
SUB-GRANTEE: CITY OF PICAYUNE
PROGRAM NAME: Fiscal Year 06 ODP Homeland Security Grant Program
GRANT PERIOD: 07/01/2006 to 06/30/2008
AWARD AMOUNT: \$17,228.00

Under the State Homeland Security Grant Program, the Department of Public Safety hereby awards to the aforementioned sub-grantee, a grant in the amount shown above for the purchase of equipment, for planning, training, exercise management and administrative costs. The allowable expenditures for these monies are described in detail in the Department of Homeland Security Guidelines, which can be accessed via Department of Homeland Security website at www.dhs.gov. These funds are to be used by your jurisdiction to enhance existing capabilities in order to develop the initial capacity within the state of Mississippi to respond to acts of domestic and international terrorism, the use of weapons of mass destruction and biochemical agents.

The projects and objectives outcome to be accomplished during the performance period of this grant will be in the form of equipment, selected from the approved equipment list, planning, training, exercise, management and administrative cost. All must be in compliance with the State Homeland Security Grant Program Guidance.

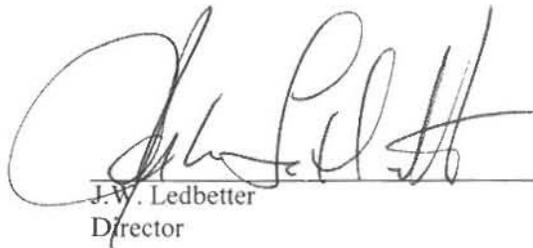
The sub-grantee hereby assures and certifies that it will comply with regulations, policies, guidelines and requirements set forth in the DOJ Financial Guide and the Standard Assurances as they relate to the application, acceptance, and use of federal funds. The grantee hereby assures and certifies that it will comply with regulations, policies, guidelines and requirements set forth in Local, State and Federal purchasing laws and in stipulations set forth in attached grant recipient agreement.

This award document is your authorization to expend jurisdiction funds. Expenditures incurred prior to the execution of this grant award period are not allowable. Reimbursements and advances will only be provided once a month. A signed copy of said agreement must be returned to DPS prior to release of payment. If your jurisdiction has not expended funds prior to the end of the grant period, this office will redistribute these funds accordingly.

Acceptance for the Sub-Grantee:

Sub-Grantee

Date


J.W. Ledbetter
Director

12/21/06
Date

GRANT RECIPIENT AGREEMENT

1. The designated representative certifies that he/she has legal authority to apply for assistance.
2. The Applicant shall provide all necessary financial and managerial resources to meet the terms and conditions of receiving Federal and State assistance.
3. The Applicant shall use awarded funds solely for the purpose for which these funds are provided and as approved by the DPS Authorized Representative.
4. The Applicant is aware of and shall comply with cost-sharing requirements.
5. The Applicant shall establish and maintain a proper accounting system to record expenditures of awarded funds in accordance with generally accepted accounting standards and OMB Circulars A-87 and A-133 as applicable and/or as directed by the DPS Authorized Representative.
6. The Applicant shall comply with the Single Audit Act of 1984 and will provide copies of audit reports when issued, 44CFR Part 14.
7. The Applicant shall give State and Federal agencies designated by the DPS Authorized Representative access to and the right to examine all records and documents related to use of award funds.
8. The Applicant shall return to the State, within thirty (30) days of such request by the DPS Authorized Representative, any advance funds which are not supported by audit or other Federal or State review of documentation by the Applicant.
9. The Applicant shall comply with all applicable provisions of Federal and State laws and regulations in regard to procurement of goods and services.
10. The Applicant shall comply with regulations implementing the Drug-Free Workplace Act of 1988, 44CFR Part 17, Subpart F.
11. The Applicant shall comply with all Federal and State statutes and regulations relating to non-discrimination.
12. The Applicant shall comply with provisions of the Hatch Act limiting political activities of public employees and 44CFR Part 18, New Restrictions on Lobbying.
13. The Applicant shall comply, as applicable, with provisions of the Davis-Bacon Act relating to labor standards.
14. The Applicant shall not enter into any contracts or purchase merchandise from any party or vendor which is disbarred or suspended from participating in Federal assistance programs.

Grant Recipient Representative

Date

**Fiscal Year 2006 State Domestic Preparedness Equipment Program
Equipment Purchase Budget Detail Worksheet and
Impact of Funding Table**

Jurisdiction: City of Picayune

Category	Item	Quantity	Total Cost	Items to Each Discipline (s)	Allocation to Each Discipline (s)
Personal Protective Equipment	System, pass	10	2100	5-FS 5-HZ	FS-1050 HZ-1050
	Scba,cbm	1	3200	1-hz	HZ-3200
Explosive Device Mitigation and Remediation Equipment					
CBRNE Operational Search & Rescue Equipment	TOOLS, Gasoline	4	3180	4-pw	Pw-3180
	Equipment, scuba	1	6397.90	1-fs	Fs-6397.90
	Light, handheld	5	575	5-le	Le-575
	Rope, life safety	1	400	1-fs	Fs-400
Information Technology					
Cyber Security Enhancement Equipment					
Interoperable Communications Equipment					
Detection Equipment					
Decontamination Equipment					

11/29/2006

Medical Supplies / Limited Types Pharmaceuticals	Bag, medical	1	374.85	1-fs	Fs-374.85
Power Equipment	Conditioners, battery	1	1000.25	1-hz	Hz-1000.25
CBRNE Reference Materials					
CBRNE Incident Response Vehicles					
Terrorism Incident Prevention Equipment					
Physical Security Enhancement Equipment					
Inspection and Screening Systems					
Agricultural Terrorism Prevention, Response and Mitigation Equipment					
CBRNE Prevention and Response Watercraft					
CBRNE Aviation Equipment					
CBRNE Logistical Support Equipment					
Intervention Equipment					
Other Authorized Equipment					
Total:			\$		17,228.00

List of Suggested Abbreviations

- LE - Law Enforcement
- EMS-FB - Emergency Medical Services (Fire Based)
- EMS-NFB - Emergency Medical Services (Non Fire Based)
- EMA - Emergency Management
- FS - Fire Service
- HZ - HAZMAT
- PW - Public Works
- PH - Public Health

11/29/2006

The following roll call was made:

VOTING YEA: Council Members Guy, Parker, Turnage, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: Mayor Mitchell

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

AUTHORIZED PURCHASING AGENT TO PUBLISH REQUEST FOR BIDS ON TWO-YEAR DEPOSITORIES

Motion was made by Council Member Watkins, seconded by Council Member Turnage to authorize purchasing agent to publish request for bids on Two-year depositories.

The following roll call was made:

VOTING YEA: Council Members Guy, Parker, Turnage, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: Mayor Mitchell

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

MOTION TO ACCEPT AND APPROVE MUNICIPAL COMPLIANCE QUESTIONNAIRE

Motion was made by Council Member Turnage, seconded by Council Member Watkins to accept and approve Municipal Compliance Questionnaire for FY Ending 09-03-06 and authorize Mayor to sign the same.

Municipal Compliance Questionnaire

As part of the municipality's audit, the governing authorities of the municipality must make certain assertions with regard to legal compliance. The municipal compliance questionnaire was developed for this purpose.

The following questionnaire and related certification must be completed at the end of the municipality's fiscal year and entered into the official minutes of the governing authorities at their next regular meeting.

The governing authorities should take care to answer these questions accurately. Incorrect answers could reduce the auditor's reliance on the questionnaire responses, resulting in the need to perform additional audit procedures at added cost.

Information

Note: Due to the size of some municipalities, some of the questions may not be applicable. If so, mark N/A in answer blanks. Answers to other questions may require more than "yes" or "no," and, as a result, more information on this questionnaire may be required and/or separate work papers may be needed.

1. Name and address of municipality:
CITY OF PICAYUNE
845 N BEECH ST. PICAYUNE, MS 39446
2. List the date and population of the latest official U.S. Census or most recent official census
Y - 2005
POPULATION - 10,830
3. Names, addresses and telephone numbers of officials (include elected officials, chief administrative officer, and attorney).
SEE ATTACHMENT
4. Period of time covered by this questionnaire:
From: 10/1/05 To: 11/30/06
5. Expiration date of current elected officials' term: JUNE 2009

CITY OF PICAYUNE OFFICIALS

Mayor

Greg Mitchell
1200 Third Street
Picayune, MS 39466
601-798-2642

Council Member Precinct Four

Leavern Guy, Sr.
925 Clover Circle
Picayune, MS 39466
601-799-1301

Council Member Precinct One

Larry Watkins
1112 Highland Drive
Picayune, MS 39466
601-798-0147

Council Member Precinct Five

Jerry Bounds
1515 Fifth Avenue
Picayune, MS 39466
601-799-1081

Council Member Precinct Two

Donald Parker
105 South Abrams Avenue
Picayune, MS 39466
601-798-8983

City Attorney

Nathan Farmer
120 Goodyear Boulevard
Picayune, MS 39466
601-749-8745

Council Member Precinct Three

Anna Bales Turnage
507 Bales Avenue
Picayune, MS 39466
601-749-9731

City Manager

Ed Pinero, Jr.
921 Tung Tree Drive
Picayune, MS 39466
601-749-0338

MUNICIPAL COMPLIANCE QUESTIONNAIRE
Year Ended September 30, 2006

Answer All Questions: Y - YES, N - NO, N/A - NOT APPLICABLE:

PART I - General

- | | |
|---|----------|
| 1. Have all ordinances been entered into the ordinance book and included in the minutes? (Section 21-13-13) | <u>Y</u> |
| 2. Do all municipal vehicles have public license plates and proper markings? (Sections 25-1-87 and 27-19-27) | <u>Y</u> |
| 3. Are municipal records open to the public? (Section 25-61-5) | <u>Y</u> |
| 4. Are meetings of the board open to the public?
(Section 25-41-5) | <u>Y</u> |
| 5. Are notices of special or recess meetings posted?
(Section 25-41-13) | <u>Y</u> |
| 6. Are all required personnel covered by appropriate surety bonds? | <u>Y</u> |
| · Board or council members (Sec. 21-17-5) | <u>Y</u> |
| · Appointed officers and those handling money, see statutes governing the form of government (i.e., Section 21-3-5 for Code Charter) | <u>Y</u> |
| · Municipal clerk (Section 21-15-38) | <u>Y</u> |
| · Deputy clerk (Section 21-15-23) | <u>Y</u> |
| · Chief of police (Section 21-21-1) | <u>Y</u> |
| · Deputy police (Section 45-5-9) (if hired under this law) | <u>Y</u> |
| 7. Are minutes of board meetings prepared to properly reflect the actions of the board? (Sections 21-15-17 and 21-15-19) | <u>Y</u> |
| 8. Are minutes of board meetings signed by the mayor or majority of the board within 30 days of the meeting?
(Section 21-15-33) | <u>Y</u> |
| 9. Has the municipality complied with the nepotism law in its employment practices? (Section 25-1-53) | <u>Y</u> |
| 10. Did all officers, employees of the municipality, or their relatives avoid any personal interest in any contracts with the municipality during their term or within one year after their terms of office or employment? (Section 25-4-105) | <u>Y</u> |

11. Does the municipality contract with a Certified Public Accountant or an auditor approved by the State Auditor for its annual audit within twelve months of the end of each fiscal year? (Section 21-35-31)	<u>Y</u>
12. Has the municipality published a synopsis or notice of the annual audit within 30 days of acceptance? (Section 21-35-31 or 21-17-19)	<u>Y</u>
PART II - Cash and Related Records	
1. Where required, is a claims docket maintained? (Section 21-39-7)	<u>Y</u>
2. Are all claims paid in the order of their entry in the claims docket? (Section 21-39-9)	<u>Y</u>
3. Does the claims docket identify the claimant, claim number, amount and fund from which each warrant will be issued? (Section 21-39-7)	<u>Y</u>
4. Are all warrants approved by the board, signed by the mayor or majority of the board, attested to by the clerk, and bearing the municipal seal? (Section 21-39-13)	<u>Y</u>
5. Are warrants for approved claims held until sufficient cash is available in the fund from which it is drawn? (Section 21-39-13)	<u>Y</u>
6. Has the municipality adopted and entered on its minutes a budget in the format prescribed by the Office of the State Auditor? (Sections 21-35-5, 21-35-7 and 21-35-9)	<u>Y</u>
7. Does the municipality operate on a cash basis budget, except for expenditures paid within 30 days of fiscal year end or for construction in progress? (Section 21-35-23)	<u>Y</u>
8. Has the municipality held a public hearing and published its adopted budget? (Sections 21-35-5, 27-39-203, & 27-39-205)	<u>Y</u>
9. Has the municipality complied with legal publication requirements when budgetary changes of 10% or more are made to a department's budget? (Section 21-35-25)	<u>Y</u>
10. If revenues are less than estimated and a deficit is anticipated, did the board revise the budget by its regular July meeting? (Section 21-35-25)	<u>N/A</u>

- | | |
|--|------------|
| 11. Have financial records been maintained in accordance with the chart of accounts prescribed by the State Auditor? (Section 21-35-11) | Y
<hr/> |
| 12. Does the municipal clerk submit to the board a monthly report of expenditures against each budget item for the preceding month and fiscal year to date and the unexpended balances of each budget item? (Section 21-35-13) | Y
<hr/> |
| 13. Does the board avoid approving claims and the city clerk not issue any warrants which would be in excess of budgeted amounts, except for court-ordered or emergency expenditures? (Section 21-35-17) | Y
<hr/> |
| 14. Has the municipality commissioned municipal depositories? (Sections 27-105-353 and 27-105-363) | Y
<hr/> |
| 15. Have investments of funds been restricted to those instruments authorized by law? (Section 21-33-323) | Y
<hr/> |
| 16. Are donations restricted to those specifically authorized by law? [Section 21-17-5 (Section 66, Miss. Constitution) -- Sections 21-19-45 through 21-19-59, etc.] | Y
<hr/> |
| 17. Are fixed assets properly tagged and accounted for? (Section II - Municipal Audit and Accounting Guide) | Y
<hr/> |
| 18. Is all travel authorized in advance and reimbursements made in accordance with Section 25-3-41? | Y
<hr/> |
| 19. Are all travel advances made in accordance with the State Auditor's regulations? (Section 25-3-41) | Y
<hr/> |
| PART III - Purchasing and Receiving | |
| 1. Are bids solicited for purchases, when required by law (written bids and advertising)? [Section 31-7-13(b) and (c)] | Y
<hr/> |
| 2. Are all lowest and best bid decisions properly documented? [Section 31-7-13(d)] | Y
<hr/> |
| 3. Are all one-source item and emergency purchases documented on the board's minutes? [Section 31-7-13(m) and (k)] | Y
<hr/> |
| 4. Do all officers and employees understand and refrain from accepting gifts or kickbacks from suppliers? (Section 31-7-23) | Y
<hr/> |

PART IV - Bonds and Other Debt

- | | | |
|----|--|------------|
| 1. | Has the municipality complied with the percentage of taxable property limitation on bonds and other debt issued during the year? (Section 21-33-303) | Y
<hr/> |
| 2. | Has the municipality levied and collected taxes, in a sufficient amount for the retirement of general obligation debt principal and interest? (Section 21-33-87) | Y
<hr/> |
| 3. | Have the required trust funds been established for utility revenue bonds? (Section 21-27-65) | Y
<hr/> |
| 4. | Have expenditures of bond proceeds been strictly limited to the purposes for which the bonds were issued? (Section 21-33-317) | Y
<hr/> |
| 5. | Has the municipality refrained from borrowing, except where it had specific authority? (Section 21-17-5) | Y
<hr/> |

PART V - Taxes and Other Receipts

- | | | |
|----|--|------------|
| 1. | Has the municipality adopted the county ad valorem tax rolls? (Section 27-35-167) | Y
<hr/> |
| 2. | Are interest and penalties being collected on delinquent ad valorem taxes? (Section 21-33-53) | Y
<hr/> |
| 3. | Has the municipality conducted an annual land sale for delinquent ad valorem taxes? (Section 21-33-63) | Y
<hr/> |
| 4. | Have the various ad valorem tax collections been deposited into the appropriate funds? (Separate Funds for Each Tax Levy) (Section 21-33-53) | Y
<hr/> |
| 5. | Has the increase in ad valorem taxes, if any, been limited to amounts allowed by law? (Sections 27-39-320 and 27-39-321) | Y
<hr/> |
| 6. | Are local privilege taxes collected from all businesses located within the municipality, except those exempted? (Section 27-17-5) | Y
<hr/> |
| 7. | Are transient vendor taxes collected from all transient vendors within the municipality, except those exempted? (Section 75-85-1) | Y
<hr/> |
| 8. | Is money received from the state's "Municipal Fire Protection Fund" spent only to improve municipal fire departments? (Section 83-1-37) | Y
<hr/> |

9. Has the municipality levied or appropriated not less than 1/4 mill for fire protection and certified to the county it provides its own fire protection or allowed the county to levy such tax? (Sections 83-1-37 and 83-1-39)

Y

10. Are state-imposed court assessments collected and settled monthly? (Section 99-19-73, 83-39-31, etc.)

Y

11. Are all fines and forfeitures collected when due and settled immediately to the municipal treasury? (Section 21-15-21)

Y

12. Are bids solicited by advertisement or, under special circumstances, three appraisals obtained when real property is sold? (Section 21-17-1)

Y

(MUNICIPAL NAME)

Certification to Municipal Compliance Questionnaire

Year Ended September 30, 2006

We have reviewed all questions and responses as contained in this Municipal Compliance Questionnaire for the Municipality of PICAYUNE and, to the best of our knowledge and belief, all responses are accurate.



(City Clerk's Signature)

(Mayor's Signature)

12/27/06

(Date)

12/27/06

(Date)

Minute Book References:

Book Number _____

Page _____

(Clerk is to enter minute book references when questionnaire is accepted by board.)

IV-B11

The following roll call was made:

VOTING YEA: Council Members Guy, Parker, Turnage, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: Mayor Mitchell

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

APPROVE REQUEST FROM ALLTEL WIRELESS

Motion was made by Council Member Watkins, seconded by Council Member Bounds to approve request from Alltel Wireless for an additional 90 day extension for Temporary Use of an office trailer while waiting completion of permanent site. This was previously approved on July 13, 2006 with an extension given at the October 3, 2006 Council Meeting.

The following roll call was made:

VOTING YEA: Council Members Guy, Parker, Turnage, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: Mayor Mitchell

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

AUTHORIZE GRANT ADMINISTRATION TO SUBMIT APPLICATION TO MISSISSIPPI EMERGENCY MANAGEMENT AGENCY (MEMA) FOR SHUTTERS FOR THE CITY OF PICAYUNE CRITICAL EMERGENCY BUILDINGS

Motion was made by Council Member Watkins, seconded by Council Member Turnage to authorize Grant Administration to submit application to Mississippi Emergency Management Agency (MEMA) for shutters for the City of Picayune Critical Emergency Buildings and authorize the Mayor to sign the same...

The following roll call was made:

VOTING YEA: Council Members Guy, Parker, Turnage, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: Mayor Mitchell

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

APPROVE CONTRACT FOR THE INSTALLATION OF RAIL SPUR FOR RHEOGISTICS, LLC BY AND BETWEEN CW & W CONTRACTORS, INC AND CITY OF PICAYUNE

Motion was made by Council Member Bounds, seconded by Council Member Turnage to approve contract for the installation of Rail Spur for Rheogistics, LLC by and between CW & W Contractors, INC. and the City of Picayune and authorize Mayor to sign said Contract and Contract documents. Bid Award was made by the Council on 11/07/06.

DIVISION 1F

AGREEMENT

THIS AGREEMENT, made this 21 day of November, 2006, by and between City of Picayune, MS, hereinafter called "OWNER", and CW&W Contractors, Inc. doing business as a corporation, hereinafter called "CONTRACTOR".

WITNESSETH: That for and in consideration of the payments and Agreements hereinafter mentioned:

1. The CONTRACTOR will commence and complete the construction of Proposed Industrial Railroad Track to Serve Rheogistics, LLC.
2. The CONTRACTOR will furnish all of the materials, supplies, tools, equipment, labor and other services necessary for the construction and completion of the PROJECT described herein.
3. The CONTRACTOR will commence the work required by the CONTRACT DOCUMENTS within ten (10) calendar days after the date of the NOTICE TO PROCEED and will complete the same within sixty (60) calendar days unless the period for completion is extended otherwise by the CONTRACT DOCUMENTS.
4. The CONTRACTOR agrees to perform all of the WORK described in the CONTRACT DOCUMENTS and comply with the terms therein for the sum of \$ 201,972.00 or as shown in the BID SCHEDULE.
5. The term "CONTRACT DOCUMENTS" means and includes the following:
 - A) Advertisement for Bids
 - B) Information for Bidders

- C) Bid
- D) Bid Schedule
- E) Bid Bond
- F) Agreement
- G) Payment Bonds
- H) Performance Bonds
- I) General Conditions
- J) (Form of) Notice of Award
- K) (Form of) Notice to Proceed
- L) Certificate of Owner's Attorney
- M) Special Conditions
- N) HUD-CDBG Special Provisions and Regulations
- O) Drawing prepared by AES, Ltd., number 1 through 5 dated 13 December, 2005.
- P) Specifications prepared or issued by AES, Ltd. Dated 13 December, 2005.
- Q) ADDENDA:
 - No. 1 dated 22 February, 2006
 - No. 2 dated 15 March, 2006
 - No. 3 dated 22 March, 2006

6. The OWNER will pay to the CONTRACTOR in the manner and at such times as set forth in the General Conditions such amounts as required by the CONTRACT DOCUMENTS.

7. This AGREEMENT shall be binding upon all parties hereto and their respective heirs, executors, administrators, successors, and assigns.

IN WITNESS WHEREOF, the parties hereto have executed or caused to be executed by their duly authorized officials, this Agreement in four (4) copies each, each which shall be deemed an original on the date first above written.

OWNER: CITY OF PICAYUNE, MISSISSIPPI

BY: _____

NAME: _____

TITLE: _____

(SEAL)
ATTEST:

NAME: _____

TITLE: _____

CONTRACTOR: CW&W CONTRACTORS, INC.

BY: *[Signature]*

NAME: Glen Warren

TITLE: President

(SEAL)
ATTEST:

[Signature]

NAME: Shirley Warren

TITLE: Secretary / Treasurer

The following roll call was made:

VOTING YEA: Council Members Guy, Parker, Turnage, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: Mayor Mitchell

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

ORDER TO ENTER CLOSED SESSION TO DETERMINE THE NEED FOR AN EXECUTIVE SESSION

Motion was made by Council Member Bounds, seconded by Council Member Turnage to enter closed session to determine the need for an executive session. The following roll call was made

The following roll call was made:

VOTING YEA: Council Members Guy, Parker, Turnage, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: Mayor Mitchell

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

RETURN TO REGULAR SESSION

Motion was made by Council Member Bounds, seconded by Council Member Turnage to return to regular session.

The following roll call was made:

VOTING YEA: Council Members Guy, Parker, Turnage, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: Mayor Mitchell

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

MAYOR MITHCHELL ENTERED THE MEETING AT THIS TIME.

ORDER TO ENTER EXECUTIVE SESSION

Motion was made by Council Member Watkins, seconded by Council Member Bounds to enter executive session to discuss the following:

1. Personnel matter

The following roll call was made:

VOTING YEA: Mayor Greg Mitchell, Council Members Guy, Parker, Turnage, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

PERSONNEL MATTER

DISCUSSION ONLY WITH CHIEF LUKE

APPROVED EXTENDING OFFER TO MR. LLOYD MARSHALL

Motion was made be Council Member Bounds, seconded by Council Member Turnage to approve extending offer to Mr. Lloyd Marshall.

The following roll call was made:

VOTING YEA: Mayor Greg Mitchell, Council Members Guy, Parker, Turnage, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

MOTION TO RECESS

Motion was made by Council Member Bounds, seconded by Council Member Turnage to recess until Tuesday, January 16, 2007 at 6:00 pm.

The following roll call was made:

VOTING YEA: Mayor Greg Mitchell, Council Members Parker, Guy, Turnage, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

Greg Mitchell, Mayor

ATTEST:

Leann Smith, Deputy City Clerk

**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, 815 North Beech Street, in said City, Tuesday, January 16, 2007, at 6.00 p.m. in recessed session with the following officials present: Mayor Greg Mitchell, Council Members Leavern Guy, Donald Parker, Anna Turnage, Larry Watkins and Jerry Bounds, City Manager Ed Pinero, Jr.

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

Opening prayer was given by Bo Moeller, followed by the Pledge of Allegiance led by Mayor Greg Mitchell.

**MOTION WAS MADE TO APPROVE THE CITY OF PICAYUNE MINUTES DATED
JANUARY 2, 2007**

Motion was made by Council Member Guy, seconded by Council Member Watkins to approve the City of Picayune Minutes dated January 2, 2007.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Guy, Parker, Turnage, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

ORDER TO APPROVE THE ISSUANCE OF MANUAL CHECKS

Motion was made by Council Member Guy, seconded by Council Member Watkins to approve the issuance of the following manual checks:

MANUAL CHECKLIST

**COUNCIL MEETING
January 16, 2007**

PAY TO	EXPENSE	AMOUNT
Heidi Hudson	Travel Advance to Full Terminal Agency Coordinator Certification Class	124.00
Jennifer Fore	Travel Advance to Full Terminal Agency Coordinator Certification Class	124.00

Best Western Airport Inn	Hotel Accommodations for Heidi Hudson and Jennifer Fore	260.00
Chad Dorn	Travel Advance to STORM Instructor Training	155.00
Trent Boyd	Travel Advance to STORM Instructor Training	155.00
Van McGill	Travel Advance to STORM Instructor Training	155.00
MS State Tax Commission Motor Vehicle Licensing	4 Tags (2 Trailers/2 Expeditions)	48.00
MS State Tax Commission Motor Vehicle Licensing	2 Tags-Trailers	24.00
MS Municipal Worker's Compensation Group	2nd Quarter Billing	70,507.00
MS Department of Employment Security	4th Quarter Unemployment (Ending 12/31/06)	876.77
MS Windstorm Underwriting Association	2nd Installment Arizona Chemical Insurance Coverage	7399.36
Arizona Chemical Company	MS Withholding Tax for sale of real property by non-resident	35000.00

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Guy, Parker, Turnage, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

ORDER TO ACKNOWLEDGE RECEIPT OF MONTHLY PRIVILEGE LICENSE REPORT

Motion was made by Council Member Guy, seconded by Council Member Watkins to acknowledge receipt of Monthly Privilege License Report for the month of December 2006.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Guy, Parker, Turnage, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

ACCEPT PLANNING COMMISSION MINUTES

Motion was made by Council Member Guy, seconded by Council Member Watkins to Accept Planning Commission Minutes dated December 12, 2006.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Guy, Parker, Turnage, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

ACKNOWLEDGE PLANNING COMMISSION MINUTES

Motion was made by Council Member Guy, seconded by Council Member Watkins to acknowledge Planning Commission Minutes dated January 9, 2007.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Guy, Parker, Turnage, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

APPROVE REQUEST TO ISSUE A PARADE PERMIT

Motion was made by Council Member Watkins, seconded by Council Member Guy to approve request from Willie Knight to be issued a parade permit for Wednesday, July 4, 2007 for Carver Parade proceeding as follows: Line up at East Side School, take a right on West Canal Street to South Main, South Main to Jackson Landing, Jacking Landing to Beech Street, Right on Beech Street to Rosa Street to J.P. Johnson Park.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Guy, Parker, Turnage, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

APPROVE REQUEST TO HOLD 9TH ANNUAL KREWE OF ROSES MARDI GRAS PAREADE

Motion was made by Council Member Watkins, seconded by Council Member Turnage to approve request from Picayune Main Street to conduct the 9th Annual Krewe of Roses Mardi Gras Parade at 6:00 p.m. on February 10, 2007.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Guy, Parker, Turnage, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

APPROVE REQUEST TO HOST THE MS WALK IN PICAYUNE AT JACK READ PARK

Motion was made by Council Member Watkins, seconded by Council Member Turnage to approve request to host the MS walk in Picayune on April 28, 2007 with the walk starting at Jack Read Park on Goodyear Blvd. advancing throughout the west side area and finishing at Jack Read ""Park.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Guy, Parker, Turnage, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

COUNCIL MEMBER GUY LEAVES THE CHAMBER AT THIS TIME.

APPROVE REQUEST TO ADVERTISE RESOURCES FOR THE CITY OF PICAYUNE

Motion was made by Council Member Watkins, seconded by Council Member Bounds to approve request to advertise resources for the City by purchasing a yearly sigh sponsorship from Picayune Diamond Club, for the Boys Tide Baseball Team, in the amount of \$200.00.

RECESSED MEETING JANUARY 16, 2007

PICAYUNE DIAMOND CLUB

P.O. BOX 51
PICAYUNE, MS 39466

Phone 601-749-3900 - Cyndi Cook (Treasurer)
Email marcoontidebaseball@yahoo.com

INVOICE

DATE: 1/10/2007

TO: CITY OF PICAYUNE
815 N. BEECH ST.
PICAYUNE, MS 39466

DESCRIPTION: RENEWAL OF FENCE ADVERTISING SIGN (located at PMHS Baseball Field)

AMOUNT DUE: \$200.00

DUE DATE: JANUARY 23, 2007

THANK YOU,

PICAYUNE DIAMOND CLUB BOARD MEMBERS:

DERWIN BALES - PRESIDENT
JIM WILLIAMS - V. PRESIDENT
CYNDI COOK - TREASURER
LORE' GANDY - SECRETARY
DELINDA GILL - CONCESSIONAIRE
FRED CRUSE - ADVISOR

PICAYUNE DIAMOND CLUB
PO BOX 61
PICAYUNE, MS 39466

Dear Maroon Tide Supporter,

The 2007 Picayune Maroon Tide Baseball season will soon begin with the Annual Alumni game and a Maroon and White game on Saturday, February 3, 2007. In order to prepare for the season we are getting the baseball field ready.

It is time to renew your fence advertising sign located at the PMHS Baseball field. The renewal fee is **\$200.00** per sign. Our deadline date is **January 23, 2007**. If you have any questions and/or need any assistance please contact Jim Williams @ 601-273-1094

The success of the Maroon Tide Baseball Team and the efforts of the Diamond Club have been made possible because of the exceptional community, business, and individual support. The Maroon Tide players, coaching staff and Diamond Club value your continued support.

Thank you in advance for your continued support,

The Picayune Diamond Club

Derwin Bales – President
Jim Williams – Vice President
Cyndi Cook – Treasurer
Lore' Gandy – Secretary
Delinda Gill – Concessionaire
Fred Cruse – Advisor

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Parker, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: Council Member Guy

ABSTAINING AND NOT VOTING: Council Member Turnage

The motion was declared carried.

Motion was made by Council Member Watkins, seconded by Council Member Parker to approve request to advertise resources for the City by purchasing an ad from the Picayune Diamond Club in the amount of \$50.00.

PICAYUNE DIAMOND CLUB

P.O. BOX 1
PICAYUNE, MS 39466

Phone 601-749-3900 - Cyndi Cook (Treasurer)
Email maroontidebaseball@yahoo.com

INVOICE

DATE: 1/10/2007

TO: CITY OF PICAYUNE

DESCRIPTION: ADVERTISING AD - THE TRADITION PROGRAM

AMOUNT DUE: \$50.00 1/2 PAGE AD

DUE DATE: JANUARY 17, 2007

THANK YOU.

PICAYUNE DIAMOND CLUB BOARD MEMBERS:

DERWIN BALES - PRESIDENT
JIM WILLIAMS - V. PRESIDENT
CYNDI COOK - TREASURER
LORE' GANDY - SECRETARY
DELINDA GILL - CONCESSIONAIRE
FRED CRUSE - ADVISOR

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Parker, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: Council Member Guy

ABSTAINING AND NOT VOTING: Council Member Turnage

The motion was declared carried.

APPROVE REQUEST TO REAPPOINT RALPH ROWELL TO THE HOUSING AUTHORITY BOARD FOR AN ADDITIONAL 5-YEAR TERM

Motion was made by Council Member Turnage, seconded by Council Member Watkins to approve request to reappoint Ralph Rowell to the Housing Authority Board for an additional 5-year term ending November 2011.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Parker, Turnage, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: Council Member Guy

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

COUNCIL MEMBER GUY RETURNS BACK TO THE CHAMBER.

APPROVE REQUEST TO ADVERTISE FOR BIDS FOR SOLID WASTE COLLECTION AND DISPOSAL

Motion was made by Council Member Guy, seconded by Council Member Watkins to approve request to advertise for bids for Solid Waste Collection and Disposal.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Guy, Parker, Turnage, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

MOTION TO MOVE REQUEST FROM UTILITY AUTHORITY TO THE END OF THE AGENDA

Motion was made by Council Member Guy, seconded by Council Member Turnage to move to the end of the Agenda the request from Utility Authority to run water and sewer service to Huppo Road.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Guy, Parker, Turnage, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

APPROVE REQUEST FOR ZONE CHANGE

Motion was made by Council Member Guy, seconded by Council Member Watkins to approve request for zone change for 409 Carroll Street to be rezoned from R-3 to C-3 to allow for construction of retail building.

ORDINANCE NO. 819

AN ORDINANCE TO REZONE THE FOLLOWING DESCRIBED PROPERTY AT 409 CARROLL STREET FROM R-3, MULTIPLE FAMILY DISTRICT, TO C-3, HIGHWAY COMMERCIAL DISTRICT.

Be It Ordained by the City Council of the City of Picayune, Pearl River County, Mississippi, In Meeting Duly Assembled:

Section 1. That the following R-3 Multiple Family Residential District, described property shall be rezoned to C-3, Highway Commercial District.

A part of the NW ¼ of the SE ¼ of Section 11, Township 6S, Range 17 W, Pearl River County, Mississippi and being more particularly described as follows: Commence at the an iron pipe marking the SE corner the NW ¼ of the SE ¼ of said Section 11, thence North 565.43 feet, thence W 1053.56 feet, to an iron pipe, on the North margin of Carroll Street, the Point of Beginning, thence leaving Carroll Street, N20° 20'52"E 166.47 feet to an iron pipe, thence S71°04'33"E 56.30 feet to an iron rod, the NW corner of a 0.24 acre lot described in DB 636, page 254, thence with the WEST line of said tract S16°27'43"W 158.95 feet to an iron rod, on the North margin of Carroll Street, thence with said road, N77°32'09"W 67.69 feet to the Point of Beginning, containing 0.23 acres more or less, in the above said Section, Township & Range.

Section 2. Severability, Conflict and Effective Date.

Should any section, clause, paragraph, provision, or part of this ordinance for any reason be held invalid or unconstitutional by any Court of competent jurisdiction, this act shall not affect the validity of any other section, clause, paragraph, provision or part of this ordinance. All provisions of this ordinance shall be considered separate provisions, and completely severable from all other portions.

Conflict in any case where a provision of this ordinance is found to be in conflict with the provisions of any other ordinance or code of the City of Picayune, Mississippi, existing on the effective date of this ordinance, the provisions of this ordinance shall take precedence.

This Ordinance shall become effective after (30) days from its passage and upon completion of the requirements specified in Section 21-13-11, Mississippi Code of 1972, as amended.

The foregoing Ordinance having been reduced to writing and considered, section by section, was Motioned by Council Member Guy, Seconded by Council Member Watkins, and adopted by the following roll call vote, to-wit:

VOTING YEA: Mayor Mitchell, Council Members Guy, Parker, Turnage, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOTING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

The Ordinance was there upon declared carried and adopted this 16 day of January, 2007.

Greg Mitchell, Mayor

ATTEST:

Leann Smith, Deputy City Clerk

Publish: January 31, 2007

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Guy, Parker, Turnage, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

APPROVE REQUEST FOR HOME OCCUPATION LICENSE

Motion was made by Council Member Guy, seconded by Council Member Turnage to approve request for Home Occupation License as presented by Planning Commission for Kenta Janet to open a business to sell merchandise over the internet at 1701 Goodyear Blvd. Apt 4.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Guy, Parker, Turnage, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

ORDER TO HOLD PUBLIC HEARING

Motion was made by Council Member Guy, seconded by Council Member Parker to declare the property located at South Beech Street parcel #617-522-003-02-001, 617-521-004-01-004, 617-521-004-01-004.2 a Public Nuisance and giving an extra 30 days to clean said property. If said property is not cleaned within the 60 days it will be turned over to the City of Picayune to clean with charges for cleanup placed as a lien against the property.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Guy, Parker, Turnage, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

Motion was made by Council Member Bounds, seconded by Council Member Watkins to declare the property located at 829 South Beech Street a Public Nuisance and giving 30 days to clean said property. If said property is not cleaned within the 30 days it will be turned over to the City of Picayune to clean with charges for cleanup placed as a lien against the property.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Guy, Parker, Turnage, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

Motion was made by Council Member Guy, seconded by Council Member Turnage to declare the property located at 523 Satcher Street a Public Nuisance and giving 30 days to clean said property. If said property is not cleaned within the 30 days it will be turned over to the City of Picayune to clean with charges for cleanup placed as a lien against the property.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Guy, Parker, Turnage, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

Motion was made by Council Member Guy, seconded by Council Member Turnage to declare the property located at 1311 & 1315 Alpine Road a Public Nuisance and giving 30 days to clean said property. If said property is not cleaned within the 30 days it will be turned over to the City of Picayune to clean with charges for cleanup placed as a lien against the property.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Guy, Parker, Turnage, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

Motion was made by Council Member Guy, seconded by Council Member Turnage to declare the property located at 602 East Fifth Street a Public Nuisance and giving an extra 60 days to clean said property. If said property is not cleaned within the 90 days it will be turned over to the City of Picayune to clean with charges for cleanup placed as a lien against the property.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Guy, Parker, Turnage, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

Motion was made by Council Member Guy, seconded by Council Member Watkins to declare the following properties a Public Nuisance and giving 30 days to clean said property. If said property is not cleaned within the 30 days it will be turned over to the City of Picayune to clean with charges for cleanup placed as a lien against the property:

623 & 625 North Beech Street
Doby Street - Parcel #617-111-003-02-028
818 Doby Street
Williams Avenue - Parcel #617-515-001-04-010
617-515-001-04-009
612 Bennett Street
600 Bennett Street
Cayten Street - Parcel #617-111-001-03-047
1721 Adcox Road
Weems Street - Parcel #617-515-004-06-011
309 Jarrell Street
402 Doss Street - Parcel # 617-515-004-07-024
604 North Abrams Street

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Guy, Parker, Turnage, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

The following properties have been cleaned and have been taken off the Public Hearing List:

1305 & 1307 Alpine Road
1815 Adcox Road
815 Rosa Street

AUTHORIZE AWARD OF CONTRACT BY AND BETWEEN THE CITY OF PICAYUNE AND ALLEN & HOSHALL FOR ENGINEERING SERVICES

Motion was made by Council Member Guy, seconded by Council Member Parker to authorize award of contract by and between the City of Picayune and Allen & Hoshall for Engineering Services for FAA funded Airport Improvements for FY2007 and authorize the Mayor to sign said contract.

Allen&T
Since 18

Post-It® Fax Note	7671	Date	1/9/07	# of pages	5
To	Barbara McGrew	From	Ed Dedeaux		
Co. Dept.		Co.			
Phone #		Phone #			
Fax #		Fax #			

FACSIMILE

To: Barbara McGrew **Date:** 20 December 2006

Company: City of Picayune **Job No:** 75

Project: FY07 FAA Project **Fax No:** 601-799-0607

From: Ed Dedeaux *ED* **Total Pages:** 3

Copy To: Glade Woods

Notes:

Attached is a copy of a letter we received today from FAA concerning their allocation of funds for FY07. The funded amount is the same as included in the preapplication. We will prepare the project schedule and return to FAA. Based on their 1 May 2007 deadline for receiving the grant application, bids for the construction must be received by April. We will provide an Agreement for Engineering Services for consideration by the Council in January.

Let me know if you have any questions.

engineers . architects . planners

713 S Pear Orchard Rd, Suite 100 Ridgeland, MS 39157 Phone 601-977-8993 Fax 601-977-8924



U.S. Department
of Transportation
**Federal Aviation
Administration**

Airports District Office
100 West Cross Street, Suite B
Jackson, Mississippi 39208-2307

RECEIVED

DEC 19 2006

December 19, 2006

Ms. Alice McGrath
Vice Chairperson
Picayune Municipal Airport Commission
148 Runway Road
Picayune, MS 39466

JAL

Re.: AIP Project in FY 2007

Dear Ms. McGrath:

This fiscal year, we anticipate funding the following project at the Picayune Municipal Airport and are asking that you get started now. The amount of Federal funds listed below includes your airport's entitlement funds.

Project Items	Federal Funds
Update airport layout plan; construct helipad, improve terminal area drainage; and construct terminal area parking	\$199,500

We expect approval of the Fiscal Year (FY) 2007 Congressional Appropriation Bill for the Airport Improvement Program (AIP) in early 2007. However, we cannot wait until then to begin actions for this year's projects. It is important that you take all actions that will enable you to submit your project application in a timely manner.

We recommend that you get FAA approval of your scope of work for your planning project, complete negotiations with your consultant, initiate and complete preparation of plans and specifications, and prepare to advertise for bids. These preliminary costs are eligible for reimbursement.

Please complete the enclosed schedule to result in submission of a project application no later than May 1, 2007, and fax a copy to our office and the Mississippi Aeronautics Division by January 19, 2007. If you have any questions, please contact Mr. Jeffrey D. Orr at 601-664-9885.

Sincerely,

Rans D. Black
Manager

Enclosure

cc: Aeronautics Division, MDOT
Allen & Hoshall, Ridgeland, MS

**AGREEMENT BETWEEN
OWNER AND ENGINEER
FOR PROFESSIONAL SERVICES**

THIS IS AN AGREEMENT made as of _____, 2007

Between _____ City of Picayune, Mississippi _____ ("OWNER")

and _____ Allen & Hoshall _____ ("ENGINEER")

OWNER intends to update Airport Layout Plan, construct helipads, improve terminal area drainage, and construct terminal area parking (the "Project").

OWNER and ENGINEER in consideration of their mutual covenants herein agree in respect agree in respect of the performance or furnishing of professional engineering services by ENGINEER with respect to the Project and the payment for those services by OWNER as set forth below. Execution of this Agreement by ENGINEER and OWNER constitutes OWNER's written authorization to ENGINEER to proceed on the date first above written with the first phase of the Basic Services described in Section 2 below and as further set forth in Exhibit A, "Further Description of Basic Engineering Services and Related Matters" ("Exhibit A") and in the other exhibits listed in Section 9 below. This Agreement will become effective on the date first above written and run for a duration of three years.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement to be effective as of the date first above written.

OWNER: CITY OF PICAYUNE, MISSISSIPPI

ENGINEER: ALLEN & HOSHALL

By: _____

Ely:  #7584

Title: Mayor

Title: Manager, Engineering

Address for giving notices:

Address for giving notices:

815 North Beech Street

713 South Pear Orchard Road, Suite 100

Picayune, MS 39466

Ridgeland, MS 39157

EXHIBIT A

This is Exhibit A, consisting of two pages, referred to in the Agreement between OWNER and ENGINEER for

Professional Services, dated _____, 2007

Initial:
OWNER _____
ENGINEER 570

Further Description of Basic Engineering Services and Related Matters

Sections 2, 3, 4 and 5 of the Agreement are amended and supplemented and the time periods for the performance of the Basic Services as indicated in Section 5 of the Agreement are established, all as indicated below:

SECTION A2 --- BASIC SERVICES OF ENGINEER

A2.0. General

A2.0.1. The Basic Services are premised on the ENGINEER providing the customary civil, structural, mechanical and electrical professional engineering services and the customary professional architectural services necessary to construct the following facilities:

Helipads, terminal area drainage, and terminal area parking and Update Airport Layout Plan

A2.0.2. Section 2, "Basic Services of ENGINEER", is hereby amended or supplemented to provide that the following services will be performed or furnished by ENGINEER as part of Basic Services in the phase(s) identified below:

No amendments.

A2.1. Study and Report Phase

A2.1.4. No alternate solutions will be evaluated or previous reports and studies will be modified.

A2.1.8. The existing Airport Layout Plan will be updated to reflect current and projected airport usage.

A2.2. Preliminary Design Phase

A2.2.0. No Preliminary Design Phase documents are required.

A2.3. Final Design Phase

A2.3.0. During the Final Design Phase ENGINEER shall prepare Construction Documents based on the approved Preliminary Design Phase documents and on the updated budget of Total Project Cost. The Construction Documents shall set forth in detail the requirements for construction of the Project. The Construction Documents shall include Drawings and Specifications that establish in detail the quality level of materials and systems required for the Project. Final design services shall include survey and geotechnical investigation.

A2.3.6.1. Five (5) hard copy sets of Contract Documents will be submitted to OWNER for OWNER and review agency use.

A2.3.6.2. Upon receipt of written authorization from OWNER to ENGINEER to proceed with the Final Design Phase services, the Contract Documents will be submitted to OWNER within the following number of calendar days: 60

A2.5 Construction Phase

A2.5.2 Allen & Hoshall will not provide full time Resident Project Representative Services for the project but will be present for critical elements of the project.



EXHIBIT B

This is Exhibit B, consisting of two pages, referred to in the Agreement between OWNER and ENGINEER for

Professional Services, dated _____, 2007.

Initial: OWNER _____ ENGINEER 

Payments to ENGINEER for Services and Reimbursable Expenses

Section 6 of the Agreement is amended and supplemented to include the following agreement of the parties:

Lump Sum Method of Payment (with additional payments on an Hourly Rate basis for "Additional Services of Engineer" and additional payments for Reimbursable Expenses)

SECTION B6 ---- PAYMENTS TO ENGINEER

B6.1. Methods of Payment for Services and Expenses of ENGINEER.

B6.1.1. For Basic Services. OWNER shall pay ENGINEER for Basic Services as follows:

B6.1.1.1. General. For all services of ENGINEER performed or furnished under paragraphs 2.1, 2.2, 2.3 and 2.4, including services of ENGINEER's Consultants, the OWNER shall pay the following lump sum fees:

- \$12,000.00 design
\$12,000.00 update Airport Layout Plan

B6.1.1.2. Construction Phase Services. For all services of ENGINEER performed or furnished under paragraph 2.5 the OWNER shall pay lump sum fees. The specific amounts of these fees and expenses are as follows:

\$13,000.00

No full time Resident Project Representative Services are required in this project.

B6.1.1.3. Operational Phase Services. Method of payment for and amount of payment for services of ENGINEER performed or furnished under

paragraph 2.6 to be provided by Amendment to the Agreement.

B6.1.2. For Additional Services. OWNER shall pay ENGINEER for Additional Services as follows:

B6.1.2.1. General. For services of ENGINEER's principals and employees engaged directly on the Project performed or furnished pursuant to paragraph 3.1 or 3.2 (except services as a consultant or witness under paragraph 3.1.17), an amount equal to the actual hours engaged on the Project times the appropriate hourly rate from the following table. These rates shall be adjusted from time to time as agreed to by all Parties.

Table with 2 columns: Role and Hourly Rate. Roles include Principal, Project Manager, Senior Architect/Engineer, Architect/Engineer, Technician, Surveyor (RLS), Survey Crew, Clerical, and RPR.

B6.1.2.2. ENGINEER's Consultants. For services of ENGINEER's Consultants performed or furnished pursuant to paragraph 3.1 or 3.2, the amount billed to ENGINEER therefor times a factor of 110%.

B6.1.2.3. Serving as a Witness. For services performed by ENGINEER'S principals and

employees as consultants or witnesses in any litigation, arbitration or other legal or administrative proceeding under paragraph 3.1.17, at the rate of \$150.00 per day or any portion thereof (but compensation for time spent in preparing to appear in any such litigation, arbitration or proceeding will be on the basis provided in paragraph B6.1.2.1). Compensation for ENGINEER's Consultants for such services will be on the basis provided in paragraph B6.1.2.2.

B6.1.3. *For Reimbursable Expenses.* OWNER shall pay ENGINEER for Reimbursable Expenses such as:

B6.1.3.1 Reproduction of reports, drawings, specifications, and bidding documents in addition to those required to be delivered in OWNER under Section 2.

B6.1.3.2 Courier and Express Delivery charges.

B6.1.3.3 Subsistence, lodging, travel and mileage of management and design personnel.

B6.1.3.4 Subsistence, lodging and mileage for Survey Crew.

B6.1.3.5 Subsistence, lodging and mileage for Resident Project Representative.

B6.1.3.6 Providing and maintaining construction field office facilities including furnishings, office equipment, utilities and on-site telephone costs.

B6.1.3.7 Photography charges.

B6.1.3.8 Property Title Work charges.

The amount payable to ENGINEER for Reimbursable Expenses will be the charge actually incurred or the imputed cost allocated by ENGINEER therefor times a factor of 110%.

EXHIBIT D

This is **Exhibit D** consisting of two pages, referred to in the **Agreement between OWNER and ENGINEER** for

Professional Services, dated _____, 2007.

Initial:
OWNER _____
ENGINEER ESD

NOTICE OF ACCEPTABILITY OF WORK

PROJECT _____

OWNER _____

Owner's Contract No. _____

CONTRACTOR _____

CONSTRUCTION CONTRACT DATE _____

ENGINEER _____

To _____
OWNER

And To _____
CONTRACTOR

The undersigned hereby gives notice to the above OWNER and CONTRACTOR that the completed Work furnished and performed by CONTRACTOR under the above Contract is acceptable expressly subject to the provisions of the above Contract and the terms and conditions set forth on the reverse side hereof.

ENGINEER

Dated: _____, 2007

CONDITIONS OF NOTICE OF ACCEPTABILITY OF WORK

The Notice on the front side of this paper is expressly made subject to the following terms and conditions to which all persons who receive said Notice and rely thereon agree:

1. Said Notice is given with the skill and care ordinarily used by members of the Engineering profession practicing under similar conditions at the same time and in the same locality.
2. Said Notice reflects and is an expression of the professional judgement of ENGINEER.
3. Said Notice is given as to the best of ENGINEER's knowledge, information, and belief.
4. Said Notice is based entirely on and expressly limited by the scope of services ENGINEER has been employed by OWNER to perform or furnish during construction of the Project (including observation of the Work) under ENGINEER's Agreement with OWNER and under the Contract referenced on the reverse hereof, and applies only to facts that are within ENGINEER's knowledge or could reasonably have been ascertained by ENGINEER as a result of carrying out the responsibilities specifically assigned to ENGINEER under ENGINEER's Agreement with OWNER and the Contract referenced on the reverse hereof.
5. Said Notice is not a guarantee or warranty of CONTRACTOR's performance under the above-referenced Contract referenced on the reverse hereof nor an assumption of responsibility for any failure of CONTRACTOR to furnish and perform the Work thereunder in accordance with the Contract Documents.

EXHIBIT I

This is **Exhibit I**, consisting of three pages, referred to in the **Agreement between OWNER and ENGINEER for**

Professional Services, dated _____, 2007.

Initial:
OWNER _____
ENGINEER  _____

Special Provisions

The Agreement is amended and supplemented to include the following agreement of the parties:

I 1.0. FAA Financial Assistance

- A. OWNER and ENGINEER both understand that OWNER is applying for and expects to receive financial assistance from the FAA. All work performed by ENGINEER for OWNER will conform to and apply with all regulations, requirements, etc. of the FAA.
- B. Any required provisions of FAA Advisory Circular 150/5100-14C not otherwise set forth in this Agreement are hereby incorporated by reference as if fully set forth herein.

I 2.0. Title VI Assurances

- A. During the performance of this Agreement, ENGINEER, for itself, its assignees and successors in interest (hereinafter referred to as the "ENGINEER") agrees as follows:
 - 1. Compliance with Regulations: The ENGINEER shall comply with the regulations relative to the nondiscrimination in federally assisted programs of the Department of Transportation (hereinafter, "DOT") Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this Agreement.
 - 2. Nondiscrimination. The ENGINEER, with regard to the work performed by it during this Agreement, shall not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The ENGINEER shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices where this Agreement covers a program set forth in Appendix B of the Regulations.
 - 3. Solicitations for Subcontracts, Including Procurement of Materials and Equipment. In all solicitations, either by competitive bidding or negotiations, made by the ENGINEER of work to be performed under a subcontract, including procurement of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the ENGINEER of the ENGINEER's obligations under this Agreement and the regulations relative to nondiscrimination on the grounds of race, color, or national origin.
 - 4. Information and Reports. The ENGINEER shall provide all information and reports required by the regulations or directives issued pursuant thereto and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by

the Owner or the Federal Aviation Administration (FAA) to be pertinent to ascertain compliance with such regulations, order, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the ENGINEER shall so certify to the sponsor or the FAA, as appropriate, and shall set forth what efforts it has made to obtain the information.

5. Sanctions for Noncompliance. In the event of the ENGINEER's noncompliance with the nondiscrimination provisions of this Agreement, the sponsor shall impose such contract sanctions as it or the FAA may determine to be appropriate, including, but not limited to, ---

(a) withholding of payments to the ENGINEER under the contract until the ENGINEER complies, and/or

(b) cancellation, termination, or suspension of the contract, in whole or in part.

6. Incorporation of Provisions. The ENGINEER shall include the provisions of paragraphs A. through E. in every subcontract, including procurement of materials and leases of equipment, unless exempt by the regulations or directives issued pursuant thereto. The ENGINEER shall take such action with respects to any subcontract or procurement as the sponsor of the FAA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, however, that in the event ENGINEER becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the ENGINEER may request the sponsor to enter into such litigation to protect the interests of the sponsor and, in addition, the ENGINEER may request the United States to enter into such litigation to protect the interests of the United States.

I 3.0. Disadvantaged Business Enterprises (DBE) Assurances

A. Policy. It is the policy of the Department of Transportation (DOT) that Disadvantaged Business Enterprises, as defined in 49 CFR Part 23, shall have the maximum opportunity to participate in the performance of contracts financed in whole or in part with the Federal funds under this agreement. Consequently, the DBE requirements of 49 CFR Part 23 apply to this Agreement.

B. DBE Obligation. The ENGINEER agrees to ensure that Disadvantage Business Enterprises, as defined in 49 CFR Part 23 have the maximum opportunity to participate in the performance of contracts and subcontracts financed in whole or in part with Federal funds provided under this Agreement. In this regard, the ENGINEER shall take all necessary and reasonable steps in accordance with 49 CFR Part 23 to ensure that Disadvantaged Business Enterprises have the maximum opportunity to compete for and perform contracts. ENGINEER shall not discriminate on the basis of race, color, national origin or sex in the award and performance of DOT assisted contracts.

C. The ENGINEER or subcontractor shall not discriminate on the basis of race, color, national origin or sex in the performance of this contract. The ENGINEER shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of FAA assisted contracts. Failure by the ENGINEER to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy, as the Owner deems appropriate.

D. DBE Obligation. The recipient or its ENGINEER agrees to ensure that Disadvantaged Business Enterprises as defined in 49 CFR Part 26 have the maximum opportunity to participate in the performance of contracts and subcontracts financed in whole or in part with Federal funds provided under this agreement. In this regard, ENGINEER shall take all necessary and reasonable steps in accordance with 49 CFR Part 26 to ensure that Disadvantaged Business Enterprises have the maximum opportunity to compete for and perform contracts. ENGINEER

shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of FAA assisted contracts.

E. All bidders, potential contractors, or subcontractors for this FAA assisted contract are hereby notified that failure to carry out the FAA policy and the DBE obligation, as set forth above, shall constitute a breach of contract which may result in termination of the contract or such other remedy as deemed appropriate by the recipient and the FAA.

I 4.0. Disadvantaged Business Enterprises (DBE) Goal

The ENGINEER shall endeavor to meet or exceed the goal of participation by approved DBE's during the execution of this contract. Further, ENGINEER will cooperate with OWNER in complying with OWNER's Disadvantage Business Enterprise Plan and assist with the report requirements of OWNER with regard to all construction contracts.

I 5.0 Access to Records

ENGINEER hereby agrees that the City of Picayune, the Federal Aviation Administration, the Controller General of the United States, or any of the duly authorized representatives of said agencies shall have access to any and all books, documents, papers, and records of ENGINEER which are directly pertinent to all projects being performed by ENGINEER for City of Picayune, for the purpose of making audits, examination, excerpts and transcriptions. These records shall be maintained by ENGINEER for a period of three (3) years after the City of Picayune makes the final payment and all pending matters are closed on this project.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Guy, Parker, Turnage, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

APPROVE SUBMITTING THE PROJECT DESCRIPTION AND ENVIRONMENTAL CHECKLIST TO THE MISSISSIPPI DEPARTMENT OF MARINE RESOURCES

Motion was made by Council Member Bounds, seconded by Council Member Guy to approve submitting the Project Description and Environmental Checklist to the Mississippi Department of Marine Resources for inclusion in the Mississippi CIAP Plan for three projects.



STATE OF MISSISSIPPI
Haley Barbour
Governor

MISSISSIPPI DEPARTMENT OF MARINE RESOURCES
William W. Walker, Ph.D., Executive Director

January 2, 2007

Mayor Greg Mitchell
Partners for Pearl River County
P.O. Box 276
Picayune, MS 39466

RE: Mississippi Coastal Impact Assistance Program

Dear CIAP Applicant:

I am pleased to apprise you of the status of your Coastal Impact Assistance Program proposal submitted to the Mississippi Department of Marine Resources last fall. Your proposal, The City of Picayune Airport Land Purchase, has been selected for consideration as a Tier 1 project for inclusion in the Mississippi CIAP Plan under the State Section at a funding level of \$1,000,000. The Mississippi CIAP Plan will be reviewed by Governor Haley Barbour and the Department of Interior Minerals Management Service and is the first step in the process for approving your project for funding.

For plan preparation purposes and to be included for consideration as a Tier 1 project in our State CIAP Plan, I request that you complete the attached Project Description and Environmental Checklist form in Word format. This form can be found electronically on our website under CIAP at www.dmr.state.ms.us. For consistency in proposal submittal, please follow the directions and format closely. All information should be submitted in electronic format to Michaela Hill at e-mail address, michaela.hill@dmr.ms.gov or delivered on CD to Michaela Hill, Mississippi Department of Marine Resources, 1141 Bayview Avenue, Biloxi, MS 39530 **by January 31, 2007**. If we do not receive the completed Project Description and Environmental Checklist Form from you by 5 p.m. on January 31, we will not include your project in the draft State CIAP Plan.

If you have any questions, please contact Michaela Hill at (228) 523-4011 or Tina Shumate at (228) 523-4122. Thank you for your interest in Mississippi's CIAP program.

Sincerely,

Handwritten signature of William W. Walker in black ink.

William W. Walker, Ph.D.
Executive Director

Enclosure

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Guy, Parker, Turnage, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

MOTION TO TABLE REQUEST

Motion was made by Council Member Guy, seconded by Council Member Watkins to table request to consider the Terms and Conditions a set forth by Norfolk Southern for the construction of Rail Spur for Rheogistics until February 6, 2007 meeting.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Guy, Parker, Turnage, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

APPROVE REQUEST TO ACCEPT DONATIONS

Motions was made by Council Member Guy, seconded by Council Member Parker to approve request to accept donations form Civic Woman's Club and Fred's for Picayune Police Department Youth Program.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Guy, Parker, Turnage, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

Motion was made by Council Member Watkins, seconded by Council Member Turnage to approve request to accept donation from South Side Elementary, Huey Stockstill, David & Kim Massengale and Richard & Lynne Stockstill for the purchase of Bullet Proof Vest for K-9 Rick and Bullet.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Guy, Parker, Turnage, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

APPROVE REQUEST FOR THE POLICE DEPARTMENT TO ASSESS DAILY STORAGE FEE

Motion was made by Council Member Bounds, seconded by Council Member Watkins to approve request for the Police department to assess a \$15.00 per day storage fee for vehicles stored in the police departments fenced impound storage area.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Guy, Parker, Turnage, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

MOTION TO PROCLAIM FRIDAY, JANUARY 19, 2007 BLACK AND GOLD DAY

Motion was made by Council Member Bounds, seconded by Council Member Guy to Proclaim Friday, January 19, 2007 Black and Gold Day.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Guy, Parker, Turnage, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

MOTION TO DECLARE A MORATORIUM ON BILL BOARDS

Motion was made by Council Member Guy, seconded by Council Member Bounds to declare a 120-day moratorium on bill boards and the Planning Commission to do a study on the sign ordinances and make recommendations.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Guy, Parker, Turnage, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOTING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

AMEND MOTION

Motion was made by Council Member Guy, seconded by Council Member Bounds to amend the motion to allow signs under permit to be constructed.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Guy, Parker, Turnage, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

ORDER TO ENTER CLOSED SESSION TO DETERMINE THE NEED FOR AN EXECUTIVE SESSION

Motion was made by Council Member Watkins, seconded by Council Member Turnage to enter closed session to determine the need for an executive session.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Guy, Parker, Turnage, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

RETURN TO REGULAR SESSION

Motion was made by Council Member Watkins, seconded by Council Member Turnage to return to regular session.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Guy, Parker, Turnage, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

ORDER TO ENTER EXECUTIVE SESSION

Motion was made by Council Member Watkins, seconded by Council Member Turnage to enter executive session to discuss the following:

- A. Contractual matter with Picayune Housing Authority/Police Department
- B. Contractual matter with Industrial Park
- C. Contractual matter with Rural Water Bill
- D. Personal Matter
- E. Utility Authority

The following roll call was made:

VOTING YEA: Mayor Greg Mitchell, Council Members Guy, Parker, Turnage, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

CONTRACTUAL MATTER WITH PICAYUNE HOUSING AUTHORITY/POLICE DEPARTMENT

Motion was made by Council Member Watkins, seconded by Council Member Turnage to table Contractual matter with Picayune Housing Authority/Police Department until the February 6, 2007 meeting.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Guy, Parker, Turnage, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

CONTRACTUAL MATTER WITH INDUSTRIAL PARK

DISCUSSION ONLY – NO ACTION TAKEN

CONTRACTUAL MATTER WITH RURAL WATER BILL

DISCUSSION ONLY – NO ACTION TAKEN

ORDER TO HIRE LLOYD MARSHALL AS CITY CLERK

Motion was made by Council Member Guy, seconded by Council Member Turnage to hire Lloyd Marshall as City Clerk effective February 1, 200 and set salary at \$60,000.00 annually.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Guy, Parker, Turnage, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

REQUEST BY UTILITY AUTHORITY TO RUN WATER AND SEWER SERVICE TO HUPPO ROAD

DISCUSSION ONLY - NO ACTION TAKEN

MOTION TO ADJOURN

Motion was made by Council Member Guy, seconded by Council Member Watkins to adjourn until Tuesday, February 6, 2007 at 6:00 pm.

The following roll call was made:

VOTING YEA: Mayor Greg Mitchell, Council Members Parker, Guy, Turnage, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

Greg Mitchell, Mayor

ATTEST:

Leann Smith, Deputy City Clerk

**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, 815 North Beech Street, in said City, Thursday, January 25, 2007, at 5:30 p.m. in special called session with the following officials present: Mayor Greg Mitchell, Council Members Leavern Guy, Donald Parker, Anna Turnage, Larry Watkins and Jerry Bounds, City Manager Ed Pinero, Jr. Council Member Anna Turnage was absent.

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 Greg Mitchell.

ORDER TO APPROVE THE ISSUANCE OF MANUAL CHECKS

Motion was made by Council Member Bounds, seconded by Council Member Turnage to approve the issuance of the following manual checks:

MANUAL CHECKLIST

**COUNCIL MEETING
January 25, 2007**

PAY TO	EXPENSE	AMOUNT
MS State Tax Commission Motor Vehicle Licensing	Tag for 2000 Expedition	12.00
Norfolk Southern Railway	Spur track turnout (including derail)	94,300.00
Ramada Inn Civic Center	1 Room – Angela Wood and Mary Frierson	248.52
Angela Wood	Travel Advance – 07 Gulf States Horticultural Expo	93.00
Mary Frierson	Travel Advance – 07 Gulf States Horticultural Expo	93.00

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Guy, Parker, Turnage, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

ORDER TO ENTER CLOSED SESSION TO DETERMINE THE NEED FOR AN EXECUTIVE SESSION

Motion was made by Council Member Guy, seconded by Council Member Bounds to enter closed session to determine the need for an executive session.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Guy, Parker, Turnage, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

RETURN TO REGULAR SESSION

Motion was made by Council Member Guy, seconded by Council Member Bounds to return to regular session.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Guy, Parker, Turnage, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

ORDER TO ENTER EXECUTIVE SESSION

Motion was made by Council Member Guy, seconded by Council Member Bounds to enter executive session to discuss the following:

- A. Contractual matter with FEMA Disaster Loan
- B. Contractual matter with Resurrection Life
- C. Possible Litigation with Hide-Away-Lake, Inc.
- D. Personal matters

The following roll call was made:

VOTING YEA: Mayor Greg Mitchell, Council Members Guy, Parker, Turnage, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

CONTRACTUAL MATTER WITH FEMA DISASTER LOAN

Mayor and Council approved changes to Employee Hand Book which includes overtime pay for employees working more than 40 hours including salary employees during Civil Emergencies and Natural Disasters which will be paid by FEMA or other responsible Government agencies. A phone poll was conducted on this matter.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Guy, Parker, Turnage, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

APPROVED AMENDMENT TO EMPLOYEE FLEXIBLE WORK SCHEDULE AND EMPLOYEE COMPENSATION TIME

Mayor and Council approved amendment to Employee flexible work schedule and Employee Compensation time. A phone poll was conducted on this matter.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Guy, Parker, Turnage, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

CONTRACTUAL MATTER WITH RESURRECTION LIFE

Motion was made by Council Member Guy, seconded by Council Member Turnage to approve long-term lease on 3 acres of land at Industrial Park. Nathan Farmer will provide lease agreement.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Guy, Parker, Turnage, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

POSSIBLE LITIGATION

Motion was made by Council Member Guy, seconded by Council Member Turnage to keep gate closed, except for emergencies, until City Manager and HAWL Manager get a contract with Supervisors to overlay Cooper Road and Expand Intersection of Cooper Road and Hwy 43 North.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Guy, Parker, Turnage, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

PERSONNEL MATTERS

Discussion with Mayor and Council that Lloyd Marshall will not be accepting employment agreement as City Clerk with the City of Picayune. He accepted another offer after officially accepting the Picayune job in writing. He waited until 7 days before his start date to inform Picayune,

MOTION TO ADJOURN

Motion was made by Council Member Guy, seconded by Council Member Watkins to adjourn until Tuesday, February 6, 2007 at 6:00 pm.

The following roll call was made:

VOTING YEA: Mayor Greg Mitchell, Council Members Parker, Guy, Turnage, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

Greg Mitchell, Mayor

ATTEST:

Leann Smith, Deputy City Clerk

**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, 815 North Beech Street, in said City, Tuesday, February 6, 2007, at 6.00 p.m. in regular session with the following officials present: Mayor Greg Mitchell, Council Members Leavern Guy, Donald Parker, Anna Turnage, Larry Watkins and Jerry Bounds, City Manager Ed Pinero, Jr.

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

Opening prayer was given by Daryl Worley, followed by the Pledge of Allegiance led by Mayor Greg Mitchell.

**MOTION WAS MADE TO APPROVE THE CITY OF PICAYUNE MINUTES DATED
JANUARY 16, 2007**

Motion was made by Council Member Guy, seconded by Council Member Turnage to approve the City of Picayune Minutes dated January 16, 2007.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Guy, Parker, Turnage, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

ORDER TO APPROVE THE ISSUANCE OF MANUAL CHECKS

Motion was made by Council Member Guy, seconded by Council Member Turnage to approve the issuance of the following manual checks:

MANUAL CHECKLIST

**COUNCIL MEETING
February 6, 2007**

PAY TO	EXPENSE	AMOUNT
MDECD	Cap Loan #0180	\$2,293.21
MS Development Authority	Cap Loan #0294	\$1,496.57

Trustmark National Bank	GO Bond 2004	\$103,462.50
MS Development Authority	MDA Loan #AP-015	\$26,675.58
Leavern Guy	Travel to Jackson for MML Conference	\$248.75
Jerry Bounds	Travel to Jackson for MML Conference	\$62.00

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Guy, Parker, Turnage, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

ORDER TO APPROVE DOCKET

Motion was made by Council Member Watkins, seconded by Council Member Parker to approve the docket for the month of January in the amount of \$855,849.68.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Guy, Parker, Turnage, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

AT THIS TIME A PRESENTATION OF RESOLUTION OF THANKS WAS PRESENTED TO MRS. LAURE GUIDRY

APPROVE REQUEST FROM PICAYUNE MAIN STREET TO CONDUCT PICAYUNE STREET FAIR

Motion was made by Council Member Bounds, seconded by Council Member Parker to approve request from Picayune Main Street to conduct Picayune Street Fair March 31 and April 1, 2007 with street closure from Friday, March 30 at 6:00 pm through 7:00 pm Sunday April 1, 2007.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Guy, Parker, Turnage, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

APPROVE REQUEST FROM PICAYUNE MAIN STREET TO CONDUCT TUNG BLOSSOM 5K RUN AND FUN WALK AT PICAYUNE STREET FAIR

Motion was made by Council Member Guy, seconded by Council Member Turnage to approve request from Picayune Main Street to conduct Tung Blossom 6K Run and Fun Walk at Picayune Street Fair March 31, 2007 with the route starting and finishing on the East side of Jack Read Park on Quince Street. The route will be the same as the Spring 2006 run.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Guy, Parker, Turnage, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

APPROVE REQUEST FROM PICAYUNE MAIN STREET TO CONDUCT COMMERCIAL HELICOPTER SERVICE AT PICAYUNE STREET FAIR

Motion was made by Council Member Guy, seconded by Council Member Turnage to approve request from Picayune Main Street to conduct Commercial Helicopter Service at Picayune Street Fair March 31 and April 1, 2007 on property owned by Jamie Boe located on South Main Street.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Guy, Parker, Turnage, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

APPROVE REQUEST FROM PICAYUNE MAIN STREET TO HAVE THE RETURN OF CARNIVAL RIDES

Motion was made by Council Member Parker, seconded by Council Member Guy to approve request from Picayune Main Street to have the return of carnival rides provided by Crescent City Amusement from Slidell, LA.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Guy, Parker, Turnage, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

APPROVE REQUEST FROM PICAYUNE MAIN STREET TO CONDUCT TRAIN RIDE BY PAUL SULLIVAN AT PICAYUNE STREET FAIR

Motion was made by Council Member Watkins, seconded by Council Member Parker to approve request from Picayune Main Street to conduct train ride by Paul Sullivan at Picayune Street Fair March 31 and April 1, 2007.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Guy, Parker, Turnage, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

CONTINUANCE OF STATE OF EMERGENCY

Motion was made by Council Member Parker, seconded by Council Member Guy to continue state of emergency status for the next thirty days.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Guy, Parker, Turnage, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

APPROVE REQUEST BY HABITAT FOR HUMANITY TO WAIVE ALL FEES

Motion was made by Council Member Watkins, seconded by Council Member Turnage to approve request by Habitat for Humanity to waive all fees associated with Planning Commission, Sub-Division, Building Electrical and Plumbing permits and any other permits required by the City.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Guy, Parker, Turnage, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

APPROVE REQUEST FROM THE PICAYUNE COMPLEX HEAD START CENTER TO HOLD THEIR ANNUAL MARDI GRAS PARADE

Motion was made by Council Member Guy, seconded by Council Member Watkins to approve request from the Picayune Complex Head Start Center to hold their Annual Mardi Gras Parade starting at 9:00 am with the parade route from the Center on Rosa Street to Southside Elementary School entrance on Rosa Street (near Sherd Street) through Southside Elementary and exit on the West side onto Beech Street and back to the Center.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Guy, Parker, Turnage, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

APPROVE REQUEST FROM HC DILLARD TO REMOVE CONCRETE SLABS FROM ARIZONA CHEMICAL/CITY HALL PROPERTY

Motion was made by Council Member Watkins, seconded by Council Member Turnage to approve request from HC Dillard to remove concrete slabs from Arizona Chemical/City Hall property with no charge to the City.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Guy, Parker, Turnage, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

APPROVE REQUEST TO AUTHORIZE THE ACCOUNTING DEPARTMENT TO ARRANGE FOR THE OPENING OF ONE NEW NON-INTEREST BEARING BANK ACCOUNT FOR REIMBURSEMENTS FROM FEMA

Motion was made by Council Member Watkins, seconded by Council Member Guy to approve request to authorize the Accounting Department to arrange for the opening of one new non-interest bearing bank account for reimbursements from FEMA

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Guy, Parker, Turnage, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

APPROVE REQUEST TO AUTHORIZE THE ACCOUNT DEPARTMENT TO ARRANGE FOR THE OPENING OF ONE NEW INTEREST BEARING BANK ACCOUNT FOR ALL FUTURE PROPERTY AND EDP INSURANCE SETTLEMENT REIMBURSEMENTS

Motion was made by Council Member Bounds, seconded by Council Member Turnage to approve request to authorize the Accounting Department to arrange for the opening of one new interest bearing bank account for all future property and EDP Insurance settlement reimbursements.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Guy, Parker, Turnage, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

MOTION TO REMOVE PROPERTY LOCATED AT 420 NORTH JACKSON STREET FROM PUBLIC NOTICE HEARING

Motion was made by Council Member Guy, seconded by Council Member Parker to remove property located at 420 North Jackson Street from Public Notice Hearing due to it being considered for inclusion on the Mississippi Heritage Trust's 2007 list of 10 Most Endangered Historic Places.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Guy, Parker, Turnage, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

APPROVE REQUEST TO SET A PUBLIC HEARING DATE FOR PROPERTY CLEANUP

Motion was made by Council Member Turnage, seconded by Council Member Guy approved setting Tuesday, March 6, 2007 as the date for a public hearing to declare the following properties a public nuisance.

931 Martin Luther King Blvd
105 Kindra Lane
100 Quence Street

REGULAR MEETING FEBRUARY 6, 2007

Delta Tire World, Hwy 43 South Parcel#617-632-002-02-099.2
815 Herrin Drive
804 South Main Street
200 South Beech Street
400 North Beech Street
119 North Jackson Street
1415 Palestine Road

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Guy, Parker, Turnage, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

CONSIDER THE TERMS AND CONDITIONS AS SET FORTH BY NORFOLK SOUTHERN FOR THE CONSTRUCTION OF RAIL SPUR FOR RHEOGISTICS

NO ACTION TAKEN

MOTION TO ACCEPT THE CAPITAL IMPROVEMENTS REVOLVING LOAN (CAP) FROM MISSISSIPPI DEVELOPMENT AUTHORITY TO COMPLETE THE CONSTRUCTION OF THE T-HANGER AT THE PICAYUNE MUNICIPAL AIRPORT AND AUTHORIZE THE MAYOR TO SIGN THE SAID DOCUMENTS

Motion was made by Council Member Guy, seconded by Council Member Bounds to accept the Capital Improvements Revolving Loan (CAP) for Mississippi Development Authority to complete the construction of the T-Hanger at the Picayune Municipal Airport and authorize the Mayor to sign the said documents.

**MISSISSIPPI DEVELOPMENT AUTHORITY
CAPITAL IMPROVEMENTS LOAN PROGRAM**

PROMISSORY NOTE #06-297-CP-01

January 9, 2007

Not to Exceed \$300,000

FOR VALUE RECEIVED, the undersigned (the "Borrower") promises to pay to the order of the Mississippi Development Authority ("MDA") or its assigns, the principal sum not to exceed Three Hundred Thousand Dollars (\$300,000), together with interest on the unpaid principal balance thereof until fully and finally paid at the rate of three percent (3%) per annum, together with all other amounts payable by the Borrower under the Agreement (as hereinafter defined).

This Note has been executed under and pursuant to a Loan Agreement dated as of the date hereof between MDA and the Borrower (the "Agreement") which Agreement is incorporated herein in its entirety by reference. This Note is issued to evidence the obligation of the Borrower under the Agreement to repay the Loan (as defined in the Agreement) made by MDA thereunder. The Agreement includes provisions for prepayment of this Note. In the event that the terms of this Note conflict with the terms of the Agreement, the terms of the Agreement shall control.

As provided in the Agreement and subject to the provisions thereof, payments hereon are to be made to MDA at the address specified in the Agreement and on the dates and in the amounts as specified in the Agreement.

If payment hereunder becomes due and payable on a Saturday, Sunday or legal holiday under the laws of the State of Mississippi, the due date thereof shall be extended to the next succeeding business day. Upon the occurrence of an event of default under the Agreement, the entire amount outstanding under this Note may be declared due and payable as provided in the Agreement. Upon such declaration, the Borrower shall pay all costs, disbursements, expenses and reasonable attorney's fees of MDA in seeking to enforce their rights under the Agreement and this Note.

The Borrower (a) waives diligence, demand, presentment for payment, notice of non-payment, protest and notice of protest and notice of any renewals of extensions of this Note and (b) agrees that the time for payment of this Note may be extended at the sole discretion of MDA without impairing its liability hereon. Any delay on the part of MDA in exercising any right hereunder shall not operate as a waiver of any such right, and any waiver granted with respect to one (1) default shall not operate as a waiver in the event of any subsequent or continuing default.

This Note must be signed and attested by duly authorized officers of the Borrower and sealed with the seal of the Borrower.

This Note shall be governed and construed in accordance with the laws of the State of Mississippi.

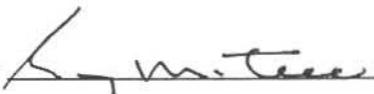
IN WITNESS WHEREOF, the undersigned has caused this Note to be executed in its name all as of the day and year first above written.

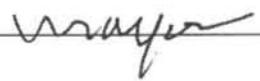
(S E A L)

City of Picayune

Attest

Title _____

By  _____

Title  _____

**MISSISSIPPI DEVELOPMENT AUTHORITY
CAPITAL IMPROVEMENTS LOAN PROGRAM**

LOAN AGREEMENT

THIS LOAN AGREEMENT, dated as of January 9, 2007 (this "Agreement") by and between the Mississippi Development Authority ("MDA") and the entity set forth in Item 1 of Annex A (the "Applicant").

WITNESSETH:

WHEREAS, the Mississippi Capital Improvements Act, Section 57-1-301 (the "Act"), was enacted and authorized MDA to make interest-bearing loans to local entities for capital improvements; and

WHEREAS, the Applicant has agreed to retain title to the capital improvements and has requested MDA to finance a portion of the cost associated with the development of these improvements, more particularly described in Item 2 of Annex A (the "Project"); and

WHEREAS, pursuant to the Act and the guidelines adopted by MDA under the Act (the "Guidelines"), the Applicant has filed an application (the "Application") with MDA for a loan to be used for the development of the Project, more particularly described in Item 2 of Annex A (the "Project"); and

WHEREAS, based upon the Application and other relevant factors, MDA has agreed to provide the Applicant with a loan under the Act in the amount set forth in Item 3 of Annex A (the "Loan") under the terms and conditions set forth in Item 4 of Annex A, in order to fund, in part, and develop the Project by the Applicant; and

WHEREAS, to secure the payment of the Loan, the Applicant has authorized, executed, and delivered the Note (as hereinafter defined) to MDA.

NOW, THEREFORE KNOW ALL MEN BY THESE PRESENTS, THIS LOAN AGREEMENT WITNESSETH:

That the parties hereto, intending to be legally bound hereby and in consideration of the mutual covenants hereinafter contained, do hereby agree as follows:

SECTION 1. *Loan.* Subject to and upon the terms and conditions set forth herein, MDA agrees to make the Loan to the Applicant and the Applicant agrees to borrow the proceeds of the Loan from MDA. The Loan will be evidenced by a promissory note payable to the order of MDA and dated as of the date hereof in substantially the form attached hereto as Exhibit A attached hereto (the "Note"), which Note shall bear interest at the rate or rates per annum set forth in Item 4 of Annex A and as shown on the face of the Note. Subject to the provisions of this Agreement, the Act, the Application, and the Guidelines, and upon execution of this Agreement, the Note and any other documents required by MDA to secure the Applicant's repayment of the Loan, MDA shall pay the proceeds of the Loan unto the Applicant in order to finance, in part, the Project. The Applicant can submit only one request for cash per month to MDA, and the total amount of requested funds for the project cannot exceed the maximum loan amount. The amount of the request can only be for eligible costs on current cash needs basis. All loan funds must be expended within one year from the date of the loan or the funds shall be recalled unless prior written approval is obtained from MDA.

SECTION 2. *Loan Payments and the Note.* All payments payable by the Applicant under this Agreement and the Note (the "Loan Payments") are due and payable at the times and in the amounts set forth in Item 4 of Annex A. MDA directs the Applicant, and the Applicant agrees to pay to MDA, at the address set forth in Section 9 hereinbelow, all payments payable by the Applicant pursuant to this Agreement.

Failure of the Applicant to meet its repayment obligations shall result in the forfeiture of sales tax allocation and/or homestead exemption reimbursement in an amount sufficient to repay obligations due pursuant to Section 57-1-303(3) of the Act.

The Applicant shall execute the Note to evidence its obligation to make the Loan Payments and any other sums payable by the Applicant hereunder.

It is understood and agreed that all Loan Payments by the Applicant under this Agreement and the Note shall be absolute and unconditional and shall not be subject to any defense (other than payment) or any right of set-off, counterclaim or recoupment arising out of any breach by MDA, or the State of any obligation to the Applicant, whether hereunder or otherwise, or out of any indebtedness or liability at anytime owing to the Applicant by MDA or the State.

The Applicant may, at its option, at any time and from time to time prepay the Loan without premium or penalty.

SECTION 3. Representations of MDA. MDA makes the following representations as the basis for the undertakings on the part of the Applicant herein contained.

(a) MDA is an agency of the State and is authorized pursuant to the provisions of the Act and the Guidelines to enter into the transactions contemplated by this Agreement.

(b) MDA has full power and authority to enter into the transactions contemplated by this Agreement and to carry out its obligations hereunder.

(c) MDA is not in default under any provisions of the laws of the State material to the performance of its obligations under this Agreement.

(d) MDA has been duly authorized to execute and deliver this Agreement and by proper action has duly authorized the execution and delivery hereof and as to MDA, this Agreement is valid and legally binding and enforceable in accordance with its terms, except to the extent that the enforceability thereof may be limited (1) by bankruptcy, reorganization, or similar laws limiting the enforceability of creditor's rights generally or (2) by the availability of any discretionary equitable remedies.

(e) The Loan for the activity or activities described in Annex A Item 2 to the Applicant, as provided by this Agreement, will further the purposes of the Act, to wit: to assist local entities in the providing capital improvements.

SECTION 4. Representations of the Applicant. The Applicant makes the following representations as the basis for the Loan and the undertakings on the part of MDA herein contained:

(a) The Applicant has all necessary power and authority to enter into and perform its duties under this Agreement and the Note and, when adopted or when executed and delivered by the respective parties hereto and thereto, this Agreement and the Note will constitute legal, valid, and binding obligations of the Applicant enforceable in accordance with their respective terms except to the extent that the enforceability of the rights set forth herein and therein may be limited by bankruptcy, reorganization, insolvency, moratorium, or other laws affecting creditors' rights generally and except to the extent that the enforceability of the rights set forth herein and therein may be limited by the validity of any particular remedy. The execution and delivery of this Agreement and the Note and compliance with the provisions of each, will not conflict with, or constitute a breach of or default under, the Applicant's duties under any law, administrative regulation, court decree, resolution, charter, by-laws, or other agreement to which the Applicant is subject or by which it is bound.

(b) There is no consent, approval, authorization or other order of, filing with, or certification from any regulatory authority having jurisdiction over the Applicant required for the execution and delivery or the consummation by the Applicant of any of the transactions contemplated by this Agreement and the Note that have not already been obtained.

(c) There is no action, suit, proceeding, or investigation at law or in equity before or by any court, governmental agency or body pending or, to the best knowledge of the Applicant, after reasonable investigation and due inquiry, threatened against the Applicant to restrain or enjoin the execution or delivery of the Note, or the making of the Loan Payments contemplated by this Agreement and the Note, or in any way contesting or affecting the validity of this Agreement and the Note or contesting the powers of the Applicant to adopt, enter into or perform its obligations under any of the foregoing or materially and adversely affecting the properties or conditions (financial or otherwise) or existence or powers of the Applicant.

(d) It shall comply with the terms and provisions of this Agreement, the Note, the Act, and the Guidelines.

(e) It is not in default under any previous loans from MDA, the State, or the Federal Government.

(f) All information furnished by the Applicant to MDA for the purpose of approving the Loan, including, but not limited to, the Application, is true, accurate, and complete as of the date hereof and thereof.

(g) The Loan is being made to finance the Project and will not be used for any other purpose.

SECTION 5. *Covenants of the Applicant.* The Applicant covenants and agrees, until the Loan is repaid and satisfied in full according to the terms of this Agreement, as follows:

(a) The Applicant will retain title, maintain, preserve, keep the Project in good working order, and condition. For water and wastewater improvements, the Applicant must have established a reserve fund prior to loan closing and the fund should have the equivalent of one year maintenance cost at the end of the first year. For improvements in fire protection, the Applicant must meet the National Fire Protection Association (NFPA) standards in the 1900 series.

(b) The Applicant shall not, without the prior written consent of MDA, create, assume, or otherwise suffer to exist any mortgage, pledge, or other encumbrance upon the Project.

(c) The Applicant shall promptly give to MDA written notice of any event of default as specified in Section 9 hereof or any event that, upon lapse of time or notice or both, would become an event of default.

SECTION 6. *Defaults and Remedies.* The following shall be "events of default" under this Agreement, and the terms "event of default" or "default" shall mean, whenever they are used in this Agreement, any one or more of the following events:

(a) Failure by the Applicant to pay or cause to be paid when due any payments required to be paid under Section 2 hereof and the Note;

(b) Failure by the Applicant to observe and perform in any material way, any covenant, conditions or agreement on its part to be observed or performed as set forth herein, which failure shall not be cured to the satisfaction of MDA within the earlier of ten (10) days after actual knowledge thereof by the Applicant or written notice, specifying such failure and requesting that it be remedied, is given to the Applicant by MDA;

(c) Any written representation or written warranty made by the Applicant in or with respect to this Agreement shall prove to have been false in any material respect at the time of execution by the Applicant of this Agreement;

(d) The Applicant shall commence a voluntary case or other proceeding in bankruptcy or seeking liquidation, reorganization, arrangement, readjustment of its debts or for any other relief under the federal bankruptcy laws, as amended, or under any other insolvency act or law, state or federal, now or hereafter existing or shall take any other action indicating its consent to, approval of, or acquiescence in any such case or proceedings, and said proceeding is

not dismissed within thirty (30) days after the commencement thereof; the Applicant shall apply for, or consent to or acquiesce in the appointment of a receiver, liquidator, custodian, sequestrator or a trustee for all or a substantial part of its property; the Applicant shall make an assignment for the benefit of its creditors; or the Applicant shall fail, or shall admit in writing its failure to pay its debts generally as such debts become due;

(e) There shall be filed against the Applicant an involuntary petition in bankruptcy or seeking liquidation, reorganization, arrangement, readjustment of its debts or any other relief under the federal bankruptcy laws, as amended, or under any other insolvency act or law, state or federal, now or hereafter existing, and such petition is not set aside within thirty (30) days after such filing; or a receiver, liquidator, custodian, sequestrator or trustee of the Applicant for all or a substantial part of its property shall be appointed without the consent or approval of the Applicant or a warrant of attachment, execution or similar process against any substantial part of the property of the Applicant is issued; and continuance of any such events for thirty (30) days undismissed or undischarged or within such thirty (30) days, the entering of an order for relief under the United States Bankruptcy Code; or

(f) There is a material adverse change in the financial condition of the Applicant which would, in the opinion of MDA endanger MDA's ability to collect the Loan.

Whenever an event of default shall have occurred and be continuing, MDA may at any time thereafter, at their option, declare the Loan to be due and payable, whereupon the maturity of the then unpaid balance of the Loan shall be accelerated and the same shall forthwith become due and payable without presentment, demand, protest or notice of any kind, all or which are hereby expressly waived, anything contained herein or in the Note to the contrary notwithstanding, and MDA may take any action at law or in equity to enforce this Agreement to collect the payments then due and thereafter to become due, or to enforce performance and observance of any obligation, agreement or covenant of the Applicant under this Agreement or the Note. No remedy conferred upon or reserved to MDA by this Agreement is intended to be exclusive of any other available remedy or remedies, but each and every such remedy shall be cumulative and shall be in addition to every other remedy given under this Agreement or now or hereafter existing at law or in equity or by statute. No delay or omission or exercise any right or power occurring upon any default shall impair any such right or power or shall be construed to be a waiver thereof, but any such right and power may be exercised from time to time and as often as may be deemed expedient. If the Applicant shall default under any of the provisions of this Agreement and MDA shall employ attorneys or incur other expenses for collection of the Loan Payments or for the enforcement or performance or observance of any obligation or agreement on the part of the Applicant contained in this Agreement or the Note, the Applicant, will on demand therefore pay the reasonable fees and expenses of MDA and its attorneys as they are incurred including all fees of counsel incurred for negotiation, trial, appeals or ruling of any lower tribunals, administrative hearings, bankruptcy and creditors' reorganization proceedings.

(g) All cost and disbursements must be in accordance with the loan agreement and the Mississippi Capital Improvements Act  57-1-301 *et seq.* for eligible cost. If any cost or disbursements are ineligible, the Applicant is in default and must reimburse the MDA for the ineligible cost and any accrued interest.

SECTION 7. Release and Indemnification of MDA and State. The Applicant hereby releases MDA and the State from, and agrees that MDA, the State and their respective officers, directors, members, employees, attorney and agents shall not be liable for, and agrees to indemnify and hold MDA and the State and their respective officers, directors, members, employees, attorney and agents harmless against:

(a) Any liability, cost or expense in the administration of this Agreement and the Note and the obligations imposed on MDA and the State hereby and thereby.

SECTION 8. Compliance with Environmental Laws. The Applicant shall cause all business, operations, and activities at or upon the Project at all times during the term of this Agreement to be conducted in compliance with all applicable federal, state, or local laws,

ordinances, rules or regulations concerning public health, safety or the environment. These include, but are not limited to, the following:

- (a) The Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C., §§9601 *et seq.*;
- (b) The Resource Conservation and Recovery Act, as amended, 42 U.S.C. §§6901 *et seq.*;
- (c) The Clean Water Act, as amended, 33 U.S.C. §§1251 *et seq.*;
- (d) The Safe Drinking Water Act, as amended, 42 U.S.C. §§300(f) *et seq.*;
- (e) The Toxic Substances Control Act, as amended, 15 U.S.C. §§2601 *et seq.*;
- (f) The Clean Air Act, as amended, 42 U.S.C. §§7401 *et seq.*;
- (g) The Emergency Planning and Community Right-to-Know Act of 1986, as amended, 42 U.S.C. §§11001 *et seq.*;
- (h) The Occupational Health and Safety Act, as amended, 29 U.S.C. §§651 *et seq.*;
- (i) The Mississippi Air and Water Pollution Control Law, as amended, Miss. Code Ann. §§49-17-1 *et seq.*;
- (j) The Mississippi Solid Waste Disposal Law of 1974, as amended, Miss. Code Ann. §§17-17-1 *et seq.*;
- (k) The Mississippi Underground Storage Tank Act of 1988, as amended, Miss. Code Ann. §§49-17-401 *et seq.*; and
- (l) The Mississippi Conservation of Groundwater Law, as amended, Miss. Code Ann. §§51-4-1 *et seq.*
- (m) Antiquities Law of Mississippi, as amended, Miss. Code Ann. §§39-7-1 *et seq.*

SECTION 9. Notice Addresses. All notices given pursuant to this Agreement shall be in writing signed by the party giving the notice and shall be given by (a) certified mail, postage prepaid, (b) prepaid overnight delivery, or (c) hand delivery. For the purposes of this Agreement, notices shall be sent to the parties at the addresses set forth in Item 5 of Annex A hereto or to such other addresses that the parties may designate in writing.

SECTION 10. Miscellaneous.

- (a) The paragraph headings in this Agreement are for convenience only and are not intended to limit or interpret the provisions of this Agreement.
- (b) All Annexes and Exhibits which are referred in this Agreement are made a part of and are incorporated into this Agreement.
- (c) This Agreement shall be governed as to validity, construction and performance by the laws of the State of Mississippi.
- (d) This Agreement may be executed in any number of counterparts, each of which, when so executed and delivered, shall be an original, but such counterparts shall together constitute but one in the same instrument.

(e) No delay or failure by either party to exercise any right under this Agreement, and no partial or single exercise of that right, shall constitute a waiver of that or any other right, unless otherwise expressly provided herein.

(f) If any clause, provision or section of this Agreement is held to be illegal or invalid by any court, the invalidity of such clause, provision or section shall not effect any of the remaining clauses, provisions or sections hereof and this Agreement shall be construed and enforced as if such illegal or invalid clause, provision or section had not been contained herein.

(g) The economic benefit to Applicant must be stated in any lease agreement with a business.

(h) Before releasing any CAP funds, the local entity shall provide title insurance on all real property acquisitions or title opinion on all other projects from the local entity's attorney.

(i) The local entity must place a sign in accordance to the Policy Statement. The local entity shall be responsible for the cost of the sign. CAP funds cannot be used to pay for the sign.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed as of the day and year first above written on the cover page hereof.

(S E A L)

**MISSISSIPPI DEVELOPMENT
AUTHORITY**

Attest

Devin Baltus
Title Associate Manager, Senior Services

By Joseph P. Deason
Joseph P. Deason
Chief Financial Officer

(S E A L)

City of Picayune

Attest

Title _____

By Greg Mitchell
Greg Mitchell
Mayor

I HEREBY CERTIFY that I have reviewed all necessary documentation pursuant to this Agreement and the Note, and that the Applicant is legally empowered to execute the documents and enter into said Capital Improvements Revolving Loan with MDA.

Applicant's Attorney

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Guy, Parker, Turnage, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

MOTION TO AMEND THE AGENDA

Motion was made by Council Member Guy, seconded by Council Member Bounds to amend the agenda to include consider authorizing the Mayor to sign the Contract and Contract Documents for the construction of the Picayune Intermodal Center, by and between the City of Picayune and Kanduit Construction Company.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Guy, Parker, Turnage, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

AUTHORIZE THE MAYOR TO SIGN THE CONTRACT AND CONTRACT DOCUMENTS FOR THE CONSTRUCTION OF THE PICAYUNE INTERMODAL CENTER, BY AND BETWEEN THE CITY OF PICAYUNE AND KANDUIT CONSTRUCTION COMPANY

Motion was made by Council Member Guy, seconded by Council Member Watkins to authorize the Mayor to sign the contract and contract documents for the construction of the Picayune Intermodal Center, by and between the City of Picayune and Kanduit Construction Company.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Guy, Parker, Turnage, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

APPROVE REQUEST TO ACCEPT DONATIONS FROM UNITED METHODIST WOMEN AND 30ER'S FOR TRANSIT FUND (PPD)

Motion was made by Council Member Guy, seconded by Council Member Turnage to approve request to accept donations for United Methodist Women and 30er's for Transit Fund (PPD).

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Guy, Parker, Turnage, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

APPROVE REQUEST AUTHORIZATION TO ENTER INTO INTER-LOCAL AGREEMENT BETWEEN THE CITY OF PICAYUNE AND THE POPLARVILLE SCHOOL DISTRICT AND AUTHORIZE CHIEF KEITH BROWN TO SIGN SAID AGREEMENT FOR THE CITY OF PICAYUNE

Motion was made by Council Member Guy, seconded by Council Member Watkins to approve request authorization to enter into Inter-Local Agreement between the City of Picayune and the Poplarville School District for reason of partnering with Poplarville School District who was awarded a grant in which Automated External Defibrillators (A.E.D.'s) could be obtained. The Police and Fire department will assist with funding the purchase of said A.E.D.'s. Authorize Chief Keith Brown to sign said agreement for the City of Picayune.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Guy, Parker, Turnage, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

APPROVE REQUEST AUTHORIZATION TO ENTER INTO INTER-LOCAL MUTUAL AID AGREEMENT WITH STENNIS FIRE DEPARTMENT AND AUTHORIZE MAYOR TO SIGN SAID AGREEMENT

Motion was made by Council Member Bounds, seconded by Council Member Guy to approve request authorization to enter into Inter-Local Mutual Aid Agreement with Stennis Fire Department and authorize Mayor to sign said agreement.

2/6/07
1:28:14
1/27/07

DRAFT

**INTERLOCAL
MISSISSIPPI GULF COAST FIRE DEPARTMENT
MUTUAL AID AGREEMENT**

THIS AGREEMENT, is made and entered into this 1st day of February, 2007, by and between the Cities, Towns, Fire Districts, and governmental jurisdictions, through their duly authorized City Manager, Board of Directors or other lawfully designated representative, to provide for mutual assistance for fires and other types of emergency incidents as described under the terms of this Agreement for the jurisdictions participating.

WITNESSETH:

WHEREAS, various volunteer fire departments who are parties hereto are private, nonprofit corporations and are not publicly owned and operated departments and they have autonomous authority to provide assistance for fire protection and response outside of their respective jurisdictions; and

WHEREAS, various fire districts who are parties hereto have authority pursuant to the Interlocal Cooperation Act of 1974, Mississippi Code Ann. §17-13-3, 17-13-5, 17-13-7 to enter into Agreement and provide assistance for fire protection and response in cases of emergencies outside of their jurisdictions and municipal fire departments in this State have similar authority pursuant to Mississippi Code Ann. § 21-19-23 (Rev. 1990); and

WHEREAS, the fire departments and fire protection agencies of the Federal Government, including the Department of Defense and National Aeronautics and Space Administration, have authority pursuant to the Reciprocal Fire Protection Act of May 27,

1995, 42 U.S.C. § 1856(a), to enter into Agreement and provide assistance outside their respective jurisdictions for fire protection and response in case of emergencies; and

WHEREAS, agreements for mutual assistance in fire protection and response to other emergencies have existed between municipalities and governmental jurisdictions; and

WHEREAS, it is the desire of the municipalities, governmental jurisdictions, and fire districts joining in this Agreement, to continue to improve the nature and coordination of emergency assistance to incidents that threaten the loss of life or property within the geographic boundaries of their respective jurisdictions; and

WHEREAS, it is further the determination of each of the parties thereto that the decision to enter into this Interlocal Mutual Aid Agreement constitutes a fundamental governmental policy of the parties hereto which is discretionary in nature, and includes the determination of the proper use of the resources available to each of the parties hereto with respect to the providing of governmental services and the utilization of existing resources of each of the parties hereto, including the use of equipment and personnel.

WHEREAS, it is the desire of these municipalities and governmental jurisdictions to initiate and/or review an "Interlocal Mutual Aid Agreement" for fire department services.

NOW, THEREFORE, IT IS AGREED:

1. That the municipalities, governmental jurisdictions, and Fire Districts joining in this discretionary Agreement agree, for the purpose of emergency response, that certain formal operating procedures shall be followed in terms of requesting, dispatching and redeploying emergency units and operating at the scene of emergency incidents.

2. It is understood and agreed that the Fire Chief, or delegate, of a jurisdiction requesting assistance shall be the sole judge of how much assistance is needed, and the Fire Chief of the party receiving the request for assistance shall have the responsibility of determining, pursuant to the governmental policy of his jurisdiction, the level and amount of resources including equipment and personnel to be devoted in response to the requested assistance furnished to any given incident; and that neither party is in any way liable to the other or to any other person, firm or corporation for the determination to supply or not to supply, or to limit the amount of assistance supplied upon such request following such determination.

3. It is understood and agreed that the assisting fire department units shall operate under the direction of the Fire Chief or other authorized person in command of emergency operations for the jurisdiction requesting assistance. The Fire Chiefs joining in this Agreement may adopt standard operating procedures to provide for incident command and management, communications, safety and such other aspects of operations as are necessary to provide for the health and safety of the public and emergency response personnel.

4. It is further agreed that the scope of this Agreement may include mutual agreement in responding to fires, medical emergencies, hazardous materials incidents, rescue and extrication situations and other types of emergency incidents that are within the scope of services provided by fire departments.

5. The parties further agree to participate in multi-jurisdictional drills and exercises, training programs, pre-incident critiques and other activities to enhance safe and effective emergency operations when practical and feasible to participate; each party

is to assume their own costs and expenses incurred, as a result of such drills and exercises, programs, planning, critiques, and other activities.

6. The spirit of this Agreement shall be to encourage the development of cooperative procedures and protocols, including but not limited to joint purchasing, communications coordination, training, health and safety, fire prevention, public education, fire investigations and other activities that will enhance the ability of the fire departments to fulfill their missions.

7. Nothing in this Agreement shall limit the ability of any or all of the parties from agreeing to participate in more specific contracts for services, mutual assistance or automatic response; nor shall this prohibit any party from providing emergency assistance to another jurisdiction which is not a participant in this Agreement.

8. It is understood that no party to this Agreement by the execution of said Agreement or by the requesting or providing of assistance under this Agreement has assumed any obligation or binding legal responsibility to provide the resources, equipment, facilities or personnel of such responding jurisdiction outside its geographic area of jurisdiction, either in the instance of the initial request for assistance or any further request for assistance.

9. From the time of arrival to the time of departure at the emergency scene, the party providing assistance shall be considered for all purposes to be under the direction and control of the party requesting assistance. In proceeding to and returning from the emergency scene, the party providing assistance shall be considered to be an independent contractor for all purposes, and not under the direction and control of the party requesting assistance. At no time shall the employees, agents or representatives, whether during or

after the arrival at an emergency scene or during or after the departure therefrom, of one party be in any way considered the employees, agents, or representatives of another party and nothing contained in this Mutual Agreement in any way creates a relationship between or among the parties as principal and agent, master and servant, employer and employee, or like similar relationship.

10. It is not intended by this Agreement to create, and nothing contained in this Agreement shall create, any partnership, joint venture or similar arrangement among the parties hereto. In addition, no separate legal or administrative entity shall be created by this Agreement.

11. No term or provision of this Agreement is intended to, or shall, create any rights in any person, firm, corporation or other entity not a party hereto, and no such person or entity shall have any cause of action hereunder.

12. Neither party shall be obligated to reimburse the other party for any costs incurred pursuant to this Agreement.

13. The parties further understand that this Agreement supersedes any previous mutual aid agreement between any of the parties hereto with the exception of the existing "Automatic Aid Agreements" currently in force between any party hereto.

14. The parties also recognize that it is the responsibility of each participating party to ensure that their employees are notified in accordance with the provisions of Mississippi Workers Compensation Law, specifically, Mississippi Code Ann. § 71-3-1, or any amendment thereto, and that notices required by such laws shall be posted in accordance with said law. Each party hereto further grants consent to each other party hereto to inspect the premises and workplace of each party to ensure compliance with

said notice posting requirements of said law, said consent being provided to the appropriate emergency services and/or risk management function of each agency party hereto.

15. Any party may terminate its participation in this Agreement by giving thirty (30) days notice in writing to all parties involved to the addresses identified in each party's signature page attached hereto. The termination of any party's participation in this Agreement does not terminate the participation of the remaining parties.

16. It is understood that nothing in this Interlocal Mutual Aid Agreement shall in any way waive, reduce, limit or otherwise affect the various immunities (governmental, sovereign, good faith, or otherwise), defenses, or any other legal protections granted or afforded to the parties had this Agreement never been executed.

17. It is further understood that nothing in this Interlocal Mutual Aid Agreement shall in any way impose, place or confer any liability, contingent or otherwise, upon the parties which would not have existed or been imposed, placed or conferred but for the execution of Agreement.

18. This Agreement may be amended, supplemented or repealed by all parties to this Agreement provided that prior to such change, the proposed change shall first be reduced to writing and presented to all affected parties to this Agreement 30 days or more prior to any discussion or vote. Such amendment, repeal or supplement to the Agreement may only be adopted by unanimous vote of all parties to this Agreement. Such a change will not take effect at the meeting at which it is voted upon but will take effect on a date following as determined by the parties to this Agreement.

19. This Interlocal Mutual Aid Agreement shall commence upon following events:

(1) Approval by Resolution of the governing authorities, boards or representatives of each of the parties;

(2) Execution of the Agreement on behalf of the respective parties.

IN WITNESS WHEREOF, this Agreement is dated the year and date first above written.

ADDENDUM

MUTUAL AID AGREEMENT

This Agreement shall continue in force until terminated as provided above. Each participating Fire District shall retain ownership of any equipment or property it brings to the performance of this Agreement.

AGENCY: John C. Stennis Space Center

AGENCY: ^{DICAYONE} ~~City of Long Beach~~

BY: _____
Richard J. Gilbrech, Ph.D.
Center Director

BY: _____
Billy Skellie
Mayor

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Guy, Parker, Turnage, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

ORDER TO ENTER CLOSED SESSION TO DETERMINE THE NEED FOR AN EXECUTIVE SESSION

Motion was made by Council Member Watkins, seconded by Council Member Turnage to enter closed session to determine the need for an executive session.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Guy, Parker, Turnage, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

RETURN TO REGULAR SESSION

Motion was made by Council Member Watkins, seconded by Council Member Turnage to return to regular session.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Guy, Parker, Turnage, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

ORDER TO ENTER EXECUTIVE SESSION

Motion was made by Council Member Watkins, seconded by Council Member Turnage to enter executive session to discuss the following:

- A. Personnel matters – City Manager and others
- B. Contractual matter with Picayune Housing Authority/Police Department
- C. Contractual matter on West Canal Improvements
- D. Contractual matters with Neel Schaeffer
- E. Special Community Disaster Loan

The following roll call was made:

VOTING YEA: Mayor Greg Mitchell, Council Members Guy, Parker, Turnage, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

PERSONNEL MATTERS

Six-month evaluation discussed with full agreement by Mayor and Council that they would like for City Manager, Ed Pinero, Jr. to continue with his current position as City Manager.

CONTRACTUAL MATTER WITH PICAYUNE HOUSING AUTHORITY/POLICE DEPARTMENT

DISCUSSING ONLY – NO ACTION TAKEN

CONTRACTUAL MATTERS ON WEST CANAL IMPROVEMENTS

Motion was made by Council Member Guy, seconded by Council Member Watkins to continue with improvements from Kirkwood to 6th Ave.

The following roll call was made:

VOTING YEA: Mayor Greg Mitchell, Council Members Guy, Turnage, Bounds, and Watkins

VOTING NAY: Council Member Parker

ABSENT AND NOT VOING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

CONTRACTUAL MATTER WITH NEEL SCHAEFFER

Motion was made by Council Member Guy, seconded by Council Member Turnage to set a date of March 20, 2007 meeting with Neel Schaeffer and Jerry Mills.

The following roll call was made:

VOTING YEA: Mayor Greg Mitchell, Council Members Guy, Parker, Turnage, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

SPECIAL COMMUNITY DISASTER LOAN

DISCUSSION OF MOVING SOME CURRENT PERSONNEL TO THE GRANT PORTION UNDER THIS LOAN

MOTION TO AMEND THE AGENDA

Motion was made by Council Member Guy, seconded by Council Member Bounds to amend the agenda to include the following items:

1. E911 Litigation with Nathan Farmer
2. Potential acquisition of property around airport

E911 LIGATION WITH NATHAN FARMER

DISCUSSION ONLY – NO ACTION TAKEN

POTENTIAL ACQUISITION OF PROPERTY AROUND AIRPORT

DISCUSSION ONLY – NO ACTION TAKEN

MOTION TO ADJOURN

Motion was made by Council Member Guy, seconded by Council Member Watkins to adjourn until Tuesday, March 6, 2007 at 6:00 pm.

The following roll call was made:

VOTING YEA: Mayor Greg Mitchell, Council Members Parker, Guy, Turnage, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

Greg Mitchell, Mayor

ATTEST:

Leann Smith, Deputy City Clerk

**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, 815 North Beech Street, in said City, Thursday, February 15, 2007, at 3:00 p.m. in special called session with the following officials present: Mayor Greg Mitchell, Council Members Leavern Guy, Donald Parker, Larry Watkins and Jerry Bounds, City Manager Ed Pinero, Jr. Council Member Anna Turnage was absent.

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

Opening prayer was given by Donald Parker, followed by the Pledge of Allegiance led by Mayor Greg Mitchell.

ORDER TO APPROVE THE ISSUANCE OF MANUAL CHECKS

Motion was made by Council Member Bounds, seconded by Council Member Turnage to approve the issuance of the following manual checks:

MANUAL CHECKLIST

**COUNCIL MEETING
February 15, 2007**

PAY TO	EXPENSE	AMOUNT
Ms Tax Commission	Sales tax payment for November 2006	\$6900.00
Suzanne Shean	Reimbursement for office supplies purchased for City Manager	NTE \$150.00

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Guy, Parker, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: Council Member Turnage

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

APPROVE REQUEST TO ADVERTISE FOR PROFESSIONAL SERVICES FOR CONSTRUCTION ENGINEERING FOR THE INTERMODAL CENTER

Motion was made by Council Member Guy, seconded by Council Member Bounds to approve request to advertise for Professional Services for Construction Engineering for the Intermodal Center.

CITY OF PICAYUNE INTERMODAL CENTER

Original Budget		Revised Budget
Engineering	40,312	40,312
Construction Intermodal Center	625,250	598,000
Construction Park & Ride Facility	18,750	
Contingencies	49,320	166,320
Real Estate Acquisition	<u>71,000</u>	
Total Eligible Cost	804,632	804,632
Federal Share	643,705	643,705
Local Share	160,927	160,927

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Guy, Parker, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: Council Member Turnage

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

APPROVE BUDGET REVISION FOR THE FTA INTERMODAL CENTER

Motion was made by Council Member Guy, seconded for Council Member Bounds to approve a Budget Revision for the FTA Intermodal Center to transfer funds from Park & Ride Facility and Real Estate Acquisition to Construction and Contingencies and authorize Mayor to sign the same.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Guy, Parker, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: Council Member Turnage

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

APPROVE BUDGET MODIFICATION BETWEEN MISSISSIPPI DEVELOPMENT AUTHORITY AND CITY OF PICAYUNE FOR CODE ENFORCEMENT GRANT

Motion was made by Council Member Guy, seconded by Council Member Watkins to approve Budget Modification between Mississippi Development Authority and City of Picayune for Code Enforcement Grant to replace the current Outcome Performance Matrix.

MISSISSIPPI DEVELOPMENT AUTHORITY MODIFICATION SIGNATURE SHEET Division of Community Services 501 North West Street • Post Office Box 24628 Jackson, Mississippi 39225-4628		
1. Recipient's Name, Address, and Telephone No. City of Picayune 815 North Beech Street Picayune, Mississippi 39466 601-798-9770	2. Effective Date: December 31, 2006	
	3. Contract Number: R101-06-015-I	Grant Number:
	4. Modification Number: 1	
	5. Grant Identifier: (Funding Source & Year) R101-06	
	6. Beginning and Ending Dates: December 31, 2006 to July 13, 2007	
	7. Page 1	
	8. As a result of this modification, funds obligated are changed as follows:	
<u>CDBG</u> FROM: TO: INCREASE: DECREASE:	<u>OTHER FEDERAL</u> FROM: TO: INCREASE: DECREASE:	<u>OTHER (LOCAL-PRIVATE)</u> FROM: TO: INCREASE: DECREASE:
9. The above recipient is hereby modified as follows: To replace performance outcome matrix with new outcome matrix form.		
10. Except as hereby modified, all terms and conditions of the subcontract remain unchanged.		
11. Approved for Agency:  Signature _____ Date _____ Name: Dr. Eugene McLemore Title: Director, Community Services Division	12. Approved for Recipient: _____ Signature _____ Date _____ Name: Greg Mitchell Title: Mayor	

CDBG Outcome Matrix				
	Performance Measurement	Total		
1	Final Inspections of Single Family Housing Units			
2	Final Inspections of Non-Residential Buildings			
3	Final Inspections of Businesses			
4	Final Inspections of Non-Business Organizations			
5	Final Inspections of Multi-Family Unts			
6	Number of households inspected (final)			
7	Number of final inspections that involved elecvation of structures			
8	Number of Final Inspections in Old Flood Plain (Pre-Katrina)			
9	Number of Final Inspections in New Flood Plain			

Name of Grant Recipient _____

Grant Number _____

Chief Executive Officer's Certification

To the best of my knowledge and belief, all information contained in this report is true and correct.

Signature, Chief Executive Officer

Title

Date

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Guy, Parker, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: Council Member Turnage

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

AUTHORIZE COMMUNITY DEVELOPMENT TO ADVERTISE FOR BIDS FOR THE FY-07 FAA AIRPORT IMPROVEMENTS

Motion was made by Council Member Watkins, seconded by Council Member Guy to authorize Community Development to advertise for bids on February 25 & March 4, 2007 for the following FY-07 FAA Airport Improvement: Concrete paving, grading, asphalt automobile parking and related items.

02/13/2007 11:48 5019778924

ALLEN HOSHALL

PAGE 02/03

NOTICE TO BIDDERS

The Mayor and City Council of the City of Picayune, Mississippi, will receive sealed proposals for Construction of Helicopter Area, Drainage and Parking for Picayune Municipal Airport until 10:00 a.m. local time on the 27th day of March 2007, at the City Hall, 815 North Beech Street, Picayune, Mississippi 39466. All proposals so received will be publicly opened and read aloud.

The project consists generally of concrete paving, grading, asphalt automobile parking, and related items.

All documents required for bidding purposes, including plans and specifications for each project, may be obtained from Allen & Hoshall, 713 South Pear Orchard Road, Suite 100, Ridgeland, MS 39157, for a deposit of \$100.00 per set, none of which is refundable.

A copy of the plans and specifications may be examined at: the Office of the Engineer, 713 South Pear Orchard Road, Suite 100, Ridgeland, Mississippi; City Hall, Picayune, Mississippi; Associated General Contractors Plan Rooms in Jackson and Gulfport, Mississippi; Associated Builders and Contractors Plan Rooms in Jackson and Gulfport, Mississippi; Mississippi Contract Procurement Center, Biloxi, Mississippi; and Mississippi Rural Minority Business Development Center, Biloxi, Mississippi.

Each bid shall be accompanied by a Certified Check on a solvent bank or a Bidder's Bond issued by a Surety Company licensed to operate in the State of Mississippi, in the amount of five percent of the total bid price, as a guarantee that if the bid is accepted, the Bidder will enter into a contract and execute the Performance and Payment Bonds in the form and within the time specified.

The successful Bidder will be required to execute a Performance Bond and a Payment Bond, each in the amount of 100 percent of the Contract, issued by a Surety Company licensed to operate in the State of Mississippi.

Each Bidder shall have a Certificate of Responsibility to bid on contracts for public projects in which the bid price exceeds \$50,000.00 and for private projects in which the bid price exceeds \$100,000.00 as required by the laws of the State of Mississippi. Each Bidder shall show on the outside of the envelope containing his bid; his current Certificate of Responsibility number and expiration date, or if applicable, a statement certifying that the bid enclosed does not exceed \$50,000.00 for a public project or \$100,000 for a private project; his name; and the name of the Contract for which the bid is submitted. Failure to show these items on the outside of the envelope containing the bid will result in the bid being returned to the Bidder unopened. Public funds are involved in this project.

No Bidder may withdraw his bid for a period of sixty (60) days after date of actual bid opening, without Owner's consent.

Minority and women's business enterprises are solicited to bid on this contract as prime contractors and encouraged to make inquiries regarding potential subcontracting opportunities, equipment, material and/or supply needs.

Any contract or contracts awarded under this invitation for bids are expected to be funded in part by the Federal Aviation Administration (Project No. 3-28-0060-014-2007). Federal Aviation Administration funding is available and is anticipated to constitute a portion of the total cost of this acquisition.

The City of Picayune, Mississippi reserves the right to reject any or all proposals received, to waive any informalities or irregularities in the bids received, and to accept any proposal which is deemed most favorable to the City.

THE MAYOR AND CITY COUNCIL OF
THE CITY OF PICAYUNE, MISSISSIPPI

By: _____

Publication Dates

25 February 2007
4 March 2007

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Guy, Parker, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: Council Member Turnage

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

MOTION TO AMEND THE AGENDA

Motion was made by Council Member Guy, seconded by Council Member Watkins to amend the agenda to move Contractual matter with CDBG from Executive Session to regular session.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Guy, Parker, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: Council Member Turnage

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

AUTHORIZE MAYOR TO SIGN THE KATRINA SUPPLEMENTAL CDBG PROGRAM COMMUNITY REVITALIZATION & PLANNING INITIAL PUBLIC HEARING MINUTES

Motion was made by Council Member Guy, seconded by Council Member Watkins to authorize Mayor to sign the Katrina Supplemental CDBG Program Community Revitalization & Planning initial Public Hearing minutes.

KATRINA SUPPLEMENTAL CDBG PROGRAM
COMMUNITY REVITALIZATION & PLANNING
INITIAL PUBLIC HEARING
MINUTES
CITY OF PICAYUNE
JANUARY 29, 2007
1:00 P. M.

The Community Development Block Grant (CDBG) Public Hearing was called to order by Jason A. Hicks of Sample and Associates, Inc. An attendance roster is attached.

Mr. Hicks discussed the different aspects and programs within the Katrina Supplemental CDBG Program. Included in the discussion was the information as outlined in the overview section of the Mississippi Development Authority's Partial Action Plan for the Katrina Supplemental CDBG funds. The hearing was then open for discussion.

Ms. Ada McKinsie was the only person from the general public in attendance. Ms. McKinsie asked about the different programs and what types of project were eligible within the different categories. Mr. Hicks explained the different programs and what types of projects were eligible within each. Ms. McKinsie asked how the application process worked and Mr. Hicks explained the proposal process the city goes through and that the public hearing was part of the application process. Mr. Hicks went into more detail concerning the application, what is included, when they are due to be submitted, etc. Ms. McKinsie thanked Mr. Hicks for the information.

With no further discussion from those present, the hearing was adjourned.


Project Administrator

Mayor

* No comments were received by the close of business on January 31, 2007.*

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Guy, Parker, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: Council Member Turnage

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

ORDER TO ENTER CLOSED SESSION TO DETERMINE THE NEED FOR AN EXECUTIVE SESSION

Motion was made by Council Member Watkins, seconded by Council Member Bounds to enter closed session to determine the need for an executive session.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Guy, Parker, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: Council Member Turnage

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

RETURN TO REGULAR SESSION

Motion was made by Council Member Watkins, seconded by Council Member Bounds to return to regular session.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Guy, Parker, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: Council Member Turnage

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

ORDER TO ENTER EXECUTIVE SESSION

Motion was made by Council Member Watkins, seconded by Council Member Bounds to enter executive session to discuss the following:

- A. Contractual matter with Pearl River County
- B. Contractual matter with Chevron

The following roll call was made:

VOTING YEA: Mayor Greg Mitchell, Council Members Guy, Parker, Turnage, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

***IT THIS TIME MAYOR MITHCHELL LEFT THE MEETING
AND ANNA TURNAGE ENTERED THE MEETING***

CONTRACTUAL MATTER WITH PERAL RIVER COUNTY

Motion was made by Council Member Bounds, seconded by Council Member Watkins to approve the Inter-Local Cooperation Agreement between Pearl River County and The City of Picayune, authorize the Mayor to sign said agreement, and to amend

the agreement to include new streets: Fishhook Lane, Harris Street, Evergreen Street, and Palm Street.

COPY

STATE OF MISSISSIPPI
COUNTY OF PEARL RIVER

INTERLOCAL COOPERATION AGREEMENT
(Mississippi Interlocal Cooperation Act of 1974, as amended)

PEARL RIVER COUNTY, MISSISSIPPI AND THE CITY OF PICAYUNE, MISSISSIPPI

In Re: Picayune, Mississippi-Paving/Overlaying of Rosa Street

This INTERLOCAL AGREEMENT (the "Agreement") is made and entered into on the date(s) shown at the end of this document by and between PEARL RIVER COUNTY, MISSISSIPPI (the "County"), a body politic and political subdivision of the State of Mississippi and the CITY OF PICAYUNE, MISSISSIPPI (the "City"), a municipal corporation, pursuant to and in accordance with the Interlocal Cooperation Act of 1974, Section 17-13-1, et seq. of the Mississippi Code of 1972, as amended (the "Interlocal Cooperation Act"), and other applicable law.

IN CONSIDERATION of the mutual benefits described herein, the parties agree as follows:

I. PURPOSE AND GENERAL PROVISIONS

A. AGREEMENT. This Agreement is entered into pursuant to and in accordance with the authorization of the "Interlocal Cooperation Act of 1974", found at Section 17-13-1 *et seq.* of the Mississippi Code of 1972, as amended, as it now appears or is hereafter amended, and all provisions set forth in that Act are incorporated herein and made a part hereof as if fully set forth in words and figures, it being the intent of the parties to this Agreement that such authority as is granted by the Act shall be

exercisable by the parties to enable them to accomplish the paving or overlaying of Rosa street in Picayune, MS.

- B. **SCOPE.** The nature and scope of the project contemplated by this Agreement is the paving or overlaying of Rosa street in the City of Picayune, MS
- C. **AUTHORITY.** The specific authority under which Pearl River County, MS, and the City of Picayune, MS may exercise the powers necessary to fulfill the terms of this Agreement are found, respectively, in Sections 19-3-41 and 21-37-3 of the Mississippi Code of 1972, as amended.
- D. **PUBLIC BENEFIT.** It is acknowledged that each of the parties has formally considered this matter and has determined that it is in the public interest that it participate and cooperate in this project, and that substantial benefits are anticipated to inure to citizens of Pearl River County, MS, and the City of Picayune, MS by virtue of completion of this repaving of Rosa street.
- E. **PARTICIPATION AND FINANCING.** The City of Picayune, MS will participate in project by funding improvements to Rosa Street, Picayune, MS in an amount not to exceed twenty-one thousand, two hundred and twenty five dollars (\$21,225.00). Funding of said payment by the City of Picayune, MS will be paid in one payment from the City of Picayune to the Pearl River County Road Fund before any work on the project is commenced. Pearl River County will participate in this project by paying twenty-one thousand, two hundred and twenty five dollars (\$21,225.00) for

hot mix to re-pave Rosa Street in Picayune, MS. In addition to said funds for hot mix, Pearl River County will also provide and furnish all the local labor and equipment necessary to re-pave Rosa Street in the amount of twenty thousand, eight hundred and eight dollars and thirty three cents (\$20,808.33) for a total cost to Pearl River County, MS for all monies, supplies and equipment, hot mix and labor in an amount not to exceed forty-two thousand, thirty three dollars and thirty three cents (\$42,033.33).

II. AMENDMENTS FOR TERMINATION

This Agreement may be amended or terminated only with the mutual consent of both parties and such action shall be taken by resolution in the same procedural manner as required in the instance of the adoption of this Agreement.

III. ADMINISTRATION

The Road Manager for Pearl River County and the City Manager for the City of Picayune, MS shall be responsible for insuring that there is full compliance with the terms of this Agreement.

IV. DURATION

This Agreement shall be in full force and effect from the effective date as explained in Section V, below, and shall continue in effect until such time as the parties acknowledge, through the project administrators described in Section III, above, that the activities contemplated by this Agreement have been completed. This project is intended to be completed on or before _____, 2007.

However, the citing of this Intended completion date shall in no way limit the ability or authority of the parties to continue the activities contemplated by this Agreement beyond that date, if necessary, to complete said Rosa Street project.

V. ENFORCEABILITY

- A. APPROVAL.** The parties understand that, as a condition precedent to this Agreement being enforceable, this Agreement shall be submitted to the Attorney General of the State of Mississippi for his approval and that this Agreement shall not be enforceable unless:
1. approved by the Attorney General, or until;
 2. sixty (60) days has passed since its submission and he has failed to disapprove same, in which event the Agreement shall be considered approved and enforceable. The Attorney for the Pearl River County Board of Supervisors shall be responsible for submitting the Agreement to the Attorney General.
- B. FILING.** Upon approval by the Attorney General, or the passage of sixty (60) days after submission without his disapproval, copies of this Agreement shall be filed with the Chancery Clerk of Pearl River County, and the Secretary of State and the State Department of Audit of the State of Mississippi. In accordance with the terms of the Interlocal Cooperation Act, the

Agreement will not be deemed in force until proof of filing of the Agreement has been received from the Chancery Clerk of Pearl River County and the Secretary of State of the State of Mississippi. The Attorney for the Pearl River County Board of Supervisors shall be responsible for filing the Agreement and for notifying the project administrators that the Agreement is properly in force.

C. PARTIAL ENFORCEABILITY

If any provision of this Agreement, or the application of any provision to the County or the City or circumstance, shall be held invalid, for the remainder of this Agreement the application of that provision to the County or the City or circumstance, other than those with respect to which it is held invalid, shall not be affected thereby.

D. ENTIRE AGREEMENT

This Agreement contains the entire agreement between the parties with respect to the subject matter hereof and supersedes all prior and contemporaneous arrangements or understandings with respect thereto.

This the 5 day of Feb, 2007.

PEARL RIVER COUNTY, MISSISSIPPI

By: _____
Bettye Stockstill, President
Pearl River County Board of Supervisors

ATTEST:

David Earl Johnson, Chancery Clerk
Pearl River County, Mississippi
Clerk of the Board

By: _____

CITY OF PICAYUNE, MISSISSIPPI

By: _____
Greg Mitchell, Mayor
City of Picayune, Mississippi

ATTEST:

Leann Smith, Deputy City Clerk
Picayune, Mississippi

By: _____
STATE OF MISSISSIPPI
COUNTY OF PEARL RIVER

PERSONALLY APPEARED BEFORE ME, the undersigned Notary Public in and for the aforesaid jurisdiction, the within named BETTYE STOCKSTILL and DAVID EARL JOHNSON to me known, who acknowledge that they are respectively, the PRESIDENT and CLERK of the Pearl River County Board of Supervisors, and that for and on behalf of Pearl River County, Mississippi, signed and delivered the foregoing Agreement as of the date hereof, after having been duly authorized so to do.

IN WITNESS WHEREOF, I hereunto set my hand and official seal, this the ____ day of _____, 2007.

NOTARY PUBLIC

My Commission Expires:

STATE OF MISSISSIPPI
COUNTY OF PEARL RIVER

PERSONALLY APPEARED BEFORE ME, the undersigned Notary Public in and for the aforesaid jurisdiction, the within named GREG MITCHELL and LEANN SMITH to me known, who acknowledge that they are the Mayor and Deputy City Clerk respectively of the City of Picayune, Mississippi, and that for and on behalf of Picayune, Mississippi, signed and delivered the foregoing Agreement as of the date hereof, after having been duly authorized to so do.

IN WITNESS WHEREOF, I hereunto set my hand and official seal, this the _____ day of _____, 2007.

NOTARY PUBLIC

My Commission Expires:

2007 Paving Schedule												
Other Paving												
Road Name	Type of Job	Length In Feet	Width In Feet	Sq. Yds.	Application Rate	Tons needed for 1"	Tons needed for 2"	Unit Cost Per Gal. or Ton	Total Cost For Road	Total Cost For Dist.		
Evangeline Dr	HOT MIX	2150	20	4,778	110.00	262.78		\$ 51.00	\$ 13,401.67	\$ 13,401.67		
Briarwood Ln	HOT MIX	1025	20	2,278	110.00	125.28		\$ 51.00	\$ 6,389.17	\$ 19,790.83		
Amelia Av	HOT MIX	1120	20	2,489	110.00	136.89	273.78	\$ 51.00	\$ 13,962.67	\$ 33,753.50		
Glenwood St	HOT MIX	150	20	333	110.00	18.33		\$ 51.00	\$ 1,870.00	\$ 35,623.50		
Carleen Ct	HOT MIX	445	20	989	110.00	54.39	108.78	\$ 51.00	\$ 5,547.67	\$ 41,171.17		
Haugh Av	HOT MIX	2008	20	4,462	110.00	245.42		\$ 51.00	\$ 12,516.53	\$ 53,687.70		

Last Entry: 2-14-07

Entered By: Tammy Johnson

Paving for City of Picayune:

2,225 \$ 74,912.70
 NC
 NC
 NC
 NC

ROSA
 N. Buren
 Eighth St
 Roosevelt St.
 N. Coffin

The following roll call was made:

VOTING YEA: Council Members Guy, Parker, Turnage, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: Mayor Mitchell

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

Council Member Bounds exits the meeting at this time.

CONTRACTUAL MATTER WITH CHEVRON

Motion was made by Council Member Turnage, seconded by Council Member Guy to enter into contract with Chevron on repairs at Friendship Park if City Attorney agrees contract is legal.

The following roll call was made:

VOTING YEA: Council Members Parker, Guy, Turnage, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: Mayor Mitchell and Council Member Bounds

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

MOTION TO ADJOURN

Motion was made by Council Member Guy, seconded by Council Member Watkins to adjourn until Tuesday, March 6, 2007 at 6:00 pm.

The following roll call was made:

VOTING YEA: Council Members Parker, Guy, Turnage, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: Mayor Mitchell and Council Member Bounds

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

Greg Mitchell, Mayor

ATTEST:

Leann Smith, Deputy City Clerk

**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, 815 North Beech Street, in said City, Tuesday, March 6, 2007, at 6.00 p.m. in regular session with the following officials present: Mayor Greg Mitchell, Council Members Donald Parker, Larry Watkins and Jerry Bounds, City Manager Ed Pinero, Jr.

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

Opening prayer was given by Council Member Donald Parker, followed by the Pledge of Allegiance led by Mayor Greg Mitchell.

**MOTION WAS MADE TO APPROVE THE CITY OF PICAYUNE MINUTES DATED
JANUARY 25, AND FEBRUARY 6 AND 15, 2007**

Motion was made by Council Member Bounds, seconded by Council Member Parker to approve the City of Picayune Minutes dated January 25, and February 6 and 16, 2007.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Parker, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: Council Member Guy and Turnage

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

ORDER TO APPROVE THE ISSUANCE OF MANUAL CHECKS

Motion was made by Council Member Bounds, seconded by Council Member Parker to approve the issuance of the following manual checks:

MANUAL CHECKLIST

**COUNCIL MEETING
March 6, 2007**

PAY TO	EXPENSE	AMOUNT
---------------	----------------	---------------

Larry Watkins	Reimbursement for trip to Washington, D.C. 2/17 – 2/22	63.40
Leavern Guy	Reimbursement for trip to Washington, D.C. 2/18 – 2/21	483.65
Jerry Bounds	Reimbursement for trip to Washington, D.C. 2/17 – 2/20	518.82
Ed Pinero, Jr.	Reimbursement for trip to Washington, D.C. 2/17 – 2/21	503.80
Huey Stockstill Inc.	Telly Road Overlay Project Invoice dated 02/21/07	117,043.78
Factory Direct Builders	Repairs to Building B & Building C – Arizona Chemical Building	7800.00
MS Tax Commission	December 2006 Payment for Sales Tax	9278.00
Joseph Wright	Labor-Police Evidence Room (Complete)	120.00
Stacie Lee Photography	Picayune Airport Board Photo	333.84

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Parker, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: Council Member Guy and Turnage

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

ORDER TO ACKNOWLEDGE RECEIPT OF MONTHLY PUBLIC RECORDS REQUEST REPORT

Motion was made by Council Member Bounds, seconded by Council Member Parker to acknowledge receipt of Monthly Public Records Request Report for the month of December 2006.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Parker, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: Council Member Guy and Turnage

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

Motion was made by Council Member Bounds, seconded by Council Member Parker to acknowledge receipt of Monthly Public Records Request Report for the month of January 2007.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Parker, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: Council Member Guy and Turnage

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

MOTION TO AUTHORIZE MAYOR'S SIGNATURE ON QUITCLAIM DEED

Motion was made by Council Member Bounds, seconded by Council Member Parker to authorize Mayor's signature on quitclaim deed for taxes in the name of Alice Longmier parcel 617-614-001-03-010-00 for 1998-2003.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Parker, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: Council Member Guy and Turnage

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

APPROVE REQUEST TO VOID 2006 TAX SALE FOR PORPERTY

Motion was made by Council Member Bounds, seconded by Council Member Parker to approve request to void 2006 tax sale for property in the name of Robert Badeaux parcel 616-417-000-00-012-05 to purchaser Stanley Kacin.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Parker, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: Council Member Guy and Turnage

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

APPROVE REQUEST TO ADVERTISE FOR SEMI-ANNUAL BIDS

Motion was made by Council Member Bounds, seconded by Council Member Parker to approve request to advertise for Semi-Annual Bids April 1 – September 30, 2007.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Parker, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: Council Member Guy and Turnage

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

ACCEPT PLANNING COMMISSION MINUTES

Motion was made by Council Member Bounds, seconded by Council Member Parker to Accept Planning Commission Minutes dated January 9, 2007.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Parker, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: Council Member Guy and Turnage

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

ORDER TO APPROVE DOCKET

Motion was made by Council Member Bounds, seconded by Council Member Watkins to approve the docket for the month of March in the amount of \$550,243.15.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Parker, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: Council Member Guy and Turnage

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

APPROVE REQUEST FROM PICAYUNE MAIN STREET TO HOLD THIRD ANNUAL EGG DROP AT PICAYUNE MUNICIPAL AIRPORT

Motion was made by Council Member Parker, seconded by Council Member Bounds to approve request from Picayune Main Street to hold Third Annual Egg Drop at Picayune Municipal Airport on March 24, 2007 for 10:00 a.m. to 2:00 p.m.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Parker, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: Council Member Guy and Turnage

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

APPROVE REQUEST TO ADVERTISE RESOURCES FOR THE CITY OF PICAYUNE

Motion was made by Council Member Watkins, seconded by Council Member Bounds to approve request to advertise resources for the City of Picayune by purchasing a yearly sponsorship sign from Picayune Diamond Backers Club, for the Lady Tide Diamond Backers Softball Team, in the amount of \$200.00.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Parker, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: Council Member Guy and Turnage

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

APPROVE REQUEST FROM FIRST BAPTIST CHURCH OF PICAYUNE

Motion was made by Council Member Bounds, seconded by Council Member Parker to approve request from First Baptist Church of Picayune to close Goodyear Blvd. beginning at 2:00 p.m. and ending at 5:30 p.m. between Oak Street and Quince Street to provide a safe walkway between our church building and Jack Read Park where they will be holding a church wide picnic on Sunday, April 22, 2007.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Parker, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: Council Member Guy and Turnage

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

APPROVE REQUEST TO HOLD RELAY FOR LIFE OF PICAYUNE

Motion was made by Council Member Bounds, seconded by Council Member Parker to approve request to hold Relay for Life of Picayune at Jack Read Park on May 4-5, 2007 with request to close the following streets: Quince, Pine, Oak and East and West side of Goodyear Blvd.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Parker, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: Council Member Guy and Turnage

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

APPROVE REQUEST FROM RELAY FOR LIFE OF PICAYUNE TO PLACE PURPLE BOWS ON LAMP POST ON EAST AND WEST CANAL STREET AND MAIN STREET

Motion was made by Council Member Watkins, seconded by Council Member Parker to approve request from Relay for Life of Picayune to place purple bows on each of the 55 lamp posts on East and West Canal Street and Main Street to honor those who have survived cancer. The bows will be placed beginning March 30 and removed after the Relay on May 5, 2007.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Parker, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: Council Member Guy and Turnage

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

**APPROVE REQUEST FROM SAVE-A-LIFE OF THE PEARL RIVER AREA
PREGNANCY SUPPORT SERVICES TO HOLD WALK OF LIFE 2007 FUNDRAISER**

Motion was made by Council Member Bounds, seconded by Council Member Parker to approve request from Save-A-Life of the Pearl River Area Pregnancy Support Services to hold Walk of Life 2007 fundraiser and to use Goodyear Blvd. walking track on Saturday, May 12, 2007 from 7:00 a.m. – 12:00 p.m. noon. The walk will start and end at the Pregnancy Support Center at 1101 Goodyear Blvd.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Parker, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: Council Member Guy and Turnage

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

**APPROVE REQUEST TO HOLD THE GREAT AMERICAN CLEANUP ON MARCH
24, 2007 STARTING AT 8:00 A.M. UNTIL 2:00 P.M. STARTING FROM CITY HALL**

Motion was made by Council Member Watkins, seconded by Council Member Bounds to approve request to hold The Great American Cleanup on March 24, 2007 starting at 8:00 a.m. until 2:00 p.m. starting at City Hall, 815 North Beech Street.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Parker, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: Council Member Guy and Turnage

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

MOTION TO AMEND THE AGENDA

Motion was made by Council Member Parker, seconded by Council Member Watkins to amend the agenda to include the following:

1. Approve request to hold Picayune Police Department's Spring Dare Motorcycle Ride at Jack Read Park on April 21, 2007.
Action Requested: Approve request as submitted.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Parker, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: Council Member Guy and Turnage

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

APPROVE REQUEST TO HOLD PICAYUNE POLICE DEPARTMENT'S SPRING DARE MOTORCYCLE RIDE AT JACK READ PARK

Motion was made by Council Member Parker, seconded by Council Member Watkins to approve request to hold Picayune Police Department's Spring Dare Motorcycle Ride at Jack Read Park.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Parker, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: Council Member Guy and Turnage

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

CONTINUANCE OF STATE OF EMERGENCY

Motion was made by Council Member Parker, seconded by Council Member Watkins to continue state of emergency status for the next thirty days.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Parker, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: Council Member Guy and Turnage

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

APPROVE REQUEST FOR CITY SEWER SERVICE

Motion was made by Council Member Parker, seconded by Council Member Bounds to approve request for City Sewer Service for St. Paul Lutheran Church, 1309 Hwy 11 South, Picayune, MS 39466.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Parker, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: Council Member Guy and Turnage

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

APPROVE REQUEST FOR CITY WATER SERVICE

Motion was made by Council Member Watkins, seconded by Council Member Parker to approve request for City Water Service for Pam A. Donaldson, 112 Sleepy Hollow Dr. Lot #38, Picayune, MS 39466.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Parker, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: Council Member Guy and Turnage

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

Motion was made by Council Member Parker, seconded by Council Member Watkins to approve request for City Water Service for Hensley Lee/J.J. Lee/Corey Smith, 29 Huppo Road, Picayune, MS 39466. Robert N. Christen decided not to get City Water Service.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Parker, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: Council Member Guy and Turnage

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

APPROVE REQUEST TO ACCEPT CONTRACT CHANGE ORDER FOR TELLY ROAD OVERLAY

Motion was made by Council Member Bounds, seconded by Council Member Watkins to approve request to accept Contract Change Order for Telly Road Overlay in the amount of \$7,610.28.

CONTRACT CHANGE ORDER			
OWNER: <u>City of Picayune</u>			
CONTRACTOR: <u>Huey Stockstill, Inc.</u>			
DATE: <u>February 16, 2007</u>			
CHANGE ORDER NUMBER: <u>1</u> CONTRACT NUMBER: _____			
PROJECT NAME: <u>Telly Road Overlay</u>			
REASON FOR CHANGE: <u>Items Necessary to keep traffic two way</u>			
<small>YOU ARE HEREBY REQUESTED TO COMPLY WITH THE FOLLOWING CHANGES FROM THE CONTRACT PLANS, SPECIFICATIONS AND CONTRACT DOCUMENTS (USE ADDITIONAL SHEETS IF REQUIRED)</small>			
ITEM NO.	DESCRIPTION OF CHANGE(S) (QUANTITIES, ETC.)	UNIT COST	TOTAL CONTRACT COST
S-627-K	ADD: 84 – Red-Clear Raised Pavement Marker	\$12.04	\$1,011.36
S-627-L	ADD: 48 – Yellow Raised Pavement Marker	\$12.04	\$577.92
901-S-630-B	ADD: 50 – Permanent Signs (No Installation)	\$120.42	\$6,021.00
TOTAL CONTRACT CHANGE			\$7,610.28
ORIGINAL CONTRACT AMOUNT:		\$111,592.00	\$111,592.00
CURRENT CONTRACT AMOUNT:		\$111,592.00	\$111,592.00
THIS CONTRACT CHANGE:		\$7,610.28	\$7,610.28
REVISED CONTRACT AMOUNT:		\$119,202.28	\$119,202.28
CURRENT CONTRACT COMPLETION DATE:		February 11, 2007	February 11, 2007
TIME EXTENSION REQUIRED BY CHANGE:		None	None
REVISED CONTRACT COMPLETION DATE:		February 11, 2007	February 11, 2007
<small>THIS DOCUMENT SHALL BE AN AMENDMENT TO THE CONTRACT AND ALL PROVISIONS OF THE CONTRACT WILL APPLY.</small>			

RECOMMENDED BY:  ENGINEER 2-16-07
DATE

ACCEPTED BY:  CONTRACTOR _____
DATE

APPROVED BY: _____ OWNER _____
DATE

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Parker, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: Council Member Guy and Turnage

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

APPROVE REQUEST TO ACCEPT PARTICIPATION DEPOSITORY BIDS

Motion was made by Council Member Bounds, seconded by Council Member Watkins to approve request to accept Participation Depository Bids from Hancock Bank, Bank Plus, and first National Bank of Picayune.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Parker, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: Council Member Guy and Turnage

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

**APPROVE REQUEST FROM DENNIS COLLIER/HABITAT FOR HUMANITY –
SUBDIVISION REQUEST TO RE-SUBDIVIDE LOTS**

Motion was made by Council Member Watkins, seconded by Council Member Bounds to approve request from Dennis Collier/Habitat for Humanity – Subdivision request to re-subdivide eight lots on South Haugh.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Parker, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: Council Member Guy and Turnage

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

**APPROVE REQUEST FROM CITY OF PICAYUNE/RICHARD TEAGUE TO REZONE
PROPERTY**

Motion was made by Council Member Bounds, seconded by Council Member Watkins to approve request from City of Picayune/Richard Teague to rezone property from R-2 Two Family Residential to R-3 Multiple Family Residential. Property located on Telly Road and Cedar Grove which legal description is as follows: lots 9-16 Block 5 Ridge Road Subdivision, and lots 1-8 and 9-16 Block 11 Ridge Road Subdivision A part of Section 23, Township 6 South, Range 17 West, Pearl River County, Ms

ORDINANCE NO. 820

**AN ORDINANCE TO REZONE THE FOLLOWING DESCRIBED PROPERTY
FROM R-2 TO R-3, MULTIPLE FAMILY RESIDENTIAL**

Be it Ordained by the City Council of the City of Picayune, Pearl River County, Mississippi, in meeting duly assembled:

Section 1: The following described property shall be rezoned from R-2, Two Family Residential to R-3 Multiple Family Residential:

The following parcels: 6176230020303600, 6176230020303800, 6176230020300200, 6176230020300300, and 6176230020300400 located on Telly Road and Cedar Grove which legal description is as follows: lots 9 - 16 Block 5 Ridge Road Subdivision, and lots 1 - 8 and 9-16 Block 11 Ridge Road Subdivision, A part of Section 23, Township 6 South, Range 17 West, Pearl River County, Mississippi.

Section 2. Severability, Conflict and Effective Date.

Should any section, clause, paragraph, provision, or part of this ordinance for any reason be held invalid or unconstitutional by any Court of competent jurisdiction, this act shall not affect the validity of any other section, clause, paragraph, provision, or part of this ordinance. All provisions of this ordinance shall be considered separate provisions, and completely severable from all other portions.

Conflict in any case where a provision of this ordinance is found to be in conflict with the provision of other ordinance or code of the City of Picayune, Mississippi, existing on the effective date of this ordinance, the provisions shall take precedence.

This ordinance shall take effect and be in force thirty (30) days after its publication.

The foregoing ordinance, having first been reduced to writing, was moved upon Councilmember Bounds, Seconded by Councilmember Watkins, and voted upon as follows:

VOTING YEA: Mayor Mitchell, Council Member Bounds, Watkins, and Parker

VOTING NAY: None

ABSENT AND NOT VOTING: Council Member Turnage and Guy

The motion having received the affirmative vote of the majority of the members present, the Mayor declared the motion carried and the ordinance passed, approved, and adopted on this the 6th day of March 2007.

Greg Mitchell, Mayor

ATTEST:

Leeann Smith, Deputy Clerk

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Parker, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: Council Member Guy and Turnage

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

APPROVE REQUEST FROM COOPER COMPANY AND TRINITY INVESTMENT TO REZONE PROPERTY

Motion was made by Council Member Bounds, seconded by Council Member Watkins to approve request from Cooper Company and Trinity Investment to rezone property from R-1 Single Family Residential to PUD-R Planned Unit Development-Residential for property located off Highway 11 North and a Conditional Use Request to allow some Residential Uses to be constructed above some proposed Commercial Structures inside the Planned Unit Development.

ORDINANCE NO. 821

AN ORDINANCE TO REZONE THE FOLLOWING DESCRIBED PROPERTY FROM R-1 TO PUD-R, PLANNED UNIT DEVELOPMENT

Be it Ordained by the City Council of the City of Picayune, Pearl River County, Mississippi, in meeting duly assembled:

Section 1: The following described property shall be rezoned from R-1, Single Family Residential to PUD-R, Planned Unit Development-Residential:

The following parcels: 6171020000007600, 171020000000902, 617102000000903, 617102000000907, 617102000000911, and 617102000000913, 617101000000300, 617101000000401, 617101000000402 and the entire parcel 617101000000400 less and except The Woods Phase X located off Hwy 11 North which is described as part of the following: part of Section 02 and Section 1, Township 6 South, Range 17 West, Pearl River County, Mississippi.

Section 2. Severability, Conflict and Effective Date.

Should any section, clause, paragraph, provision, or part of this ordinance for any reason be held invalid or unconstitutional by any Court of competent jurisdiction, this act shall not affect the validity of any other section, clause, paragraph, provision, or part of this ordinance. All provisions of this ordinance shall be considered separate provisions, and completely severable from all other portions.

Conflict in any case where a provision of this ordinance is found to be in conflict with the provision of other ordinance or code of the City of Picayune, Mississippi, existing on the effective date of this ordinance, the provisions shall take precedence.

This ordinance shall take effect and be in force thirty (30) days after its publication.

The foregoing ordinance, having first been reduced to writing, was moved upon Councilmember Bounds, Seconded by Councilmember Watkins, and voted upon as follows:

VOTING YEA: Mayor Mitchell, Council Member Bounds, Watkins and Parker

VOTING NAY: None

ABSENT AND NOT VOTING: Council Member Turnage and Guy

The motion having received the affirmative vote of the majority of the members present, the Mayor declared the motion carried and the ordinance passed, approved, and adopted on this the 6th day of March 2007.

Greg Mitchell, Mayor

ATTEST:

Leeann Smith, Deputy Clerk

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Parker, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: Council Member Guy and Turnage

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

APPROVE REQUEST FOR HOME OCCUPATION LICENSE

Motion was made by Council Member Parker, seconded by Council Member Bounds to approve request for Home Occupation License as presented by Planning Commission for Jason and Jeannette Chatelain at 1107 Stemwood, Picayune, MS.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Parker, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: Council Member Guy and Turnage

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

APPROVE REQUEST FOR HOME OCCUPATION LICENSE

Motion was made by Council Member Parker, seconded by Council Member Watkins to approve request for Home Occupation License as presented by Planning Commission for Billy Ray Causey at 1008 Washington St.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Parker, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: Council Member Guy and Turnage

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

APPROVE REQUEST FROM ALLTEL WIRELESS FOR EXTENSION

Motion was made by Council Member Parker, seconded by Council Member Bounds to approve request from Alltel Wireless for extension of 90 days on temporary commercial office trailer while Commercial building is still under construction.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Parker, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: Council Member Guy and Turnage

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

ORDER TO HOLD PUBLIC HEARING

Motion was made by Council Member Bounds, seconded by Council Member Watkins to declare the property located at 400 North Beech Street a Public Nuisance and giving 60 days to clean said property. If said property is not cleaned within the 60 days it will be turned over to the City of Picayune to clean with charges for cleanup placed as a lien against the property.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Parker, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: Council Member Guy and Turnage

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

Motion was made by Council Member Bounds, seconded by Council Member Watkins to declare the following properties a Public Nuisance and giving 30 days to clean said property. If said property is not cleaned within the 30 days it will be turned over to the City of Picayune to clean with charges for cleanup placed as a lien against the property:

931 Martin Luther King Blvd.
105 Kindra Lane
804 South Main Street
200 South Beech Street
119 North Jackson Street

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Parker, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: Council Member Guy and Turnage

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

The following properties have been cleaned and have been taken off the Public Hearing List:

100 Quence Street
Delta Tire World, Hwy 43 South parcel #617-632-002-02-099.2
815 Herrin Drive
1415 Palestine Road

APPROVE REQUEST TO SET A PUBLIC HEARING DATE FOR PROPERTY CLEANUP

Motion was made by Council Member Bounds, seconded by Council Member Watkins approved setting Tuesday, April 3, 2007 as the date for a public hearing to declare the following properties a public nuisance.

408 NORTH BEECH
2321 WALKER STREET
2103 MORRIS STREET
2101 MORRIS STREET
310 SOUTH HOWARD STREET
1206 CLAREDA STREET
1310 CLAREDA STREET
1311 CLAREDA STREET
1301 CLAREDA STREET
CORNER OF NORTH LOFTIN & CLAREDA
1222 BAYLOUS STREET
214 NORTH HOWARD STREET

1021 WASHINGTON STREET

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Parker, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: Council Member Guy and Turnage

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

APPROVE REQUEST TO ADVERTISE THE CITY'S OVERALL DISADVANTAGED BUSINESS ENTERPRISE PROGRAM GOALS

Motion was made by Council Member Bounds, seconded by Council Member Watkins to approve request to advertise the City's Overall Disadvantaged Business Enterprise Program Goals, 5.5% for our Intermodal Center as required by FTA.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Parker, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: Council Member Guy and Turnage

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

MOTION TO AMEND AGENDA

Motion was made by Council Member Watkins, seconded by Council Member Parker to amend the agenda to include the following:

1. Consider Change Order #1 for the Rheogistics, LLC Railspur Project. Said change to remove approximately 654 cubic yards of unsuitable soils for use as a railroad sub-grade material and replace this material with suitable sand-clay material from an off-site location. The cost of this change is \$19,620.00. The existing budget does not have an additional \$19,620.00.

The change order can be funded by:

Changing the scope of work: prepare the roadbed for the entire length of 720 feet, but only construct 580 feet of railroad track. This would reduce the number of cars that could be unloaded from 4 to 2.

Or:

The City of Picayune could fund the additional cost and increase the contract from \$201,972.00 to \$221,592.00.

Or:

Fund the additional cost 50/50 between the City of Picayune and Rheogistics, LLS. If the four cars are needed for the successful operation of the plant.

Action Requested: Authorize Change Order utilizing your preferred method of funding.

2. Consider allowing Public Works to submit an Application to MDOT for the 2007 Transportation Enhancement Urban Youth Corps Program. The maximum amount is \$35,000.00 with a 20% City Match.

Action Requested: Authorize the submission of said Application and the Mayor to sign the same.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Parker, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOTING: Council Member Guy and Turnage

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

ACCEPT CHANGE ORDER #1 FOR THE RHEOGISTICS, LLC. RAILSPUR PROJECT AND TO FUND ADDITIONAL COST 50/50 BETWEEN CITY OF PICAYUNE AND RHEOGISTICS, LLC

Motion was made by Council Member Watkins, seconded by Council Member Parker to accept Change Order #1 for the Rheogistics, LLC. Railspur Project. Said changes to remove approximately 654 cubic yards of unsuitable soils for use as a railroad sub-grade material and replace this material with suitable sand-clay material from an off-site location. The cost of this change is \$19,620.00. Funding for the additional cost would be 50/50 between City of Picayune and Rheogistics, LLC.

FORM APPROVED
OMB NO 0575-0042

Form RD 1924-7
(Rev. 2-97)

UNITED STATES DEPARTMENT OF AGRICULTURE
RURAL DEVELOPMENT AND
FARM SERVICE AGENCY

CONTRACT CHANGE ORDER

CONTRACT FOR Proposed Industrial RR Track to serve Rheogistics, LLC
OWNER City of Picayune

ORDER NO.	1
DATE	2/21/07
STATE	Mississippi
COUNTY	Pearl River

To CW&W Contractors, Inc.

(Contractor)

You are hereby requested to comply with the following changes from the contract plans and specifications:

Description of Changes (Supplemental Plans and Specifications Attached)	DECREASE in Contract Price	INCREASE in Contract Price
Undercut & Haul Off Unsuitable Material in Subgrade between Sta. 4+75 and Sta. 7+20 - 654 CY @ \$15.00/C.Y.	\$	\$ 9,810.00
Provide and Place sand-clay material for imported fill between Sta. 4+75 and Sta. 7+20 - 654 C.Y. @ \$15.00/C.Y.		9,810.00
TOTALS	\$	19,620.00
NET CHANGE IN CONTRACT PRICE	\$	19,620.00

JUSTIFICATION:

On-site material located between Sta. 4+75 and Sta. 7+20 is unsuitable for use as subgrade for proposed railroad track. A 24' wide strip of the unsuitable material approximately 3' deep will be excavated and hauled off between Sta. 4+75 and Sta. 7+20 and replaced with an off-site sand-clay material to construct the railroad subgrade.

The amount of the Contract will be ~~Decreased~~ (Increased) By The Sum Of: _____
Nineteen Thousand Six Hundred Twenty and 00/100 _____ Dollars (\$ 19,620.00).

The Contract Total Including this and previous Change Orders Will Be: _____
Two Hundred Twenty One Thousand Five Hundred Ninety Two and 00/100 _____ Dollars (\$ 221,592.00).

The Contract Period Provided for Completion Will Be (Increased) ~~(Decreased)~~ (Unchanged): Eight (8) Days.

This document will become a supplement to the contract and all provisions will apply hereto.

Requested [Signature] _____ (Date) _____
Recommended [Signature] _____ (Owner's Architect/Engineer) _____
Accepted _____ (Contractor) _____
Approved by Agency _____ (Name and Title) _____ (Date) _____

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to U.S. Department of Agriculture, Clearance Officer, STOP 7602, 1400 Independence Avenue, S.W., Washington, D.C. 20250-7602. Please DO NOT RETURN this form to this address. Forward to the local USDA office only. You are not required to respond to this collection of information unless it displays a currently valid OMB control number.

POSITION 6

Form RD 1924-7 (Rev. 2-97)

ORIGINAL-BORROWER'S CASE FOLDER

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Parker, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: Council Member Guy and Turnage

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

AUTHORIZE PUBLIC WORKS TO SUBMIT AN APPLICATION TO MDOT FOR 2007 TRANSPORTATION ENHANCEMENT URBAN YOUTH CORPS PROGRAM

Motion was made by Council Member Bounds, seconded by Council Member Watkins to authorize Public Works to submit an Application to MDOT for 2007 Transportation Enhancement Urban Youth Corps Program with maximum amount being \$35,000.00 with a 20% City Match and to authorize the Mayor to sign the same.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Parker, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: Council Member Guy and Turnage

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

APPROVE REQUEST TO SURPLUS VEHICLE

Motion was made by Council Member Watkins, seconded by Council Member Parker to approve request to surplus 1991 Ford F150 red pickup, Vehicle #152, Vin# 1FTDF15NOMNA58225.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Parker, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: Council Member Guy and Turnage

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

ORDER TO ENTER CLOSED SESSION TO DETERMINE THE NEED FOR AN EXECUTIVE SESSION

Motion was made by Council Member Watkins, seconded by Council Member Parker to enter closed session to determine the need for an executive session.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Parker, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: Council Member Guy and Turnage

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

RETURN TO REGULAR SESSION

Motion was made by Council Member Parker, seconded by Council Member Bounds to return to regular session.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Parker, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOTING: Council Member Guy and Turnage

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

ORDER TO ENTER EXECUTIVE SESSION

Motion was made by Council Member Watkins, seconded by Council Member Parker to enter executive session to discuss the following:

- A. Contractual matter with Charter Communications
- B. Contractual matter with Ron Fine – Partners for Pearl River County
- C. Personal matter

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Parker, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: Council Member Guy and Turnage

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

MOTION TO AMEND AGENDA

Motion was made by Council Member Bounds, seconded by Council Member Parker to amend agenda to include item to Executive Session;

- D. Contractual matter with Ennergystat

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Parker, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: Council Member Guy and Turnage

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

CONTRACTUAL MATTER WITH CHARTER COMMUNICATION

NO ACTION TAKEN – DISCUSSION ONLY

CONTRACTUAL MATTER WITH RON FINE – PARTNERS FOR PEARL RIVER COUNTY

NO ACTION TAKEN – DISCUSSION ONLY

PERSONNEL MATTER

NO ACTION TAKEN – DISCUSSION ONLY

CONTRACTUAL MATTER WITH EMERGYPSTAT

Motion was made by Council Member Parker, seconded by Council Member Bounds to enter into a letter on intent with Emergypstat with condition upon Keith Brown working it out to March 20, 2010.



March 2, 2007

Mayor Greg Mitchell
815 N. Beech St.
Picayune, MS 39466

Re: Extension of Ambulance Service Contract

Mayor Mitchell:

This document will serve as a "Letter of Intent" for a three year extension of the existing Agreement to be activated at the expiration of the current term. The effective date would be April 1, 2007 through March 31, 2010. If this is acceptable, please sign below.

It has been a pleasure working with you and the City Council. We look forward to continuing to serve the citizens of Picayune, MS.

If we can be of assistance, please call me at (205) 695-9800 ext. 251.

Sincerely,

Clanton DuBose
COO

CD/wkrp

Greg Mitchell, Mayor, City of Picayune

Date

Clanton DuBose
COO

Date

126 Emergypstat Loop Post Office Box 1497
Vernon, Alabama 35592 (205) 695-9800
Fax (866) 420-9055

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Parker, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: Council Member Guy and Turnage

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

MOTION TO RECESS

Motion was made by Council Member Bounds, seconded by Council Member Parker to recess until Tuesday, March 20, 2007 at 6:00 pm.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Parker, Bounds, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: Council Member Guy and Turnage

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

Greg Mitchell, Mayor

ATTEST:

Leann Smith, Deputy City Clerk

**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, 815 North Beech Street, in said City, Tuesday, March 20, 2007, at 6.00 p.m. in recessed session with the following officials present: Mayor Greg Mitchell, Council Members Donald Parker, Larry Watkins, Anna Turnage, Leavern Guy and Jerry Bounds, and City Manager Ed Pinero, Jr.

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

Opening prayer was given by Council Member Donald Parker, followed by the Pledge of Allegiance led by Mayor Greg Mitchell.

MOTION WAS MADE TO APPROVE THE CITY OF PICAYUNE MINUTES DATED MARCH 6, 2007

Motion was made by Council Member Bounds, seconded by Council Member Guy to approve the City of Picayune Minutes dated March 6, 2007.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Parker, Bounds, Guy, Turnage, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

ORDER TO APPROVE THE ISSUANCE OF MANUAL CHECKS

Motion was made by Council Member Bounds, seconded by Council Member Guy to approve the issuance of the following manual checks:

MANUAL CHECKLIST

**COUNCIL MEETING
March 20, 2007**

PAY TO	EXPENSE	AMOUNT
---------------	----------------	---------------

MS Municipal Workers' Compensation Group	Workers' Compensation Coverage – 3 rd Billing	\$70,506.00
FIA Card Services	Business Credit Card	\$3,920.33
Carol Fitzwilliam	Travel Advance – Hometown MS Retirement Directors Meeting, Natchez, MS	\$346.79
Kintera Fundware	Service Contract	\$2,607.75
Darryl Smith	Travel Reimbursement – Mosquito Control Conference	\$208.01
Nathan S. Farmer	Misc. Fees	\$725.00

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Parker, Bounds, Guy, Turnage, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

ORDER TO ACKNOWLEDGE RECEIPT OF MONTHLY PRIVILEGE LICENSE REPORT

Motion was made by Council Member Bounds, seconded by Council Member Guy to acknowledge receipt of Monthly Privilege License Report for the month of January and February, 2007.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Parker, Bounds, Guy, Turnage, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

ORDER TO ACKNOWLEDGE RECEIPT OF MONTHLY PUBLIC RECORDS REQUEST REPORT

Motion was made by Council Member Bounds, seconded by Council Member Guy to acknowledge receipt of Monthly Public Records Request Report for the month of February, 2007.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Parker, Bounds, Guy, Turnage, and Watkins

VOTING NAY: None

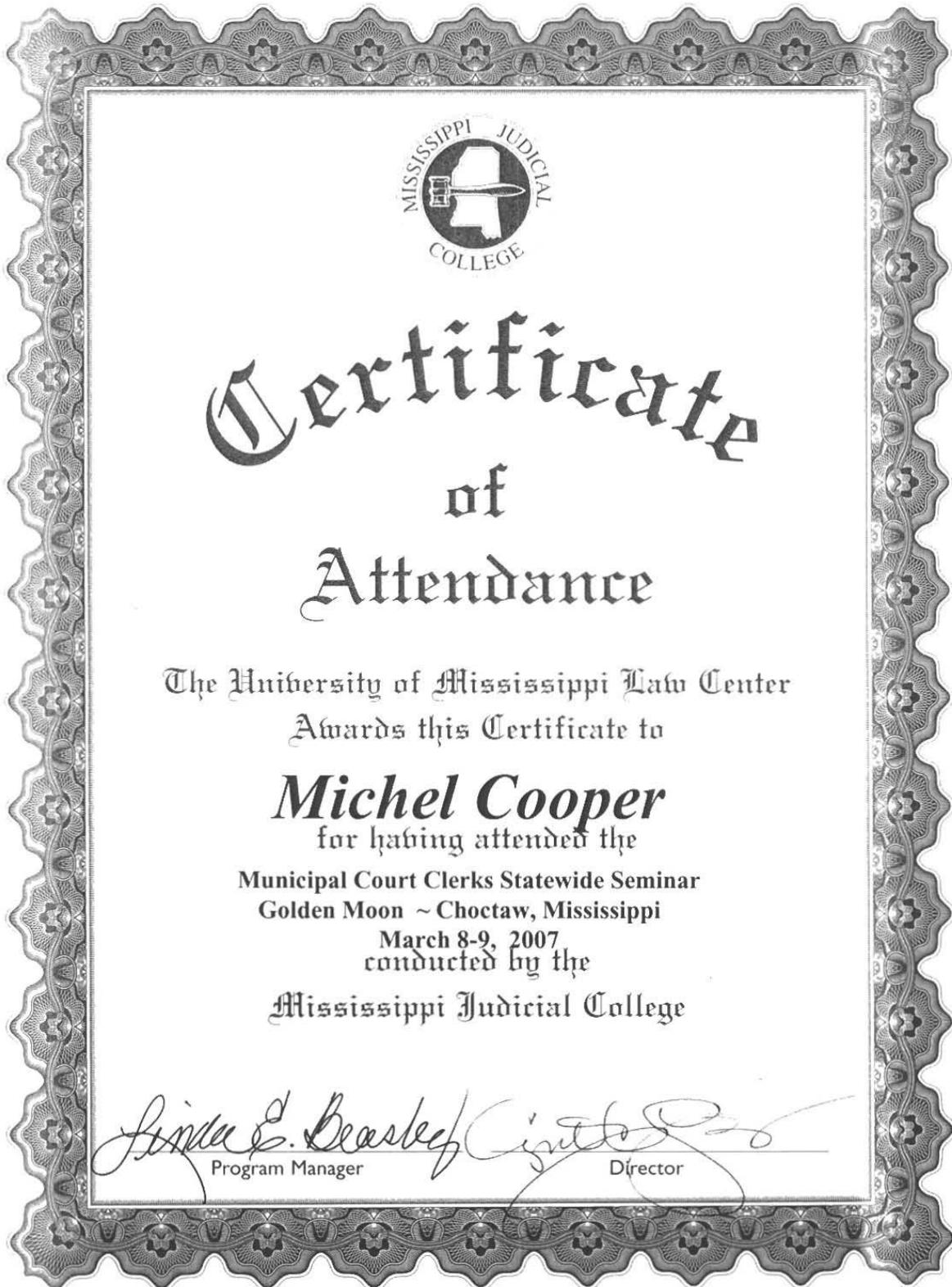
ABSENT AND NOT VOING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

MOTION TO ACKNOWLEDGE AND ACCEPT CERTIFICATE OF ATTENDANCE

Motion was made by Council Member Bounds, seconded by Council Member Guy to acknowledge and accept Certificate of Attendance for Michel Cooper, Court Clerk for the City who attended Municipal Court Clerk's Statewide Seminar.



The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Parker, Bounds, Guy, Turnage, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

ACCEPT PLANNING COMMISSION MINUTES

Motion was made by Council Member Bounds, seconded by Council Member Guy to Accept Planning Commission Minutes dated February 13, 2007.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Parker, Bounds, Guy, Turnage, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

APPROVE REQUEST FOR ROAD CLOSURE

Motion was made by Council Member Watkins, seconded by Council Member Turnage to approve request from Save-A-Life of the Pearl River Area Pregnancy Support Service to close part of Teague Street at Goodyear Blvd. to provide a safe passage for our walkers to access the Goodyear walking track during the hours of 8:30 a.m. – 11:00 a.m. on May 12, 2007.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Parker, Bounds, Guy, Turnage, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

APPROVE REQUEST TO PROCLAIM MARCH 24, 2007 AS "THE GREAT AMERICAN CLEANUP PICK IT UP PICAYUNE DAY

Motion was made by Council Member Guy, seconded by Council Member Bounds to approve request to Proclaim March 24, 2007 as "The Great American Cleanup Pick It Up Picayune Day from 8:00 a.m. until 2:00.

PROCLAMATION

WHEREAS, The Great American Cleanup is an annual, nationwide, community improvement campaign started by Keep America Beautiful in 1999, and

WHEREAS, Each Spring from March 1st to May 31st, acts of civic pride and renewal take place all across the United States, and

WHEREAS, The Great American Cleanup mobilizes annually more than two million volunteers to make their neighborhoods more beautiful, safer and healthier places to live, and

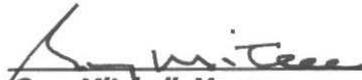
WHEREAS, the Citizens of the City of Picayune are behind every effort of the story of eyesores becoming the pride of a community-each effort collectively adding up to a major environmental achievement,

NOW, THEREFORE, BE IT RESOLVED, I, Greg Mitchell, Mayor of the City of Picayune, do hereby proclaim March 24, 2007

**"The Great American Cleanup Pick It Up
Picayune Day"**

in Picayune, Mississippi. I urge all citizens to participate in this beautification and community improvement program.

DATED this the 20th day of March 2007.


Greg Mitchell, Mayor


Attest, Ed Pinero, Jr.
City Manager



The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Parker, Bounds, Guy, Turnage, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

APPROVE REQUEST TO ACCEPT DONATIONS FROM WIN JOB CENTER (MS EMPLOYMENT AGENCY)

Motion was made by Council Member Guy, seconded by Watkins to approve request to accept the following list of donations from WIN Job Center (MS Employee Agency).

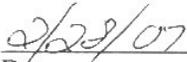
February 28, 2007

The following inventory has been transferred from Mississippi Department of Employment Security to The City of Picayune:

Item	Quantity
File cabinets	12
Staff desks	9
Computer tables	2
Cubicle Panels(pieces)	29
Cubicle shelves	6
Break room table	1
Break room chairs	4
Staff chairs	11
COPY MACHINE	1

TREATMENT PLANT


I Acknowledge receipt of above items


Date

February 28, 2007

The following inventory has been transferred from Mississippi Department of Employment Security (TDWA inventory) to The City of Picayune:

DESCRIPTION	MODEL NUMBER	SMPDD TAG #
Chairs	TS 38002/ TS38002TA	TD PI 001 001
		TD PI 001 002
		TD PI 001 003
		TD PI 001 004
		TD PI 001 005
		TD PI 001 006
		TD PI 001 007
		TD PI 001 008
	TS 38002	TD PI 001 009
		TD PI 001 010
	TS 38006	TD PI 001 011
	TS 38507	TD PI 001 012
		TD PI 001 013
		TD PI 001 014
		TD PI 001 015
	3665 6R	TD PI 001 031
		TD PI 001 032
		TD PI 001 033
		TD PI 001 018
Canon Tabletop Copier	PC920	

42" Round Tables	RB 42 TW/30677 Base	TD PI 001 025 TD PI 001 026 TD PI 001 027 TD PI 001 128 TD PI 001 129
Utility Tables		TD PI 001 028 TD PI 001 032 TD PI 001 029 TD PI 001 033 TD PI 001 030 TD PI 001 031

Daryl Mitchell
 I Acknowledge receipt of the above items

3/22/07
 Date

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Parker, Bounds, Guy, Turnage, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

APPROVE REQUEST TO ACCEPT DONATION FROM WAL-MART OF PICAYUNE

Motion was made by Council Member Watkins, seconded by Council Member Turnage to approve request to accept donation from Wal-Mart of Picayune to provide food and drinks for Clean-Up day in the City of Picayune.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Parker, Bounds, Guy, Turnage, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

APPROVE REQUEST TO ACCEPT TWO DONATIONS FROM HOME DEPOT

Motion was made by Council Member Watkins, seconded by Council Member Guy to approve request to accept two donations from Home Depot for Clean-Up day in the City of Picayune to be given as door prizes. The two donations are a Grill and a Saw.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Parker, Bounds, Guy, Turnage, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

APPROVE REQUEST TO SUBMIT APPLICATION TO THE MISSISSIPPI GOVERNOR'S COMMISSION

Motion was made by Council Member Guy, seconded by Council Member Watkins to approve request to submit application to the Mississippi Governor's Commission to seek proposed site for a National Civil Rights Museum to be placed in Picayune.

**GOVERNOR'S COMMISSION TO ESTABLISH A
NATIONAL CIVIL RIGHTS MUSEUM IN MISSISSIPPI
Request for Proposals**

By Executive Order No. 969, Governor Haley Barbour created the Governor's Commission to Establish a National Civil Rights Museum in Mississippi. The Governor's Commission is seeking proposals for a site to be considered for the proposed National Civil Rights Museum in Mississippi.

All interested parties should submit an application for consideration of a specific community and/or location. All applications may be submitted to Governor's Museum Commission, Post Office Box 139, Jackson, MS 39205. You may submit your applications electronically to: ncarlton@governor.state.ms.us. Questions may be submitted to this same email address.

Deadline for submitting applications is April 5, 2007, at 5:00 p.m. Please limit each response to 500 words or less.

Application

1. Please briefly describe the historical significance of your town or location to the National Civil Rights Movement.
2. Please identify public access to the town or proposed site.
3. Please identify all relevant tourism information including local population, number of visitors annually, hotel accommodations, other local attractions, and all other relevant information.
4. If a specific site is identified, please provide a description of the site. Please note potential parking for the site.
5. Please note all zoning requirements for the proposed site. Please note if the site is publicly owned or the status of the title to the property and provide an estimate of fair market value for property, if known. Please describe the surrounding neighborhood. If photos and/or site maps are available, they may be attached.
6. If the proposed site includes an existing structure, please describe the condition of the property and other relevant information such as whether or not the site is on the National Historic Registry.
7. Please describe the potential for the museum's visibility and strong visual identity.
8. Please describe all other relevant information that you would like the Governor's Commission to consider.

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The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Parker, Bounds, Guy, Turnage, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

APPROVE REQUEST TO APPOINT NEW MEMBER TO THE PEARL RIVER COUNTY UTILITY AUTHORITY

Motion was made by Council Member Bounds, seconded by Council Member Turnage to approve request to appoint Ernie Lovell as a new member to the Pearl River County Utility Authority to replace Glade Woods.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Bounds, Turnage, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: None

ABSTAINING AND NOT VOTING: Council Member Guy and Parker

The motion was declared carried.

APPROVE REQUEST TO APPOINT TWO (2) NEW MEMBERS TO PARTNERS FOR PEARL RIVER COUNTY

Motion was made by Council Member Guy, seconded by Council Member Bounds to approve request to appoint Jack Nail and Larry Breland as two (2) new members to Partners for Pearl River County.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Parker, Bounds, Guy, Turnage, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

MOTION TO TABLE REQUEST TO APPOINT A NEW MEMBER TO THE PICAYUNE PLANNING COMMISSION

Motion was made by Council Member Turnage, seconded by Council Member Guy to table request to appoint a new member to the Planning Commission to replace Penny Warshauer for the remainder of her term, September 2008 until the April 3, 2007 Council Meeting.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Parker, Bounds, Guy, Turnage, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

APPROVE REQUEST FOR CITY WATER SERVICE

Motion was made by Council Member Watkins, seconded by Council Member Guy to approve request for City Water Service for Elvin R. Kennedy, 757 Liberty Rd., Picayune, MS 39466.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Parker, Bounds, Guy, Turnage, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

APPROVE REQUEST FROM MONARCH HOLDING, LLC TO REZONE PROPERTY

Motion was made by Council Member Guy, seconded by Council Member Watkins to approve request from Monarch Holding, LLC to rezone property from R-2 Two Family Residential to C-3 Highway Commercial property located on East Jerusalem Street.

ORDINANCE NO. 822

AN ORDINANCE TO REZONE THE FOLLOWING DESCRIBED PROPERTY FROM R-2 TO C-3, HIGHWAY COMEMRCIAL

Be it Ordained by the City Council of the City of Picayune, Pearl River County, Mississippi, in meeting duly assembled:

Section 1: The following described property shall be rezoned from R-2, Two Family Residential to C-3 Highway Commercial:

The following parcels: 6176230010400600, 6176230010400700, 6176230010400900, 6176230010401100, 6176230010401400 and 6176230010401500 located on East Jerusalem which legal description is part of as follows: Southwest corner of the Northeast Quarter of the Northeast Quarter of Section 23, Township 6 South, Range 17 West, Pearl River County, Mississippi.

Section 2. Severability, Conflict and Effective Date.

Should any section, clause, paragraph, provision, or part of this ordinance for any reason be held invalid or unconstitutional by any Court of competent jurisdiction, this act shall not affect the validity of any other section, clause, paragraph, provision, or part of this ordinance. All provisions of this ordinance shall be considered separate provisions, and completely severable from all other portions.

Conflict in any case where a provision of this ordinance is found to be in conflict with the provision of other ordinance or code of the City of Picayune, Mississippi, existing on the effective date of this ordinance, the provisions shall take precedence.

This ordinance shall take effect and be in force thirty (30) days after its publication.

The foregoing ordinance, having first been reduced to writing, was moved upon Councilmember Guy, Seconded by Councilmember Watkins, and voted upon as follows:

VOTING YEA: Mayor Mitchell, Council Member Watkins, Guy, Turnage, Bounds, and Parker

VOTING NAY: None

ABSENT AND NOT VOTING: None

The motion having received the affirmative vote of the majority of the members present, the Mayor declared the motion carried and the ordinance passed, approved, and adopted on this the 20th day of March 2007.

Greg Mitchell, Mayor

ATTEST:

Leann Smith, Deputy Clerk

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Parker, Bounds, Guy, Turnage, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

APPROVE REQUEST FROM JARDIN DEVELOPMENT, LLC TO REZONE PROPERTY

Motion was made by Council Member Guy, seconded by Council Member Bounds to approve request from Jardin Development, LLC to rezone property from A-1 Agricultural to C-3 Highway Commercial for property located at Highway 11 North and Lakeshore Dr. This property is in front of Beau Jardin PUD-R subdivision development.

ORDINANCE NO. 823

AN ORDINANCE TO REZONE THE FOLLOWING DESCRIBED PROPERTY FROM A-1 TO C-3, HIGHWAY COMEMRCIAL

Be it Ordained by the City Council of the City of Picayune, Pearl River County, Mississippi, in meeting duly assembled:

Section 1: The following described property shall be rezoned from A-1, Agricultural to C-3 Highway Commercial:

The following location: part of parcel 51736000001600 in front of the Beau Jardin PUD-R subdivision fronting on Highway 11 North and Lakeshore Dr., legal description is part of as follows; Commencing at the Northwest corner of Section 1, Township 6 South, Range 17 West, Containing 289,456.77 square feet or 6.6450 acres, more or less.

Said parcel also being a part of the SW 1/4 section 36, Township 5 South, Range 17 West and also a part of the SE 1/4 Section 35, Township 5 South, Range 17 West,
Pearl River County, Mississippi.

Section 2. Severability, Conflict and Effective Date.

Should any section, clause, paragraph, provision, or part of this ordinance for any reason be held invalid or unconstitutional by any Court of competent jurisdiction, this act shall not affect the validity of any other section, clause, paragraph, provision, or part of this ordinance. All provisions of this ordinance shall be considered separate provisions, and completely severable from all other portions.

Conflict in any case where a provision of this ordinance is found to be in conflict with the provision of other ordinance or code of the City of Picayune, Mississippi, existing on the effective date of this ordinance, the provisions shall take precedence.

This ordinance shall take effect and be in force thirty (30) days after its publication.

The foregoing ordinance, having first been reduced to writing, was moved upon Councilmember Guy, Seconded by Councilmember Bounds, and voted upon as follows:

VOTING YEA: Mayor Mitchell, Council Member Guy, Watkins, Turnage, Bounds, and Parker

VOTING NAY: None

ABSENT AND NOT VOTING: None

The motion having received the affirmative vote of the majority of the members present, the Mayor declared the motion carried and the ordinance passed, approved, and adopted on this the 20th day of March 2007.

Greg Mitchell, Mayor

ATTEST:

Leann Smith, Deputy Clerk

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Parker, Bounds, Guy, Turnage, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

**APPROVE REQUEST TO ACCEPT PLANNING COMMISSIONS
RECOMMENDATION AND RESOLUTION TO RE-SUBDIVIDE A PARCEL OF LAND**

Motion was made by Council Member Bounds, seconded by Council Member Turnage to approve request to accept Planning Commissions Recommendation and Resolution for a subdivision request for Preliminary Plat to Re-Subdivide a parcel of land into 5 separate commercial parcels between Bales and South Blanks behind Bank Plus off Memorial Blvd. and authorize Mayor to sign the same.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Parker, Bounds, Guy, Turnage, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

APPROVE REQUEST FOR A 6 MONTH EXTENSION ON TEMPORARY RESIDENTIAL MOBILE HOME

Motion was made by Council Member Guy, seconded by Council Member Parker to approve request for a 6 month extension on a temporary residential mobile home to be on Church property at 800 South Beech Street, Picayune, MS 39466 previously approved 09/12/06 by Planning Commission.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Parker, Bounds, Guy, Turnage, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

APPROVE REQUEST TO SET A PUBLIC HEARING DATE FOR PROPERTY CLEANUP

Motion was made by Council Member Bounds, seconded by Council Member Guy approved setting Tuesday, April 17, 2007 as the date for a public hearing to declare the following properties a public nuisance:

Herchel Street parcel #617-614-002-01-002.1
North Main Apartments
719 Cayton Street
100 Forrest
National Home Furnishings
D & M Lighting

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Parker, Bounds, Guy, Turnage, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

AUTHORIZE GRANT ADMINISTRATION TO ADVERTISE FOR BIDS

Motion was made by Council Member Bounds, seconded by Council Member Guy to authorize Grant Administration to advertise for Bids for repairs to the Wastewater Treatment Plant and Wastewater Pumping Stations.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Parker, Bounds, Guy, Turnage, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

**APPROVE REQUEST TO ACCEPT THE RATING COMMITTEE'S
RECOMMENDATION TO ACCEPT THE PROPOSAL OF NEEL SCHAFFER**

Motion was made by Council Member Parker, seconded by Council Member Bounds to approve request to accept the Rating Committee's Recommendation to accept the proposal of Neel Schaffer for Planning Consultants service for a Comprehensive Plan/Population Study, a part of the Katrina CDBG Supplemental Program.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Parker, Bounds, Guy, Turnage, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

**APPROVE REQUEST TO ACCEPT THE RATING COMMITTEE'S
RECOMMENDATION TO ACCEPT THE PROPOSAL OF HARTMAN ENGINEERING,
INC.**

Motion was made by Council Member Guy seconded by Council Member Parker to approve request to accept the Rating Committee's Recommendation to accept the proposal of Hartman Engineering, Inc. for engineering service for Construction Management and Inspections at the Picayune Intermodal Center.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Parker, Bounds, Guy, Turnage, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

**AUTHORIZE MODIFYING THE GRANT AGREEMENT BY AND BETWEEN THE CITY
OF PICAYUNE AND MISSISSIPPI DEVELOPMENT AUTHORITY (MDA) TO EXTEND
CONTRACT**

Motion was made by Council Member Guy, seconded by Council Member Turnage to authorize modifying the Grant Agreement by and between the City of

Picayune and Mississippi Development Authority (MDA) to extend Contract to August 31, 2007 to facilitate completion of the CDBG Railspur Project.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Parker, Bounds, Guy, Turnage, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

AUTHORIZE GRANT ADMINISTRATION TO SUBMIT AN APPLICATION TO MS DEVELOPMENT OF ENVIRONMENTAL QUALITY (MDEQ) FOR A SOLID WASTE ASSISTANCE GRANT

Motion was made by Council Member Turnage, seconded by Council Member Guy to authorize Grant Administration to submit an application to the MS Development of Environmental Quality (MDEQ) for a Solid Waste Assistance Grant to clean up the existing dumpsite located off East Canal Blvd. Grant amount up to \$25,000.00.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Parker, Bounds, Guy, Turnage, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

AUTHORIZE GRANT ADMINISTRATION TO SUBMIT AN APPLICATION TO THE MISSISSIPPI DEPARTMENT OF TRANSPORTATION (MDOT) FOR MULTI-MODAL TRANSPORTATION IMPROVEMENTS FUNDS

Motion was made by Council Member Guy, seconded by Council Member Parker to authorize the Grant Administration to submit an application to the Mississippi Department of Transportation (MDOT) for Multi-Modal Transportation Improvements Funds to construct additional T-Hangers at the Picayune Municipal Airport.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Parker, Bounds, Guy, Turnage, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

APPROVE REQUEST FROM PICAYUNE FIRE DEPARTMENT TO SURPLUS ONE DELL COMPUTER PC

Motion was made by Council Member Turnage, seconded by Council Member Parker to approve request from Picayune Fire Department to surplus one Dell Computer PC as surplus property. Computer is broken and cannot be repaired. City #08050, Serial #JTBMQ41.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Parker, Bounds, Guy, Turnage, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

AT THIS TIME AN UPDATE ON PARKS AND RECREATION WAS GIVEN BY RYAN MOREAUX, PARK DIRECTOR.

ORDER TO ENTER CLOSED SESSION TO DETERMINE THE NEED FOR AN EXECUTIVE SESSION

Motion was made by Council Member Parker, seconded by Council Member Turnage to enter closed session to determine the need for an executive session.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Parker, Bounds, Guy, Turnage, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

RETURN TO REGULAR SESSION

Motion was made by Council Member Parker, seconded by Council Member Turnage to return to regular session.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Parker, Bounds, Guy, Turnage, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

ORDER TO ENTER EXECUTIVE SESSION

Motion was made by Council Member Parker, seconded by Council Member Turnage to enter executive session to discuss the following:

- A. Contractual matter with Emergystate, INC.
- B. Possible sale of land – Mrs. Barbara
- C. Possible contract with MDOT – Mrs. Barbara
- D. Personnel matter

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Parker, Bounds, Guy, Turnage, and Watkins

VOTING NAY: None

ABSENT AND NOT VOTING: None

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

COUNCIL MEMBER PARKER TO LEAVE AT THIS TIME

CONTRACTUAL MATTER WITH EMERGYSTAT

Motion was made by Council Member Guy, seconded by Council Member Turnage to enter into a contract with Emergystat Ambulance Service and the City of Picayune and Authorize the Mayor to sign said contract.

STATE OF MISSISSIPPI
COUNTY OF PEARL RIVER
CITY OF PICAYUNE

CONTRACT FOR AMBULANCE SERVICE

This CONTRACT is executed and entered into by and between Emergystat, Inc., a corporation organized and existing under the laws of the State of Mississippi, hereinafter referred to as "Company" and the City of Picayune, Mississippi, a Mississippi municipal corporation, acting by and through its Mayor and City Council, hereinafter referred to as "City".

WITNESSETH:

WHEREAS, the City desires to provide its citizens the best available quality ambulance service for the greater public good, general welfare and safety of its community; and

WHEREAS, the city desires to secure for citizens located and residing within the territorial limits of the City of Picayune, a professionally staffed and trained, well-equipped and continuous emergency ambulance service; and

WHEREAS, based on proposals received the Mayor and City Council of the City, Emergystat, Inc., is available and willing to operate a public ambulance service within these territorial limits.

NOW, THEREFORE, in consideration of the mutual covenants agreements, promises, and affirmations as hereinafter set forth, it is hereby mutually agreed between the parties, the City of Picayune, Mississippi and Emergystat, Inc., as follows:

1. Grant of Rights: Subject to the terms herein, the City grants unto Emergystat, Inc. the sole and exclusive right to provide emergency and non-emergency medical transportation services within the territorial limits of the City of Picayune, Mississippi and to the city of Picayune's residents located and residing therein and that such medical

transportation services shall be deemed to include transportation by means of any transportation vehicles, including but not limited to ambulances, hereinafter described, for the benefit of the general public to any healthcare provider, including, but not limited to hospitals, nursing homes, clinics, etc. and the provision of pre-hospital emergency medical services in connection with such transportation.

2. Compliance with Federal, State and City Regulations, Laws, and Ordinances: The Company agrees to immediately take the necessary action to comply with and to meet or exceed all applicable laws, statutes, rules, regulations, accreditation standards and other requirements, federal, state, and local, as the same now exist or may be enacted or amended during the term of this contract, including but not limited to the City of Picayune, Mississippi Ordinance No. 651A.

3. Area of Responsibility: The Company will provide ambulance service for the geographical area located within the territorial limits of the City and to the resident citizens therein.

4. Term: The term of this contract shall be for one (1) period of three (3) years commencing on the 1st day of April, 2007 and ending on the 31st day of March, 2010 with an option to renew an additional three (3) year period upon agreement by both parties.

5. Compensation for Services: All compensation due to the Company for services rendered hereunder shall be funded from the charges to governmental, commercial and private users of such services according to the schedule of charges fixed and established by the Company. The Company is to solely responsible for all billing and collections for ambulance services, all of which said sums collected shall be the sole property of the Company. Notwithstanding its schedule of charges so established, the Company does hereby agree to provide unto the City at free of charge any such ambulance services as are necessary for the medically necessary and justified treatment

and transportation to a local facility of on-duty City personnel and the transfer of inmates from the City's jail for all medically necessary and justified transports requiring emergency, non-emergency and inter-hospital services required by such inmates.

6. Services to be furnished by Emergystat, Inc.: The Company shall furnish, operate and provide for the City an advance life support ambulance service, staffed by paramedic personnel so as to provide the public with advanced life support capabilities on all transports, including emergency, non-emergency and inter-hospital services, which ambulance service shall include the following:

- (a) The Company shall maintain all necessary personnel, including the station supervisor, medics, clerical and office personnel, to sufficiently staff with paramedic personnel and EMT-level personnel, the following described emergency vehicles, to-wit:
 - (i) A minimum of two (2) ambulances twenty-four (24) hours daily;
 - (ii) One (1) day ambulance staffed twelve (12) hours Monday through Friday during normal business hours for inter-facility and non-emergency transports and available in an on-call status for emergency calls at other times.
- (b) The Company covenants and agrees to provide a response time performance of eight (8) minutes or less greater than ninety percent (90%) of the time on calls of an emergency nature. The Company shall provide monthly reports to the City in regards to response times.
- (c) The Company shall provide service from an established location within the City and shall supply adequate office space, sleeping quarters and garage space, and will furnish all necessary utilities required for the ambulance service.
- (d) The Company shall man each and every ambulance that transports patients with drivers and/or attendants that are duly licensed to operate and drive the

ambulances and who have a thorough knowledge and understanding of all laws and ordinances of the state, county, and city relating vehicular traffic on public streets and roads and also a thorough knowledge and understanding of that portion of the traffic code and other ordinances relating to the operation of emergency vehicles.

- (e) The Company agrees to maintain and keep in full force and effect during the terms of this Contract the following insurance coverage's and/or bonds, to wit:
- (i) Public liability insurance covering the ambulance units, their operations and all drivers thereof for single limit coverage of not less than \$1,000,000.00 and aggregate coverage of not less than \$3,000,000.00;
 - (ii) Worker's Compensation insurance coverage for all employees of the Company of an amount required by Mississippi law; and
 - (iii) Professional liability coverage with single limit coverage of not less than \$1,000,000.00

Notwithstanding the foregoing insurance/bonds to be furnished by the Company unto the City, the Company shall further indemnify and hold the City free and harmless from and against any and all losses, claims, demands, actions, causes of action or expenses of whatever kind and character, including attorneys' fees, that the City may suffer or incur by reason of any negligent actions or omissions by the Company, its agents and employees in connection with or arising out of the operation by the Company of the public ambulance service contemplated by this Contract.

- (f) At all times during the term of this Contract, the Company shall maintain the ambulance units and their communications and other related equipment in good operating condition in compliance with the applicable rules and regulations of

the Emergency Medical Service Division of the Mississippi State Board of Health.

- (g) The Company shall obtain and keep in full force and effect all necessary certifications and permits from the Emergency Medical Services Division of the Mississippi State Board of Health for the ambulances and the medics assigned thereto at the advanced life support level.
- (h) The Company shall furnish all necessary drugs, medicines, oxygen and other emergency medical supplies required in the care of patients while being transported by ambulance.
- (i) The Company shall keep and maintain records and statistical data relating to its operations of a public ambulance service in the City and its environs. The Company shall make monthly reports to the Mayor, City Manager, Fire Chief and City Council in order that the appropriate City officials will remain knowledgeable of the ambulance operations. However, if the response time for any month falls below the guaranteed response time listed in item 6.b. of this Contract, the Company will make an immediate report to the City Manager by the 10th day of the following month and will make monthly reports to the Mayor and City Council until the guaranteed response time is maintained for three (3) consecutive months. The reports shall include emergency versus non-emergency and response times, pick-up and destination for calls originating within the city.
- (j) The Company will implement medical treatment protocol and written standing orders as approved by the Emergency Medical Services Division of the Mississippi State Board of Health.
- (k) The Company will develop and implement an agreement with the Fire Department of the City for assistance in the extrication of patients at automobile

and other accidents where patients may be trapped; and will develop and implement with the Fire Department of the city a "first responders program" for other medical emergencies. The Company will assist, through coordination with the Fire Chief, Fire Department personnel in meeting and maintaining training requirements and certifications related to emergency medical services.

- (l) The Company will provide, at no additional charge and on an "as available" basis, a standby ambulance at any public function, such as high school football games conducted within the jurisdictional boundaries of the City; however, a charge, to be determined by the Company, will be made to the promoters thereof for standby ambulance service at private "for profit:" events, such as rodeos, fairs, carnivals, and other similar events.
- (m) The Company shall transport patients to the hospital of their choice, or as indicated by medical treatment protocol in those instances where a patient may be unresponsive. The Company may also respond, if needed, in an emergency situation or when prescribed by a physician to calls across any other political or jurisdictional boundary.
- (n) The Company will review patient reports to assure quality patient care. To assist the Company in maintaining quality patient care and to meet quality guidelines imposed by regulatory authorities, the ambulance staff of the Company will attend life support critique meetings with the local hospital's emergency department.
- (o) The Company will maintain current and continue to negotiate certain "Mutual Aid" agreements with other ambulance service providers, especially those providers which provide services in other areas of Pearl River County and in counties or parishes bordering Pearl River County.

- (p) The Company shall not be required to maintain a subscription membership service.
 - (q) The Company agrees to swap out disposable items used by the City of Picayune Fire Department on medical assist calls. The Company will only swap routine items stocked on the Company's ambulances.
 - (r) The Company agrees to extend Jurisdictional Medical Control Privileges to the City of Picayune Fire Department EMS Personnel that are duly licensed to practice by the State of Mississippi Division of EMS. Such JMC Privileges are extended only with the understanding that those personnel are required to follow the Company's Medical Control and Quality Assurance Plan. The Company reserves the right to revoke or deny JMC Privileges to persons that fail to follow our MC or QA Plan. The City of Picayune Fire Department Chief and Emergystat must implement a policy regarding JMC Privileges for Fire Department Personnel.
7. Conditions Agreements and Covenants to be Kept and Performed by the City of Picayune: The City agrees as follows:
- (a) Upon meeting the requirement therefore, the City agreed to issue unto the Company a permit of license for the operation of ambulance service within the jurisdictional area of the city pursuant to the provisions of Ordinance No. 651A of the Picayune Code of Ordinances.
 - (b) The City agrees to accept requests or calls for ambulance service on its "911 telephone line" and to initiate the response by the Company by notifying its staff. The City shall cause a record to be made of the time at which the request was received by the City's representative and the time at which the City's representative notified the Company of the request. Such records shall

10. Assignment: Neither party may, without the prior consent of the other party, subcontract, assign sublease or otherwise transfer, in whole or in part, this agreement or any of its rights, duties or obligations under this contract.
11. Entire Agreement: This Contract and the covenants and agreements set forth herein are and shall constitute the entire Contract between the parties. Each party to this Contract hereby acknowledges and agrees that the other party has made no warranties, representations, covenants or agreements, expressed or implied, to such party other than those expressly set forth herein, and that each party in entering into and executing this Contract has relied upon no warranties, representations, covenants or agreements other than those expressly set forth herein.
12. Amendment: This Contract shall not be varied in its term by oral agreement or representation or otherwise than by an instrument in writing of date even herewith or subsequent hereto, executed by appropriate officials of both parties.
13. Legal Jurisdiction: The laws of the State of Mississippi shall govern the interpretation and/or legal effect hereunder, and the Courts within the State of Mississippi shall have the jurisdiction over any dispute arising out of or under the terms of this Contract.
14. Independent Contractors: It is distinctly understood, acknowledged and agreed that neither an employer-employee, nor principal agent, nor partnership, nor joint venture relationship shall be created or exist between the Company and the City, or any of their respective employees or personnel, under or by virtue of this Contract; and that the relationship between the Company and the City shall at all times be that of independent contractors.

THIS CONTRACT EXECUTED IN DUPLICATE on this 8th day of March, 2007 but to be effective as of April 1, 2007.

EMERGYSTAT, INC.

BY: _____

PRINTED NAME: _____

ATTEST:

TITLE: _____

DATE: _____

CITY OF PICAYUNE, MISSISSIPPI

BY: _____

PRINTED NAME: _____

ATTEST:

TITLE: _____

DATE: _____

AMENDMENT PAGE:

If the City and the County agree upon one ambulance provider under one contract, this contract becomes null and void.

EMERGYSTAT, INC.

BY: _____
PRINTED NAME: _____
ATTEST: TITLE: _____
_____ DATE: _____

CITY OF PICAYUNE, MISSISSIPPI

BY: _____
PRINTED NAME: _____
ATTEST: TITLE: _____
_____ DATE: _____

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Bounds, Guy, Turnage, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: Council Member Parker

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

MOTION TO ESTABLISH FAIR MARKET VALUE OF PROPERTY

Motion was made by Council Member Turnage, seconded by Council Member Guy to establish Fair Market Value at \$5,317.00 for Property located on Bennett Street in Little Goodyear Subdivision, Lot 7, Block 03, Parcel #617-209-004-030-700 owned by the City of Picayune to be sold to Marcus Shoemake.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Bounds, Guy, Turnage, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: Council Member Parker

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

Motion was made by Council Member Watkins, seconded by Council Member Turnage to establish Fair Market Value at \$34,667.00 for property located on Hwy 43 North, ally adjacent to Formby Realty, portion of 3.5 acres owned by the City of Picayune to be sold to Formby Realty.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Bounds, Guy, Turnage, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: Council Member Parker

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

Motion was made by Council Member Turnage, seconded by Council Member Guy to establish Fair Market Value at \$6,667.00 doe property located on Jarrell Street in Williams Southside Addition, Lot 9, Block 12, Parcel #617-515-004-060-2100, owned by the City of Picayune to be sold to Myrtle Ann Rhone.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Bounds, Guy, Turnage, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: Council Member Parker

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

POSSIBLE CONTRACT WITH MDOT – MRS. BARBARA

Motion was made by Council Member Turnage, seconded by Council Member Bounds to approve request to appoint Barbara McGrew a County Representative for the MDOT Coordinated Public Transit Human Services Transit Service Transportation Plan.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Bounds, Guy, Turnage, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: Council Member Parker

ABSTAINING AND NOT VOTING: None

PERSONNEL MATTER

NO ACTION TAKEN

MOTION TO ADJOURN

Motion was made by Council Member Bounds, seconded by Council Member Parker to adjourn until Tuesday, April 3, 2007 at 6:00 pm.

The following roll call was made:

VOTING YEA: Mayor Mitchell, Council Members Bounds, Guy, Turnage, and Watkins

VOTING NAY: None

ABSENT AND NOT VOING: Council Member Parker

ABSTAINING AND NOT VOTING: None

The motion was declared carried.

Greg Mitchell, Mayor

ATTEST:

Leann Smith, Deputy City Clerk